

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 1260

To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. SCHUMER

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “United States Innovation and Competition Act of 2021”.

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

Sec. 1. Short title; table of contents.

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【Sec. 1002. Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Fund.】

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Sec. 2205. Advanced Technological Manufacturing Act.

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- Sec. 6104. Protecting America's biomedical research enterprise.
- Sec. 6105. GAO Study.
- Sec. 6106. Report on progress to address undue foreign influence.

Subtitle B—Elementary and Secondary Education

- Sec. 6131. Postsecondary stem pathways grants.
- Sec. 6132. Improving access to elementary and secondary computer science education.

Subtitle C—Higher Education

- Sec. 6241. Reauthorization of international education programs under title VI of the Higher Education Act of 1965.
- Sec. 6242. Confucius Institutes.
- Sec. 6243. Sustaining the Truman Foundation and the Madison Foundation.
- Sec. 6244. Disclosures of foreign gifts and contracts at institutions of higher education.

TITLE II—COMMITTEE ON THE JUDICIARY PROVISIONS

- Sec. 6201. Short title.
- Sec. 6202. Premerger notification filing fees.
- Sec. 6203. Authorization of appropriations.

TITLE III—MISCELLANEOUS

- Sec. 6301. Enhancing entrepreneurship for the 21st century.

1 **[DIVISION A—CHIPS AND O-RAN**
 2 **5G EMERGENCY APPROPRIA-**
 3 **TIONS]**

4 **[SEC. 1001. TABLE OF CONTENTS.**

5 The table of contents for this division is as follows:]

DIVISION A—CHIPS AND O-RAN 5G EMERGENCY APPROPRIATIONS

Sec. 1001. Table of contents.

Sec. 1002. Creating Helpful Incentives to Produce Semiconductors (CHIPS)
for America Fund.

Sec. 1003. Appropriations for wireless supply chain innovation.

6 **DIVISION B—ENDLESS**
 7 **FRONTIER ACT**

8 **SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) SHORT TITLE.—This division may be cited as the
 10 “Endless Frontier Act”.

11 (b) TABLE OF CONTENTS.—The table of contents of
 12 this division is as follows:

DIVISION B—ENDLESS FRONTIER ACT

Sec. 2001. Short title; table of contents.

Sec. 2002. Definitions.

Sec. 2003. Sense of Congress.

Sec. 2004. Interagency working group.

Sec. 2005. Key technology focus areas.

TITLE I—NSF TECHNOLOGY AND INNOVATION

Sec. 2101. Definitions.

Sec. 2102. Directorate establishment and purpose.

Sec. 2103. Personnel management.

Sec. 2104. Innovation centers.

Sec. 2105. Transition of NSF programs.

Sec. 2106. Providing scholarships, fellowships, and other student support.

Sec. 2107. Research and development.

Sec. 2108. Test beds.

Sec. 2109. Academic technology transfer.

Sec. 2110. Capacity-building program for developing universities.

Sec. 2111. Technical assistance.

Sec. 2112. Coordination of activities.

Sec. 2113. Reporting requirements.

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- Sec. 2114. Hands-on learning program.
- Sec. 2115. Intellectual property protection.
- Sec. 2116. Authorization of appropriations for the Foundation.
- Sec. 2117. Authorization of appropriations for the Department of Energy.

TITLE II—NSF RESEARCH, STEM, AND GEOGRAPHIC DIVERSITY
INITIATIVES

- Sec. 2201. Chief Diversity Officer of the NSF.
- Sec. 2202. Programs to address the STEM workforce.
- Sec. 2203. Emerging research institution pilot program.
- Sec. 2204. Personnel management authorities for the Foundation.
- Sec. 2205. Advanced Technological Manufacturing Act.
- Sec. 2206. Intramural emerging institutions pilot program.
- Sec. 2207. Public-private partnerships.
- Sec. 2208. AI Scholarship-for-Service Act.
- Sec. 2209. Geographic diversity.
- Sec. 2210. Rural STEM Education Act.
- Sec. 2211. Quantum Network Infrastructure and Workforce Development Act.
- Sec. 2212. Supporting Early-Career Researchers Act.
- Sec. 2213. Advancing Precision Agriculture Capabilities Act.
- Sec. 2214. Critical minerals mining research.
- Sec. 2215. Caregiver policies.
- Sec. 2216. Presidential awards.
- Sec. 2217. Bioeconomy Research and Development Act of 2021.
- Sec. 2218. Microgravity utilization policy.

TITLE III—RESEARCH SECURITY

- Sec. 2301. National Science Foundation research security.
- Sec. 2302. Research security and integrity information sharing analysis organization.
- Sec. 2303. Foreign government talent recruitment program prohibition.
- Sec. 2304. Additional requirements for Directorate research security.
- Sec. 2305. Protecting research from cyber theft.
- Sec. 2306. International standards development.
- Sec. 2307. Research funds accounting.
- Sec. 2308. Plan with respect to sensitive or controlled information and background screening.

TITLE IV—REGIONAL INNOVATION CAPACITY

- Sec. 2401. Regional technology hubs.
- Sec. 2402. Manufacturing USA Program.
- Sec. 2403. Establishment of expansion awards program in Hollings Manufacturing Extension Partnership and authorization of appropriations for the Partnership.
- Sec. 2404. National Manufacturing Advisory Council.

TITLE V—MISCELLANEOUS

- Sec. 2501. Strategy and report on economic security, science, research, and innovation to support the national security strategy.
- Sec. 2502. Person or entity of concern prohibition.
- Sec. 2503. Study on emerging science and technology challenges faced by the United States and recommendations to address them.
- Sec. 2504. Report on global semiconductor shortage.

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- Sec. 2505. Supply chain resiliency program.
- Sec. 2506. Semiconductor incentives.
- Sec. 2507. Research Investment to Spark the Economy Act.
- Sec. 2508. Office of Manufacturing and Industrial Innovation Policy.
- Sec. 2509. Telecommunications Workforce Training Grant Program.
- Sec. 2510. Country Of Origin Labeling Online Act.
- Sec. 2511. Country of origin labeling for king crab and tanner crab.
- Sec. 2512. Internet exchanges and submarine cables.
- Sec. 2513. Study of sister city partnerships operating within the United States involving foreign communities in countries with significant public sector corruption.
- Sec. 2514. Prohibition on transfer, assignment, or disposition of construction permits and station licenses to entities subject to undue influence by the Chinese Communist Party or the Government of the People's Republic of China.
- Sec. 2515. Limitation on nuclear cooperation with the People's Republic of China.
- Sec. 2516. Certification.
- Sec. 2517. Fairness and due process in standards-setting bodies.
- Sec. 2518. Shark fin sales elimination.
- Sec. 2519. Sense of Congress on forced labor.
- Sec. 2520. Open network architecture.
- Sec. 2521. Combatting sexual harassment in science.
- Sec. 2522. National Science Corps.
- Sec. 2523. Annual report on foreign research.
- Sec. 2524. Accelerating Unmanned Maritime Systems Research.
- Sec. 2525. Foundation funding to institutions hosting or supporting confucius institutes.
- Sec. 2526. BASIC Research.

TITLE VI—SPACE MATTERS

Subtitle A—SPACE Act

- Sec. 2601. Short title.
- Sec. 2602. Sense of Congress.
- Sec. 2603. Definitions.
- Sec. 2604. Space situational awareness data, information, and services: provision to non-United States Government entities.
- Sec. 2605. Centers of Excellence for Space Situational Awareness.

Subtitle B—National Aeronautics and Space Administration Authorization Act

- Sec. 2611. Short title.
- Sec. 2612. Definitions.

PART I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 2613. Authorization of appropriations.

PART II—HUMAN SPACEFLIGHT AND EXPLORATION

- Sec. 2614. Competitiveness within the human landing system program.
- Sec. 2615. Space launch system configurations.
- Sec. 2616. Advanced spacesuits.
- Sec. 2617. Acquisition of domestic space transportation and logistics resupply services.

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- Sec. 2618. Rocket engine test infrastructure.
- Sec. 2619. Pearl River maintenance.
- Sec. 2620. Value of International Space Station and capabilities in low-Earth orbit.
- Sec. 2621. Extension and modification relating to International Space Station.
- Sec. 2622. Department of Defense activities on International Space Station.
- Sec. 2623. Commercial development in low-Earth orbit.
- Sec. 2624. Maintaining a national laboratory in space.
- Sec. 2625. International Space Station national laboratory; property rights in inventions.
- Sec. 2626. Data first produced during non-NASA scientific use of the ISS national laboratory.
- Sec. 2627. Payments received for commercial space-enabled production on the ISS.
- Sec. 2628. Stepping stone approach to exploration.
- Sec. 2629. Technical amendments relating to Artemis missions.

PART III—SCIENCE

- Sec. 2631. Science priorities.
- Sec. 2632. Lunar discovery program.
- Sec. 2633. Search for life.
- Sec. 2634. James Webb Space Telescope.
- Sec. 2635. Nancy Grace Roman Space Telescope.
- Sec. 2636. Study on satellite servicing for science missions.
- Sec. 2637. Earth science missions and programs.
- Sec. 2638. Life science and physical science research.
- Sec. 2639. Science missions to Mars.
- Sec. 2640. Planetary Defense Coordination Office.
- Sec. 2641. Suborbital science flights.
- Sec. 2642. Earth science data and observations.
- Sec. 2643. Sense of Congress on small satellite science.
- Sec. 2644. Sense of Congress on commercial space services.
- Sec. 2645. Procedures for identifying and addressing alleged violations of scientific integrity policy.

PART IV—AERONAUTICS

- Sec. 2646. Short title.
- Sec. 2647. Definitions.
- Sec. 2648. Experimental aircraft projects.
- Sec. 2649. Unmanned aircraft systems.
- Sec. 2650. 21st Century Aeronautics Capabilities Initiative.
- Sec. 2651. Sense of Congress on on-demand air transportation.
- Sec. 2652. Sense of Congress on hypersonic technology research.

PART V—SPACE TECHNOLOGY

- Sec. 2653. Space Technology Mission Directorate.
- Sec. 2654. Flight opportunities program.
- Sec. 2655. Small Spacecraft Technology Program.
- Sec. 2656. Nuclear propulsion technology.
- Sec. 2657. Mars-forward technologies.
- Sec. 2658. Prioritization of low-enriched uranium technology.
- Sec. 2659. Sense of Congress on next-generation communications technology.
- Sec. 2660. Lunar surface technologies.

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PART VI—STEM ENGAGEMENT

- Sec. 2661. Sense of Congress.
- Sec. 2662. STEM education engagement activities.
- Sec. 2663. Skilled technical education outreach program.

PART VII—WORKFORCE AND INDUSTRIAL BASE

- Sec. 2665. Appointment and compensation pilot program.
- Sec. 2666. Establishment of multi-institution consortia.
- Sec. 2667. Expedited access to technical talent and expertise.
- Sec. 2668. Report on industrial base for civil space missions and operations.
- Sec. 2669. Separations and retirement incentives.
- Sec. 2670. Confidentiality of medical quality assurance records.

PART VIII—MISCELLANEOUS PROVISIONS

- Sec. 2671. Contracting authority.
- Sec. 2672. Authority for transaction prototype projects and follow-on production contracts.
- Sec. 2673. Protection of data and information from public disclosure.
- Sec. 2674. Physical security modernization.
- Sec. 2675. Lease of non-excess property.
- Sec. 2676. Cybersecurity.
- Sec. 2677. Limitation on cooperation with the People’s Republic of China.
- Sec. 2678. Consideration of issues related to contracting with entities receiving assistance from or affiliated with the People’s Republic of China.
- Sec. 2679. Small satellite launch services program.
- Sec. 2680. 21st century space launch infrastructure.
- Sec. 2681. Missions of national need.
- Sec. 2682. Drinking water well replacement for Chincoteague, Virginia.
- Sec. 2683. Passenger carrier use.
- Sec. 2684. Use of commercial near-space balloons.
- Sec. 2685. President’s Space Advisory Board.
- Sec. 2686. Initiative on technologies for noise and emissions reductions.
- Sec. 2687. Remediation of sites contaminated with trichloroethylene.
- Sec. 2688. Review on preference for domestic suppliers.
- Sec. 2689. Report on use of commercial spaceports licensed by the Federal Aviation Administration.
- Sec. 2690. Active orbital debris mitigation.
- Sec. 2691. Study on commercial communications services.

1 SEC. 2002. DEFINITIONS.

2 Unless otherwise specified, in this division:

- 3 (1) APPRENTICESHIP.—The term “apprentice-
- 4 ship” means an apprenticeship registered under the
- 5 Act of August 16, 1937 (commonly known as the
- 6 “National Apprenticeship Act”; 50 Stat. 664, chap-

1 ter 663; 29 U.S.C. 50 et seq.) that meets the stand-
2 ards of subpart A of part 29 and part 30 of title 29,
3 Code of Federal Regulations.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of the National Science Foundation.

6 (3) DIRECTORATE.—The term “Directorate”
7 means the Directorate for Technology and Innova-
8 tion established under section 2102.

9 (4) EMERGING RESEARCH INSTITUTION.—The
10 term “emerging research institution” means an in-
11 stitution of higher education with an established un-
12 dergraduate or graduate program that has, on aver-
13 age for the 3 years prior to an application for an
14 award under this division, received less than
15 \$50,000,000 in Federal research funding.

16 (5) EPSCoR.—The term “EPSCoR” means
17 the Established Program to Stimulate Competitive
18 Research under section 113 of the National Science
19 Foundation Authorization Act of 1988 (42 U.S.C.
20 1862g).

21 (6) FOUNDATION.—The term “Foundation”
22 means the National Science Foundation.

23 (7) HISTORICALLY BLACK COLLEGE OR UNI-
24 VERSITY.—The term “historically Black college or
25 university” has the meaning given the term “part B

1 institution” in section 322 of the Higher Education
2 Act of 1965 (20 U.S.C. 1061).

3 (8) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given the term in section 101 of the Higher
6 Education Act of 1965 (20 U.S.C. 1001).

7 (9) KEY TECHNOLOGY FOCUS AREAS.—The
8 term “key technology focus areas” means the areas
9 included on the most recent list under section 2005.

10 (10) MINORITY-SERVING INSTITUTION.—The
11 term “minority-serving institution” means an insti-
12 tution described in section 371(a) of the Higher
13 Education Act of 1965 (20 U.S.C. 1067q(a)).

14 (11) NATIONAL LABORATORY.—The term “Na-
15 tional Laboratory”, without respect to capitalization,
16 has the meaning given the term in section 2 of the
17 Energy Policy Act of 2005 (42 U.S.C. 15801).

18 (12) STEM.—The term “STEM” means the
19 academic and professional disciplines of science,
20 technology, engineering, and mathematics, including
21 computer science.

22 **SEC. 2003. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

24 (1) the National Science Foundation, the De-
25 partment of Energy and its National Laboratories,

1 and other key Federal agencies have carried out
2 vital work supporting basic and applied research to
3 create knowledge that is a key driver of the economy
4 of the United States and a critical component of na-
5 tional security;

6 (2) openness to diverse perspectives and a focus
7 on freedom from censorship and political bias will
8 continue to make educational and research institu-
9 tions in the United States beacons to thousands of
10 students from across the world;

11 (3) increasing research and technology transfer
12 investments, building regional capacity and reducing
13 geographic disparity, strengthening supply chains,
14 and increasing capabilities in key technology focus
15 areas will enhance the competitive advantage and
16 leadership of the United States in the global econ-
17 omy;

18 (4) the Federal Government must utilize the
19 full talent and potential of the entire Nation by
20 avoiding undue geographic concentration of research
21 and education funding, encouraging broader partici-
22 pation of populations underrepresented in STEM,
23 and collaborating with non-government partners to
24 ensure the leadership of the United States in techno-
25 logical innovation; and

1 (5) authorization and funding for investments
2 in research, education, technology transfer, intellec-
3 tual property, manufacturing, and other core
4 strengths of the United States innovation ecosystem,
5 including at the National Science Foundation and
6 the Department of Energy, should be done on a bi-
7 partisan basis.

8 **SEC. 2004. INTERAGENCY WORKING GROUP.**

9 (a) ESTABLISHMENT.—The Director of the Office of
10 Science and Technology Policy, acting through the Na-
11 tional Science and Technology Council, shall establish or
12 designate an interagency working group to coordinate the
13 activities specified in subsection (c).

14 (b) COMPOSITION.—The interagency working group
15 shall be composed of the following members (or their des-
16 ignees), who may be organized into subcommittees, as ap-
17 propriate:

18 (1) The Secretary of Commerce.

19 (2) The Director of the National Science Foun-
20 dation.

21 (3) The Secretary of Energy.

22 (4) The Secretary of Defense.

23 (5) The Director of the National Economic
24 Council.

1 (6) The Director of the Office of Management
2 and Budget.

3 (7) The Secretary of Health and Human Serv-
4 ices.

5 (8) The Administrator of the National Aero-
6 nautics and Space Administration.

7 (9) The Secretary of Agriculture.

8 (10) The Director of National Intelligence.

9 (11) The Director of the Federal Bureau of In-
10 vestigation.

11 (12) Such other Federal officials as the Direc-
12 tor of the Office of Science and Technology Policy
13 considers appropriate, including members of the Na-
14 tional Science and Technology Council Committee on
15 Technology.

16 (c) COORDINATION.—The interagency working group
17 shall seek to ensure that the activities of different Federal
18 agencies enhance and complement, but, as appropriate, do
19 not duplicate, efforts being carried out by another Federal
20 agency, with a focus on—

21 (1) the activities of the National Science Foun-
22 dation Technology and Innovation Directorate in the
23 key technology focus areas, such as within the inno-
24 vation centers under section 2104 and test beds
25 under section 2108 under this division;

1 (2) the activities of the Department of Com-
2 merce under this division, including regional tech-
3 nology hubs under section 28 of the Stevenson-
4 Wydler Act of 1980 (15 U.S.C. 13701 et seq.), as
5 added by section 2401 of this division, the Manufac-
6 turing USA Program established under section
7 34(b)(1) of the National Institute of Standards and
8 Technology Act (15 U.S.C. 278s(b)(1)), and the
9 Hollings Manufacturing Extension Partnership;

10 (3) the activities of the Department of Energy
11 in the key technology focus areas, including at the
12 national laboratories, and at Federal laboratories, as
13 defined in section 4 of the Stevenson-Wydler Tech-
14 nology Innovation Act of 1980 (15 U.S.C. 3703),
15 and facilities and user facilities operated in partner-
16 ship with such national laboratories or the Depart-
17 ment of Energy; and

18 (4) any other program that the Director of the
19 Office of Science and Technology Policy determines
20 involves research and development with respect to
21 the key technology focus areas.

22 (d) REPORT.—The interagency working group
23 shall—

24 (1) by not later than 180 days after the date
25 of enactment of this division—

1 (A) conduct an initial review of Federal
2 programs and resources with respect to the key
3 technology focus areas identified pursuant to
4 section 2005(a), in order to—

5 (i) assess current level of efforts and
6 characterize existing research infrastruc-
7 ture, as of the date of the review;

8 (ii) identify potential areas of overlap
9 or duplication with respect to the key tech-
10 nology focus areas; and

11 (iii) identify potential cross-agency
12 collaborations and joint funding opportuni-
13 ties; and

14 (B) submit a report regarding the review
15 described in subparagraph (A) to Congress; and

16 (C) seek stakeholder input and rec-
17 ommendations in the course of such review; and

18 (2) shall carry out the annual reviews and up-
19 dates required under section 2005.

20 (e) CONFLICTS.—If any conflicts between Federal
21 agencies arise while carrying out the activities under this
22 section, the President shall make the final decision regard-
23 ing resolution of the conflict.

24 **SEC. 2005. KEY TECHNOLOGY FOCUS AREAS.**

25 (a) IN GENERAL.—

1 (1) INITIAL LIST.—The initial key technology
2 focus areas are:

3 (A) Artificial intelligence, machine learn-
4 ing, autonomy, and related advances.

5 (B) High performance computing, semi-
6 conductors, and advanced computer hardware
7 and software.

8 (C) Quantum information science and
9 technology.

10 (D) Robotics, automation, and advanced
11 manufacturing.

12 (E) Natural and anthropogenic disaster
13 prevention or mitigation.

14 (F) Advanced communications technology
15 and immersive technology.

16 (G) Biotechnology, medical technology,
17 genomics, and synthetic biology.

18 (H) Data storage, data management, dis-
19 tributed ledger technologies, and cybersecurity,
20 including biometrics.

21 (I) Advanced energy and industrial effi-
22 ciency technologies, such as batteries and ad-
23 vanced nuclear technologies, including for the
24 purposes of electric generation (consistent with

1 section 15 of the National Science Foundation
2 Act of 1950 (42 U.S.C. 1874).

3 (J) Advanced materials science, including
4 composites and 2D materials.

5 (2) REVIEW AND UPDATES.—The Director and
6 the Secretary of Energy, in coordination with the
7 interagency working group established under section
8 2004 and in consultation with the Director of Na-
9 tional Intelligence and the Director of the Federal
10 Bureau of Investigation, shall annually review, and
11 update as required, the list of key technology focus
12 areas for purposes of this division.

13 (b) ANNUAL REVIEW.—As part of the annual review
14 and update process required by section 2005(a)(2), the
15 Director of the National Science Foundation and the Sec-
16 retary of Energy, in coordination with the interagency
17 working group established under section 2004—

18 (1) shall consider input from relevant indus-
19 tries;

20 (2) may consider the challenges and rec-
21 ommendations identified in the report required by
22 section 2503 and in other relevant reports, such as
23 technology and global trend reports from the defense
24 and intelligence communities;

1 (3) shall consider the potential impact of the
2 key technology focus areas on addressing national
3 challenges, including competitive and security
4 threats to the United States and to United States
5 industries, including agriculture; and

6 (4) subject to the limitation under subsection
7 (c), may add or delete key technology focus areas in
8 light of shifting national needs or competitive
9 threats to the United States (including for reasons
10 of the United States or other countries having ad-
11 vanced or fallen behind in a technological area).

12 (c) **LIMIT ON KEY TECHNOLOGY FOCUS AREAS.**—
13 Not more than 10 key technology focus areas shall be in-
14 cluded on the list of key technology focus areas at any
15 time. Engineering and exploration relevant to the other
16 key technology focus areas described in this section shall
17 be considered part of the relevant key technology focus
18 area.

19 (d) **REPORTING.**—At the conclusion of the annual re-
20 view and update process required by section 2005(a)(2),
21 the Director and the Secretary of Energy shall deliver a
22 report to Congress detailing—

23 (1) the key technology focus areas and rationale
24 for their selection;

1 (2) the role of the Foundation, the Department
2 of Energy, and other Federal entities, as relevant, in
3 advancing the key technology focus areas; and

4 (3) the impact, including to the academic re-
5 search community, of any changes to the key tech-
6 nology focus areas.

7 (e) DETAILED DESCRIPTION.—The National Science
8 Foundation and the Department of Energy shall, in co-
9 ordination with the Office of Management and Budget,
10 submit as part of their annual budget requests to Con-
11 gress, a detailed description of the activities to be funded
12 under this division, including an explanation of how the
13 requested funding is complementary and not redundant of
14 programs, efforts, and infrastructure undertaken or sup-
15 ported by other relevant Federal agencies.

16 (f) NATIONAL ACADEMIES.—Not later than 5 years
17 after the date of enactment of this division, the Director
18 shall contract with the National Academies of Sciences,
19 Engineering, and Medicine to conduct a review of the key
20 technology focus areas, including whether Federal invest-
21 ment in the key technology focus areas have resulted in
22 new domestic manufacturing capacity and job creation.

1 **TITLE I—NSF TECHNOLOGY AND**
2 **INNOVATION**

3 **SEC. 2101. DEFINITIONS.**

4 In this title:

5 (1) DESIGNATED COUNTRY.—

6 (A) IN GENERAL.—The term “designated
7 country”—

8 (i) except as provided in clause (ii),
9 means—

10 (I) Australia;

11 (II) Canada;

12 (III) New Zealand;

13 (IV) the United Kingdom;

14 (V) the State of Israel;

15 (VI) Taiwan; and

16 (VII) any other country that has
17 been approved and designated in writ-
18 ing by the President for purposes of
19 this division, after providing—

20 (aa) not less than 30 days of
21 advance notification and expla-
22 nation to the relevant congres-
23 sional committees before the des-
24 ignation; and

1 (bb) in-person briefings to
2 such committees, if requested
3 during the 30-day advance notifi-
4 cation period described in item
5 (aa); and

6 (ii) excludes any country that takes
7 actions to boycott, divest from, or sanction
8 Israel.

9 (B) ACTIONS TO BOYCOTT, DIVEST FROM,
10 OR SANCTION ISRAEL.—For purposes of sub-
11 paragraph (A)(ii), the term “actions to boycott,
12 divest from, or sanction Israel” has the mean-
13 ing given such term in section 102(b)(20)(B) of
14 the Bipartisan Congressional Trade Priorities
15 and Accountability Act of 2015 (19 U.S.C.
16 4201(b)(20)(B)).

17 (2) LABOR ORGANIZATION.—The term “labor
18 organization” has the meaning given the term in
19 section 2(5) of the National Labor Relations Act (29
20 U.S.C. 152(5)), except that such term shall also in-
21 clude—

22 (A) any organization composed of labor or-
23 ganizations, such as a labor union federation or
24 a State or municipal labor body; and

1 (B) any organization which would be in-
2 cluded in the definition for such term under
3 such section 2(5) but for the fact that the orga-
4 nization represents—

5 (i) individuals employed by the United
6 States, any wholly owned Government cor-
7 poration, any Federal Reserve Bank, or
8 any State or political subdivision thereof;

9 (ii) individuals employed by persons
10 subject to the Railway Labor Act (45
11 U.S.C. 151 et seq.); or

12 (iii) individuals employed as agricul-
13 tural laborers.

14 (3) NATIONAL LABORATORY.—The term “Na-
15 tional Laboratory” has the meaning given the term
16 in section 2 of the Energy Policy Act of 2005 (42
17 U.S.C. 15801).

18 (4) TRIBAL COLLEGE OR UNIVERSITY.—The
19 term “Tribal College or University” has the meaning
20 given the term in section 316(b)(3) of the Higher
21 Education Act of 1965 (20 U.S.C. 1059e(b)(3)).

22 **SEC. 2102. DIRECTORATE ESTABLISHMENT AND PURPOSE.**

23 (a) ESTABLISHMENT OF DIRECTORATE FOR TECH-
24 NOLOGY AND INNOVATION.—Subject to the availability of
25 appropriations and not later than 180 days after the date

1 of enactment of this division, the Director shall establish
2 a Directorate for Technology and Innovation in the Foun-
3 dation.

4 (b) PURPOSES.—The Directorate shall further the
5 following purposes:

6 (1) Strengthening the leadership of the United
7 States in critical technologies, including as relevant
8 to the critical national needs described in section
9 7018 of the America COMPETES Act (42 U.S.C.
10 1862o–5).

11 (2) Addressing and mitigating technology chal-
12 lenges integral to the geostrategic position of the
13 United States through the activities authorized by
14 this title.

15 (3) Enhancing the competitiveness of the
16 United States by improving education in the key
17 technology focus areas and attracting more students
18 to such areas at all levels of education.

19 (4) Accelerating the translation and develop-
20 ment of scientific advances in the key technology
21 focus areas into processes and products in the
22 United States.

23 (5) Utilizing the full potential of the United
24 States workforce by avoiding undue geographic con-
25 centration of research and development and edu-

1 cation funding across the United States, and encour-
2 aging broader participation in the key technology
3 focus areas by populations underrepresented in
4 STEM.

5 (6) Ensuring the programmatic work of the Di-
6 rectorate and Foundation incorporates a workforce
7 perspective from labor organizations and workforce
8 training organizations.

9 (c) ACTIVITIES.—The Directorate—

10 (1) shall support basic and applied research,
11 and technology development of such research, includ-
12 ing through awards to individual researchers, enti-
13 ties, or consortia and through diverse funding mech-
14 anisms and models;

15 (2) shall identify and develop opportunities to
16 coordinate and collaborate on research, development,
17 and commercialization—

18 (A) with other directorates and offices of
19 the Foundation;

20 (B) with stakeholders in academia, the pri-
21 vate sector, and nonprofit entities; and

22 (C) with other Federal research agencies,
23 as well as State and local governments;

1 (3) shall provide awards for research and devel-
2 opment projects designed to achieve specific tech-
3 nology metrics or objectives;

4 (4) may support research and technology devel-
5 opment infrastructure, including testbeds, to ad-
6 vance the development, operation, integration, and
7 deployment of innovation;

8 (5) shall identify and develop opportunities to
9 reduce barriers for technology transfer, including in-
10 tellectual property frameworks between academia
11 and industry, nonprofit entities, and the venture
12 capital communities;

13 (6) shall build capacity for research at institu-
14 tions of higher education across the United States;

15 (7) shall partner with other directorates and of-
16 fices of the Foundation for projects or research, in-
17 cluding—

18 (A) to pursue basic questions about nat-
19 ural, human, and physical phenomena that
20 could enable advances in the key technology
21 focus areas;

22 (B) to study questions that could affect
23 the design (including human interfaces), safety,
24 security, operation, deployment, or the social
25 and ethical consequences of technologies in the

1 key technology focus areas, including the devel-
2 opment of technologies that complement or en-
3 hance the abilities of workers and impact of
4 specific innovations on domestic jobs and equi-
5 table opportunity; and

6 (C) to further the creation of a domestic
7 workforce capable of advancing, using, and
8 adapting to key technology focus areas and un-
9 derstanding and improving the impact of key
10 technology focus areas on STEM teaching and
11 learning by advancing the key technology focus
12 areas, including engaging relevant partners in
13 research and innovation programs;

14 (8) may make awards under the SBIR and
15 STTR programs (as defined in section 9(e) of the
16 Small Business Act (15 U.S.C. 638(e)); and

17 (9) may enter into and perform such contracts,
18 make such financial assistance awards, carry out
19 such other transactions, or make such other ar-
20 rangements, or modifications thereof, as may be nec-
21 essary in the conduct of the work of the Directorate
22 and on such terms as the Director considers appro-
23 priate, in furtherance of the purposes of this title.

24 (d) ASSISTANT DIRECTOR.—

1 (1) APPOINTMENT.—The Director shall appoint
2 an Assistant Director for the Directorate, in the
3 same manner as other Assistant Directors of the
4 Foundation are appointed.

5 (2) QUALIFICATIONS.—Each Assistant Director
6 for the Directorate shall be an individual, who by
7 reason of professional background and experience, is
8 specially qualified to advise the Foundation on all
9 matters pertaining to research, development, and
10 commercialization at the Foundation, including part-
11 nerships with the private sector and other users of
12 Foundation funded research.

13 (e) CONSIDERATIONS.—After completion of the stud-
14 ies regarding emerging technologies conducted by the Sec-
15 retary of Commerce under title XV of division FF of the
16 Consolidated Appropriations Act, 2021 (Public Law 116-
17 260), the Director shall consider the results of such stud-
18 ies in carrying out the activities of the Directorate.

19 **SEC. 2103. PERSONNEL MANAGEMENT.**

20 (a) PERSONNEL.—The Director shall establish and
21 maintain within the Directorate a staff with sufficient
22 qualifications and expertise to enable the Directorate to
23 carry out its responsibilities under this title.

24 (b) PROGRAM DIRECTORS.—

1 (1) DESIGNATION.—The Director may des-
2 ignate employees to serve as program directors for
3 the programs established within the Directorate pur-
4 suant to the responsibilities established under para-
5 graph (2). The Director shall ensure that program
6 directors—

7 (A) have expertise in the key technology
8 focus areas; and

9 (B) come from a variety of backgrounds,
10 including industry, and from a variety of insti-
11 tutions of higher education.

12 (2) RESPONSIBILITIES.—A program director of
13 a program of the Directorate shall be responsible
14 for—

15 (A) establishing research and development
16 goals for the program, including through the
17 convening of workshops and conferring with
18 outside experts and by publicizing the goals of
19 the program to the public and private sectors;

20 (B) soliciting proposals from entities to
21 conduct research in areas of particular promise
22 within key technology focus areas, especially
23 areas that the private sector or the Federal
24 Government are not likely to undertake alone;

1 (C) identifying areas for research and de-
2 velopment;

3 (D) building research collaborations for
4 carrying out the program;

5 (E) reviewing applications for projects to
6 be supported under the program, and consid-
7 ering—

8 (i) the novelty and scientific and tech-
9 nical merit of the proposed projects;

10 (ii) broader impacts criteria under
11 section 526 of the National Science Foun-
12 dation Authorization Act of 2010 (42
13 U.S.C. 1862p-14);

14 (iii) the demonstrated capabilities of
15 the applicants to successfully carry out the
16 proposed project;

17 (iv) the consideration by the applicant
18 of future commercial applications of the
19 project, including the feasibility of
20 partnering with 1 or more commercial enti-
21 ties; and

22 (v) such other criteria as are estab-
23 lished by the Director; and

24 (F) monitoring the progress of projects
25 supported under the program and recom-

1 mending program restructure or termination, as
2 needed.

3 (3) TERMS.—Program directors of the Direc-
4 torate may be appointed by the Director for a lim-
5 ited term, renewable at the discretion of the Direc-
6 tor.

7 (c) SELECTION CRITERIA AND REPORT.—

8 (1) PEER REVIEW.—The Directorate may use a
9 peer review process to inform the selection of award
10 recipients.

11 (2) REPORT.—Not later than 18 months after
12 the establishment of the Directorate, the Director
13 shall prepare and submit a report to Congress re-
14 garding the use of alternative methods for the selec-
15 tion of award recipients and the distribution of fund-
16 ing to recipients, as compared to the traditional peer
17 review process.

18 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to modify the authority of the Di-
20 rector or the National Science Board with respect to the
21 selection of recipients for funding from the Foundation.

22 **SEC. 2104. INNOVATION CENTERS.**

23 (a) UNIVERSITY TECHNOLOGY CENTER PROGRAM.—

24 (1) IN GENERAL.—From amounts made avail-
25 able to the Directorate, the Director shall establish

1 a program in the Directorate to make awards,
2 through a competitive selection process, to eligible
3 entities to establish university technology centers.

4 (2) PURPOSE.—The purpose of the university
5 technology centers shall be to—

6 (A) conduct multi-disciplinary, collabo-
7 rative basic and applied research, relevant to at
8 least one of the key technology focus areas;

9 (B) leverage the expertise of multi-discipli-
10 nary and multi-sector partners, including part-
11 ners from private industry;

12 (C) further the development, deployment,
13 and commercialization of innovations, including
14 inventions, in the key technology focus areas,
15 including those derived from the activities of
16 the university technology center; and

17 (D) support the development of scientific,
18 innovation, entrepreneurial, and educational ca-
19 pacity within the region of the university tech-
20 nology center.

21 (3) USE OF FUNDS.—University technology
22 centers established under this subsection may use
23 support provided—

24 (A) to carry out research to advance inno-
25 vation in the key technology focus areas;

1 (B) for technology development activities
2 such as proof-of-concept development, proto-
3 typing, design modification, experimental devel-
4 opment, and other actions to reduce the cost,
5 time, and risk of commercializing new tech-
6 nologies;

7 (C) for the costs of equipment and
8 cyberinfrastructure;

9 (D) for the costs associated with tech-
10 nology transfer and commercialization, includ-
11 ing patenting and licensing; or

12 (E) for operations and staff.

13 (4) SELECTION PROCESS.—In selecting recipi-
14 ents under this subsection, the Director shall con-
15 sider, in addition to the scientific and technical
16 merit of the proposal—

17 (A) maximizing regional and geographic di-
18 versity of the university technology centers, in-
19 cluding by considering rural-serving institutions
20 of higher education (as defined in section
21 861(b) of the Higher Education Act of 1965
22 (20 U.S.C. 1161a(b));

23 (B) the extent to which the applicant's
24 proposal would broaden participation by popu-
25 lations underrepresented in STEM;

1 (C) the capacity of the applicant to engage
2 industry, labor, and other appropriate organiza-
3 tions and, where applicable, contribute to
4 growth in domestic manufacturing capacity and
5 job creation;

6 (D) in the case of a consortium, the extent
7 to which the proposal includes institutions listed
8 in paragraph (7)(C)(ii);

9 (E) the amount of funds from industry or-
10 ganizations described in paragraph (5)(A)(ii)
11 the applicant would use towards establishing
12 the university technology center;

13 (F) the plan and capability of the appli-
14 cant to take measures to prevent the inappro-
15 priate use of the research and technology of the
16 center, including research results, data, and in-
17 tellectual property, as appropriate and con-
18 sistent with the requirements of the relevant
19 award; and

20 (G) the plan and capability of the appli-
21 cant to support proof-of-concept development
22 and prototyping as well as technology transfer
23 and commercialization activities.

24 (5) REQUIREMENTS.—

1 (A) IN GENERAL.—The Director shall en-
2 sure that any eligible entity receiving an award
3 under this subsection has—

4 (i) the capacity or the ability to ac-
5 quire the capacity to advance the purposes
6 described in section 2102(b); and

7 (ii) secured contributions for estab-
8 lishing the university technology center
9 under this subsection from industry or
10 other non-Federal organizations in an
11 amount not less than 10 percent of the
12 total amount of the award the eligible enti-
13 ty would receive under this subsection.

14 (B) CONSORTIUM ELIGIBILITY.—To be eli-
15 gible to receive an award for the establishment
16 and operation of a university technology center,
17 a consortium shall be composed of not fewer
18 than 2 entities as described in paragraph (7)(C)
19 and operate subject to a binding agreement, en-
20 tered into by each member of the consortium,
21 that documents—

22 (i) the proposed partnership agree-
23 ment, including the governance and man-
24 agement structure of the university tech-
25 nology center;

1 (ii) measures the consortium will un-
2 dertake to enable cost-effective implemen-
3 tation of activities under paragraph (3);

4 (iii) a proposed budget, including fi-
5 nancial contributions from non-Federal
6 sources; and

7 (iv) the plan for ownership and use of
8 any intellectual property developed by the
9 center.

10 (6) SUPPORT OF REGIONAL TECHNOLOGY
11 HUBS.—Each university technology center estab-
12 lished under this subsection may support and par-
13 ticipate in, as appropriate, the activities of any re-
14 gional technology hub designated under section 28 of
15 the Stevenson-Wydler Technology Innovation Act of
16 1980 (15 U.S.C. 3701 et seq.), as added by section
17 2401 of this division.

18 (7) ELIGIBLE ENTITY.—In this subsection, the
19 term “eligible entity” means—

20 (A) an individual institution of higher edu-
21 cation;

22 (B) a nonprofit entity; or

23 (C) a consortium that—

24 (i) shall include and be led by an in-
25 stitution of higher education or by a non-

1 profit entity, designed to support tech-
2 nology development;

3 (ii) shall include 1 or more institution
4 that is—

5 (I) a historically Black college or
6 university;

7 (II) a Tribal College or Univer-
8 sity;

9 (III) a minority-serving institu-
10 tion (or an institution of higher edu-
11 cation with an established STEM ca-
12 pacity building program focused on
13 traditionally underrepresented popu-
14 lations in STEM, including Native
15 Hawaiians, Alaska Natives, and other
16 Indians);

17 (IV) an institution that partici-
18 pates in the Established Program to
19 Stimulate Competitive Research under
20 section 113 of the National Science
21 Foundation Authorization Act of 1988
22 (42 U.S.C. 1862g);

23 (V) an emerging research institu-
24 tion; or

25 (VI) a community college; and

- 1 (iii) may include 1 or more—
- 2 (I) additional entities described
- 3 in subparagraph (A) or (B);
- 4 (II) industry entities, including
- 5 startups, small businesses, and public-
- 6 private partnerships;
- 7 (III) economic development orga-
- 8 nizations or venture development or-
- 9 ganizations, as such terms are defined
- 10 in section 28(a) of the Stevenson-
- 11 Wydler Technology Innovation Act of
- 12 1980 (15 U.S.C. 13701 et seq.), as
- 13 added by section 2401 of this division;
- 14 (IV) National Laboratories;
- 15 (V) Federal laboratories, as de-
- 16 fined in section 4 of the Stevenson-
- 17 Wydler Technology Innovation Act of
- 18 1980 (15 U.S.C. 3703);
- 19 (VI) Federal research facilities;
- 20 (VII) labor organizations;
- 21 (VIII) entities described in sub-
- 22 paragraph (A) or (B) from allied or
- 23 partner countries;

1 (IX) other entities if determined
2 by the Director to be vital to the suc-
3 cess of the program;

4 (X) binational research and de-
5 velopment foundations and funds, ex-
6 cluding foreign entities of concern, as
7 defined in section 2307; and

8 (XI) Engineer Research and De-
9 velopment Center laboratories of the
10 Army Corps of Engineers.

11 (b) INNOVATION INSTITUTE.—

12 (1) IN GENERAL.—The Director shall establish
13 innovation institutes to further the research, devel-
14 opment, and commercialization of innovation in the
15 key technology focus areas.

16 (2) PARTNERSHIPS.—

17 (A) IN GENERAL.—Each innovation insti-
18 tute shall be comprised of a partnership includ-
19 ing 2 or more of the following entities:

20 (i) An institution of higher education.

21 (ii) A for-profit company.

22 (iii) A nonprofit organization.

23 (iv) A Federal agency.

1 (v) Another entity, if that entity is de-
2 termined by the Director to be vital to the
3 success of the program.

4 (B) CO-EQUAL.—Each entity comprising
5 the institute shall, to the extent practicable,
6 work as co-equal partners in terms of funding
7 and research efforts in support of the institute.

8 (C) INSTITUTIONAL OR ORGANIZATIONAL
9 LEVEL.—The Director shall work to ensure that
10 such partnerships exist at the institutional or
11 organization level, rather than solely at the
12 principal investigator level.

13 (3) COST SHARE.—To the extent practicable,
14 not less than half of the funding for an institute
15 shall be provided by non-Federal entities.

16 (c) NUMBER OF CENTERS AND INSTITUTES ESTAB-
17 LISHED.—The Director shall endeavor to establish a bal-
18 ance in the number of university technology centers and
19 innovation institutes.

20 **SEC. 2105. TRANSITION OF NSF PROGRAMS.**

21 The Director may transition the management of ex-
22 isting programs of the National Science Foundation that
23 conduct activities in addition to basic research to the Di-
24 rectorate, including—

25 (1) Convergence Accelerator;

1 (2) Industry-University Cooperative Research
2 Centers;

3 (3) National AI Research Institutes;

4 (4) Innovation Corps (I-Corps), as described in
5 section 601 of the American Innovation and Com-
6 petitiveness Act (42 U.S.C. 1862s-8); and

7 (5) any other programs that the Director con-
8 siders appropriate.

9 **SEC. 2106. PROVIDING SCHOLARSHIPS, FELLOWSHIPS, AND**
10 **OTHER STUDENT SUPPORT.**

11 (a) IN GENERAL.—The Director, acting through the
12 Directorate, shall fund undergraduate scholarships (in-
13 cluding at community colleges), graduate fellowships and
14 traineeships, and postdoctoral awards in the key tech-
15 nology focus areas.

16 (b) IMPLEMENTATION.—The Director may carry out
17 subsection (a) by making awards—

18 (1) directly to students; and

19 (2) to institutions of higher education or con-
20 sortia of institutions of higher education, including
21 those institutions or consortia involved in operating
22 university technology centers established under sec-
23 tion 2104(a).

24 (c) BROADENING PARTICIPATION.—In carrying out
25 this section, the Director shall take steps to increase the

1 participation of populations that are underrepresented in
2 STEM, which may include—

3 (1) establishing or augmenting programs tar-
4 geted at populations that are underrepresented in
5 STEM;

6 (2) supporting traineeships or other relevant
7 programs at minority-serving institutions (or institu-
8 tions of higher education with an established STEM
9 capacity building program focused on traditionally
10 underrepresented populations in STEM, including
11 Native Hawaiians, Alaska Natives, and other Indi-
12 ans);

13 (3) addressing current and expected gaps in the
14 availability or skills of the STEM workforce, or ad-
15 dressing needs of the STEM workforce, including by
16 increasing educational capacity at institutions and
17 by prioritizing awards to United States citizens, per-
18 manent residents, and individuals that will grow the
19 domestic workforce; and

20 (4) addressing geographic diversity in the
21 STEM workforce.

22 (d) INNOVATION.—In carrying out this section, the
23 Director shall encourage innovation in graduate education,
24 including through encouraging institutions of higher edu-
25 cation to offer graduate students opportunities to gain ex-

1 perience in industry or Government as part of their grad-
2 uate training, and through support for students in profes-
3 sional masters programs related to the key technology
4 focus areas.

5 (e) AREAS OF FUNDING SUPPORT.—Subject to the
6 availability of funds to carry out this section, the Director
7 shall—

8 (1) issue—

9 (A) postdoctoral awards,

10 (B) graduate fellowships and traineeships,
11 inclusive of the NSF Research Traineeships
12 and fellowships awarded under the Graduate
13 Research Fellowship Program; and

14 (C) scholarships, including undergraduate
15 scholarships, research experiences, and intern-
16 ships, including—

17 (i) scholarships to attend community
18 colleges; and

19 (ii) research experiences and intern-
20 ships under sections 513, 514, and 515 of
21 the America COMPETES Reauthorization
22 Act of 2010 (42 U.S.C. 1862p–5; 1862p–
23 6; 1862p–7);

24 (2) ensure that not less than 10 percent of the
25 funds made available to carry out this section are

1 used to support additional awards that focus on
2 community college training, education, and teaching
3 programs that increase the participation of popu-
4 lations that are underrepresented in STEM, includ-
5 ing technical programs through programs such as
6 the Advanced Technological Education program;

7 (3) ensure that not less than 20 percent of the
8 funds made available to carry out this section are
9 used to support institutions of higher education, and
10 other institutions, located in jurisdictions that par-
11 ticipate in the program under section 113 of the Na-
12 tional Science Foundation Authorization Act of 1988
13 (42 U.S.C. 1862g); and

14 (4) if funds remain after carrying out para-
15 graphs (1), (2), and (3), make awards to institutions
16 of higher education to enable the institutions to fund
17 the development and establishment of new or spe-
18 cialized programs of study for graduate, under-
19 graduate, or technical college students and the eval-
20 uation of the effectiveness of those programs of
21 study.

22 (f) EXISTING PROGRAMS.—The Director may use or
23 augment existing STEM education programs of the Foun-
24 dation and leverage education or entrepreneurial partners
25 to carry out this section.

1 **SEC. 2107. RESEARCH AND DEVELOPMENT.**

2 (a) IN GENERAL.—From amounts made available for
3 the Directorate, the Director shall make awards, on a
4 competitive basis, for research and technology develop-
5 ment within the key technology focus areas.

6 (b) PURPOSE.—The purpose of the awards under this
7 section shall be to demonstrate revolutionary technological
8 advances in the key technology focus areas, including ad-
9 vances that expedite short-term technology deployment.

10 (c) RECIPIENTS.—Recipients of funds under this sec-
11 tion may include institutions of higher education, research
12 institutions, nonprofit entities, private sector entities, con-
13 sortia, or other entities as defined by the Director.

14 (d) METRICS.—The Director may set metrics, includ-
15 ing goals and deadlines, for development of such tech-
16 nology as determined in the terms of the award, and may
17 use such metrics to determine whether an award recipient
18 shall be eligible for continued or follow-on funding. The
19 Director shall ensure that the length of the grants for ap-
20 plicants seeking to demonstrate revolutionary techno-
21 logical advances to expedite short-term technology deploy-
22 ment last no longer than 24 months.

23 (e) SELECTION CRITERIA.—In selecting recipients
24 for an award under this section, the Director shall con-
25 sider, at a minimum—

1 (1) the relevance of the project to the key tech-
2 nology focus areas;

3 (2) the current status of the technology, the
4 limits of current practice, and the likelihood of the
5 private sector to independently demonstrate a simi-
6 lar technological advance;

7 (3) the potential of the project to generate a
8 revolutionary technological advance, including ad-
9 vances that can expedite short-term technology de-
10 ployment;

11 (4) the potential impact of the project on the
12 economic security, national security, or technological
13 competitiveness of the United States;

14 (5) the likelihood of the project's success;

15 (6) the cost and time associated with the
16 project;

17 (7) the appropriateness of quantitative goals
18 and metrics for evaluating the project and a plan for
19 evaluating those metrics; and

20 (8) the path for developing and, as appropriate
21 commercializing, the technology.

22 **SEC. 2108. TEST BEDS.**

23 (a) PROGRAM AUTHORIZED.—

24 (1) IN GENERAL.—From amounts made avail-
25 able for the Directorate, the Director, in coordina-

1 tion with the Director of the National Institute of
2 Standards and Technology, the Secretary of Energy,
3 and other Federal agencies, as determined appro-
4 priate by the Director, shall establish a program in
5 the Directorate to make awards, on a competitive
6 basis, to institutions of higher education, nonprofit
7 organizations, or consortia (as defined in section
8 2104(a)(7)(C)) to establish and operate test beds,
9 which may include fabrication facilities and
10 cyberinfrastructure, to advance the development, op-
11 eration, integration, deployment, and, as appro-
12 priate, demonstration of new, innovative technologies
13 in the key technology focus areas, which may include
14 hardware or software.

15 (2) COORDINATION.—In establishing new test
16 beds under this section, the Director shall ensure co-
17 ordination with other test beds supported by the
18 Foundation or other Federal agencies to avoid dupli-
19 cation and maximize the use of Federal resources.

20 (b) PROPOSALS.—An applicant for an award under
21 this section shall submit a proposal to the Director, at
22 such time, in such manner, and containing such informa-
23 tion as the Director may reasonably require. The proposal
24 shall, at a minimum, describe—

1 (1)(A) the technology or technologies that will
2 be the focus of the test bed; and

3 (B) the goals of the work to be done at the test
4 bed;

5 (2) how the applicant will assemble a workforce
6 with the skills needed to operate the test bed;

7 (3) how the applicant will ensure broad access
8 to the test bed;

9 (4) how the applicant will collaborate with firms
10 in the key technology focus areas, including through
11 coordinated research and development and funding,
12 to ensure that work in the test bed will contribute
13 to the commercial viability of any technologies and
14 will include collaboration from industry and labor or-
15 ganizations;

16 (5) how the applicant will encourage the partici-
17 pation of inventors and entrepreneurs and the devel-
18 opment of new businesses;

19 (6) how the applicant will increase participation
20 by populations that are underrepresented in STEM;

21 (7) how the applicant will demonstrate that the
22 commercial viability of any new technologies will
23 support the creation of high-quality domestic jobs;

24 (8) how the test bed will operate after Federal
25 funding has ended;

1 (9) how the test bed will disseminate lessons
2 and other technical information to United States en-
3 tities or allied or partner country entities in the
4 United States; and

5 (10) how the applicant plans to take measures
6 to prevent the inappropriate use of research results,
7 data, and intellectual property, as applicable and
8 consistent with the requirements of the award.

9 (c) AUTHORIZED USE OF FUNDS.—A recipient of an
10 award under this section may, in order to achieve the pur-
11 poses described in subsection (a), use the award for the
12 purchase of equipment and for the support of students,
13 faculty and staff, and postdoctoral researchers.

14 (d) PRIORITY.—In selecting award recipients under
15 this section, the Director shall give priority to applicants
16 with proposals that maximize the geographic diversity of
17 test beds.

18 (e) INTERAGENCY ANNUAL MEETINGS.—The Direc-
19 tor, the Secretary of Commerce, the Secretary of Energy,
20 and the heads of other Federal departments and agencies,
21 or their designees, with test bed related equities shall hold
22 an annual meeting to coordinate their respective test bed
23 related investments, future plans, and other appropriate
24 matters, to avoid conflicts and duplication of efforts. Upon

1 request by Congress, Congress shall be briefed on the re-
2 sults of the meetings.

3 **SEC. 2109. ACADEMIC TECHNOLOGY TRANSFER.**

4 (a) IN GENERAL.—From amounts made available to
5 the Directorate, the Director, in coordination with the Di-
6 rector of the National Institute of Standards and Tech-
7 nology, the Secretary of Energy, and other Federal agen-
8 cies as determined appropriate by the Director, shall make
9 awards, on a competitive basis, to eligible entities to ad-
10 vance the development and commercialization of tech-
11 nologies, particularly those in the key technology focus
12 areas.

13 (b) ELIGIBLE ENTITIES.—To be eligible to receive an
14 award under this section, an entity shall be—

15 (1) an institution of higher education, which
16 may be a community college;

17 (2) a nonprofit entity that is either affiliated
18 with an institution of higher education or designed
19 to support technology development or entrepreneur-
20 ship; or

21 (3) a consortium that includes—

22 (A) an entity described in paragraph (1) or

23 (2) as the lead award recipient; and

24 (B) one or more additional individuals or
25 entities, which shall be—

1 (i) an economic development organiza-
2 tion or similar entity that is focused pri-
3 marily on improving science, technology,
4 innovation, or entrepreneurship;

5 (ii) an industry organization or firm
6 in a relevant technology or innovation sec-
7 tor;

8 (iii) an industry-experienced executive
9 with entrepreneurship experience that is
10 focused primarily on de-risking tech-
11 nologies from both a scientific and a busi-
12 ness perspective; or

13 (iv) an individual or entity with
14 industry- and startup- experienced busi-
15 ness expertise, including a mentor network,
16 across relevant technology or innovation
17 sectors.

18 (c) PROPOSALS.—An eligible entity desiring an award
19 under this section shall submit a proposal to the Director
20 at such time, in such manner, and containing such infor-
21 mation as the Director may require. The proposal shall
22 include, at a minimum, a description of—

23 (1) the steps the applicant will take to enable
24 technology transfer and to reduce the risks for com-

1 mercialization for new technologies and why such
2 steps are likely to be effective;

3 (2) how the applicant will encourage the train-
4 ing and participation of students and potential en-
5 trepreneurs and the transition of research results to
6 practice, including the development of new busi-
7 nesses;

8 (3) as relevant, potential steps to drive eco-
9 nomic growth in a particular region, by collaborating
10 with industry, venture capital entities, nonprofit en-
11 tities, and State and local governments within that
12 region; and

13 (4) background information that the Director
14 determines is relevant to demonstrate the success of
15 the innovation and entrepreneurship support models
16 proposed by the applicant to commercialize tech-
17 nologies.

18 (d) ACADEMIC TECHNOLOGY TRANSFER ENHANCE-
19 MENT PROGRAM.—

20 (1) IN GENERAL.—The Director, in coordina-
21 tion with the Director of the National Institute of
22 Standards and Technology and the Secretary of En-
23 ergy, shall make awards, on a competitive basis, to
24 support eligible entities in building sustainable tech-
25 nology transfer capacity.

1 (2) USE OF FUNDS.—An eligible entity that re-
2 ceives an award under this subsection shall use
3 award funds to carry out one or more of the fol-
4 lowing:

5 (A) Identifying academic research with the
6 potential for technology transfer and commer-
7 cialization, particularly as relevant to the key
8 technology focus areas.

9 (B) Providing training and support to sci-
10 entists, engineers, and inventors on technology
11 transfer, commercialization, and research pro-
12 tection.

13 (C) Offsetting the costs of patenting and
14 licensing research products, both domestically
15 and internationally.

16 (D) Revising institution policies, including
17 policies related to intellectual property and fac-
18 ulty entrepreneurship, and taking other nec-
19 essary steps to implement relevant best prac-
20 tices for academic technology transfer.

21 (E) Ensuring the availability of staff, in-
22 cluding technology transfer professionals, entre-
23 preneurs in residence, and other mentors as re-
24 quired to accomplish the purpose of this sub-
25 section.

1 (F) Identifying and facilitating relation-
2 ships among local and national business lead-
3 ers, including investors, and potential entre-
4 preneurs to encourage successful commercializa-
5 tion.

6 (G) Creating and funding competitions to
7 allow entrepreneurial ideas to illustrate their
8 commercialization potential, including through
9 venture funds of institutions of higher edu-
10 cation.

11 (H) Creating or supporting entities that
12 could enable researchers to further develop new
13 technology, through capital investment, advice,
14 staff support, or other means.

15 (I) Building technology transfer capacity
16 at institutions of higher education.

17 (3) LIMITATIONS ON FUNDING.—In awarding
18 funding under this subsection, the Director shall—

19 (A) award not more than \$1,000,000 per
20 fiscal year to an eligible entity;

21 (B) in determining the duration of fund-
22 ing, endeavor to ensure the creation of sustain-
23 able technology transfer practices at the eligible
24 entity; and

1 (C) ensure that grants under this sub-
2 section shall not support the development or op-
3 eration of capital investment funds.

4 (e) COLLABORATIVE INNOVATION RESOURCE CEN-
5 TER PROGRAM.—

6 (1) IN GENERAL.—The Director shall make
7 awards under this subsection to eligible entities to
8 establish collaborative innovation resource centers
9 that promote regional technology transfer and tech-
10 nology development activities available to more than
11 one institution of higher education and to other enti-
12 ties in a region.

13 (2) COLLABORATION PRIORITY.—In making
14 awards under this subsection, the Director shall give
15 priority to eligible entities that are consortia de-
16 scribed in subsection (b)(3) and that have a cost
17 share, which may include an in-kind cost share, from
18 members of a consortium, at levels as required by
19 the Director.

20 (3) USE OF FUNDS.—An eligible entity that re-
21 ceives an award under this subsection shall use
22 award funds to carry out one or more of the fol-
23 lowing activities, to the benefit of the region in
24 which the center is located:

1 (A) Providing start-ups and small business
2 concerns (as defined in section 3 of the Small
3 Business Act (15 U.S.C. 632)) within the re-
4 gion with access to facilities, scientific infra-
5 structure, personnel, and other assets as re-
6 quired for technology maturation.

7 (B) Supporting entrepreneurial training
8 for start-up and small business personnel.

9 (C) Providing engineering and entrepre-
10 neurial experiences and hands-on training for
11 students enrolled in participating institutions of
12 higher education.

13 (f) REPORTING ON COMMERCIALIZATION BASED ON
14 METRICS.—The Director shall establish—

15 (1) metrics related to commercialization for an
16 award under this section; and

17 (2) a reporting schedule for recipients of such
18 awards that takes into account both short- and long-
19 term goals of the programs under this section.

20 (g) GEOGRAPHIC DIVERSITY.—The Director shall en-
21 sure regional and geographic diversity in issuing awards
22 under this section.

23 (h) SUPPLEMENT NOT SUPPLANT.—The Director
24 shall ensure that funds made available under this section
25 shall be used to create additional support for technology

1 transfer activities at eligible entities. For the duration of
2 the awards, recipients shall be required to maintain fund-
3 ing for such activities at similar levels as the funding for
4 those activities for the 2 fiscal years preceding the award.

5 **SEC. 2110. CAPACITY-BUILDING PROGRAM FOR DEVEL-**
6 **OPING UNIVERSITIES.**

7 (a) IN GENERAL.—The Director shall establish a pro-
8 gram in the Directorate to make awards, on a competitive
9 basis, to eligible institutions described in subsection (b)
10 to support the mission of the Directorate and to build in-
11 stitutional research capacity at eligible institutions.

12 (b) ELIGIBLE INSTITUTION.—

13 (1) IN GENERAL.—To be eligible to receive an
14 award under this section, an institution—

15 (A) shall be—

16 (i) a historically Black college or uni-
17 versity;

18 (ii) a minority-serving institution; or

19 (iii) an institution of higher education
20 with an established STEM capacity build-
21 ing program focused on traditionally
22 underrepresented populations in STEM,
23 including Native Hawaiians, Alaska Na-
24 tives, and other Indians; and

1 (B) shall have not more than \$50,000,000
2 in annual federally-financed research and devel-
3 opment expenditures for science and engineer-
4 ing as reported through the National Science
5 Foundation Higher Education Research and
6 Development Survey.

7 (2) PARTNERSHIPS.—An eligible institution re-
8 ceiving a grant under this section may carry out the
9 activities of the grant through a partnership with
10 other entities, including other eligible institutions.

11 (c) PROPOSALS.—To receive an award under this sec-
12 tion, an eligible institution shall submit an application to
13 the Director at such time, in such manner, and containing
14 such information as the Director may require, including
15 a plan that describes how the eligible institution will estab-
16 lish or expand research office capacity and how such
17 award would be used to—

18 (1) conduct an assessment of capacity-building
19 and research infrastructure needs of an eligible insti-
20 tution;

21 (2) enhance institutional resources to provide
22 administrative research development support to fac-
23 ulty at an eligible institution;

1 (3) bolster the institutional research competi-
2 tiveness of an eligible institution to support grants
3 awarded by the Directorate;

4 (4) support the acquisition of instrumentation
5 necessary to build research capacity at an eligible in-
6 stitution in research areas directly associated with
7 the Directorate;

8 (5) increase capability of an eligible institution
9 to move technology into the marketplace;

10 (6) increase engagement with industry to exe-
11 cute research through the SBIR and STTR pro-
12 grams (as defined in section 9(e) of the Small Busi-
13 ness Act (15 U.S.C. 638(e)) and direct contracts at
14 an eligible institution;

15 (7) provide student engagement and research
16 training opportunities at the undergraduate, grad-
17 uate, and postdoctoral levels at an eligible institu-
18 tion;

19 (8) further faculty development initiatives and
20 strengthen institutional research training infrastruc-
21 ture, capacity, and competitiveness of an eligible in-
22 stitution; or

23 (9) address plans and prospects for long-term
24 sustainability of institutional enhancements at an el-
25 igible institution resulting from the award including,

1 if applicable, how the award may be leveraged by an
2 eligible institution to build a broader base of sup-
3 port.

4 (d) AWARDS.—Awards made under this section shall
5 be for periods of 3 years, and may be extended for periods
6 of not more than 5 years.

7 (e) FUNDING.—From the amounts made available to
8 carry out section 2104 under section 2116 for each of fis-
9 cal years 2022 through 2026, the Director shall use
10 \$150,000,000 for each such fiscal year to carry out this
11 section.

12 **SEC. 2111. TECHNICAL ASSISTANCE.**

13 The Director may—

14 (1) coordinate with other Federal agencies to
15 establish interagency and multidisciplinary teams to
16 provide technical assistance to recipients of, and pro-
17 spective applicants for, awards under this title;

18 (2) by Federal interagency agreement and not-
19 withstanding any other provision of law, transfer
20 funds available to carry out this title to the head of
21 another Federal agency to facilitate and support the
22 provision of such technical assistance; and

23 (3) enter into contracts with third parties to
24 provide such technical assistance.

1 **SEC. 2112. COORDINATION OF ACTIVITIES.**

2 (a) IN GENERAL.—In carrying out the activities of
3 the Directorate, the Director shall coordinate and work
4 cooperatively with the Secretary of Energy, the Director
5 of the National Institute of Standards and Technology,
6 and the heads of other Federal research agencies, as ap-
7 propriate, to further the goals of this title in the key tech-
8 nology focus areas.

9 (b) AVOID DUPLICATION.—The Director shall en-
10 sure, to the greatest extent practicable, that activities car-
11 ried out by the Directorate are not duplicative of activities
12 supported by other parts of the Foundation or other rel-
13 evant Federal agencies. In carrying out the activities pre-
14 scribed by this division, the Director shall coordinate with
15 the Interagency Working Group and heads of other Fed-
16 eral research agencies to ensure these activities enhance
17 and complement, but do not constitute unnecessary dupli-
18 cation of effort and to ensure the responsible stewardship
19 of funds.

20 (c) COMPTROLLER GENERAL REPORT.—Not later
21 than 3 years after the date of enactment of this division,
22 the Comptroller General of the United States shall prepare
23 and submit a report to Congress, and shall simultaneously
24 submit the report to the Director, the Director of the Of-
25 fice of Science and Technology Policy, and the Secretary
26 of Energy describing the interagency cooperation that oc-

1 curred during the preceding years pursuant to this section,
2 including a list of—

- 3 (1) any funds provided from the Directorate to
4 other directorates and offices of the Foundation; and
- 5 (2) any instances in which unnecessary duplica-
6 tion of effort may have occurred.

7 **SEC. 2113. REPORTING REQUIREMENTS.**

8 (a) REPORTS.—Not later than 1 year after the date
9 of enactment of this division and annually thereafter, the
10 Director, in coordination with the heads of relevant Fed-
11 eral agencies, shall prepare and submit to Congress—

- 12 (1) a strategic vision and spending plan for the
13 next 5 years for the Directorate, including a descrip-
14 tion of how the Foundation will increase funding for
15 research and education for populations underrep-
16 resented in STEM and geographic areas;

- 17 (2) in coordination with the Secretary of State,
18 a description of any funds the Foundation may plan
19 to receive from—

- 20 (A) entities other than institutions of high-
21 er education; and

- 22 (B) certain designated countries; and

- 23 (3) a description of the planned activities of the
24 Directorate to secure federally funded science and
25 technology pursuant to section 1746 of the National

1 Defense Authorization Act for Fiscal Year 2020
2 (Public Law 116–92; 42 U.S.C. 6601 note) and sec-
3 tion 223 of William M. (Mac) Thornberry National
4 Defense Authorization Act for Fiscal Year 2021
5 (Public Law 116–283) and the requirements under
6 title III.

7 (b) ANNUAL BRIEFING.—Each year, the Director
8 and the Secretary of Energy shall formally request a joint
9 briefing from the Secretary of Defense, the Secretary of
10 Commerce, the Director of the Federal Bureau of Inves-
11 tigation, the Director of National Intelligence, and as ap-
12 propriate the heads of other Federal agencies regarding
13 their efforts to preserve the United States’ advantages
14 generated by the activity of the Directorate.

15 (c) PROVIDING AUTHORITY TO DISSEMINATE INFOR-
16 MATION.—Section 11 of the National Science Foundation
17 Act of 1950 (42 U.S.C. 1870) is amended—

18 (1) in subsection (j), by striking “and” after
19 the semicolon;

20 (2) in subsection (k), by striking the period at
21 the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(l) to provide for the widest practicable and
24 appropriate dissemination of information within the

1 United States concerning the Foundation’s activities
2 and the results of those activities.”.

3 **SEC. 2114. HANDS-ON LEARNING PROGRAM.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Developing a robust, talented, and home-
6 grown workforce, particularly in the fields of STEM,
7 is critical to the success of the United States innova-
8 tion economy.

9 (2) The United States educational system is not
10 producing a sufficient number of workers with the
11 necessary STEM expertise to meet the needs of the
12 United States industry in STEM fields.

13 (3) Hands-on and experiential learning opportu-
14 nities outside of the classroom are critical for stu-
15 dent success in STEM subjects and careers, stimu-
16 lating students’ interest, increasing confidence, and
17 creating motivation to pursue a related career.

18 (4) Hands-on and experiential learning opportu-
19 nities can be particularly successful in inspiring in-
20 terest in students who traditionally have been under-
21 represented in STEM fields, including girls, students
22 of color, and students from disadvantaged back-
23 grounds.

24 (5) An expansion of hands-on and experiential
25 learning programs across the United States would

1 expand the STEM workforce pipeline, developing
2 and training students for careers in STEM fields.

3 (b) DEFINITIONS.—

4 (1) ESEA TERMS.—The terms “elementary
5 school”, “high school”, “secondary school”, and
6 “State” have the meanings given the terms in sec-
7 tion 8101 of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 7801).

9 (2) ELIGIBLE NONPROFIT PROGRAM.—The
10 term “eligible nonprofit program”—

11 (A) means a nonprofit program serving
12 prekindergarten, elementary school, or sec-
13 ondary school students; and

14 (B) includes a program described in sub-
15 paragraph (A) that covers the continuum of
16 education from prekindergarten through high
17 school and is available in every State.

18 (c) PURPOSES.—The purposes of this section are
19 to—

20 (1) provide effective, compelling, and engaging
21 means for teaching and reinforcing fundamental
22 STEM concepts and inspiring the youth of the
23 United States to pursue careers in STEM-related
24 fields;

1 (2) expand the STEM workforce pipeline by de-
2 veloping and training students for careers in United
3 States STEM fields; and

4 (3) broaden participation in the STEM work-
5 force by underrepresented population groups.

6 (d) PROGRAM AUTHORIZED.—

7 (1) IN GENERAL.—Subject to the availability of
8 appropriations for such purposes, the Director
9 shall—

10 (A) provide grants to eligible nonprofit
11 programs for supporting hands-on learning op-
12 portunities in STEM education, including via
13 after-school activities and innovative learning
14 opportunities such as robotics competitions; and

15 (B) evaluate the impact of such hands-on
16 learning opportunities on STEM learning and
17 disseminate the results of that evaluation.

18 (2) PRIORITY.—In awarding grants under the
19 program, the Director shall give priority to eligible
20 nonprofit programs serving students that attend ele-
21 mentary, secondary, or high schools that—

22 (A) are implementing comprehensive sup-
23 port and improvement activities or targeted
24 support and improvement activities under para-
25 graph (1) or (2) of section 1111(d) of the Ele-

1 mentary and Secondary Education Act of 1965
2 (20 U.S.C. 6311(d)); or

3 (B) serve high percentages of students who
4 are eligible for a free or reduced price lunch
5 under the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1751 et seq.) (which, in
7 the case of a high school, may be calculated
8 using comparable data from the schools that
9 feed into the high school).

10 (e) AUTHORIZATION OF APPROPRIATIONS.—From
11 the amounts made available to carry out section 2106
12 under section 2116 for each of fiscal years 2022 through
13 2026, the Director shall use \$25,000,000 for each such
14 fiscal year to carry out this section.

15 **SEC. 2115. INTELLECTUAL PROPERTY PROTECTION.**

16 Consistent with the requirements for the award, all
17 intellectual property that is developed through the Foun-
18 dation, or any program that has received funding through
19 this division (or an amendment made by this division),
20 shall not be transferred to—

21 (1) any foreign entity of concern, as defined in
22 section 2307(a);

23 (2) any United States subsidiary, division, or
24 chapter of such a foreign entity of concern; or

1 (3) any for-profit, or nonprofit, partnership
2 that includes such a foreign entity of concern in the
3 partnership.

4 **SEC. 2116. AUTHORIZATION OF APPROPRIATIONS FOR THE**
5 **FOUNDATION.**

6 (a) FISCAL YEAR 2022.—

7 (1) FOUNDATION.—There is authorized to be
8 appropriated to the Foundation \$10,800,000,000 for
9 fiscal year 2022.

10 (2) SPECIFIC NSF ALLOCATIONS.—Of the
11 amount authorized under paragraph (1)—

12 (A) \$9,000,000,000 shall be made avail-
13 able to carry out the activities of the Founda-
14 tion outside of the Directorate, of which
15 \$800,000,000 shall be for STEM education and
16 related activities, including workforce activities
17 under section 2202; and

18 (B) \$1,800,000,000 shall be made avail-
19 able to the Directorate, of which—

20 (i) \$594,000,000 shall be for the in-
21 novation centers under section 2104;

22 (ii) \$324,000,000 shall be for scholar-
23 ships, fellowships, and other activities
24 under section 2106;

1 (iii) \$252,000,000 shall be for aca-
2 demic technology transfer under section
3 2109;

4 (iv) \$180,000,000 shall be for test
5 beds under section 2108;

6 (v) \$270,000,000 shall be for research
7 and development activities under section
8 2107; and

9 (vi) an amount equal to 10 percent of
10 the total made available to the Directorate
11 under this subparagraph shall be trans-
12 ferred to the Foundation for collaboration
13 with directorates and offices of the Foun-
14 dation outside of the Directorate as de-
15 scribed under section 2102(c)(7).

16 (b) FISCAL YEAR 2023.—

17 (1) FOUNDATION.—There is authorized to be
18 appropriated to the Foundation \$12,800,000,000 for
19 fiscal year 2023.

20 (2) SPECIFIC NSF ALLOCATIONS.—Of the
21 amount authorized under paragraph (1)—

22 (A) \$9,600,000,000 shall be made avail-
23 able to carry out the activities of the Founda-
24 tion outside of the Directorate, of which
25 \$1,190,000,000 shall be for STEM education

1 and related activities, including workforce ac-
2 tivities under section 2202; and

3 (B) \$3,200,000,000 shall be made avail-
4 able to the Directorate, of which—

5 (i) \$1,056,000,000 shall be for the in-
6 novation centers under section 2104;

7 (ii) \$576,000,000 shall be for scholar-
8 ships, fellowships, and other activities
9 under section 2106;

10 (iii) \$448,000,000 shall be for aca-
11 demic technology transfer under section
12 2109;

13 (iv) \$320,000,000 shall be for test
14 beds under section 2108;

15 (v) \$480,000,000 shall be for research
16 and development activities under section
17 2107; and

18 (vi) an amount equal to 10 percent of
19 the total made available to the Directorate
20 under this subparagraph shall be trans-
21 ferred to the Foundation for collaboration
22 with directorates and offices of the Foun-
23 dation outside of the Directorate as de-
24 scribed under section 2102(c)(7).

25 (c) FISCAL YEAR 2024.—

1 (1) FOUNDATION.—There is authorized to be
2 appropriated to the Foundation \$16,600,000,000 for
3 fiscal year 2024.

4 (2) SPECIFIC NSF ALLOCATIONS.—Of the
5 amount authorized under paragraph (1)—

6 (A) \$10,300,000,000 shall be made avail-
7 able to carry out the activities of the Founda-
8 tion outside of the Directorate, of which
9 \$1,600,000,000 shall be for STEM education
10 and related activities, including workforce ac-
11 tivities under section 2202; and

12 (B) \$6,300,000,000 shall be made avail-
13 able to the Directorate, of which—

14 (i) \$2,079,000,000 shall be for the in-
15 novation centers under section 2104;

16 (ii) \$1,134,000,000 shall be for schol-
17 arships, fellowships, and other activities
18 under section 2106;

19 (iii) \$882,000,000 shall be for aca-
20 demic technology transfer under section
21 2109;

22 (iv) \$630,000,000 shall be for test
23 beds under section 2108;

1 (v) \$945,000,000 shall be for research
2 and development activities under section
3 2107; and

4 (vi) an amount equal to 10 percent of
5 the total made available to the Directorate
6 under this subparagraph shall be trans-
7 ferred to the Foundation for collaboration
8 with directorates and offices of the Foun-
9 dation outside of the Directorate as de-
10 scribed under section 2102(c)(7).

11 (d) FISCAL YEAR 2025.—

12 (1) FOUNDATION.—There is authorized to be
13 appropriated to the Foundation \$19,500,000,000 for
14 fiscal year 2025.

15 (2) SPECIFIC NSF ALLOCATIONS.—Of the
16 amount authorized under paragraph (1)—

17 (A) \$11,100,000,000 shall be made avail-
18 able to carry out the activities of the Founda-
19 tion outside of the Directorate, of which
20 \$2,100,000,000 shall be for STEM education
21 and related activities, including workforce ac-
22 tivities under section 2202; and

23 (B) \$8,400,000,000 shall be made avail-
24 able to the Directorate, of which—

1 (i) \$2,772,000,000 shall be for the in-
2 novation centers under section 2104;

3 (ii) \$1,512,000,000 shall be for schol-
4 arships, fellowships, and other activities
5 under section 2106;

6 (iii) \$1,176,000,000 shall be for aca-
7 demic technology transfer under section
8 2109;

9 (iv) \$840,000,000 shall be for test
10 beds under section 2108;

11 (v) \$1,260,000,000 shall be for re-
12 search and development activities under
13 section 2107; and

14 (vi) an amount equal to 10 percent of
15 the total made available to the Directorate
16 under this subparagraph shall be trans-
17 ferred to the Foundation for collaboration
18 with directorates and offices of the Foun-
19 dation outside of the Directorate as de-
20 scribed under section 2102(c)(7).

21 (e) FISCAL YEAR 2026.—

22 (1) FOUNDATION.—There is authorized to be
23 appropriated to the Foundation \$21,300,000,000 for
24 fiscal year 2026.

1 (2) SPECIFIC NSF ALLOCATIONS.—Of the
2 amount authorized under paragraph (1)—

3 (A) \$12,000,000,000 shall be made avail-
4 able to carry out the activities of the Founda-
5 tion outside of the Directorate, of which
6 \$2,540,000,000 shall be for STEM education
7 and related activities, including workforce ac-
8 tivities under section 2202; and

9 (B) \$9,300,000,000 shall be made avail-
10 able to the Directorate, of which—

11 (i) \$3,069,000,000 shall be for the in-
12 novation centers under section 2104;

13 (ii) \$1,674,000,000 shall be for schol-
14 arships, fellowships, and other activities
15 under section 2106;

16 (iii) \$1,302,000,000 shall be for aca-
17 demic technology transfer under section
18 2109;

19 (iv) \$930,000,000 shall be for test
20 beds under section 2108;

21 (v) \$1,395,000,000 shall be for re-
22 search and development activities under
23 section 2107; and

24 (vi) an amount equal to 10 percent of
25 the total made available to the Directorate

1 under this subparagraph shall be trans-
2 ferred to the Foundation for collaboration
3 with directorates and offices of the Foun-
4 dation outside of the Directorate as de-
5 scribed under section 2102(c)(7).

6 (f) ALLOCATION AND LIMITATIONS.—

7 (1) ALLOCATION FOR THE OFFICE OF INSPEC-
8 TOR GENERAL.—From any amounts appropriated
9 for the Foundation for a fiscal year, the Director
10 shall allocate for necessary expenses of the Office of
11 Inspector General of the Foundation an amount of
12 not less than \$33,000,000 in any fiscal year for
13 oversight of the programs and activities funded
14 under this section in accordance with the Inspector
15 General Act of 1978 (5 U.S.C. App.).

16 (2) SUPPLEMENT AND NOT SUPPLANT.—The
17 amounts authorized to be appropriated under this
18 section shall supplement, and not supplant, any
19 other amounts previously appropriated to the Office
20 of the Inspector General of the Foundation.

21 (3) NO NEW AWARDS.—The Director shall not
22 make any new awards for the activities under the
23 Directorate for any fiscal year in which the total
24 amount appropriated to the Foundation (not includ-
25 ing amounts appropriated for the Directorate) is less

1 than the total amount appropriated to the Founda-
2 tion (not including such amounts), adjusted by the
3 rate of inflation, for the previous fiscal year.

4 (4) NO FUNDS FOR CONSTRUCTION.—No funds
5 provided to the Directorate under this section shall
6 be used for construction.

7 **SEC. 2117. AUTHORIZATION OF APPROPRIATIONS FOR THE**
8 **DEPARTMENT OF ENERGY.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) FISCAL YEAR 2022.—There is authorized to
11 be appropriated to the Department of Energy
12 \$1,000,000,000 for fiscal year 2022 to carry out re-
13 search and development.

14 (2) FISCAL YEAR 2023.—There is authorized to
15 be appropriated to the Department of Energy
16 \$1,800,000,000 for fiscal year 2023 to carry out re-
17 search and development.

18 (3) FISCAL YEAR 2024.—There is authorized to
19 be appropriated to the Department of Energy
20 \$3,700,000,000 for fiscal year 2024 to carry out re-
21 search and development.

22 (4) FISCAL YEAR 2025.—There is authorized to
23 be appropriated to the Department of Energy
24 \$4,900,000,000 for fiscal year 2025 to carry out re-
25 search and development.

1 (5) FISCAL YEAR 2026.—There is authorized to
2 be appropriated to the Department of Energy
3 \$5,500,000,000 for fiscal year 2026 to carry out re-
4 search and development.

5 (b) SUPPLEMENT AND NOT SUPPLANT.—The
6 amounts authorized to be appropriated under this section
7 shall supplement, and not supplant, any other amounts
8 previously authorized to be appropriated to the Depart-
9 ment of Energy.

10 (c) NO FUNDS FOR CONSTRUCTION.—No funds pro-
11 vided to the Department of Energy under this section shall
12 be used for construction.

13 **TITLE II—NSF RESEARCH, STEM,**
14 **AND GEOGRAPHIC DIVERSITY**
15 **INITIATIVES**

16 **SEC. 2201. CHIEF DIVERSITY OFFICER OF THE NSF.**

17 (a) CHIEF DIVERSITY OFFICER.—

18 (1) APPOINTMENT.—The President shall ap-
19 point, by and with the consent of the Senate, a Chief
20 Diversity Officer of the Foundation.

21 (2) QUALIFICATIONS.—The Chief Diversity Of-
22 ficer shall have significant experience, within the
23 Federal Government and the science community,
24 with diversity- and inclusion-related matters, includ-
25 ing—

1 (A) civil rights compliance;

2 (B) harassment policy, reviews, and inves-
3 tigations;

4 (C) equal employment opportunity; and

5 (D) disability policy.

6 (3) OVERSIGHT.—The Chief Diversity Officer
7 shall direct the Office of Diversity and Inclusion of
8 the Foundation and report directly to the Director
9 in the performance of the duties of the Chief Diver-
10 sity Officer under this section.

11 (b) DUTIES.—The Chief Diversity Officer is respon-
12 sible for providing advice on policy, oversight, guidance,
13 and coordination with respect to matters of the Founda-
14 tion related to diversity and inclusion, including ensuring
15 the geographic diversity of the Foundation programs.
16 Other duties may include—

17 (1) establishing and maintaining a strategic
18 plan that publicly states a diversity definition, vision,
19 and goals for the Foundation;

20 (2) defining a set of strategic metrics that
21 are—

22 (A) directly linked to key organizational
23 priorities and goals;

24 (B) actionable; and

1 (C) actively used to implement the stra-
2 tegic plan under paragraph (1);

3 (3) advising in the establishment of a strategic
4 plan for diverse participation by individuals and in-
5 stitutions of higher education, including community
6 colleges, historically Black colleges and universities,
7 Tribal colleges or universities, minority-serving insti-
8 tutions, institutions of higher education with an es-
9 tablished STEM capacity building program focused
10 on traditionally underrepresented populations in
11 STEM, including Native Hawaiians, Alaska Natives,
12 and other Indians, and institutions from jurisdic-
13 tions eligible to participate under section 113 of the
14 National Science Foundation Authorization Act of
15 1988 (42 U.S.C. 1862g);

16 (4) advising in the establishment of a strategic
17 plan for outreach to, and recruiting from, untapped
18 locations and underrepresented populations;

19 (5) advising on the application of the Founda-
20 tion's broader impacts review criterion; and

21 (6) performing such additional duties and exer-
22 cise such powers as the Director may prescribe.

23 (c) FUNDING.—From any amounts appropriated for
24 the Foundation for each of fiscal years 2022 through

1 2026, the Director shall allocate \$5,000,000 to carry out
2 this section for each such year.

3 **SEC. 2202. PROGRAMS TO ADDRESS THE STEM WORK-**
4 **FORCE.**

5 (a) IN GENERAL.—The Director shall issue under-
6 graduate scholarships, including at community colleges,
7 graduate fellowships and traineeships, postdoctoral
8 awards, and, as appropriate, other awards.

9 (b) IMPLEMENTATION.—The Director may carry out
10 subsection (a) by making awards—

11 (1) directly to students; or

12 (2) to institutions of higher education or con-
13 sortia of institutions of higher education, including
14 those institutions or consortia involved in operating
15 university technology centers established under sec-
16 tion 2104(a).

17 (c) BROADENING PARTICIPATION.—In carrying out
18 this section, the Director shall take steps to increase the
19 participation of populations that are underrepresented in
20 STEM, which may include—

21 (1) establishing or augmenting programs tar-
22 geted at populations that are underrepresented in
23 STEM;

24 (2) supporting traineeships or other relevant
25 programs at minority-serving institutions (or institu-

1 tions of higher education with an established STEM
2 capacity building program focused on traditionally
3 underrepresented populations in STEM, including
4 Native Hawaiians, Alaska Natives, and other Indi-
5 ans);

6 (3) addressing current and expected gaps in the
7 availability and skills of the STEM workforce, or ad-
8 dressing the needs of the STEM workforce, includ-
9 ing by prioritizing awards to United States citizens,
10 permanent residents, and individuals that will grow
11 the domestic workforce;

12 (4) addressing geographic diversity in the
13 STEM workforce; and

14 (5) awarding grants to institutions of higher
15 education to address STEM workforce gaps, includ-
16 ing for programs that recruit, retain, and progress
17 students to a bachelor's degree in a STEM discipline
18 concurrent with a secondary school diploma, such as
19 through existing and new partnerships with State
20 educational agencies.

21 (d) INNOVATION.—

22 (1) GRADUATE EDUCATION.—In carrying out
23 this section, the Director shall encourage innovation
24 in graduate education, and studying the impacts of
25 such innovations, including through encouraging in-

1 stitutions of higher education to offer graduate stu-
2 dents opportunities to gain experience in industry or
3 government as part of their graduate training, and
4 through support for students in professional masters
5 programs related to the key technology focus areas.

6 (2) POSTDOCTORAL PROFESSIONAL DEVELOP-
7 MENT.—In carrying out this section, the Director
8 shall encourage innovation in postdoctoral profes-
9 sional development, support the development and di-
10 versity of the STEM workforce, and study the im-
11 pacts of such innovation and support. To do so, the
12 Director may use postdoctoral awards established
13 under subsection (a) or leveraged under subsection
14 (e)(1) for fellowships or other temporary rotational
15 postings of not more than 2 years. Such fellowships
16 or temporary rotational postings shall be awarded—

17 (A) to qualified individuals who have a
18 doctoral degree and received such degree not
19 earlier than 5 years before the date that the fel-
20 lowship or temporary rotational posting begins;
21 and

22 (B) to carry out research in the key tech-
23 nology focus areas at Federal, State, local, and
24 Tribal government research facilities.

25 (3) DIRECT HIRE AUTHORITY.—

1 (A) IN GENERAL.—During fiscal year
2 2021 and any fiscal year thereafter, the head of
3 any Federal agency may appoint, without re-
4 gard to the provisions of subchapter I of chap-
5 ter 33 of title 5, United States Code, other than
6 sections 3303 and 3328 of that title, a qualified
7 candidate described in subparagraph (B) di-
8 rectly to a position in the competitive service
9 with the Federal agency for which the can-
10 didate meets Office of Personnel Management
11 qualification standards.

12 (B) FELLOWSHIP OR TEMPORARY ROTA-
13 TIONAL POSTING.—Subparagraph (A) applies
14 with respect to a former recipient of an award
15 under this subsection who—

16 (i) earned a doctoral degree in a
17 STEM field from an institution of higher
18 education; and

19 (ii) successfully fulfilled the require-
20 ments of the fellowship or temporary rota-
21 tional posting within a Federal agency.

22 (C) LIMITATION.—The direct hire author-
23 ity under this paragraph shall be exercised with
24 respect to a specific qualified candidate not
25 later than 2 years after the date that the can-

1 candidate completed the requirements related to
2 the fellowship or temporary rotational posting
3 described under this subsection.

4 (e) EXISTING PROGRAMS.—In carrying out this sec-
5 tion, the Director may leverage existing programs, includ-
6 ing programs that issue—

7 (1) postdoctoral awards;

8 (2) graduate fellowships and traineeships, inclu-
9 sive of the NSF Research Traineeships and fellow-
10 ships awarded under the Graduate Research Fellow-
11 ship Program; and

12 (3) scholarships, research experiences, and in-
13 ternships, including—

14 (A) scholarships to attend community col-
15 leges; and

16 (B) research experiences and internships
17 under sections 513, 514, and 515 of the Amer-
18 ica COMPETES Reauthorization Act of 2010
19 (42 U.S.C. 1862p-5; 1862p-6; 42 U.S.C.
20 1862p-7); and

21 (4) awards to institutions of higher education to
22 enable the institutions to fund innovation in under-
23 graduate and graduate education, increased edu-
24 cational capacity, and the development and estab-
25 lishment of new or specialized programs of study for

1 graduate, undergraduate, or technical college stu-
2 dents, and the evaluation of the effectiveness of the
3 programs of study.

4 (f) SET ASIDE.—The Director shall ensure that not
5 less than 20 percent of the funds available to carry out
6 this section shall be used to support institutions of higher
7 education, and other institutions, located in jurisdictions
8 that participate in the program under section 113 of the
9 National Science Foundation Authorization Act of 1988
10 (42 U.S.C. 1862g).

11 **SEC. 2203. EMERGING RESEARCH INSTITUTION PILOT PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—The Director shall establish a 5-
14 year pilot program for awarding grants to eligible partner-
15 ships, led by 1 or more emerging research institutions, to
16 build research and education capacity at emerging re-
17 search institutions to enable such institutions to con-
18 tribute to programs run by the Directorate.

19 (b) APPLICATIONS.—An eligible partnership seeking
20 a grant under this section shall submit an application to
21 the Director at such time, in such manner, and containing
22 such information as the Director may reasonably require,
23 including a statement of how the partnership will use the
24 funds awarded through the grant to achieve a lasting, sus-
25 tainable increase in the research and education capacity

1 of each emerging research institution included in the eligi-
2 ble partnership.

3 (c) ACTIVITIES.—An eligible partnership receiving a
4 grant under this section may use the funds awarded
5 through such grant for increasing research, education, and
6 innovation capacity, including for—

7 (1) faculty training and resources, including
8 joint resources;

9 (2) research experiences for undergraduate and
10 graduate students; and

11 (3) maintenance and repair of research equip-
12 ment and instrumentation.

13 (d) DEFINITION OF ELIGIBLE PARTNERSHIP.—In
14 this section, the term “eligible partnership” means a part-
15 nership of—

16 (1) at least 1 emerging research institution; and

17 (2) at least 1 institution that, on average for
18 the 3 years prior to an application for an award
19 under this section, received more than \$100,000,000
20 in Federal research funding.

21 **SEC. 2204. PERSONNEL MANAGEMENT AUTHORITIES FOR**
22 **THE FOUNDATION.**

23 (a) EXPERTS IN SCIENCE AND ENGINEERING.—

24 (1) PROGRAM AUTHORIZED.—The Foundation
25 may carry out a program of personnel management

1 authority provided under paragraph (2) in order to
2 facilitate recruitment of eminent experts in science
3 or engineering for research and development projects
4 and to enhance the administration and management
5 of the Foundation.

6 (2) PERSONNEL MANAGEMENT AUTHORITY.—
7 Under the program under paragraph (1), the Foun-
8 dation may—

9 (A) without regard to any provision of title
10 5, United States Code, governing the appoint-
11 ment of employees in the civil service, appoint
12 individuals to a total of not more than 140 po-
13 sitions in the Foundation, of which not more
14 than 5 such positions may be positions of ad-
15 ministration or management of the Foundation;

16 (B) notwithstanding any provision of title
17 5, United States Code, governing the rates of
18 pay or classification of employees in the execu-
19 tive branch, prescribe the rates of basic pay for
20 positions to which employees are appointed
21 under subparagraph (A)—

22 (i) in the case of employees appointed
23 pursuant to subparagraph (A) to any of 5
24 positions designated by the Foundation for
25 purposes of this clause, at rates not in ex-

1 cess of a rate equal to 150 percent of the
2 maximum rate of basic pay authorized for
3 positions at level I of the Executive Sched-
4 ule under section 5312 of title 5, United
5 States Code; and

6 (ii) in the case of any other employee
7 appointed pursuant to subparagraph (A),
8 at rates not in excess of the maximum rate
9 of basic pay authorized for senior-level po-
10 sitions under section 5376 of title 5,
11 United States Code; and

12 (C) pay any employee appointed under
13 subparagraph (A), other than an employee ap-
14 pointed to a position designated as described in
15 subparagraph (B)(i), payments in addition to
16 basic pay within the limit applicable to the em-
17 ployee under paragraph (4).

18 (3) LIMITATION ON TERM OF APPOINTMENT.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), the service of an employee
21 under an appointment under paragraph (2)(A)
22 may not exceed 4 years.

23 (B) EXTENSION.—The Director may, in
24 the case of a particular employee under the pro-
25 gram under paragraph (1), extend the period to

1 which service is limited under subparagraph (A)
2 by up to 2 years if the Director determines that
3 such action is necessary to promote the effi-
4 ciency of the Foundation, as applicable.

5 (4) MAXIMUM AMOUNT OF ADDITIONAL PAY-
6 MENTS PAYABLE.—Notwithstanding any other provi-
7 sion of this subsection or section 5307 of title 5,
8 United States Code, no additional payments may be
9 paid to an employee under paragraph (2)(C) in any
10 calendar year if, or to the extent that, the employ-
11 ee’s total annual compensation in such calendar year
12 will exceed the maximum amount of total annual
13 compensation payable at the salary set in accordance
14 with section 104 of title 3, United States Code.

15 (b) HIGHLY QUALIFIED EXPERTS IN NEEDED OCCU-
16 PATIONS.—

17 (1) IN GENERAL.—The Foundation may carry
18 out a program using the authority provided in para-
19 graph (2) in order to attract highly qualified experts
20 in needed occupations, as determined by the Foun-
21 dation. Individuals hired by the Director through
22 such authority may include individuals with exper-
23 tise in business creativity, innovation management,
24 design thinking, entrepreneurship, venture capital,
25 and related fields.

1 (2) AUTHORITY.—Under the program, the
2 Foundation may—

3 (A) appoint personnel from outside the
4 civil service and uniformed services (as such
5 terms are defined in section 2101 of title 5,
6 United States Code) to positions in the Foun-
7 dation without regard to any provision of title
8 5, United States Code, governing the appoint-
9 ment of employees to positions in the Founda-
10 tion;

11 (B) prescribe the rates of basic pay for po-
12 sitions to which employees are appointed under
13 subparagraph (A) at rates not in excess of the
14 maximum rate of basic pay authorized for sen-
15 ior-level positions under section 5376 of title 5,
16 United States Code, as increased by locality-
17 based comparability payments under section
18 5304 of such title, notwithstanding any provi-
19 sion of such title governing the rates of pay or
20 classification of employees in the executive
21 branch; and

22 (C) pay any employee appointed under
23 subparagraph (A) payments in addition to basic
24 pay within the limits applicable to the employee
25 under paragraph (4).

1 (3) LIMITATION ON TERM OF APPOINTMENT.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the service of an employee
4 under an appointment made pursuant to this
5 subsection may not exceed 5 years.

6 (B) EXTENSION.—The Foundation may, in
7 the case of a particular employee, extend the
8 period to which service is limited under sub-
9 paragraph (A) by up to 1 additional year if the
10 Foundation determines that such action is nec-
11 essary to promote the Foundation’s national se-
12 curity missions.

13 (4) LIMITATIONS ON ADDITIONAL PAYMENTS.—

14 (A) TOTAL AMOUNT.—

15 (i) IN GENERAL.—The total amount
16 of the additional payments paid to an em-
17 ployee under this subsection for any 12-
18 month period may not exceed the lesser of
19 the following amounts:

20 (I) \$50,000 in fiscal year 2021,
21 which may be adjusted annually there-
22 after by the Foundation, with a per-
23 centage increase equal to one-half of 1
24 percentage point less than the per-
25 centage by which the Employment

1 Cost Index, published quarterly by the
2 Bureau of Labor Statistics, for the
3 base quarter of the year before the
4 preceding calendar year exceeds the
5 Employment Cost Index for the base
6 quarter of the second year before the
7 preceding calendar year.

8 (II) The amount equal to 50 per-
9 cent of the employee's annual rate of
10 basic pay.

11 (ii) DEFINITION OF BASE QUARTER.—
12 For purposes of this subparagraph, the
13 term “base quarter” has the meaning
14 given such term by section 5302(3) of title
15 5, United States Code.

16 (B) ELIGIBILITY FOR PAYMENTS.—An em-
17 ployee appointed under this subsection is not el-
18 igible for any bonus, monetary award, or other
19 monetary incentive for service, except for pay-
20 ments authorized under this subsection.

21 (C) ADDITIONAL LIMITATION.—Notwith-
22 standing any other provision of this paragraph
23 or of section 5307 of title 5, United States
24 Code, no additional payments may be paid to
25 an employee under this subsection in any cal-

1 subsection before the termination of the
2 program; and

3 (B) the rate of basic pay prescribed for the
4 position under this subsection may not be re-
5 duced as long as the employee continues to
6 serve in the position without a break in service.

7 (c) ADDITIONAL HIRING AUTHORITY.—To the extent
8 needed to carry out the duties under subsection (a)(1),
9 the Director is authorized to utilize hiring authorities
10 under section 3372 of title 5, United States Code, to staff
11 the Foundation with employees from other Federal agen-
12 cies, State and local governments, Indian Tribes and Trib-
13 al organizations, institutions of higher education, and
14 other organizations, as described in that section, in the
15 same manner and subject to the same conditions, that
16 apply to such individuals utilized to accomplish other mis-
17 sions of the Foundation.

18 (d) NATIONAL ACADEMY OF PUBLIC ADMINISTRA-
19 TION.—

20 (1) STUDY.—Not later than 30 days after the
21 date of enactment of this division, the Director shall
22 contract with the National Academy of Public Ad-
23 ministration to conduct a study on the organiza-
24 tional and management structure of the Foundation,
25 to—

1 (A) evaluate and make recommendations to
2 efficiently and effectively implement the Direc-
3 torate for Technology and Innovation;

4 (B) evaluate and make recommendations
5 to ensure coordination of the Directorate for
6 Technology and Innovation with other direc-
7 torates and offices of the Foundation and other
8 Federal agencies; and

9 (C) make recommendations for the man-
10 agement of the Foundation's business and per-
11 sonnel practices, including implementation of
12 the new hiring authorities and program director
13 authorities provided in this section and section
14 2103.

15 (2) REVIEW.—Upon completion of the study
16 under paragraph (1), the Foundation shall review
17 the recommendations from the National Academy of
18 Public Administration and provide a briefing to Con-
19 gress on the plans of the Foundation to implement
20 any such recommendations.

21 **SEC. 2205. ADVANCED TECHNOLOGICAL MANUFACTURING**

22 **ACT.**

23 (a) FINDINGS AND PURPOSE.—Section 2 of the Sci-
24 entific and Advanced-Technology Act of 1992 (42 U.S.C.
25 1862h) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (3), by striking “science,
3 mathematics, and technology” and inserting
4 “science, technology, engineering, and mathe-
5 matics or STEM”;

6 (B) in paragraph (4), by inserting “edu-
7 cated” and before “trained”; and

8 (C) in paragraph (5), by striking “sci-
9 entific and technical education and training”
10 and inserting “STEM education and training”;
11 and

12 (2) in subsection (b)—

13 (A) in paragraph (2), by striking “mathe-
14 matics and science” and inserting “STEM
15 fields”; and

16 (B) in paragraph (4), by striking “mathe-
17 matics and science instruction” and inserting
18 “STEM instruction”.

19 (b) MODERNIZING REFERENCES TO STEM.—Section
20 3 of the Scientific and Advanced-Technology Act of 1992
21 (42 U.S.C. 1862i) is amended—

22 (1) in the section heading, by striking “**SCI-**
23 **ENTIFIC AND TECHNICAL EDUCATION** ” and in-
24 serting “**STEM EDUCATION**”;

25 (2) in subsection (a)—

1 (A) in the subsection heading, by striking
2 “SCIENTIFIC AND TECHNICAL EDUCATION ”
3 and inserting “STEM EDUCATION”;

4 (B) in the matter preceding paragraph
5 (1)—

6 (i) by inserting “and education to pre-
7 pare the skilled technical workforce to
8 meet workforce demands” before “, and to
9 improve”;

10 (ii) by striking “core education
11 courses in science and mathematics” and
12 inserting “core education courses in STEM
13 fields”;

14 (iii) by inserting “veterans and indi-
15 viduals engaged in” before “work in the
16 home”; and

17 (iv) by inserting “and on building a
18 pathway from secondary schools, to asso-
19 ciate-degree-granting institutions, to ca-
20 reers that require technical training” be-
21 fore “, and shall be designed”;

22 (C) in paragraph (1)—

23 (i) by inserting “and study” after
24 “development”; and

1 (ii) by striking “core science and
2 mathematics courses” and inserting “core
3 STEM courses”;

4 (D) in paragraph (2), by striking “science,
5 mathematics, and advanced-technology fields”
6 and inserting “STEM and advanced-technology
7 fields”;

8 (E) in paragraph (3)(A), by inserting “to
9 support the advanced-technology industries that
10 drive the competitiveness of the United States
11 in the global economy” before the semicolon at
12 the end;

13 (F) in paragraph (4), by striking “sci-
14 entific and advanced-technology fields” and in-
15 serting “STEM and advanced-technology
16 fields”; and

17 (G) in paragraph (5), by striking “ad-
18 vanced scientific and technical education” and
19 inserting “advanced STEM and advanced-tech-
20 nology”;

21 (3) in subsection (b)—

22 (A) by striking the subsection heading and
23 inserting the following: “CENTERS OF SCI-
24 ENTIFIC AND TECHNICAL EDUCATION.—”;

1 (B) in the matter preceding paragraph (1),
2 by striking “not to exceed 12 in number” and
3 inserting “in advanced-technology fields”;

4 (C) in paragraph (2), by striking “edu-
5 cation in mathematics and science” and insert-
6 ing “STEM education”; and

7 (D) in the flush matter following para-
8 graph (2), by striking “in the geographic region
9 served by the center”;

10 (4) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (A)—

13 (I) in the matter preceding clause
14 (i), by striking “to encourage” and all
15 that follows through “such means
16 as—” and inserting “to encourage the
17 development of career and educational
18 pathways with multiple entry and exit
19 points leading to credentials and de-
20 grees, and to assist students pursuing
21 pathways in STEM fields to transition
22 from associate-degree-granting col-
23 leges to bachelor-degree-granting in-
24 stitutions, through such means as—”;

1 (II) in clause (i), by striking “to
2 ensure” and inserting “to develop ar-
3 ticipation agreements that ensure”;
4 and

5 (III) in clause (ii), by striking
6 “courses at the bachelor-degree-grant-
7 ing institution” and inserting “the ca-
8 reer and educational pathways sup-
9 ported by the articulation agree-
10 ments”;

11 (ii) in subparagraph (B)—

12 (I) in clause (i), by inserting
13 “veterans and individuals engaged in”
14 before “work in the home”;

15 (II) in clause (iii)—

16 (aa) by striking “bachelor’s-
17 degree-granting institutions” and
18 inserting “institutions or work
19 sites”; and

20 (bb) by inserting “or indus-
21 try internships” after “summer
22 programs”; and

23 (III) by striking the flush text
24 following clause (iv); and

25 (iii) by striking subparagraph (C);

1 (B) in paragraph (2)—

2 (i) by striking “mathematics and
3 science programs” and inserting “STEM
4 programs”;

5 (ii) by inserting “and, as appropriate,
6 elementary schools,” after “with secondary
7 schools”;

8 (iii) by striking “mathematics and
9 science education” and inserting “STEM
10 education”;

11 (iv) by striking “secondary school stu-
12 dents” and inserting “students at these
13 schools”;

14 (v) by striking “science and advanced-
15 technology fields” and inserting “STEM
16 and advanced-technology fields”; and

17 (vi) by striking “agreements with local
18 educational agencies” and inserting “ar-
19 ticulation agreements or dual credit
20 courses with local secondary schools, or
21 other means as the Director determines
22 appropriate,”; and

23 (C) in paragraph (3)—

24 (i) by striking subparagraph (B);

1 (ii) by striking “shall—” and all that
2 follows through “establish a” and inserting
3 “shall establish a”;

4 (iii) by striking “the fields of science,
5 technology, engineering, and mathematics”
6 and inserting “STEM fields”; and

7 (iv) by striking “; and” and inserting
8 “, including jobs at Federal and academic
9 laboratories.”;

10 (5) in subsection (d)(2)—

11 (A) in subparagraph (D), by striking
12 “and” after the semicolon;

13 (B) in subparagraph (E), by striking the
14 period at the end and inserting a semicolon;
15 and

16 (C) by adding at the end the following:

17 “(F) as appropriate, applications that
18 apply the best practices for STEM education
19 and technical skills education through distance
20 learning or in a simulated work environment, as
21 determined by research described in subsection
22 (f); and”;

23 (6) in subsection (g), by striking the second
24 sentence;

25 (7) in subsection (h)(1)—

1 (A) in subparagraph (A), by striking
2 “2022” and inserting “2026”;

3 (B) in subparagraph (B), by striking
4 “2022” and inserting “2026”; and

5 (C) in subparagraph (C)—

6 (i) by striking “up to \$2,500,000”
7 and inserting “not less than \$3,000,000”;

8 and

9 (ii) by striking “2022” and inserting
10 “2026”;

11 (8) in subsection (i)—

12 (A) by striking paragraph (3); and

13 (B) by redesignating paragraphs (4) and
14 (5) as paragraphs (3) and (4), respectively; and

15 (9) in subsection (j)—

16 (A) by striking paragraph (1) and insert-
17 ing the following:

18 “(1) the term advanced-technology includes
19 technological fields such as advanced manufacturing,
20 agricultural-, biological- and chemical-technologies,
21 energy and environmental technologies, engineering
22 technologies, information technologies, micro and
23 nano-technologies, cybersecurity technologies,
24 geospatial technologies, and new, emerging tech-
25 nology areas;”;

1 (B) in paragraph (4), by striking “separate
2 bachelor-degree-granting institutions” and in-
3 serting “other entities”;

4 (C) by striking paragraph (7);

5 (D) by redesignating paragraphs (8) and
6 (9) as paragraphs (7) and (8), respectively;

7 (E) in paragraph (7), as redesignated by
8 subparagraph (D), by striking “and” after the
9 semicolon;

10 (F) in paragraph (8), as redesignated by
11 subparagraph (D)—

12 (i) by striking “mathematics, science,
13 engineering, or technology” and inserting
14 “science, technology, engineering, or math-
15 ematics”; and

16 (ii) by striking the period at the end
17 and inserting “; and”; and

18 (G) by adding at the end the following:

19 “(9) the term skilled technical workforce means
20 workers—

21 “(A) in occupations that use significant
22 levels of science and engineering expertise and
23 technical knowledge; and

24 “(B) whose level of educational attainment
25 is less than a bachelor degree.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 5 of the Scientific and Advanced-Technology Act of 1992
3 (42 U.S.C. 1862j) is amended to read as follows:

4 **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to the Di-
6 rector (from sums otherwise authorized to be appropriated
7 for the Foundation) for carrying out sections 2 through
8 4, \$150,000,000 for fiscal years 2022 through 2026.”.

9 **SEC. 2206. INTRAMURAL EMERGING INSTITUTIONS PILOT**
10 **PROGRAM.**

11 (a) ESTABLISHMENT.—The Director shall conduct
12 multiple pilot programs within the Foundation to expand
13 the number of institutions of higher education (including
14 such institutions that are community colleges), and other
15 eligible entities that the Director determines appropriate,
16 that are able to successfully compete for Foundation
17 grants.

18 (b) COMPONENTS.—Each pilot program described in
19 subsection (a) shall include at least 1 of the following ele-
20 ments:

21 (1) A mentorship program.

22 (2) Grant writing technical assistance.

23 (3) Targeted outreach, including to a minority-
24 serving institution (including a historically Black col-
25 lege or university, a Tribal college or university, or

1 a Hispanic-serving institution or an institution of
2 higher education with an established STEM capacity
3 building program focused on traditionally underrep-
4 resented populations in STEM, including Native Ha-
5 waiians, Alaska Natives, and other Indians).

6 (4) Programmatic support or solutions for insti-
7 tutions or entities that do not have an experienced
8 grant management office.

9 (5) An increase in the number of grant review-
10 ers from institutions of higher education that have
11 not traditionally received funds from the Founda-
12 tion.

13 (6) An increase of the term and funding, for a
14 period of 3 years or less, as appropriate, to a prin-
15 cipal investigator that is a first-time grant awardee,
16 when paired with regular mentoring on the adminis-
17 trative aspects of grant management.

18 (c) LIMITATION.—As appropriate, each pilot program
19 described in subsection (a) shall work to reduce adminis-
20 trative burdens.

21 (d) AGENCY-WIDE PROGRAMS.—Not later than 5
22 years after the date of enactment of this division, the Di-
23 rector shall—

24 (1) review the results of the pilot programs de-
25 scribed in subsection (a); and

1 (2) develop agency-wide best practices from the
2 pilot programs for implementation across the Foun-
3 dation, in order to fulfill the requirement under sec-
4 tion 3(e) of the National Science Foundation Act of
5 1950 (42 U.S.C. 1862(e)).

6 **SEC. 2207. PUBLIC-PRIVATE PARTNERSHIPS.**

7 (a) IN GENERAL.—The Director shall pursue part-
8 nerships with private industry, private foundations, or
9 other appropriate private entities to—

10 (1) enhance the impact of the Foundation’s in-
11 vestments and contributions to the United States
12 economic competitiveness and security; and

13 (2) make available infrastructure, expertise, and
14 financial resources to the United States scientific
15 and engineering research and education enterprise.

16 (b) MERIT REVIEW.—Nothing in this section shall be
17 construed as altering any intellectual or broader impacts
18 criteria at the Foundation for evaluating grant applica-
19 tions.

20 **SEC. 2208. AI SCHOLARSHIP-FOR-SERVICE ACT.**

21 (a) DEFINITIONS.—In this section:

22 (1) ARTIFICIAL INTELLIGENCE.—The term “ar-
23 tificial intelligence” or “AI” has the meaning given
24 the term “artificial intelligence” in section 238(g) of

1 the John S. McCain National Defense Authorization
2 Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

3 (2) EXECUTIVE AGENCY.—The term “executive
4 agency” has the meaning given the term “Executive
5 agency” in section 105 of title 5, United States
6 Code.

7 (3) REGISTERED INTERNSHIP.—The term “reg-
8 istered internship” means a Federal Registered In-
9 ternship Program coordinated through the Depart-
10 ment of Labor.

11 (b) IN GENERAL.—The Director, in coordination
12 with the Director of the Office of Personnel Management,
13 the Director of the National Institute of Standards and
14 Technology, and the heads of other agencies with appro-
15 priate scientific knowledge, shall establish a Federal artifi-
16 cial intelligence scholarship-for-service program (referred
17 to in this section as the Federal AI Scholarship-for-Service
18 Program) to recruit and train artificial intelligence profes-
19 sionals to lead and support the application of artificial in-
20 telligence to the missions of Federal, State, local, and
21 Tribal governments.

22 (c) QUALIFIED INSTITUTION OF HIGHER EDU-
23 CATION.—The Director, in coordination with the heads of
24 other agencies with appropriate scientific knowledge, shall
25 establish criteria to designate qualified institutions of

1 higher education that shall be eligible to participate in the
2 Federal AI Scholarship-for-Service program. Such criteria
3 shall include—

4 (1) measures of the institution's demonstrated
5 excellence in the education of students in the field
6 of artificial intelligence; and

7 (2) measures of the institution's ability to at-
8 tract and retain a diverse and non-traditional stu-
9 dent population in the fields of science, technology,
10 engineering, and mathematics, which may include
11 the ability to attract women, minorities, and individ-
12 uals with disabilities.

13 (d) PROGRAM DESCRIPTION AND COMPONENTS.—

14 The Federal AI Scholarship-for-Service Program shall—

15 (1) provide scholarships through qualified insti-
16 tutions of higher education to students who are en-
17 rolled in programs of study at institutions of higher
18 education leading to degrees or concentrations in or
19 related to the artificial intelligence field;

20 (2) provide the scholarship recipients with sum-
21 mer internship opportunities, registered internships,
22 or other meaningful temporary appointments in the
23 Federal workforce focusing on AI projects or re-
24 search;

1 (3) prioritize the employment placement of
2 scholarship recipients in executive agencies;

3 (4) identify opportunities to promote multi-dis-
4 ciplinary programs of study that integrate basic or
5 advanced AI training with other fields of study, in-
6 cluding those that address the social, economic,
7 legal, and ethical implications of human interaction
8 with AI systems; and

9 (5) support capacity-building education re-
10 search programs that will enable postsecondary edu-
11 cational institutions to expand their ability to train
12 the next-generation AI workforce, including AI re-
13 searchers and practitioners.

14 (e) SCHOLARSHIP AMOUNTS.—Each scholarship
15 under subsection (d) shall be in an amount that covers
16 the student’s tuition and fees at the institution for not
17 more than 3 years and provides the student with an addi-
18 tional stipend.

19 (f) POST-AWARD EMPLOYMENT OBLIGATIONS.—
20 Each scholarship recipient, as a condition of receiving a
21 scholarship under the program, shall enter into an agree-
22 ment under which the recipient agrees to work for a period
23 equal to the length of the scholarship, following receipt
24 of the student’s degree, in the AI mission of—

25 (1) an executive agency;

1 (2) Congress, including any agency, entity, of-
2 fice, or commission established in the legislative
3 branch;

4 (3) an interstate agency;

5 (4) a State, local, or Tribal government, which
6 may include instruction in AI-related skill sets in a
7 public school system; or

8 (5) a State, local, or Tribal government-affili-
9 ated nonprofit entity that is considered to be critical
10 infrastructure (as defined in section 1016(e) of the
11 USA Patriot Act (42 U.S.C. 5195c(e))).

12 (g) HIRING AUTHORITY.—

13 (1) APPOINTMENT IN EXCEPTED SERVICE.—
14 Notwithstanding any provision of chapter 33 of title
15 5, United States Code, governing appointments in
16 the competitive service, an executive agency may ap-
17 point an individual who has completed the eligible
18 degree program for which a scholarship was awarded
19 to a position in the excepted service in the executive
20 agency.

21 (2) NONCOMPETITIVE CONVERSION.—Except as
22 provided in paragraph (4), upon fulfillment of the
23 service term, an employee appointed under para-
24 graph (1) may be converted noncompetitively to
25 term, career-conditional, or career appointment.

1 (3) TIMING OF CONVERSION.—An executive
2 agency may noncompetitively convert a term em-
3 ployee appointed under paragraph (2) to a career-
4 conditional or career appointment before the term
5 appointment expires.

6 (4) AUTHORITY TO DECLINE CONVERSION.—An
7 executive agency may decline to make the non-
8 competitive conversion or appointment under para-
9 graph (2) for cause.

10 (h) ELIGIBILITY.—To be eligible to receive a scholar-
11 ship under this section, an individual shall—

12 (1) be a citizen or lawful permanent resident of
13 the United States;

14 (2) demonstrate a commitment to a career in
15 advancing the field of AI;

16 (3) be—

17 (A) a full-time student in an eligible degree
18 program at a qualified institution of higher
19 education, as determined by the Director;

20 (B) a student pursuing a degree on a less
21 than full-time basis, but not less than half-time
22 basis; or

23 (C) an AI faculty member on sabbatical to
24 advance knowledge in the field; and

1 (4) accept the terms of a scholarship under this
2 section.

3 (i) CONDITIONS OF SUPPORT.—

4 (1) IN GENERAL.—As a condition of receiving a
5 scholarship under this section, a recipient shall agree
6 to provide the qualified institution of higher edu-
7 cation with annual verifiable documentation of post-
8 award employment and up-to-date contact informa-
9 tion.

10 (2) TERMS.—A scholarship recipient under this
11 section shall be liable to the United States as pro-
12 vided in subsection (k) if the individual—

13 (A) fails to maintain an acceptable level of
14 academic standing at the applicable institution
15 of higher education, as determined by the Di-
16 rector;

17 (B) is dismissed from the applicable insti-
18 tution of higher education for disciplinary rea-
19 sons;

20 (C) withdraws from the eligible degree pro-
21 gram before completing the program;

22 (D) declares that the individual does not
23 intend to fulfill the post-award employment ob-
24 ligation under this section; or

1 (E) fails to fulfill the post-award employ-
2 ment obligation of the individual under this sec-
3 tion.

4 (j) MONITORING COMPLIANCE.—As a condition of
5 participating in the program, a qualified institution of
6 higher education shall—

7 (1) enter into an agreement with the Director
8 to monitor the compliance of scholarship recipients
9 with respect to their post-award employment obliga-
10 tions; and

11 (2) provide to the Director, on an annual basis,
12 the post-award employment documentation required
13 under subsection (i) for scholarship recipients
14 through the completion of their post-award employ-
15 ment obligations.

16 (k) AMOUNT OF REPAYMENT.—

17 (1) LESS THAN 1 YEAR OF SERVICE.—If a cir-
18 cumstance described in subsection (i)(2) occurs be-
19 fore the completion of 1 year of a post-award em-
20 ployment obligation under this section, the total
21 amount of scholarship awards received by the indi-
22 vidual under this section shall—

23 (A) be repaid; or

24 (B) be treated as a loan to be repaid in ac-
25 cordance with subsection (l).

1 (2) 1 OR MORE YEARS OF SERVICE.—If a cir-
2 cumstance described in subparagraph (D) or (E) of
3 subsection (i)(2) occurs after the completion of 1 or
4 more years of a post-award employment obligation
5 under this section, the total amount of scholarship
6 awards received by the individual under this section,
7 reduced by the ratio of the number of years of serv-
8 ice completed divided by the number of years of
9 service required, shall—

10 (A) be repaid; or

11 (B) be treated as a loan to be repaid in ac-
12 cordance with subsection (l).

13 (l) REPAYMENTS.—A loan described in subsection (k)
14 shall—

15 (1) be treated as a Federal Direct Unsubsidized
16 Stafford Loan under part D of title IV of the High-
17 er Education Act of 1965 (20 U.S.C. 1087a et seq.);
18 and

19 (2) be subject to repayment, together with in-
20 terest thereon accruing from the date of the scholar-
21 ship award, in accordance with terms and conditions
22 specified by the Director (in consultation with the
23 Secretary of Education).

24 (m) COLLECTION OF REPAYMENT.—

1 (1) IN GENERAL.—In the event that a scholar-
2 ship recipient is required to repay the scholarship
3 award under this section, the qualified institution of
4 higher education providing the scholarship shall—

5 (A) determine the repayment amounts and
6 notify the recipient and the Director of the
7 amounts owed; and

8 (B) collect the repayment amounts within
9 a period of time as determined by the Director,
10 or the repayment amounts shall be treated as a
11 loan in accordance with subsection (1).

12 (2) RETURNED TO TREASURY.—Except as pro-
13 vided in paragraph (3), any repayment under this
14 subsection shall be returned to the Treasury of the
15 United States.

16 (3) RETAIN PERCENTAGE.—A qualified institu-
17 tion of higher education may retain a percentage of
18 any repayment the institution collects under this
19 subsection to defray administrative costs associated
20 with the collection. The Director shall establish a
21 fixed percentage that will apply to all eligible enti-
22 ties, and may update this percentage as needed, in
23 the determination of the Director.

24 (n) EXCEPTIONS.—The Director may provide for the
25 partial or total waiver or suspension of any service or pay-

1 ment obligation by an individual under this section when-
2 ever compliance by the individual with the obligation is
3 impossible or would involve extreme hardship to the indi-
4 vidual, or if enforcement of such obligation with respect
5 to the individual would be unconscionable.

6 (o) PUBLIC INFORMATION.—

7 (1) EVALUATION.—The Director, in coordina-
8 tion with the Director of the Office of Personnel
9 Management, shall annually evaluate and make pub-
10 lic, in a manner that protects the personally identifi-
11 able information of scholarship recipients, informa-
12 tion on the success of recruiting individuals for
13 scholarships under this section and on hiring and re-
14 taining those individuals in the public sector AI
15 workforce, including information on—

16 (A) placement rates;

17 (B) where students are placed, including
18 job titles and descriptions;

19 (C) salary ranges for students not released
20 from obligations under this section;

21 (D) how long after graduation students are
22 placed;

23 (E) how long students stay in the positions
24 they enter upon graduation;

1 (F) how many students are released from
2 obligations; and

3 (G) what, if any, remedial training is re-
4 quired.

5 (2) REPORTS.—The Director, in coordination
6 with the Office of Personnel Management, shall sub-
7 mit, not less frequently than once every 3 years, to
8 the Committee on Homeland Security and Govern-
9 mental Affairs of the Senate, the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate, the Committee on Science, Space, and Tech-
12 nology of the House of Representatives, and the
13 Committee on Oversight and Reform of the House
14 of Representatives a report, including the results of
15 the evaluation under paragraph (1) and any recent
16 statistics regarding the size, composition, and edu-
17 cational requirements of the Federal AI workforce.

18 (3) RESOURCES.—The Director, in coordination
19 with the Director of the Office of Personnel Manage-
20 ment, shall provide consolidated and user-friendly
21 online resources for prospective scholarship recipi-
22 ents, including, to the extent practicable—

23 (A) searchable, up-to-date, and accurate
24 information about participating institutions of

1 higher education and job opportunities related
2 to the AI field; and

3 (B) a modernized description of AI ca-
4 reers.

5 (p) REFRESH.—Not less than once every 2 years, the
6 Director, in coordination with the Director of the Office
7 of Personnel Management, shall review and update the
8 Federal AI Scholarship-for-Service Program to reflect ad-
9 vances in technology.

10 **SEC. 2209. GEOGRAPHIC DIVERSITY.**

11 (a) DIRECTORATE.—The Director shall use not less
12 than 20 percent of the funds provided to the Directorate,
13 for each fiscal year, to carry out the program under sec-
14 tion 113 of the National Science Foundation Authoriza-
15 tion Act of 1988 (42 U.S.C. 1862g) for the purposes of
16 carrying out sections 2104, 2106, 2107, 2108, and 2109
17 of this Act.

18 (b) NATIONAL SCIENCE FOUNDATION.—The Direc-
19 tor shall use not less than 20 percent of the funds provided
20 to the Foundation, for each fiscal year, to carry out the
21 program under section 113 of the National Science Foun-
22 dation Authorization Act of 1988 (42 U.S.C. 1862g).

23 (c) DEPARTMENT OF ENERGY.—The Secretary of
24 Energy shall use not less than 20 percent of the funds
25 provided to the Department of Energy under section 2117

1 for each fiscal year to carry out the program under section
2 2203(b)(3) of the Energy Policy Act of 1992 (42 U.S.C.
3 13503(b)(3)).

4 (d) CONSORTIA.—In the case of an award to a con-
5 sortium under this division, the Director may count the
6 entire award toward meeting the funding requirements of
7 this section if the lead entity of the consortium is located
8 in a jurisdiction that is eligible to participate in the pro-
9 gram under section 113 of the National Science Founda-
10 tion Authorization Act of 1988 (42 U.S.C. 1862g). In the
11 case of an award to a consortium under this division, the
12 Secretary may count the entire award toward meeting the
13 funding requirements of this section if the lead entity of
14 the consortium is located in a jurisdiction that is eligible
15 to participate in the program under section 2203(b)(3) of
16 the Energy Policy Act of 1992 (42 U.S.C. 13503(b)(3)).

17 **SEC. 2210. RURAL STEM EDUCATION ACT.**

18 (a) DEFINITIONS.—In this section:

19 (1) FEDERAL LABORATORY.—The term “Fed-
20 eral laboratory” has the meaning given such term in
21 section 4 of the Stevenson-Wydler Technology Inno-
22 vation Act of 1980 (15 U.S.C. 3703).

23 (2) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given such term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (3) STEM.—The term “STEM” has the mean-
4 ing given the term in section 2 of the America COM-
5 PETES Reauthorization Act of 2010 (42 U.S.C.
6 6621 note).

7 (4) STEM EDUCATION.—The term “STEM
8 education” has the meaning given the term in sec-
9 tion 2 of the STEM Education Act of 2015 (42
10 U.S.C. 6621 note).

11 (b) NATIONAL SCIENCE FOUNDATION RURAL STEM
12 ACTIVITIES.—

13 (1) PREPARING RURAL STEM EDUCATORS.—

14 (A) IN GENERAL.—The Director shall pro-
15 vide grants on a merit-reviewed, competitive
16 basis to institutions of higher education or non-
17 profit organizations (or a consortium thereof)
18 for research and development to advance inno-
19 vative approaches to support and sustain high-
20 quality STEM teaching in rural schools.

21 (B) USE OF FUNDS.—

22 (i) IN GENERAL.—Grants awarded
23 under this paragraph shall be used for the
24 research and development activities re-

1 ferred to in subparagraph (A), which may
2 include—

3 (I) engaging rural educators of
4 students in prekindergarten through
5 grade 12 in professional learning op-
6 portunities to enhance STEM knowl-
7 edge, including computer science, and
8 develop best practices;

9 (II) supporting research on effec-
10 tive STEM teaching practices in rural
11 settings, including the use of rubrics
12 and mastery-based grading practices
13 to assess student performance when
14 employing the transdisciplinary teach-
15 ing approach for STEM disciplines;

16 (III) designing and developing
17 pre-service and in-service training re-
18 sources to assist such rural educators
19 in adopting transdisciplinary teaching
20 practices across STEM courses;

21 (IV) coordinating with local part-
22 ners to adapt STEM teaching prac-
23 tices to leverage local, natural, and
24 community assets in order to support
25 in-place learning in rural areas;

1 (V) providing hands-on training
2 and research opportunities for rural
3 educators described in subclause (I) at
4 Federal laboratories or institutions of
5 higher education, or in industry;

6 (VI) developing training and best
7 practices for educators who teach
8 multiple grade levels within a STEM
9 discipline;

10 (VII) designing and imple-
11 menting professional development
12 courses and experiences, including
13 mentoring, for rural educators de-
14 scribed in subclause (I) that combine
15 face-to-face and online experiences;
16 and

17 (VIII) any other activity the Di-
18 rector determines will accomplish the
19 goals of this paragraph.

20 (ii) RURAL STEM COLLABORATIVE.—

21 The Director shall establish a pilot pro-
22 gram of regional cohorts in rural areas
23 that will provide peer support, mentoring,
24 and hands-on research experiences for
25 rural STEM educators of students in pre-

1 kindergarten through grade 12, in order to
2 build an ecosystem of cooperation among
3 educators, researchers, academia, and local
4 industry.

5 (2) BROADENING PARTICIPATION OF RURAL
6 STUDENTS IN STEM.—

7 (A) IN GENERAL.—The Director shall pro-
8 vide grants on a merit-reviewed, competitive
9 basis to institutions of higher education or non-
10 profit organizations (or a consortium thereof)
11 for—

12 (i) research and development of pro-
13 gramming to identify the barriers rural
14 students face in accessing high-quality
15 STEM education; and

16 (ii) development of innovative solu-
17 tions to improve the participation and ad-
18 vancement of rural students in prekinde-
19 rgarten through grade 12 in STEM studies.

20 (B) USE OF FUNDS.—

21 (i) IN GENERAL.—Grants awarded
22 under this paragraph shall be used for the
23 research and development activities re-
24 ferred to in subparagraph (A), which may
25 include—

- 1 (I) developing partnerships with
2 community colleges to offer advanced
3 STEM course work, including com-
4 puter science, to rural high school stu-
5 dents;
- 6 (II) supporting research on effec-
7 tive STEM practices in rural settings;
- 8 (III) implementing a school-wide
9 STEM approach;
- 10 (IV) improving the Foundation's
11 Advanced Technology Education pro-
12 gram's coordination and engagement
13 with rural communities;
- 14 (V) collaborating with existing
15 community partners and networks,
16 such as the Cooperative Extension
17 System services and extramural re-
18 search programs of the Department of
19 Agriculture and youth serving organi-
20 zations like 4-H, after school STEM
21 programs, and summer STEM pro-
22 grams, to leverage community re-
23 sources and develop place-based pro-
24 gramming;

1 (VI) connecting rural school dis-
2 tricts and institutions of higher edu-
3 cation, to improve precollegiate STEM
4 education and engagement;

5 (VII) supporting partnerships
6 that offer hands-on inquiry-based
7 science activities, including coding,
8 and access to lab resources for stu-
9 dents studying STEM in prekind-
10 garten through grade 12 in a rural
11 area;

12 (VIII) evaluating the role of
13 broadband connectivity and its associ-
14 ated impact on the STEM and tech-
15 nology literacy of rural students;

16 (IX) building capacity to support
17 extracurricular STEM programs in
18 rural schools, including mentor-led en-
19 gagement programs, STEM programs
20 held during nonschool hours, STEM
21 networks, makerspaces, coding activi-
22 ties, and competitions; and

23 (X) any other activity the Direc-
24 tor determines will accomplish the
25 goals of this paragraph.

1 (3) APPLICATION.—An applicant seeking a
2 grant under paragraph (1) or (2) shall submit an
3 application at such time, in such manner, and con-
4 taining such information as the Director may re-
5 quire. The application may include the following:

6 (A) A description of the target population
7 to be served by the research activity or activi-
8 ties for which such grant is sought.

9 (B) A description of the process for re-
10 cruitment and selection of students, educators,
11 or schools from rural areas to participate in
12 such activity or activities.

13 (C) A description of how such activity or
14 activities may inform efforts to promote the en-
15 gagement and achievement of rural students in
16 prekindergarten through grade 12 in STEM
17 studies.

18 (D) In the case of a proposal consisting of
19 a partnership or partnerships with one or more
20 rural schools and one or more researchers, a
21 plan for establishing a sustained partnership
22 that is jointly developed and managed, draws
23 from the capacities of each partner, and is mu-
24 tually beneficial.

1 (4) PARTNERSHIPS.—In awarding grants under
2 paragraph (1) or (2), the Director shall—

3 (A) encourage applicants which, for the
4 purpose of the activity or activities funded
5 through the grant, include or partner with a
6 nonprofit organization or an institution of high-
7 er education (or a consortium thereof) that has
8 extensive experience and expertise in increasing
9 the participation of rural students in prekindergarten
10 through grade 12 in STEM; and

11 (B) encourage applicants which, for the
12 purpose of the activity or activities funded
13 through the grant, include or partner with a
14 consortium of rural schools or rural school districts.
15

16 (5) EVALUATIONS.—All proposals for grants
17 under paragraphs (1) and (2) shall include an evaluation
18 plan that includes the use of outcome-oriented
19 measures to assess the impact and efficacy of
20 the grant. Each recipient of a grant under this subsection
21 shall include results from these evaluative activities
22 in annual and final projects.

23 (6) ACCOUNTABILITY AND DISSEMINATION.—

24 (A) EVALUATION REQUIRED.—The Director
25 shall evaluate the portfolio of grants award-

1 ed under paragraphs (1) and (2). Such evalua-
2 tion shall—

3 (i) assess the results of research con-
4 ducted under such grants and identify best
5 practices; and

6 (ii) to the extent practicable, integrate
7 the findings of research resulting from the
8 activity or activities funded through such
9 grants with the findings of other research
10 on rural students' pursuit of degrees or ca-
11 reers in STEM.

12 (B) REPORT ON EVALUATIONS.—Not later
13 than 180 days after the completion of the eval-
14 uation under subparagraph (A), the Director
15 shall submit to Congress and make widely avail-
16 able to the public a report that includes—

17 (i) the results of the evaluation; and

18 (ii) any recommendations for adminis-
19 trative and legislative action that could op-
20 timize the effectiveness of the grants
21 awarded under this subsection.

22 (7) REPORT BY COMMITTEE ON EQUAL OPPOR-
23 TUNITIES IN SCIENCE AND ENGINEERING.—As part
24 of the first report required by section 36(e) of the
25 Science and Engineering Equal Opportunities Act

1 (42 U.S.C. 1885c(e)) transmitted to Congress after
2 the date of enactment of this division, the Com-
3 mittee on Equal Opportunities in Science and Engi-
4 neering shall include—

5 (A) a description of past and present poli-
6 cies and activities of the Foundation to encour-
7 age full participation of students in rural com-
8 munities in science, mathematics, engineering,
9 and computer science fields; and

10 (B) an assessment of the policies and ac-
11 tivities of the Foundation, along with proposals
12 for new strategies or the broadening of existing
13 successful strategies towards facilitating the
14 goal of increasing participation of rural stu-
15 dents in prekindergarten through grade 12 in
16 Foundation activities.

17 (8) COORDINATION.—In carrying out this sub-
18 section, the Director shall, for purposes of enhancing
19 program effectiveness and avoiding duplication of ac-
20 tivities, consult, cooperate, and coordinate with the
21 programs and policies of other relevant Federal
22 agencies.

23 (c) OPPORTUNITIES FOR ONLINE EDUCATION.—

24 (1) IN GENERAL.—The Director shall award
25 competitive grants to institutions of higher education

1 or nonprofit organizations (or a consortium thereof,
2 which may include a private sector partner) to con-
3 duct research on online STEM education courses for
4 rural communities.

5 (2) RESEARCH AREAS.—The research areas eli-
6 gible for funding under this subsection shall in-
7 clude—

8 (A) evaluating the learning and achieve-
9 ment of rural students in prekindergarten
10 through grade 12 in STEM subjects;

11 (B) understanding how computer-based
12 and online professional development courses
13 and mentor experiences can be integrated to
14 meet the needs of educators of rural students in
15 prekindergarten through grade 12;

16 (C) combining computer-based and online
17 STEM education and training with apprentice-
18 ships, mentoring, or other applied learning ar-
19 rangements;

20 (D) leveraging online programs to supple-
21 ment STEM studies for rural students that
22 need physical and academic accommodation;
23 and

1 (E) any other activity the Director deter-
2 mines will accomplish the goals of this sub-
3 section.

4 (3) EVALUATIONS.—All proposals for grants
5 under this subsection shall include an evaluation
6 plan that includes the use of outcome-oriented meas-
7 ures to assess the impact and efficacy of the grant.
8 Each recipient of a grant under this subsection shall
9 include results from these evaluative activities in an-
10 nual and final projects.

11 (4) ACCOUNTABILITY AND DISSEMINATION.—

12 (A) EVALUATION REQUIRED.—The Direc-
13 tor shall evaluate the portfolio of grants award-
14 ed under this subsection. Such evaluation
15 shall—

16 (i) use a common set of benchmarks
17 and tools to assess the results of research
18 conducted under such grants and identify
19 best practices; and

20 (ii) to the extent practicable, integrate
21 findings from activities carried out pursu-
22 ant to research conducted under this sub-
23 section, with respect to the pursuit of ca-
24 reers and degrees in STEM, with those ac-
25 tivities carried out pursuant to other re-

1 search on serving rural students and com-
2 munities.

3 (B) REPORT ON EVALUATIONS.—Not later
4 than 180 days after the completion of the eval-
5 uation under subparagraph (A), the Director
6 shall submit to Congress and make widely avail-
7 able to the public a report that includes—

8 (i) the results of the evaluation; and
9 (ii) any recommendations for adminis-
10 trative and legislative action that could op-
11 timize the effectiveness of the grants
12 awarded under this subsection.

13 (5) COORDINATION.—In carrying out this sub-
14 section, the Director shall, for purposes of enhancing
15 program effectiveness and avoiding duplication of ac-
16 tivities, consult, cooperate, and coordinate with the
17 programs and policies of other relevant Federal
18 agencies.

19 (d) NATIONAL ACADEMIES OF SCIENCES, ENGINEER-
20 ING, AND MEDICINE EVALUATION.—

21 (1) STUDY.—Not later than 12 months after
22 the date of enactment of this division, the Director
23 shall enter into an agreement with the National
24 Academies of Sciences, Engineering, and Medicine

1 under which the National Academies agree to con-
2 duct an evaluation and assessment that—

3 (A) evaluates the quality and quantity of
4 current Federal programming and research di-
5 rected at examining STEM education for stu-
6 dents in prekindergarten through grade 12 and
7 workforce development in rural areas;

8 (B) in coordination with the Federal Com-
9 munications Commission, assesses the impact
10 that the scarcity of broadband connectivity in
11 rural communities, and the affordability of
12 broadband connectivity, have on STEM and
13 technical literacy for students in prekind-
14 ergarten through grade 12 in rural areas;

15 (C) assesses the core research and data
16 needed to understand the challenges rural areas
17 are facing in providing quality STEM education
18 and workforce development;

19 (D) makes recommendations for action at
20 the Federal, State, and local levels for improv-
21 ing STEM education, including online STEM
22 education, for students in prekindergarten
23 through grade 12 and workforce development in
24 rural areas; and

1 (E) makes recommendations to inform the
2 implementation of programs in subsections (a),
3 (b), and (c).

4 (2) REPORT TO DIRECTOR.—The agreement en-
5 tered into under paragraph (1) shall require the Na-
6 tional Academies of Sciences, Engineering, and Med-
7 icine, not later than 24 months after the date of en-
8 actment of this division, to submit to the Director
9 a report on the study conducted under such para-
10 graph, including the National Academies' findings
11 and recommendations.

12 (e) GAO REVIEW.—Not later than 3 years after the
13 date of enactment of this division, the Comptroller General
14 of the United States shall conduct a study on the engage-
15 ment of rural populations in Federal STEM programs and
16 submit to Congress a report that includes—

17 (1) an assessment of how Federal STEM edu-
18 cation programs are serving rural populations;

19 (2) a description of initiatives carried out by
20 Federal agencies that are targeted at supporting
21 STEM education in rural areas;

22 (3) an assessment of what is known about the
23 impact and effectiveness of Federal investments in
24 STEM education programs that are targeted to
25 rural areas; and

1 U.S.C. 7801)), community colleges, and
2 area career and technical education
3 schools, including those in underserved and
4 rural communities,”; and

5 (ii) in paragraph (7)—

6 (I) by striking “and local col-
7 leges” and inserting the following:
8 “local high schools and local colleges,
9 including those in underserved and
10 rural communities,”; and

11 (II) by inserting “or other ap-
12 plied learning opportunities” after
13 “apprenticeships”; and

14 (B) in subsection (d)(3), by striking “,
15 community colleges, and area career and tech-
16 nical education schools,” and inserting the fol-
17 lowing: “and local high schools, community col-
18 leges, and area career and technical education
19 schools, including those in underserved and
20 rural communities,”.

21 (2) RURAL CONNECTIVITY PRIZE COMPETI-
22 TION.—

23 (A) PRIZE COMPETITION.—Pursuant to
24 section 24 of the Stevenson-Wydler Technology
25 Innovation Act of 1980 (15 U.S.C. 3719), the

1 Secretary of Commerce shall carry out a pro-
2 gram to award prizes competitively to stimulate
3 research and development of creative tech-
4 nologies to support the deployment of afford-
5 able and reliable broadband connectivity in
6 rural communities, including unserved rural
7 communities.

8 (B) PLAN FOR DEPLOYMENT IN RURAL
9 COMMUNITIES.—Each proposal submitted pur-
10 suant to subparagraph (A) shall include a pro-
11 posed plan for deployment of the technology
12 that is the subject of such proposal.

13 (C) PRIZE AMOUNT.—In carrying out the
14 program under subparagraph (A), the Secretary
15 may award not more than a total of \$5,000,000
16 to one or more winners of the prize competition.

17 (D) REPORT.—Not later than 60 days
18 after the date on which a prize is awarded
19 under the prize competition, the Secretary shall
20 submit to the relevant committees of Congress
21 a report that describes the winning proposal of
22 the prize competition.

23 (E) CONSULTATION.—In carrying out the
24 program under this paragraph, the Secretary
25 shall consult with the Federal Communications

1 Commission and the heads of relevant depart-
2 ments and agencies of the Federal Government.

3 **SEC. 2211. QUANTUM NETWORK INFRASTRUCTURE AND**
4 **WORKFORCE DEVELOPMENT ACT.**

5 (a) DEFINITIONS.—In this section:

6 (1) ESEA DEFINITIONS.—The terms “elemen-
7 tary school”, “high school”, “local educational agen-
8 cy”, and “secondary school” have the meanings
9 given those terms in section 8101 of the Elementary
10 and Secondary Education Act of 1965 (20 U.S.C.
11 7801).

12 (2) APPROPRIATE COMMITTEES OF CON-
13 GRESS.—The term “appropriate committees of Con-
14 gress” has the meaning given such term in section
15 2 of the National Quantum Initiative Act (15 U.S.C.
16 8801).

17 (3) INTERAGENCY WORKING GROUP.—The term
18 “Interagency Working Group” means the QIS
19 Workforce Working Group under the Subcommittee
20 on Quantum Information Science of the National
21 Science and Technology Council.

22 (4) Q2WORK PROGRAM.—The term “Q2Work
23 Program” means the Q2Work Program supported
24 by the Foundation.

1 (5) QUANTUM INFORMATION SCIENCE.—The
2 term “quantum information science” has the mean-
3 ing given such term in section 2 of the National
4 Quantum Initiative Act (15 U.S.C. 8801).

5 (6) STEM.—The term “STEM” has the mean-
6 ing given the term in section 2 of the America COM-
7 PETES Reauthorization Act of 2010 (42 U.S.C.
8 6621 note).

9 (b) QUANTUM NETWORKING WORKING GROUP RE-
10 PORT ON QUANTUM NETWORKING AND COMMUNICA-
11 TIONS.—

12 (1) REPORT.—Not later than 3 years after the
13 date of the enactment of this division, the Quantum
14 Networking Working Group within the Sub-
15 committee on Quantum Information Science of the
16 National Science and Technology Council shall sub-
17 mit to the appropriate committees of Congress a re-
18 port detailing a plan for the advancement of quan-
19 tum networking and communications technology in
20 the United States, building on A Strategic Vision for
21 America’s Quantum Networks and A Coordinated
22 Approach for Quantum Networking Research.

23 (2) REQUIREMENTS.—The report under para-
24 graph (1) shall include—

1 (A) a framework for interagency collabora-
2 tion on the advancement of quantum net-
3 working and communications research;

4 (B) a plan for interagency collaboration on
5 the development and drafting of international
6 standards for quantum communications tech-
7 nology, including standards relating to—

8 (i) quantum cryptography and post-
9 quantum classical cryptography;

10 (ii) network security;

11 (iii) quantum network infrastructure;

12 (iv) transmission of quantum informa-
13 tion through optical fiber networks; and

14 (v) any other technologies considered
15 appropriate by the Working Group;

16 (C) a proposal for the protection of na-
17 tional security interests relating to the advance-
18 ment of quantum networking and communica-
19 tions technology;

20 (D) recommendations to Congress for leg-
21 islative action relating to the framework, plan,
22 and proposal set forth pursuant to subpara-
23 graphs (A), (B), and (C), respectively; and

24 (E) such other matters as the Working
25 Group considers necessary to advance the secu-

1 rity of communications and network infrastruc-
2 ture, remain at the forefront of scientific dis-
3 covery in the quantum information science do-
4 main, and transition quantum information
5 science research into the emerging quantum
6 technology economy.

7 (c) QUANTUM NETWORKING AND COMMUNICATIONS
8 RESEARCH.—

9 (1) RESEARCH.—The Under Secretary of Com-
10 merce for Standards and Technology shall carry out
11 research to facilitate the development and standard-
12 ization of quantum networking and communications
13 technologies and applications, including research on
14 the following:

15 (A) Quantum cryptography and post-quantum
16 classical cryptography.

17 (B) Quantum repeater technology.

18 (C) Quantum network traffic management.

19 (D) Quantum transduction.

20 (E) Long baseline entanglement and
21 teleportation.

22 (F) Such other technologies, processes, or
23 applications as the Under Secretary considers
24 appropriate.

1 (2) IMPLEMENTATION.—The Under Secretary
2 shall carry out the research required by paragraph
3 (1) through such divisions, laboratories, offices and
4 programs of the National Institute of Standards and
5 Technology as the Under Secretary considers appro-
6 priate and actively engaged in activities relating to
7 quantum information science.

8 (3) DEVELOPMENT OF STANDARDS.—For quan-
9 tum technologies deemed by the Under Secretary to
10 be at a readiness level sufficient for standardization,
11 the Under Secretary shall provide technical review
12 and assistance to such other Federal agencies as the
13 Under Secretary considers appropriate for the devel-
14 opment of quantum network infrastructure stand-
15 ards.

16 (4) AUTHORIZATION OF APPROPRIATIONS.—

17 (A) IN GENERAL.—There is authorized to
18 be appropriated to the Scientific and Technical
19 Research and Services account of the National
20 Institute of Standards and Technology to carry
21 out this subsection \$10,000,000 for each of fis-
22 cal years 2022 through 2026.

23 (B) SUPPLEMENT, NOT SUPPLANT.—The
24 amounts authorized to be appropriated under
25 subparagraph (A) shall supplement and not

1 supplant amounts already appropriated to the
2 account described in such subparagraph.

3 (d) QUANTUM WORKFORCE EVALUATION AND AC-
4 CELERATION.—

5 (1) IDENTIFICATION OF GAPS.—The Founda-
6 tion shall enter into an agreement with the National
7 Academies of Sciences, Engineering, and Medicine to
8 conduct a study of ways to support the next genera-
9 tion of quantum leaders.

10 (2) SCOPE OF STUDY.—In carrying out the
11 study described in paragraph (1), the National
12 Academies of Sciences, Engineering, and Medicine
13 shall identify—

14 (A) education gaps, including foundational
15 courses in STEM and areas in need of stand-
16 ardization, in elementary school, middle school,
17 high school, and higher education curricula,
18 that need to be rectified in order to prepare
19 students to participate in the quantum work-
20 force;

21 (B) the skills and workforce needs of in-
22 dustry, specifically identifying the cross-discipli-
23 nary academic degrees or academic courses nec-
24 essary—

1 (i) to qualify students for multiple ca-
2 reer pathways in quantum information
3 sciences and related fields;

4 (ii) to ensure the United States is
5 competitive in the field of quantum infor-
6 mation science while preserving national
7 security; and

8 (iii) to support the development of
9 quantum applications; and

10 (C) the resources and materials needed to
11 train elementary, middle, and high school edu-
12 cators to effectively teach curricula relevant to
13 the development of a quantum workforce.

14 (3) REPORTS.—

15 (A) EXECUTIVE SUMMARY.—Not later
16 than 2 years after the date of enactment of this
17 division, the National Academies of Science,
18 Engineering, and Medicine shall prepare and
19 submit to the Foundation, and programs or
20 projects funded by the Foundation, an executive
21 summary of progress regarding the study con-
22 ducted under paragraph (1) that outlines the
23 findings of the Academies as of such date.

24 (B) REPORT.—Not later than 3 years after
25 the date of enactment of this division, the Na-

1 tional Academies of Science, Engineering, and
2 Medicine shall prepare and submit a report con-
3 taining the results of the study conducted under
4 paragraph (1) to Congress, the Foundation,
5 and programs or projects funded by the Foun-
6 dation that are relevant to the acceleration of a
7 quantum workforce.

8 (e) INCORPORATING QISE INTO STEM CUR-
9 RICULUM.—

10 (1) IN GENERAL.—The Foundation shall,
11 through programs carried out or supported by the
12 Foundation, prioritize the better integration of
13 quantum information science and engineering (re-
14 ferred to in this subsection as QISE) into the STEM
15 curriculum for each grade level from kindergarten
16 through grade 12, and community colleges.

17 (2) REQUIREMENTS.—The curriculum integra-
18 tion under paragraph (1) shall include—

19 (A) methods to conceptualize QISE for ele-
20 mentary, middle, and high school curricula;

21 (B) methods for strengthening
22 foundational mathematics and science curricula;

23 (C) age-appropriate materials that apply
24 the principles of quantum information science
25 in STEM fields;

1 (D) recommendations for the standardiza-
2 tion of key concepts, definitions, and curriculum
3 criteria across government, academia, and in-
4 dustry; and

5 (E) materials that specifically address the
6 findings and outcomes of the study conducted
7 under subsection (d) and strategies to account
8 for the skills and workforce needs identified
9 through the study.

10 (3) COORDINATION.—In carrying out this sub-
11 section, the Foundation, including the STEM Edu-
12 cation Advisory Panel and the Advancing Informal
13 STEM Learning program and through the Founda-
14 tion’s role in the National Q–12 Education Partner-
15 ship and the programs such as the Q2Work Pro-
16 gram, shall coordinate with the Office of Science and
17 Technology Policy, EPSCoR eligible universities, and
18 any Federal agencies or working groups determined
19 necessary by the Foundation.

20 (4) REVIEW.—In implementing this subsection,
21 the Foundation shall support the community expan-
22 sion of the related report entitled Key Concepts for
23 Future QIS Learners (May 2020).

24 (f) QUANTUM EDUCATION PILOT PROGRAM.—

1 (1) IN GENERAL.—The Foundation, through
2 the Foundation’s role in the National Q–12 Edu-
3 cation Partnership and programs such as Q2Work
4 Program, and in coordination with the Directorate
5 for Education and Human Resources, shall carry
6 out a pilot program, to be known as the Next Gen-
7 eration Quantum Leaders Pilot Program, to provide
8 funding for the education and training of the next
9 generation of students in the fundamental principles
10 of quantum mechanics.

11 (2) REQUIREMENTS.—

12 (A) IN GENERAL.—In carrying out the
13 pilot program required by paragraph (1), the
14 Foundation shall—

15 (i) publish a call for applications
16 through the National Q–12 Education
17 Partnership website (or similar website)
18 for participation in the pilot program from
19 elementary schools, secondary schools, and
20 State educational agencies as determined
21 appropriate by the Foundation;

22 (ii) coordinate with educational service
23 agencies, associations that support STEM
24 educators or local educational agencies,
25 and partnerships through the Q–12 Edu-

1 cation Partnership, to encourage elemen-
2 tary schools, secondary schools, and State
3 educational agencies to participate in the
4 program as determined appropriate by the
5 Foundation;

6 (iii) accept applications in advance of
7 the academic year in which the program
8 shall begin; and

9 (iv) select elementary schools, sec-
10 ondary schools, and State educational
11 agencies to participate in the program, as
12 determined appropriate by the Foundation,
13 in accordance with qualifications deter-
14 mined by the QIS Workforce Working
15 Group, in coordination with the National
16 Q-12 Education Partnership.

17 (B) PRIORITIZATION.—In selecting pro-
18 gram participants under subparagraph (A)(iv),
19 the Director of the Foundation shall give pri-
20 ority to elementary schools, secondary schools,
21 and local educational agencies located in juris-
22 dictions eligible to participate in the Estab-
23 lished Program to Stimulate Competitive Re-
24 search (commonly known as EPSCoR), includ-

1 ing Tribal and rural elementary, middle, and
2 high schools in such jurisdictions.

3 (3) CONSULTATION.—The Foundation shall
4 carry out this subsection in consultation with the
5 QIS Workforce Working Group and the Advancing
6 Informal STEM Learning Program.

7 (4) REPORTING.—

8 (A) REPORT AND SELECTED PARTICI-
9 PANTS.—Not later than 90 days following the
10 closing of the application period under para-
11 graph (2)(A)(iii), the Director of the Founda-
12 tion shall submit to Congress a report on the
13 educational institutions selected to participate
14 in the pilot program required under paragraph
15 (1), specifying the percentage from nontradi-
16 tional geographies, including Tribal or rural
17 school districts.

18 (B) REPORT ON IMPLEMENTATION OF
19 CURRICULUM.—Not later than 2 years after the
20 date of enactment of this division, the Director
21 of the Foundation shall submit to Congress a
22 report on implementation of the curricula and
23 materials under the pilot program, including
24 the feasibility and advisability of expanding
25 such pilot program to include additional edu-

1 cational institutions beyond those originally se-
2 lected to participate in the pilot program.

3 (5) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated such funds as
5 may be necessary to carry out this subsection.

6 (6) TERMINATION.—This subsection shall cease
7 to have effect on the date that is 3 years after the
8 date of the enactment of this division.

9 (g) ENERGY SCIENCES NETWORK.—

10 (1) IN GENERAL.—The Secretary of Energy
11 (referred to in this subsection as the Secretary), in
12 coordination with the National Science Foundation
13 and the National Aeronautics and Space Administra-
14 tion, shall supplement the Energy Sciences Network
15 User Facility (referred to in this subsection as the
16 Network) with dedicated quantum network infra-
17 structure to advance development of quantum net-
18 working and communications technology.

19 (2) PURPOSE.—The purpose of paragraph (1)
20 is to utilize the Network to advance a broad range
21 of testing and research, including relating to—

22 (A) the establishment of stable, long-base-
23 line quantum entanglement and teleportation;

24 (B) quantum repeater technologies for
25 long-baseline communication purposes;

1 (C) quantum transduction;

2 (D) the coexistence of quantum and clas-
3 sical information;

4 (E) multiplexing, forward error correction,
5 wavelength routing algorithms, and other quan-
6 tum networking infrastructure; and

7 (F) any other technologies or applications
8 determined necessary by the Secretary.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to the Sec-
11 retary to carry out this subsection, \$10,000,000 for
12 each of fiscal years 2022 through 2026.

13 **SEC. 2212. SUPPORTING EARLY-CAREER RESEARCHERS**
14 **ACT.**

15 (a) SHORT TITLE.—This section may be cited as the
16 “Supporting Early-Career Researchers Act”.

17 (b) IN GENERAL.—The Director may establish a 2-
18 year pilot program to award grants to highly qualified
19 early-career investigators to carry out an independent re-
20 search program at the institution of higher education or
21 participating Federal research facility chosen by such in-
22 vestigator, to last for a period not greater than 2 years.

23 (c) PRIORITY FOR BROADENING PARTICIPATION.—In
24 awarding grants under this section, the Director shall give
25 priority to—

1 (1) early-career investigators who are from
2 groups that are underrepresented in science, tech-
3 nology, engineering, and mathematics research;

4 (2) early-career investigators who choose to
5 carry out independent research at a minority-serving
6 institution (or an institution of higher education
7 with an established STEM capacity building pro-
8 gram focused on traditionally underrepresented pop-
9 ulations in STEM, including Native Hawaiians,
10 Alaska Natives, and other Indians); and

11 (3) early-career investigators in a jurisdiction
12 eligible to participate under section 113 of the Na-
13 tional Science Foundation Authorization Act of 1988
14 (42 U.S.C. 1862g).

15 (d) **REPORTS FROM GRANTEES.**—Not later than 180
16 days after the end of the pilot program under this section,
17 each early-career investigator who receives a grant under
18 the pilot program shall submit a report to the Director
19 that describes how the early-career investigator used the
20 grant funds.

21 (e) **REPORT TO CONGRESS.**—Not later than 180 days
22 after the deadline for the submission of the reports de-
23 scribed in subsection (d), the Director shall submit a re-
24 port to the Committee on Commerce, Science, and Trans-
25 portation of the Senate and the Committee on Science,

1 Space, and Technology of the House of Representatives
2 that contains a summary of the uses of grant funds under
3 this section and the impact of the pilot program under
4 this section.

5 **SEC. 2213. ADVANCING PRECISION AGRICULTURE CAPA-**
6 **BILITIES ACT.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Advancing IoT for Precision Agriculture Act of 2021”.

9 (b) **PURPOSE.**—It is the purpose of this section to
10 promote scientific research and development opportunities
11 for connected technologies that advance precision agri-
12 culture capabilities.

13 (c) **FOUNDATION DIRECTIVE ON AGRICULTURAL**
14 **SENSOR RESEARCH.**—In awarding grants under the sen-
15 sor systems and networked systems programs of the Foun-
16 dation, the Director shall include in consideration of port-
17 folio balance research and development on sensor
18 connectivity in environments of intermittent connectivity
19 and intermittent computation—

20 (1) to improve the reliable use of advance sens-
21 ing systems in rural and agricultural areas; and

22 (2) that considers—

23 (A) direct gateway access for locally stored
24 data;

25 (B) attenuation of signal transmission;

1 (C) loss of signal transmission; and

2 (D) at-scale performance for wireless
3 power.

4 (d) UPDATING CONSIDERATIONS FOR PRECISION AG-
5 RICULTURE TECHNOLOGY WITHIN THE NSF ADVANCED
6 TECHNICAL EDUCATION PROGRAM.—Section 3 of the Sci-
7 entific and Advanced-Technology Act of 1992 (42 U.S.C.
8 1862i), as amended by section 2205, is further amended—

9 (1) in subsection (d)(2), by adding at the end
10 the following:

11 “(G) applications that incorporate distance
12 learning tools and approaches.”; and

13 (2) in subsection (e)(3)—

14 (A) in subparagraph (C), by striking
15 “and” after the semicolon;

16 (B) in subparagraph (D), by striking the
17 period at the end and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(E) applications that incorporate distance
20 learning tools and approaches.”.

21 (e) GAO REVIEW.—Not later than 18 months after
22 the date of enactment of this section, the Comptroller
23 General of the United States shall provide—

24 (1) a technology assessment of precision agri-
25 culture technologies, such as the existing use of—

1 (A) sensors, scanners, radio-frequency
2 identification, and related technologies that can
3 monitor soil properties, irrigation conditions,
4 and plant physiology;

5 (B) sensors, scanners, radio-frequency
6 identification, and related technologies that can
7 monitor livestock activity and health;

8 (C) network connectivity and wireless com-
9 munications that can securely support digital
10 agriculture technologies in rural and remote
11 areas;

12 (D) aerial imagery generated by satellites
13 or unmanned aerial vehicles;

14 (E) ground-based robotics;

15 (F) control systems design and
16 connectivity, such as smart irrigation control
17 systems; and

18 (G) data management software and ad-
19 vanced analytics that can assist decision mak-
20 ing and improve agricultural outcomes; and

21 (2) a review of Federal programs that provide
22 support for precision agriculture research, develop-
23 ment, adoption, education, or training, in existence
24 on the date of enactment of this section.

1 **SEC. 2214. CRITICAL MINERALS MINING RESEARCH.**

2 (a) CRITICAL MINERALS MINING RESEARCH AND
3 DEVELOPMENT AT THE FOUNDATION.—

4 (1) IN GENERAL.—In order to support supply
5 chain resiliency, the Director shall issue awards, on
6 a competitive basis, to institutions of higher edu-
7 cation or nonprofit organizations (or consortia of
8 such institutions or organizations) to support basic
9 research that will accelerate innovation to advance
10 critical minerals mining strategies and technologies
11 for the purpose of making better use of domestic re-
12 sources and eliminating national reliance on min-
13 erals and mineral materials that are subject to sup-
14 ply disruptions.

15 (2) USE OF FUNDS.—Activities funded by an
16 award under this section may include—

17 (A) advancing mining research and devel-
18 opment activities to develop new mapping and
19 mining technologies and techniques, including
20 advanced critical mineral extraction and pro-
21 duction, to improve existing or to develop new
22 supply chains of critical minerals, and to yield
23 more efficient, economical, and environmentally
24 benign mining practices;

25 (B) advancing critical mineral processing
26 research activities to improve separation,

1 alloying, manufacturing, or recycling techniques
2 and technologies that can decrease the energy
3 intensity, waste, potential environmental im-
4 pact, and costs of those activities;

5 (C) conducting long-term earth observation
6 of reclaimed mine sites, including the study of
7 the evolution of microbial diversity at such
8 sites;

9 (D) examining the application of artificial
10 intelligence for geological exploration of critical
11 minerals, including what size and diversity of
12 data sets would be required;

13 (E) examining the application of machine
14 learning for detection and sorting of critical
15 minerals, including what size and diversity of
16 data sets would be required;

17 (F) conducting detailed isotope studies of
18 critical minerals and the development of more
19 refined geologic models; or

20 (G) providing training and research oppor-
21 tunities to undergraduate and graduate stu-
22 dents to prepare the next generation of mining
23 engineers and researchers.

24 (b) CRITICAL MINERALS INTERAGENCY SUB-
25 COMMITTEE.—

1 (1) IN GENERAL.—In order to support supply
2 chain resiliency, the Critical Minerals Subcommittee
3 of the National Science and Technology Council (re-
4 ferred to in this subsection as the Subcommittee)
5 shall coordinate Federal science and technology ef-
6 forts to ensure secure and reliable supplies of critical
7 minerals to the United States.

8 (2) PURPOSES.—The purposes of the Sub-
9 committee shall be—

10 (A) to advise and assist the Committee on
11 Homeland and National Security and the Na-
12 tional Science and Technology Council on
13 United States policies, procedures, and plans as
14 it relates to critical minerals, including—

15 (i) Federal research, development, and
16 deployment efforts to optimize methods for
17 extractions, concentration, separation, and
18 purification of conventional, secondary,
19 and unconventional sources of critical min-
20 erals;

21 (ii) efficient use and reuse of critical
22 minerals;

23 (iii) the critical minerals workforce of
24 the United States; and

1 (iv) United States private industry in-
2 vestments in innovation and technology
3 transfer from federally funded science and
4 technology;

5 (B) to identify emerging opportunities,
6 stimulate international cooperation, and foster
7 the development of secure and reliable supply
8 chains of critical minerals;

9 (C) to ensure the transparency of informa-
10 tion and data related to critical minerals; and

11 (D) to provide recommendations on coordi-
12 nation and collaboration among the research,
13 development, and deployment programs and ac-
14 tivities of Federal agencies to promote a secure
15 and reliable supply of critical minerals nec-
16 essary to maintain national security, economic
17 well-being, and industrial production.

18 (3) RESPONSIBILITIES.—In carrying out para-
19 graphs (1) and (2), the Subcommittee may, taking
20 into account the findings and recommendations of
21 relevant advisory committees—

22 (A) provide recommendations on how Fed-
23 eral agencies may improve the topographic, geo-
24 logic, and geophysical mapping of the United
25 States and improve the discoverability, accessi-

1 bility, and usability of the resulting and existing
2 data, to the extent permitted by law and subject
3 to appropriate limitation for purposes of privacy
4 and security;

5 (B) assess the progress toward developing
6 critical minerals recycling and reprocessing
7 technologies, and technological alternatives to
8 critical minerals;

9 (C) examine options for accessing and de-
10 veloping critical minerals through investment
11 and trade with allies and partners of the United
12 States and provide recommendations;

13 (D) evaluate and provide recommendations
14 to incentivize the development and use of ad-
15 vances in science and technology in the private
16 industry;

17 (E) assess the need for and make rec-
18 ommendations to address the challenges the
19 United States critical minerals supply chain
20 workforce faces, including—

21 (i) aging and retiring personnel and
22 faculty;

23 (ii) public perceptions about the na-
24 ture of mining and mineral processing; and

1 (iii) foreign competition for United
2 States talent;

3 (F) develop, and update as necessary, a
4 strategic plan to guide Federal programs and
5 activities to enhance—

6 (i) scientific and technical capabilities
7 across critical mineral supply chains, in-
8 cluding a roadmap that identifies key re-
9 search and development needs and coordi-
10 nates ongoing activities for source diver-
11 sification, more efficient use, recycling, and
12 substitution for critical minerals; and

13 (ii) cross-cutting mining science, data
14 science techniques, materials science, man-
15 ufacturing science and engineering, com-
16 putational modeling, and environmental
17 health and safety research and develop-
18 ment; and

19 (G) report to the appropriate committees
20 of Congress on activities and findings under
21 this subsection.

22 (4) MANDATORY RESPONSIBILITIES.—In car-
23 rying out paragraphs (1) and (2), the Subcommittee
24 shall, taking into account the findings and rec-
25 ommendations of the relevant advisory committees,

1 identify and evaluate Federal policies and regula-
2 tions that restrict the mining of critical minerals.

3 (c) GRANT PROGRAM FOR DEVELOPMENT OF CRIT-
4 ICAL MINERALS AND METALS.—

5 (1) ESTABLISHMENT.—The Secretary of Com-
6 merce, in consultation with the Director and the
7 Secretary of the Interior, shall establish a grant pro-
8 gram to finance pilot projects for the development of
9 critical minerals and metals in the United States.

10 (2) LIMITATION ON GRANT AWARDS.—A grant
11 awarded under paragraph (1) may not exceed
12 \$10,000,000.

13 (3) ECONOMIC VIABILITY.—In awarding grants
14 under paragraph (1), the Secretary of Commerce
15 shall give priority to projects that the Secretary of
16 Commerce determines are likely to be economically
17 viable over the long term.

18 (4) SECONDARY RECOVERY.—In awarding
19 grants under paragraph (1), the Secretary of Com-
20 merce shall seek to award not less than 30 percent
21 of the total amount of grants awarded during the
22 fiscal year for projects relating to secondary recovery
23 of critical minerals and metals.

24 (5) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to the Sec-

1 retary of Commerce \$100,000,000 for each of fiscal
2 years 2021 through 2024 to carry out the grant pro-
3 gram established under paragraph (1).

4 (d) DEFINITIONS.—In this section:

5 (1) CRITICAL MINERAL; CRITICAL MINERAL OR
6 METAL.—The terms “critical mineral” and “critical
7 mineral or metal” include any host mineral of a crit-
8 ical mineral (within the meaning of those terms in
9 section 7002 of title VII of division Z of the Consoli-
10 dated Appropriations Act, 2021 (Public Law 116–
11 260)).

12 (2) SECONDARY RECOVERY.—The term “sec-
13 ondary recovery” means the recovery of critical min-
14 erals and metals from discarded end-use products or
15 from waste products produced during the metal re-
16 fining and manufacturing process, including from
17 mine waste piles, acid mine drainage sludge, or by-
18 products produced through legacy mining and metal-
19 lurgy activities.

20 **SEC. 2215. CAREGIVER POLICIES.**

21 (a) OSTP GUIDANCE.—Not later than 6 months
22 after the date of enactment of this division, the Director
23 of the Office of Science and Technology Policy, in con-
24 sultation with relevant agencies, shall provide guidance to
25 each Federal science agency to establish policies that—

1 (1) apply to all—

2 (A) research awards granted by such agen-
3 cy; and

4 (B) principal investigators of such research
5 who have caregiving responsibilities, including
6 care for a newborn or newly adopted child and
7 care for an immediate family member with a se-
8 rious health condition; and

9 (2) offer, to the extent feasible—

10 (A) flexibility in timing for the initiation of
11 approved research awards granted by such
12 agency;

13 (B) no-cost extensions of such research
14 awards; and

15 (C) grant supplements, as appropriate, to
16 research awards to sustain research activities
17 conducted under such awards.

18 (b) UNIFORMITY OF GUIDANCE.—In providing guid-
19 ance under subsection (a), the Director of the Office of
20 Science and Technology Policy shall encourage, to the ex-
21 tent practicable, uniformity and consistency in the policies
22 established pursuant to such guidance across all Federal
23 science agencies.

1 (c) ESTABLISHMENT OF POLICIES.—To the extent
2 practicable and consistent with guidance issued under sub-
3 section (a), Federal science agencies shall—

4 (1) maintain or develop and implement policies
5 for individuals described in paragraph (1)(B) of
6 such subsection; and

7 (2) broadly disseminate such policies to current
8 and potential awardees.

9 (d) DATA ON USAGE.—Federal science agencies shall
10 consider—

11 (1) collecting data on the usage of the policies
12 under subsection (c), at both institutions of higher
13 education and Federal laboratories; and

14 (2) reporting such data on an annual basis to
15 the Director of the Office of Science and Technology
16 Policy in such form as required by the Director of
17 the Office of Science and Technology Policy.

18 (e) SAVINGS.—

19 (1) PRIVACY.—This section shall be carried out
20 in accordance with all relevant privacy laws.

21 (2) INSTITUTIONS.—This section shall not af-
22 fect the grantee institution’s institutional policies.

23 (f) DEFINITION OF FEDERAL SCIENCE AGENCY.—In
24 this section, the term “Federal science agency” means any

1 Federal agency with an annual extramural research ex-
2 penditure of over \$100,000,000.

3 **SEC. 2216. PRESIDENTIAL AWARDS.**

4 (a) IN GENERAL.—The President is authorized to
5 make Presidential Awards for Excellence in Technology
6 and Science Research to researchers in underrepresented
7 populations, including women and underrepresented mi-
8 norities, who have demonstrated outstanding achievements
9 in technology or science research.

10 (b) NUMBER AND DISTRIBUTION OF AWARD RECIPI-
11 ENTS.—If the President elects to make Presidential
12 Awards for Excellence in Technology and Science Re-
13 search under subsection (a), the President shall make no
14 fewer than 104 Awards. In selecting researchers for the
15 Awards, the President shall select at least 2 researchers—

- 16 (1) from each of the States;
17 (2) from the District of Columbia; and
18 (3) from the Commonwealth of Puerto Rico.

19 (c) SELECTION PROCEDURES.—The President shall
20 carry out this section, including the establishment of the
21 selection procedures, after consultation with the Director
22 of the Office of Science and Technology Policy and other
23 appropriate officials of Federal agencies.

1 **SEC. 2217. BIOECONOMY RESEARCH AND DEVELOPMENT**

2 **ACT OF 2021.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Bioeconomy Research and Development Act of 2021”.

5 (b) **FINDINGS.**—The Congress makes the following
6 findings:

7 (1) Cellular and molecular processes may be
8 used, mimicked, or redesigned to develop new prod-
9 ucts, processes, and systems that improve societal
10 well-being, strengthen national security, and con-
11 tribute to the economy.

12 (2) Engineering biology relies on a workforce
13 with a diverse and unique set of skills combining the
14 biological, physical, chemical, and information
15 sciences and engineering.

16 (3) Long-term research and development is nec-
17 essary to create breakthroughs in engineering biol-
18 ogy. Such research and development requires govern-
19 ment investment, as many of the benefits are too
20 distant or uncertain for industry to support alone.

21 (4) Research is necessary to inform evidence-
22 based governance of engineering biology and to sup-
23 port the growth of the engineering biology industry.

24 (5) The Federal Government has an obligation
25 to ensure that ethical, legal, environmental, safety,
26 security, and societal implications of its science and

1 technology research and investment follows policies
2 of responsible innovation and fosters public trans-
3 parency.

4 (6) The Federal Government can play an im-
5 portant role by facilitating the development of tools
6 and technologies to further advance engineering biol-
7 ogy, including user facilities, by facilitating public-
8 private partnerships, by supporting risk research,
9 and by facilitating the commercial application in the
10 United States of research funded by the Federal
11 Government.

12 (7) The United States led the development of
13 the science and engineering techniques that created
14 the field of engineering biology, but due to increas-
15 ing international competition, the United States is
16 at risk of losing its competitive advantage if it does
17 not strategically invest the necessary resources.

18 (8) A National Engineering Biology Initiative
19 can serve to establish new research directions and
20 technology goals, improve interagency coordination
21 and planning processes, drive technology transfer to
22 the private sector, and help ensure optimal returns
23 on the Federal investment.

24 (c) DEFINITIONS.—In this section:

1 (1) BIOMANUFACTURING.—The term “bio-
2 manufacturing” means the utilization of biological
3 systems to develop new and advance existing prod-
4 ucts, tools, and processes at commercial scale.

5 (2) ENGINEERING BIOLOGY.—The term “engi-
6 neering biology” means the application of engineer-
7 ing design principles and practices to biological sys-
8 tems, including molecular and cellular systems, to
9 advance fundamental understanding of complex nat-
10 ural systems and to enable novel or optimize func-
11 tions and capabilities.

12 (3) INITIATIVE.—The term “Initiative” means
13 the National Engineering Biology Research and De-
14 velopment Initiative established under subsection
15 (d).

16 (4) OMICS.—The term “omics” refers to the
17 collective technologies used to explore the roles, rela-
18 tionships, and actions of the various types of mol-
19 ecules that make up the cells of an organism.

20 (d) NATIONAL ENGINEERING BIOLOGY RESEARCH
21 AND DEVELOPMENT INITIATIVE.—

22 (1) IN GENERAL.—The President, acting
23 through the Office of Science and Technology Policy,
24 shall implement a National Engineering Biology Re-
25 search and Development Initiative to advance soci-

1 etal well-being, national security, sustainability, and
2 economic productivity and competitiveness
3 through—

4 (A) advancing areas of research at the
5 intersection of the biological, physical, chemical,
6 data, and computational sciences and engineer-
7 ing to accelerate scientific understanding and
8 technological innovation in engineering biology;

9 (B) advancing areas of biomanufacturing
10 research to optimize, standardize, scale, and de-
11 liver new products and solutions;

12 (C) supporting social and behavioral
13 sciences and economics research that advances
14 the field of engineering biology and contributes
15 to the development and public understanding of
16 new products, processes, and technologies;

17 (D) improving the understanding of engi-
18 neering biology of the scientific and lay public
19 and supporting greater evidence-based public
20 discourse about its benefits and risks;

21 (E) supporting research relating to the
22 risks and benefits of engineering biology, in-
23 cluding under paragraph (4);

24 (F) supporting the development of novel
25 tools and technologies to accelerate scientific

1 understanding and technological innovation in
2 engineering biology;

3 (G) expanding the number of researchers,
4 educators, and students and a retooled work-
5 force with engineering biology training, includ-
6 ing from traditionally underrepresented and un-
7 derserved populations;

8 (H) accelerating the translation and com-
9 mercialization of engineering biology research
10 and development by the private sector; and

11 (I) improving the interagency planning and
12 coordination of Federal Government activities
13 related to engineering biology.

14 (2) INITIATIVE ACTIVITIES.—The activities of
15 the Initiative shall include—

16 (A) sustained support for engineering biol-
17 ogy research and development through—

18 (i) grants to fund the work of indi-
19 vidual investigators and teams of investiga-
20 tors, including interdisciplinary teams;

21 (ii) projects funded under joint solici-
22 tations by a collaboration of no fewer than
23 two agencies participating in the Initiative;
24 and

1 (iii) interdisciplinary research centers
2 that are organized to investigate basic re-
3 search questions, carry out technology de-
4 velopment and demonstration activities,
5 and increase understanding of how to scale
6 up engineering biology processes, including
7 biomanufacturing;

8 (B) sustained support for databases and
9 related tools, including—

10 (i) support for curated genomics,
11 epigenomics, and other relevant omics
12 databases, including plant and microbial
13 databases, that are available to researchers
14 to carry out engineering biology research
15 in a manner that does not compromise na-
16 tional security or the privacy or security of
17 information within such databases;

18 (ii) development of standards for such
19 databases, including for curation, inter-
20 operability, and protection of privacy and
21 security;

22 (iii) support for the development of
23 computational tools, including artificial in-
24 telligence tools, that can accelerate re-

1 search and innovation using such data-
2 bases; and

3 (iv) an inventory and assessment of
4 all Federal government omics databases to
5 identify opportunities to improve the utility
6 of such databases, as appropriate and in a
7 manner that does not compromise national
8 security or the privacy and security of in-
9 formation within such databases, and in-
10 form investment in such databases as crit-
11 ical infrastructure for the engineering biol-
12 ogy research enterprise;

13 (C) sustained support for the development,
14 optimization, and validation of novel tools and
15 technologies to enable the dynamic study of mo-
16 lecular processes in situ, including through—

17 (i) research conducted at Federal lab-
18 oratories;

19 (ii) grants to fund the work of inves-
20 tigators at institutions of higher education
21 and other nonprofit research institutions;

22 (iii) incentivized development of re-
23 tooled industrial sites across the country
24 that foster a pivot to modernized engineer-
25 ing biology initiatives; and

1 (iv) awards under the Small Business
2 Innovation Research Program and the
3 Small Business Technology Transfer Pro-
4 gram, as described in section 9 of the
5 Small Business Act (15 U.S.C. 638);

6 (D) support for education and training of
7 undergraduate and graduate students in engi-
8 neering biology, biomanufacturing, bioprocess
9 engineering, and computational science applied
10 to engineering biology and in the related eth-
11 ical, legal, environmental, safety, security, and
12 other societal domains;

13 (E) activities to develop robust mecha-
14 nisms for documenting and quantifying the out-
15 puts and economic benefits of engineering biol-
16 ogy; and

17 (F) activities to accelerate the translation
18 and commercialization of new products, proc-
19 esses, and technologies by—

20 (i) identifying precompetitive research
21 opportunities;

22 (ii) facilitating public-private partner-
23 ships in engineering biology research and
24 development;

1 (iii) connecting researchers, graduate
2 students, and postdoctoral fellows with en-
3 trepreneurship education and training op-
4 portunities; and

5 (iv) supporting proof of concept activi-
6 ties and the formation of startup compa-
7 nies including through programs such as
8 the Small Business Innovation Research
9 Program and the Small Business Tech-
10 nology Transfer Program.

11 (3) EXPANDING PARTICIPATION.—The Initia-
12 tive shall include, to the maximum extent prac-
13 ticable, outreach to primarily undergraduate and mi-
14 nority-serving institutions (and institutions of higher
15 education with an established STEM capacity build-
16 ing program focused on traditionally underrep-
17 resented populations in STEM, including Native Ha-
18 waiians, Alaska Natives, and other Indians) about
19 Initiative opportunities, and shall encourage the de-
20 velopment of research collaborations between re-
21 search-intensive universities and primarily under-
22 graduate and minority-serving institutions (and in-
23 stitutions of higher education with an established
24 STEM capacity building program focused on tradi-
25 tionally underrepresented populations in STEM, in-

1 cluding Native Hawaiians, Alaska Natives, and other
2 Indians).

3 (4) ETHICAL, LEGAL, ENVIRONMENTAL, SAFE-
4 TY, SECURITY, AND SOCIETAL ISSUES.—Initiative ac-
5 tivities shall take into account ethical, legal, environ-
6 mental, safety, security, and other appropriate soci-
7 etal issues by—

8 (A) supporting research, including in the
9 social sciences, and other activities addressing
10 ethical, legal, environmental, and other appro-
11 priate societal issues related to engineering biol-
12 ogy, including integrating research on such top-
13 ics with the research and development in engi-
14 neering biology, and encouraging the dissemina-
15 tion of the results of such research, including
16 through interdisciplinary engineering biology re-
17 search centers described in paragraph
18 (2)(A)(iii);

19 (B) supporting research and other activi-
20 ties related to the safety and security implica-
21 tions of engineering biology, including outreach
22 to increase awareness among Federal research-
23 ers and Federally-funded researchers at institu-
24 tions of higher education about potential safety

1 and security implications of engineering biology
2 research, as appropriate;

3 (C) ensuring that input from Federal and
4 non-Federal experts on the ethical, legal, envi-
5 ronmental, safety, security, and other appro-
6 priate societal issues related to engineering biol-
7 ogy is integrated into the Initiative;

8 (D) ensuring, through the agencies and de-
9 partments that participate in the Initiative, that
10 public input and outreach are integrated into
11 the Initiative by the convening of regular and
12 ongoing public discussions through mechanisms
13 such as workshops, consensus conferences, and
14 educational events, as appropriate; and

15 (E) complying with all applicable provi-
16 sions of Federal law.

17 (e) INITIATIVE COORDINATION.—

18 (1) INTERAGENCY COMMITTEE.—The Presi-
19 dent, acting through the Office of Science and Tech-
20 nology Policy, shall designate an interagency com-
21 mittee to coordinate activities of the Initiative as ap-
22 propriate, which shall be co-chaired by the Office of
23 Science and Technology Policy, and include rep-
24 resentatives from the Foundation, the Department
25 of Energy, the Department of Defense, the National

1 Aeronautics and Space Administration, the National
2 Oceanic and Atmospheric Administration, the Na-
3 tional Institute of Standards and Technology, the
4 Environmental Protection Agency, the Department
5 of Agriculture, the Department of Health and
6 Human Services, the Bureau of Economic Analysis,
7 and any other agency that the President considers
8 appropriate (in this section referred to as the Inter-
9 agency Committee). The Director of the Office of
10 Science and Technology Policy shall select an addi-
11 tional co-chairperson from among the members of
12 the Interagency Committee. The Interagency Com-
13 mittee shall oversee the planning, management, and
14 coordination of the Initiative. The Interagency Com-
15 mittee shall—

16 (A) provide for interagency coordination of
17 Federal engineering biology research, develop-
18 ment, and other activities undertaken pursuant
19 to the Initiative;

20 (B) establish and periodically update goals
21 and priorities for the Initiative;

22 (C) develop, not later than 12 months
23 after the date of the enactment of this division,
24 and update every 3 years thereafter, a strategic
25 plan submitted to the Committee on Science,

1 Space, and Technology and the Committee on
2 Energy and Commerce of the House of Rep-
3 resentatives and the Committee on Commerce,
4 Science, and Transportation and the Committee
5 on Health, Education, Labor, and Pensions of
6 the Senate that—

7 (i) guides the activities of the Initia-
8 tive for purposes of meeting the goals and
9 priorities established under (and updated
10 pursuant to) subparagraph (B); and

11 (ii) describes—

12 (I) the Initiative’s support for
13 long-term funding for interdisciplinary
14 engineering biology research and de-
15 velopment;

16 (II) the Initiative’s support for
17 education and public outreach activi-
18 ties;

19 (III) the Initiative’s support for
20 research and other activities on eth-
21 ical, legal, environmental, safety, secu-
22 rity, and other appropriate societal
23 issues related to engineering biology
24 including—

1 (aa) an applied biorisk man-
2 agement research plan;

3 (bb) recommendations for
4 integrating security into biologi-
5 cal data access and international
6 reciprocity agreements;

7 (cc) recommendations for
8 manufacturing restructuring to
9 support engineering biology re-
10 search, development, and scaling-
11 up initiatives; and

12 (dd) an evaluation of exist-
13 ing biosecurity governance poli-
14 cies, guidance, and directives for
15 the purposes of creating an
16 adaptable, evidence-based frame-
17 work to respond to emerging bio-
18 security challenges created by ad-
19 vances in engineering biology;

20 (IV) how the Initiative will con-
21 tribute to moving results out of the
22 laboratory and into application for the
23 benefit of society and United States
24 competitiveness; and

1 (V) how the Initiative will meas-
2 ure and track the contributions of en-
3 gineering biology to United States
4 economic growth and other societal in-
5 dicators;

6 (D) develop a national genomic sequencing
7 strategy to ensure engineering biology research
8 fully leverages plant, animal, and microbe bio-
9 diversity, as appropriate and in a manner that
10 does not compromise national security or the
11 privacy or security of human genetic informa-
12 tion, to enhance long-term innovation and com-
13 petitiveness in engineering biology in the United
14 States;

15 (E) develop a plan to utilize Federal pro-
16 grams, such as the Small Business Innovation
17 Research Program and the Small Business
18 Technology Transfer Program as described in
19 section 9 of the Small Business Act (15 U.S.C.
20 638), in support of the activities described in
21 subsection (d)(2)(C); and

22 (F) in carrying out this subsection, take
23 into consideration the recommendations of the
24 advisory committee established under subsection
25 (f), the results of the workshop convened under

1 subsection (d)(4)(D), existing reports on related
2 topics, and the views of academic, State, indus-
3 try, and other appropriate groups.

4 (2) TRIENNIAL REPORT.—Beginning with fiscal
5 year 2022 and ending in fiscal year 2028, not later
6 than 90 days after submission of the President’s an-
7 nual budget request and every third fiscal year
8 thereafter, the Interagency Committee shall prepare
9 and submit to the Committee on Science, Space, and
10 Technology of the House of Representatives and the
11 Committee on Commerce, Science, and Transpor-
12 tation of the Senate a report that includes—

13 (A) a summarized agency budget in sup-
14 port of the Initiative for the fiscal year to which
15 such budget request applies, for the following 2
16 fiscal years, for the then current fiscal year, in-
17 cluding a breakout of spending for each agency
18 participating in the Program, and for the devel-
19 opment and acquisition of any research facili-
20 ties and instrumentation; and

21 (B) an assessment of how Federal agencies
22 are implementing the plan described in para-
23 graph (1)(C), including—

24 (i) a description of the amount and
25 number of awards made under the Small

1 Business Innovation Research Program
2 and the Small Business Technology Trans-
3 fer Program (as described in section 9 of
4 the Small Business Act (15 U.S.C. 638))
5 in support of the Initiative;

6 (ii) a description of the amount and
7 number of projects funded under joint so-
8 licitations by a collaboration of no fewer
9 than 2 agencies participating in the Initia-
10 tive; and

11 (iii) a description of the effect of the
12 newly funded projects by the Initiative.

13 (3) INITIATIVE OFFICE.—

14 (A) IN GENERAL.—The President shall es-
15 tablish an Initiative Coordination Office, with a
16 Director and full-time staff, which shall—

17 (i) provide technical and administra-
18 tive support to the interagency committee
19 and the advisory committee established
20 under subsection (f);

21 (ii) serve as the point of contact on
22 Federal engineering biology activities for
23 government organizations, academia, in-
24 dustry, professional societies, State govern-
25 ments, interested citizen groups, and oth-

1 ers to exchange technical and pro-
2 grammatic information;

3 (iii) oversee interagency coordination
4 of the Initiative, including by encouraging
5 and supporting joint agency solicitation
6 and selection of applications for funding of
7 activities under the Initiative, as appro-
8 priate;

9 (iv) conduct public outreach, including
10 dissemination of findings and recommenda-
11 tions of the advisory committee established
12 under subsection (f), as appropriate;

13 (v) serve as the coordinator of ethical,
14 legal, environmental, safety, security, and
15 other appropriate societal input; and

16 (vi) promote access to, and early ap-
17 plication of, the technologies, innovations,
18 and expertise derived from Initiative activi-
19 ties to agency missions and systems across
20 the Federal Government, and to United
21 States industry, including startup compa-
22 nies.

23 (B) FUNDING.—The Director of the Office
24 of Science and Technology Policy, in coordina-
25 tion with each participating Federal department

1 and agency, as appropriate, shall develop and
2 annually update an estimate of the funds nec-
3 essary to carry out the activities of the Initia-
4 tive Coordination Office and submit such esti-
5 mate with an agreed summary of contributions
6 from each agency to Congress as part of the
7 President's annual budget request to Congress.

8 (C) TERMINATION.—The Initiative Coordi-
9 nation Office established under this paragraph
10 shall terminate on the date that is 10 years
11 after the date of the enactment of this Act.

12 (4) RULE OF CONSTRUCTION.—Nothing in this
13 subsection shall be construed to alter the policies,
14 processes, or practices of individual Federal agencies
15 in effect on the day before the date of the enactment
16 of this division relating to the conduct of biomedical
17 research and advanced development, including the
18 solicitation and review of extramural research pro-
19 posals.

20 (f) ADVISORY COMMITTEE.—

21 (1) IN GENERAL.—The agency co-chair of the
22 interagency committee established in subsection (e)
23 shall, in consultation with the Office of Science and
24 Technology Policy, designate or establish an advisory
25 committee on engineering biology research and de-

1 velopment (in this subsection referred to as the advi-
2 sory committee) to be composed of not fewer than
3 12 members, including representatives of research
4 and academic institutions, industry, and nongovern-
5 mental entities, who are qualified to provide advice
6 on the Initiative.

7 (2) ASSESSMENT.—The advisory committee
8 shall assess—

9 (A) the current state of United States
10 competitiveness in engineering biology, includ-
11 ing the scope and scale of United States invest-
12 ments in engineering biology research and de-
13 velopment in the international context;

14 (B) current market barriers to commer-
15 cialization of engineering biology products,
16 processes, and tools in the United States;

17 (C) progress made in implementing the
18 Initiative;

19 (D) the need to revise the Initiative;

20 (E) the balance of activities and funding
21 across the Initiative;

22 (F) whether the strategic plan developed or
23 updated by the interagency committee estab-
24 lished under subsection (e) is helping to main-

1 tain United States leadership in engineering bi-
2 ology;

3 (G) the management, coordination, imple-
4 mentation, and activities of the Initiative; and

5 (H) whether ethical, legal, environmental,
6 safety, security, and other appropriate societal
7 issues are adequately addressed by the Initia-
8 tive.

9 (3) REPORTS.—Beginning not later than 2
10 years after the date of enactment of this division,
11 and not less frequently than once every 3 years
12 thereafter, the advisory committee shall submit to
13 the President, the Committee on Science, Space, and
14 Technology of the House of Representatives, and the
15 Committee on Commerce, Science, and Transpor-
16 tation of the Senate, a report on—

17 (A) the findings of the advisory commit-
18 tee’s assessment under paragraph (2); and

19 (B) the advisory committee’s recommenda-
20 tions for ways to improve the Initiative.

21 (4) APPLICATION OF FEDERAL ADVISORY COM-
22 MITTEE ACT.—Section 14 of the Federal Advisory
23 Committee Act (5 U.S.C. App.) shall not apply to
24 the advisory committee.

1 (5) TERMINATION.—The advisory committee es-
2 tablished under paragraph (1) shall terminate on the
3 date that is 10 years after the date of the enactment
4 of this Act.

5 (g) EXTERNAL REVIEW OF ETHICAL, LEGAL, ENVI-
6 RONMENTAL, SAFETY, SECURITY, AND SOCIETAL
7 ISSUES.—

8 (1) IN GENERAL.—Not later than 6 months
9 after the date of enactment of this division, the Di-
10 rector shall seek to enter into an agreement with the
11 National Academies of Sciences, Engineering, and
12 Medicine to conduct a review, and make rec-
13 ommendations with respect to, the ethical, legal, en-
14 vironmental, safety, security, and other appropriate
15 societal issues related to engineering biology re-
16 search and development. The review shall include—

17 (A) an assessment of the current research
18 on such issues;

19 (B) a description of the research gaps re-
20 lating to such issues;

21 (C) recommendations on how the Initiative
22 can address the research needs identified pursu-
23 ant to subparagraph (B); and

24 (D) recommendations on how researchers
25 engaged in engineering biology can best incor-

1 porate considerations of ethical, legal, environ-
2 mental, safety, security, and other societal
3 issues into the development of research pro-
4 posals and the conduct of research.

5 (2) REPORT TO CONGRESS.—The agreement en-
6 tered into under paragraph (1) shall require the Na-
7 tional Academies of Sciences, Engineering, and Med-
8 icine to, not later than 2 years after the date of the
9 enactment of this division—

10 (A) submit to the Committee on Science,
11 Space, and Technology of the House of Rep-
12 resentatives and the Committee on Commerce,
13 Science, and Transportation of the Senate a re-
14 port containing the findings and recommenda-
15 tions of the review conducted under paragraph
16 (1); and

17 (B) make a copy of such report available
18 on a publicly accessible website.

19 (h) AGENCY ACTIVITIES.—

20 (1) NATIONAL SCIENCE FOUNDATION.—As part
21 of the Initiative, the Foundation shall—

22 (A) support basic research in engineering
23 biology through individual grants, collaborative
24 grants, and through interdisciplinary research
25 centers;

1 (B) support research on the environmental,
2 legal, ethical, and social implications of engi-
3 neering biology;

4 (C) provide support for research instru-
5 mentation for engineering biology disciplines,
6 including support for research, development, op-
7 timization and validation of novel technologies
8 to enable the dynamic study of molecular proc-
9 esses in situ;

10 (D) support curriculum development and
11 research experiences for secondary, under-
12 graduate, and graduate students in engineering
13 biology and biomanufacturing; and

14 (E) award grants, on a competitive basis,
15 to enable institutions to support graduate stu-
16 dents and postdoctoral fellows who perform
17 some of their engineering biology research in an
18 industry setting.

19 (2) DEPARTMENT OF COMMERCE.—

20 (A) NATIONAL INSTITUTE OF STANDARDS
21 AND TECHNOLOGY.—As part of the Initiative,
22 the Director of the National Institute of Stand-
23 ards and Technology shall—

24 (i) establish a bioscience research pro-
25 gram to advance the development of stand-

1 ard reference materials and measurements
2 and to create new data tools, techniques,
3 and processes necessary to advance engi-
4 neering biology and biomanufacturing;

5 (ii) provide access to user facilities
6 with advanced or unique equipment, serv-
7 ices, materials, and other resources to in-
8 dustry, institutions of higher education,
9 nonprofit organizations, and government
10 agencies to perform research and testing;
11 and

12 (iii) provide technical expertise to in-
13 form the potential development of guide-
14 lines or safeguards for new products, proc-
15 esses, and systems of engineering biology.

16 (B) NATIONAL OCEANIC AND ATMOS-
17 PHERIC ADMINISTRATION.—As part of the ini-
18 tiative, the Administrator of the National Oce-
19 anic and Atmospheric Administration shall—

20 (i) establish a program to conduct and
21 support omics research and associated
22 bioinformatic sciences to increase efficiency
23 and promote a sustainable bioeconomy
24 (blue economy) to develop the next genera-
25 tion of tools and products to improve eco-

1 system stewardship, monitoring, manage-
2 ment, assessments, and forecasts; and

3 (ii) collaborate with other agencies to
4 understand potential environmental threats
5 and safeguards relating to engineering bi-
6 ology.

7 (3) DEPARTMENT OF ENERGY.—As part of the
8 Initiative, the Secretary of Energy shall—

9 (A) conduct and support research, develop-
10 ment, demonstration, and commercial applica-
11 tion activities in engineering biology, including
12 in the areas of synthetic biology, advanced
13 biofuel development, biobased materials, and
14 environmental remediation;

15 (B) support the development, optimization
16 and validation of novel, scalable tools and tech-
17 nologies to enable the dynamic study of molec-
18 ular processes in situ; and

19 (C) provide access to user facilities with
20 advanced or unique equipment, services, mate-
21 rials, and other resources, including secure ac-
22 cess to high-performance computing, as appro-
23 priate, to industry, institutions of higher edu-
24 cation, nonprofit organizations, and government
25 agencies to perform research and testing.

1 (4) DEPARTMENT OF DEFENSE.—As part of
2 the Initiative, the Secretary of Defense shall—

3 (A) conduct and support research and de-
4 velopment in engineering biology and associated
5 data and information sciences;

6 (B) support curriculum development and
7 research experiences in engineering biology and
8 associated data and information sciences across
9 the military education system, to include service
10 academies, professional military education, and
11 military graduate education; and

12 (C) assess risks of potential national secu-
13 rity and economic security threats relating to
14 engineering biology.

15 (5) NATIONAL AERONAUTICS AND SPACE AD-
16 MINISTRATION.—As part of the Initiative, the Na-
17 tional Aeronautics and Space Administration shall—

18 (A) conduct and support basic and applied
19 research in engineering biology, including in
20 synthetic biology, and related to Earth and
21 space sciences, aeronautics, space technology,
22 and space exploration and experimentation, con-
23 sistent with the priorities established in the Na-
24 tional Academies' decadal surveys; and

1 (B) award grants, on a competitive basis,
2 that enable institutions to support graduate
3 students and postdoctoral fellows who perform
4 some of their engineering biology research in an
5 industry setting.

6 (6) DEPARTMENT OF AGRICULTURE.—As part
7 of the Initiative, the Secretary of Agriculture shall—

8 (A) support research and development in
9 engineering biology, including in synthetic biol-
10 ogy and biomaterials;

11 (B) award grants through the National In-
12 stitute of Food and Agriculture; and

13 (C) support development conducted by the
14 Agricultural Research Service.

15 (7) ENVIRONMENTAL PROTECTION AGENCY.—
16 As part of the Initiative, the Environmental Protec-
17 tion Agency shall support research on how products,
18 processes, and systems of engineering biology will af-
19 fect or can protect the environment.

20 (8) DEPARTMENT OF HEALTH AND HUMAN
21 SERVICES.—As part of the Initiative, the Secretary
22 of Health and Human Services, as appropriate and
23 consistent with activities of the Department of
24 Health and Human Services in effect on the day be-

1 fore the date of the enactment of this division,
2 shall—

3 (A) support research and development to
4 advance the understanding and application of
5 engineering biology for human health;

6 (B) support relevant interdisciplinary re-
7 search and coordination; and

8 (C) support activities necessary to facili-
9 tate oversight of relevant emerging biotech-
10 nologies.

11 (i) **RULE OF CONSTRUCTION.**—Nothing in this sec-
12 tion shall be construed to require public disclosure of in-
13 formation that is exempt from mandatory disclosure under
14 section 552 of title 5, United States Code.

15 **SEC. 2218. MICROGRAVITY UTILIZATION POLICY.**

16 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
17 gress that space technology and the utilization of the
18 microgravity environment for science, engineering, and
19 technology development is critical to long-term competi-
20 tiveness with near-peer competitors, including China.

21 (b) **POLICY.**—To the greatest extent appropriate, the
22 Foundation shall facilitate access to the microgravity envi-
23 ronment for awardees of funding from the Foundation, in-
24 cluding in private sector platforms, for the development
25 of science, engineering, and technology.

1 (c) REPORT.—Not later than 180 days after the date
2 of enactment of this division, the Director shall provide
3 to the appropriate committees of Congress a report on the
4 Foundation’s plan for facilitating awardee access to the
5 microgravity environment.

6 **TITLE III—RESEARCH SECURITY**

7 **SEC. 2301. NATIONAL SCIENCE FOUNDATION RESEARCH SE-** 8 **CURITY.**

9 (a) RESEARCH SECURITY AND POLICY OFFICE.—
10 The Director shall establish and maintain a research secu-
11 rity and policy office within the Office of the Director. The
12 functions of the research security and policy office shall
13 be to coordinate all research security policy issues across
14 the Foundation, including by—

15 (1) serving as a resource at the Foundation for
16 all policy issues related to the security and integrity
17 of the conduct of research supported by the Founda-
18 tion;

19 (2) conducting outreach and education activities
20 for awardees on research policies and potential secu-
21 rity risks;

22 (3) educating Foundation program managers
23 and other staff on evaluating Foundation awards
24 and awardees for potential security risks;

1 (4) communicating reporting and disclosure re-
2 quirements to awardees and applicants for funding;

3 (5) consulting and coordinating with the Foun-
4 dation Office of Inspector General and with other
5 Federal science agencies, as appropriate, and
6 through the National Science and Technology Coun-
7 cil in accordance with the authority provided under
8 section 1746 of the National Defense Authorization
9 Act for Fiscal Year 2020 (Public Law 116–92; 42
10 U.S.C. 6601 note), to identify and address potential
11 security risks that threaten research integrity and
12 other risks to the research enterprise and to develop
13 research security policy and best practices;

14 (6) performing risk assessments, in consulta-
15 tion, as appropriate, with other Federal agencies, of
16 Foundation proposals and awards using analytical
17 tools to assess nondisclosures of required informa-
18 tion that could indicate breaches of research integ-
19 rity or potentially fraudulent activity that would be
20 referred to the Foundation Office of Inspector Gen-
21 eral;

22 (7) establishing policies and procedures for
23 safeguarding sensitive research information and
24 technology, working in consultation, as appropriate,
25 with other Federal agencies, to ensure compliance

1 with National Security Presidential Memorandum—
2 33 (relating to strengthening protections of United
3 States Government-supported research and develop-
4 ment against foreign government interference and
5 exploitation) or a successor policy document; and

6 (8) in accordance with relevant policies of the
7 agency, conducting due diligence with regard to ap-
8 plicants for grant funding from the Foundation
9 prior to awarding such funding.

10 (b) CHIEF OF RESEARCH SECURITY.—The Director
11 shall appoint a senior agency official within the Office of
12 the Director as a Chief of Research Security, whose pri-
13 mary responsibility is to manage the office established in
14 subsection (a).

15 (c) REPORT TO CONGRESS.—Not later than 180 days
16 after the date of enactment of this division, the Director
17 shall provide a report on the resources and the number
18 of full-time employees needed to carry out the functions
19 of the office established in subsection (a) to the Committee
20 on Commerce, Science, and Transportation of the Senate,
21 the Committee on Appropriations of the Senate, the Com-
22 mittee on Science, Space, and Technology of the House
23 of Representatives, and the Committee on Appropriations
24 of the House of Representatives.

1 (d) ONLINE RESOURCE.—The Director shall develop
2 an online resource hosted on the Foundation’s publicly ac-
3 cessible website containing up-to-date information, tai-
4 lored for institutions of higher education and individual
5 researchers, including—

6 (1) an explanation of Foundation research secu-
7 rity policies;

8 (2) unclassified guidance on potential security
9 risks that threaten research integrity and other risks
10 to the research enterprise;

11 (3) examples of beneficial international collabo-
12 rations and how such collaborations differ from for-
13 eign government interference efforts that threaten
14 research integrity;

15 (4) best practices for mitigating security risks
16 that threaten research integrity; and

17 (5) additional reference materials, including
18 tools that assist organizations seeking Foundation
19 funding and awardees in information disclosure to
20 the Foundation.

21 (e) RESEARCH GRANTS.—The Director shall con-
22 tinue to award grants, on a competitive basis, to institu-
23 tions of higher education or nonprofit organizations (or
24 consortia of such institutions or organizations) to support
25 research on the conduct of research and the research envi-

1 ronment, including research on research misconduct,
2 breaches of research integrity, and detrimental research
3 practices.

4 (f) RESPONSIBLE CONDUCT IN RESEARCH TRAIN-
5 ING.—Section 7009 of the America Creating Opportuni-
6 ties to Meaningfully Promote Excellence in Technology,
7 Education, and Science Act (42 U.S.C. 1862o–1) is
8 amended—

9 (1) by striking “and postdoctoral researchers”
10 and inserting “postdoctoral researchers, faculty, and
11 other senior personnel”; and

12 (2) by inserting before the period at the end the
13 following: “, including training and mentorship to
14 raise awareness of potential security threats and of
15 Federal export control, disclosure, and reporting re-
16 quirements”.

17 (g) FUNDING.—From any amounts appropriated for
18 the Foundation for each of fiscal years 2022 through
19 2026, the Director shall allocate \$5,000,000 to carry out
20 this section for each such year.

21 **SEC. 2302. RESEARCH SECURITY AND INTEGRITY INFORMA-**
22 **TION SHARING ANALYSIS ORGANIZATION.**

23 (a) ESTABLISHMENT.—The Director of the Office of
24 Science and Technology Policy shall enter into an agree-
25 ment with a qualified independent organization to estab-

1 lish a research security and integrity information sharing
2 analysis organization (referred to in this section as the
3 “RSI-ISAO”), which shall include members described in
4 subsection (d) and carry out the duties described in sub-
5 section (b).

6 (b) DUTIES.—The RSI-ISAO shall—

7 (1) serve as a clearinghouse for information to
8 help enable the members and other entities in the
9 research community to understand the context of
10 their research and identify improper or illegal efforts
11 by foreign entities to obtain research results, know
12 how, materials, and intellectual property;

13 (2) develop a set of standard risk assessment
14 frameworks and best practices, relevant to the re-
15 search community, to assess research security risks
16 in different contexts;

17 (3) share information concerning security
18 threats and lessons learned from protection and re-
19 sponse efforts through forums and other forms of
20 communication;

21 (4) provide timely reports on research security
22 risks to provide situational awareness tailored to the
23 research and education community;

24 (5) provide training and support, including
25 through webinars, for relevant faculty and staff em-

1 ployed by institutions of higher education on topics
2 relevant to research security risks and response;

3 (6) enable standardized information gathering
4 and data compilation, storage, and analysis for com-
5 piled incident reports;

6 (7) support analysis of patterns of risk and
7 identification of bad actors and enhance the ability
8 of members to prevent and respond to research secu-
9 rity risks; and

10 (8) take other appropriate steps to enhance re-
11 search security.

12 (c) FUNDING.—The Foundation may provide initial
13 funds toward the RSI-ISAO, but shall seek to have the
14 fees authorized in subsection (d)(2) cover the costs of op-
15 erations at the earliest practicable time.

16 (d) MEMBERSHIP.—

17 (1) IN GENERAL.—The RSI-ISAO shall serve
18 and include members representing institutions of
19 higher education, nonprofit research institutions,
20 and small and medium-sized businesses.

21 (2) FEES.—As soon as practicable, members of
22 the RS-ISAO shall be charged an annual rate to en-
23 able the RSI-ISAO to cover its costs. Rates shall be
24 set on a sliding scale based on research and develop-
25 ment spent to ensure that membership is accessible

1 to a diverse community of stakeholders and ensure
2 broad participation. The RS-ISAO shall develop a
3 plan to sustain the RS-ISAO without Federal fund-
4 ing, as practicable.

5 (e) BOARD OF DIRECTORS.—The RSI-ISAO may es-
6 tablish a board of directors to provide guidance for poli-
7 cies, legal issues, and plans and strategies of the entity’s
8 operations. The board shall include a diverse group of
9 stakeholders representing the research community, includ-
10 ing academia, industry, and experienced research security
11 administrators.

12 (f) DEFINITION OF INSTITUTION OF HIGHER EDU-
13 CATION.—The term “institution of higher education” has
14 the meaning given the term in section 101(a) of the High-
15 er Education Act of 1965 (20 U.S.C. 1001(a)).

16 **SEC. 2303. FOREIGN GOVERNMENT TALENT RECRUITMENT**
17 **PROGRAM PROHIBITION.**

18 (a) GUIDANCE.—Not later than 180 days after the
19 date of enactment of this division, the Director of the Of-
20 fice of Science and Technology Policy shall, in coordina-
21 tion with the interagency working group established under
22 section 1746 of the National Defense Authorization Act
23 for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C.
24 6601 note), publish and widely distribute a uniform set
25 of policy guidelines for Federal science agencies regarding

1 foreign government talent recruitment programs. These
2 policy guidelines shall—

3 (1) prohibit all personnel of each Federal
4 science agency, including Federal employees, con-
5 tract employees, independent contractors, individuals
6 serving under the Intergovernmental Personnel Act
7 of 1970 (42 U.S.C. 4701 et seq.), Visiting Scientist
8 Engineer and Educator appointments, and special
9 government employees, from participating in a for-
10 eign government talent recruitment program;

11 (2) prohibit awards from being made for any
12 proposal in which the principal investigator, any in-
13 dividual listed on the application for the award with
14 direct involvement in the proposal, or co-principal in-
15 vestigator is participating in a foreign government
16 talent recruitment program of the People's Republic
17 of China, the Democratic People's Republic of
18 Korea, the Russian Federation, or the Islamic Re-
19 public of Iran; and

20 (3) to the extent practicable, require institu-
21 tions receiving funding to prohibit awards from
22 being used by any individuals participating in a for-
23 eign government talent recruitment program of the
24 People's Republic of China, the Democratic People's

1 Republic of Korea, the Russian Federation, or the
2 Islamic Republic of Iran.

3 (b) PROHIBITION.—Not later than 1 year after the
4 date of enactment of this division, each Federal science
5 agency shall issue a policy, utilizing the policy guidelines
6 developed under subsection (a).

7 (c) EXEMPTION.—The policy developed under sub-
8 section (b) may include an exemption for participation in
9 international conferences or other international exchanges,
10 partnerships, or programs, as sanctioned or approved by
11 the Federal science agency. When such participation is au-
12 thorized, the Federal science agency shall ensure training
13 is provided to the participant on how to respond to over-
14 tures from individuals associated with foreign government
15 talent recruitment programs.

16 (d) REPORT.—Not later than 2 years after the date
17 of enactment of this division, each Federal science agency
18 shall report to Congress on the steps it has taken to imple-
19 ment this section.

20 (e) FOREIGN GOVERNMENT TALENT RECRUITMENT
21 PROGRAMS.—In addition to existing authorities for pre-
22 venting waste, fraud, abuse, and mismanagement of Fed-
23 eral funds, each Federal science agency shall require, as
24 a condition of an award, that the senior personnel des-
25 ignated by the United States institution applying for Fed-

1 eral funding submit foreign government talent recruitment
2 program contracts to the agency if the principal investi-
3 gator or a co-principal investigator discloses membership
4 in a foreign government talent recruitment program other
5 than a program of the People’s Republic of China, the
6 Democratic People’s Republic of Korea, the Russian Fed-
7 eration, or the Islamic Republic of Iran. The United
8 States institution, as the award applicant, shall ensure,
9 to the maximum extent practicable, that the contract con-
10 forms with the Federal science agency’s guidance on con-
11 flicts of interest, including those contained in relevant con-
12 tract proposal and award policies and procedures. Each
13 Federal science agency shall review the contract and may
14 prohibit funding to the awardee if the obligations in the
15 contract interfere with the capacity for activities receiving
16 support to be carried out, or create duplication with Fed-
17 erally supported activities.

18 (f) CONSISTENCY.—The Director of the Office of
19 Science and Technology Policy shall ensure that the poli-
20 cies issued by Federal science agencies under subsection
21 (b) are consistent to the greatest extent practicable.

22 (g) DEFINITION.—For purposes of this section and
23 section 2304, the term “foreign government talent recruit-
24 ment program” has the meaning given the term “foreign
25 government-sponsored talent recruitment program” in

1 National Security Presidential Memorandum–33 (relating
2 to strengthening protections of United States Govern-
3 ment-supported research and development against foreign
4 government interference and exploitation) or a successor
5 policy document.

6 **SEC. 2304. ADDITIONAL REQUIREMENTS FOR DIREC-**
7 **TORATE RESEARCH SECURITY.**

8 (a) INITIATIVE REQUIRED.—The Director shall, in
9 consultation with other appropriate Federal agencies, es-
10 tablish an initiative to work with institutions of higher
11 education that perform research and technology develop-
12 ment activities under the Directorate—

13 (1) to support protection of intellectual prop-
14 erty, consistent with the controls relevant to the
15 grant or award, key personnel, and information
16 about critical technologies relevant to national secu-
17 rity;

18 (2) to limit undue influence, including through
19 foreign government talent recruitment programs, by
20 countries to exploit United States technology within
21 the Foundation research, science and technology,
22 and innovation enterprise, including research funded
23 by the Directorate; and

1 (3) to support efforts toward development of
2 domestic talent in relevant scientific and engineering
3 fields.

4 (b) COORDINATION.—The initiative established under
5 subsection (a) shall be developed and executed to the max-
6 imum extent practicable with academic research institu-
7 tions and other educational and research organizations.

8 (c) REQUIREMENTS.—The initiative established
9 under subsection (a) shall include development of the fol-
10 lowing:

11 (1) Training developed and delivered in con-
12 sultation with institutions of higher education and
13 appropriate Federal agencies, and other support to
14 institutions of higher education, to promote security
15 of controlled information, as appropriate, including
16 best practices for protection of controlled informa-
17 tion.

18 (2) The capacity of institutions of higher edu-
19 cation to assess whether individuals affiliated with
20 Directorate programs have participated in or are
21 currently participating in foreign government talent
22 recruitment program programs.

23 (3) Opportunities to collaborate with Direc-
24 torate awardees to promote protection of controlled

1 information as appropriate and strengthen defense
2 against foreign intelligence services.

3 (4) As appropriate, regulations and proce-
4 dures—

5 (A) for government and academic organi-
6 zations and personnel to support the goals of
7 the initiative; and

8 (B) that are consistent with policies that
9 protect open and scientific exchange in funda-
10 mental research.

11 (5) Policies to limit or prohibit funding pro-
12 vided by the Foundation for individual researchers
13 who knowingly violate regulations developed under
14 the initiative, including policies relating to foreign
15 government talent recruitment programs.

16 (6) Policies to limit or prohibit funding pro-
17 vided by the Foundation for institutions that know-
18 ingly violate regulations developed under the initia-
19 tive, including policies relating to foreign govern-
20 ment talent recruitment programs.

21 (d) DEPARTMENT OF DEFENSE EFFORTS.—In car-
22 rying out this section, the Foundation shall consider the
23 efforts undertaken by the Department of Defense to se-
24 cure defense research, including as provided under section

1 1286 of the John S. McCain National Defense Authoriza-
2 tion Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

3 (e) ANNUAL REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 date of enactment of this division, and annually
6 thereafter, the Director, shall submit to Congress a
7 report on the activities carried out under the initia-
8 tive established under subsection (a).

9 (2) CONTENTS.—The report required by para-
10 graph (1) shall include the following:

11 (A) A description of the activities con-
12 ducted and the progress made under the initia-
13 tive.

14 (B) The findings of the Director with re-
15 spect to the initiative.

16 (C) Such recommendations as the Director
17 may have for legislative or administrative action
18 relating to the matters described in subsection
19 (a).

20 (D) Identification and discussion of the
21 gaps in legal authorities that need to be im-
22 proved to enhance the security of research insti-
23 tutions of higher education performing Direc-
24 torate research.

1 (E) Information on Foundation Inspector
2 General cases, as appropriate, relating to undue
3 influence to security threats to academic re-
4 search activities funded by the Foundation, in-
5 cluding theft of property or intellectual property
6 relating to a project funded by the Department
7 at an institution of higher education.

8 (3) FORM.—The report submitted under para-
9 graph (1) shall be submitted in both unclassified and
10 classified formats, as appropriate.

11 **SEC. 2305. PROTECTING RESEARCH FROM CYBER THEFT.**

12 (a) IMPROVING CYBERSECURITY OF INSTITUTIONS
13 OF HIGHER EDUCATION.—Section 2(e)(1)(A) of the Na-
14 tional Institute of Standards and Technology Act (15
15 U.S.C. 272(e)(1)(A)) is amended—

16 (1) in clause (viii), by striking “and” after the
17 semicolon;

18 (2) by redesignating clause (ix) as clause (x);

19 and

20 (3) by inserting after clause (viii) the following:

21 “(ix) consider institutions of higher
22 education (as defined in section 101 of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1001)); and”.

1 (b) DISSEMINATION OF RESOURCES FOR RESEARCH
2 INSTITUTIONS.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of enactment of this division, the Director
5 shall, using the authorities of the Director under
6 subsection (e)(1)(A)(ix) of section 2 of the National
7 Institute of Standards and Technology Act (15
8 U.S.C. 272), as amended by subsection (a), dissemi-
9 nate and make publicly available resources to help
10 research institutions and institutions of higher edu-
11 cation identify, protect the institution involved from,
12 detect, respond to, and recover to manage the cyber-
13 security risk of the institution involved related to
14 conducting research.

15 (2) REQUIREMENTS.—The Director shall en-
16 sure that the resources disseminated pursuant to
17 paragraph (1)—

18 (A) are generally applicable and usable by
19 a wide range of research institutions and insti-
20 tutions of higher education;

21 (B) vary with the nature and size of the
22 implementing research institutions or institu-
23 tions of higher education, and the nature and
24 sensitivity of the data collected or stored on the
25 information systems or devices of the imple-

1 menting research institutions or institutions of
2 higher education;

3 (C) include elements that promote aware-
4 ness of simple, basic controls, a workplace cy-
5 bersecurity culture, and third-party stakeholder
6 relationships, to assist research institutions or
7 institutions of higher education in mitigating
8 common cybersecurity risks;

9 (D) include case studies of practical appli-
10 cation;

11 (E) are technology-neutral and can be im-
12 plemented using technologies that are commer-
13 cial and off-the-shelf; and

14 (F) to the extent practicable, are based on
15 international standards.

16 (3) NATIONAL CYBERSECURITY AWARENESS
17 AND EDUCATION PROGRAM.—The Director shall en-
18 sure that the resources disseminated under para-
19 graph (1) are consistent with the efforts of the Di-
20 rector under section 303 of the Cybersecurity En-
21 hancement Act of 2014 (15 U.S.C. 7443).

22 (4) UPDATES.—The Director shall review peri-
23 odically and update the resources under paragraph
24 (1) as the Director determines appropriate.

1 (5) VOLUNTARY RESOURCES.—The use of the
2 resources disseminated under paragraph (1) shall be
3 considered voluntary.

4 (6) OTHER FEDERAL CYBERSECURITY RE-
5 QUIREMENTS.—Nothing in this section may be con-
6 strued to supersede, alter, or otherwise affect any
7 cybersecurity requirements applicable to Federal
8 agencies.

9 (c) DEFINITIONS.—In this section:

10 (1) DIRECTOR.—The term “Director” means
11 the Director of the National Institute of Standards
12 and Technology.

13 (2) RESOURCES.—The term “resources” means
14 guidelines, tools, best practices, standards, meth-
15 odologies, and other ways of providing information.

16 (3) RESEARCH INSTITUTION.—The term “re-
17 search institution”—

18 (A) means a nonprofit institution (as de-
19 fined in section 4 of the Stevenson-Wydler
20 Technology Innovation Act of 1980 (15 U.S.C.
21 3703)); and

22 (B) includes Federally funded research and
23 development centers, as identified by the Na-
24 tional Science Foundation in accordance with
25 the Federal Acquisition Regulation issued in ac-

1 cordance with section 1303(a)(1) of title 41 (or
2 any successor regulation).

3 **SEC. 2306. INTERNATIONAL STANDARDS DEVELOPMENT.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Widespread use of standards facilitates
6 technology advancement by defining and establishing
7 common foundations for interoperability, product
8 differentiation, technological innovation, and other
9 value-added services.

10 (2) Standards also promote an expanded, more
11 interoperable, and efficient marketplace.

12 (3) Global cooperation and coordination on
13 standards for emerging technologies will be critical
14 for having a consistent set of approaches to enable
15 market competition, preclude barriers to trade, and
16 allow innovation to flourish.

17 (4) The People's Republic of China's Standard-
18 ization Reform Plan and Five-Year Plan for Stand-
19 ardization highlight its high-level goals to establish
20 China as a standards power by 2020, participate in
21 at least half of all standards drafting and revision
22 efforts in recognized international standards setting
23 organizations, and strengthen China's participation
24 in the governance of international standards setting
25 organizations.

1 (5) As emerging technologies develop for global
2 deployment, it is critical that the United States and
3 its allies continue to participate in the development
4 of standards that underpin the technologies them-
5 selves, and the future international governance of
6 these technologies.

7 (6) The United States position on standardiza-
8 tion in emerging technologies will be critical to
9 United States economic competitiveness.

10 (7) The National Institute of Standards and
11 Technology is in a unique position to strengthen
12 United States leadership in standards development,
13 particularly for emerging technologies, to ensure
14 continuing United States economic competitiveness
15 and national security.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the principles of openness, transparency,
19 due process, and consensus in the development of
20 international standards are critical;

21 (2) voluntary consensus standards, developed
22 through an industry-led process, serve as the corner-
23 stone of the United States standardization system
24 and have become the basis of a sound national econ-
25 omy and the key to global market access;

1 (3) strengthening the unique United States
2 public-private partnerships approach to standards
3 development is critical to United States economic
4 competitiveness; and

5 (4) the United States Government should en-
6 sure cooperation and coordination across Federal
7 agencies to partner with and support private sector
8 stakeholders to continue to shape international dia-
9 logues in regard to standards development for
10 emerging technologies.

11 (c) ACTIVITIES AND ENGAGEMENT.—The Secretary
12 of Commerce, acting through the Director and in consulta-
13 tion with the Secretary of Energy, as relevant, shall—

14 (1) build capacity and training opportunities to
15 help create a pipeline of talent and leadership in key
16 standards development positions;

17 (2) partner with private sector entities to sup-
18 port strategic engagement and leadership in the de-
19 velopment of international standards for digital
20 economy technologies, including partnering with in-
21 dustry to assist private sector partners to develop
22 standards strategies and support engagement and
23 participation in the relevant standards activities; and

24 (3) prioritize efforts on standards development
25 for emerging technologies, identify organizations to

1 develop these standards, identify leadership positions
2 of interest to the United States, and identify key
3 contributors for technical and leadership expertise in
4 these areas.

5 **SEC. 2307. RESEARCH FUNDS ACCOUNTING.**

6 (a) DEFINITIONS.—In this section:

7 (1) FOREIGN ENTITY OF CONCERN.—The term
8 “foreign entity of concern” means a foreign entity
9 that is—

10 (A) designated as a foreign terrorist orga-
11 nization by the Secretary of State under section
12 219(a) of the Immigration and Nationality Act
13 (8 U.S.C. 1189(a));

14 (B) included on the list of specially des-
15 ignated nationals and blocked persons main-
16 tained by the Office of Foreign Assets Control
17 of the Department of the Treasury (commonly
18 known as the SDN list);

19 (C) owned by, controlled by, or subject to
20 the jurisdiction or direction of a government of
21 a foreign country that is a covered nation (as
22 defined in section 2533c(d) of title 10, United
23 States Code);

1 (D) alleged by the Attorney General to
2 have been involved in activities for which a con-
3 viction was obtained under—

4 (i) chapter 37 of title 18, United
5 States Code (commonly known as the Es-
6 pionage Act);

7 (ii) section 951 or 1030 of title 18,
8 United States Code;

9 (iii) chapter 90 of title 18, United
10 States Code (commonly known as the Eco-
11 nomic Espionage Act of 1996);

12 (iv) the Arms Export Control Act (22
13 U.S.C. 2751 et seq.);

14 (v) section 224, 225, 226, 227, or 236
15 of the Atomic Energy Act of 1954 (42
16 U.S.C. 2274, 2275, 2276, 2277, and
17 2284);

18 (vi) the Export Control Reform Act of
19 2018 (50 U.S.C. 4801 et seq.); or

20 (vii) the International Emergency
21 Economic Powers Act (50 U.S.C. 1701 et
22 seq.); or

23 (E) determined by the Secretary of Com-
24 merce, in consultation with the Secretary of De-
25 fense and the Director of National Intelligence,

1 to be engaged in unauthorized conduct that is
2 detrimental to the national security or foreign
3 policy of the United States.

4 (2) STUDY PERIOD.—The term “study period”
5 means the 5-year period ending on the date of enact-
6 ment of this Act.

7 (b) STUDY.—The Comptroller General of the United
8 States shall conduct a study on Federal funding made
9 available, to foreign entities of concern for research, dur-
10 ing the study period.

11 (c) MATTERS TO BE INCLUDED.—The study con-
12 ducted under subsection (b) shall include, to the extent
13 practicable with respect to the study period, an assessment
14 of—

15 (1) the total amount of Federal funding made
16 available to foreign entities of concern for research;

17 (2) the total number and types of foreign enti-
18 ties of concern to whom such funding was made
19 available;

20 (3) the requirements relating to the awarding,
21 tracking, and monitoring of such funding;

22 (4) any other data available with respect to
23 Federal funding made available to foreign entities of
24 concern for research; and

1 (5) such other matters as the Comptroller Gen-
2 eral determines appropriate.

3 (d) BRIEFING ON AVAILABLE DATA.—Not later than
4 120 days after the date of the enactment of this division,
5 the Comptroller General shall brief the Committee on
6 Commerce, Science, and Transportation and the Com-
7 mittee on Foreign Relations of the Senate and the Com-
8 mittee on Science, Space, and Technology and the Com-
9 mittee on Foreign Affairs of the House of Representatives
10 on the study conducted under subsection (b) and on the
11 data that is available with respect to Federal funding
12 made available to foreign entities of concern for research.

13 (e) REPORT.—The Comptroller General shall submit
14 to the congressional committees specified in subsection
15 (d), by a date agreed upon by the Comptroller General
16 and the committees on the date of the briefing, a report
17 on the findings of the study conducted under subsection
18 (b).

19 **SEC. 2308. PLAN WITH RESPECT TO SENSITIVE OR CON-**
20 **TROLLED INFORMATION AND BACKGROUND**
21 **SCREENING.**

22 Not later than 180 days after the enactment of this
23 division, the Director, in consultation with the Director
24 of National Intelligence and, as appropriate, other Federal
25 agencies, shall develop a plan to—

1 (1) identify research areas that may include
2 sensitive or controlled information, including in the
3 key technology focus areas; and

4 (2) provide for background screening, as appro-
5 priate, for individuals working in such research
6 areas who are employees of the Foundation or re-
7 cipients of funding from the Foundation.

8 **TITLE IV—REGIONAL**
9 **INNOVATION CAPACITY**

10 **SEC. 2401. REGIONAL TECHNOLOGY HUBS.**

11 (a) IN GENERAL.—The Stevenson-Wydler Tech-
12 nology Innovation Act of 1980 (Public Law 96–480; 15
13 U.S.C. 3701 et seq.) is amended—

14 (1) by redesignating section 28 as section 29;
15 and

16 (2) by inserting after section 27 the following:

17 **“SEC. 28. REGIONAL TECHNOLOGY HUB PROGRAM.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) APPROPRIATE COMMITTEES OF CON-
20 GRESS.—The term ‘appropriate committees of Con-
21 gress’ means—

22 “(A) the Committee on Commerce,
23 Science, and Transportation, the Committee on
24 Environment and Public Works, and the Com-
25 mittee on Appropriations of the Senate; and

1 “(B) the Committee on Science, Space,
2 and Technology, the Committee on Transpor-
3 tation and Infrastructure, and the Committee
4 on Appropriations of the House of Representa-
5 tives.

6 “(2) COOPERATIVE EXTENSION.—The term ‘co-
7 operative extension’ has the meaning given the term
8 ‘extension’ in section 1404 of the Food and Agri-
9 culture Act of 1977 (7 U.S.C. 3103).

10 “(3) KEY TECHNOLOGY FOCUS AREAS.—The
11 term ‘key technology focus areas’ means the areas
12 included on the most recent list under section 2005
13 of the Endless Frontier Act.

14 “(4) LABOR ORGANIZATION.—The term ‘labor
15 organization’ has the meaning given such term in
16 section 2101 of the Endless Frontier Act.

17 “(5) LOW POPULATION STATE.—The term ‘low
18 population State’ means a State without an urban-
19 ized area with a population greater than 200,000 as
20 reported in the 2010 decennial census.

21 “(6) MANUFACTURING EXTENSION CENTER.—
22 The term ‘manufacturing extension center’ has the
23 meaning given the term ‘Center’ in section 25(a) of
24 the National Institute of Standards and Technology
25 Act (15 U.S.C. 278k(a)).

1 “(7) MANUFACTURING USA INSTITUTE.—The
2 term ‘Manufacturing USA institute’ means an Man-
3 ufacturing USA institute described in section 34(d)
4 of the National Institute of Standards and Tech-
5 nology Act (15 U.S.C. 278s(d)).

6 “(8) SITE CONNECTIVITY INFRASTRUCTURE.—
7 The term ‘site connectivity infrastructure’ means lo-
8 calized driveways and access roads to a facility as
9 well as hookups to the new facility for drinking
10 water, waste water, broadband, and other basic in-
11 frastructure services already present in the area.

12 “(9) SMALL AND RURAL COMMUNITIES.—The
13 term ‘small and rural community’ means a noncore
14 area, a micropolitan area, or a small metropolitan
15 statistical area with a population of not more than
16 200,000.

17 “(10) VENTURE DEVELOPMENT ORGANIZA-
18 TION.—The term ‘venture development organization’
19 has the meaning given such term in section 27(a) of
20 the Stevenson-Wydler Act of 1980 (15 U.S.C.
21 3722(a)).

22 “(b) REGIONAL TECHNOLOGY HUB PROGRAM.—

23 “(1) IN GENERAL.—Subject to the availability
24 of appropriations, the Secretary shall carry out a
25 program—

1 “(A) to encourage new and constructive
2 collaboration among local, State, and Federal
3 government entities, academia, the private sec-
4 tor, economic development organizations, and
5 labor organizations;

6 “(B) to support eligible consortia in the
7 creation of regional innovation strategies;

8 “(C) to designate eligible consortia as re-
9 gional technology hubs and facilitate activities
10 by consortia designated as regional technology
11 hubs in implementing their regional innovation
12 strategies, in order—

13 “(i) to enable United States leader-
14 ship in technology and innovation sectors
15 critical to national and economic security;

16 “(ii) to support regional economic de-
17 velopment, including in small cities and
18 rural areas, and diffuse innovation around
19 the United States; and

20 “(iii) to support domestic job creation
21 and broad-based economic growth; and

22 “(D) to ensure that the regional tech-
23 nology hubs address the intersection of emerg-
24 ing technologies and either local and regional
25 challenges or national challenges; and

1 “(E) to conduct ongoing research, evalua-
2 tion, analysis, and dissemination of best prac-
3 tices for regional development and competitive-
4 ness in technology and innovation.

5 “(2) AWARDS.—The Secretary shall carry out
6 the program required by paragraph (1) through the
7 award of the following:

8 “(A) Strategy development grants or coop-
9 erative agreements to eligible consortia under
10 subsection (e).

11 “(B) Strategy implementation grants or
12 cooperative agreements to regional technology
13 hubs under subsection (f).

14 “(3) ADMINISTRATION.—The Secretary shall
15 carry out this section through the Assistant Sec-
16 retary of Commerce for Economic Development in
17 coordination with the Under Secretary of Commerce
18 for Standards and Technology.

19 “(c) ELIGIBLE CONSORTIA.—For purposes of this
20 section, an eligible consortium is a consortium that—

21 “(1) includes 1 or more—

22 “(A) institutions of higher education;

23 “(B) local or Tribal governments or other
24 political subdivisions of a State;

1 “(C) State governments represented by an
2 agency designated by the governor of the State
3 or States that is representative of the geo-
4 graphic area served by the consortia;

5 “(D) economic development organizations
6 or similar entities that are focused primarily on
7 improving science, technology, innovation, or
8 entrepreneurship;

9 “(E) industry or firms in relevant tech-
10 nology or innovation sectors;

11 “(F) labor organizations or workforce
12 training organizations, including State and local
13 workforce development boards as established
14 under section 101 and 107 of the Workforce In-
15 vestment and Opportunity Act (29 U.S.C.
16 3111; 3122); and

17 “(2) may include 1 or more—

18 “(A) nonprofit economic development enti-
19 ties with relevant expertise, including a district
20 organization (as defined in section 300.3 of title
21 13, Code of Federal Regulations, or successor
22 regulation);

23 “(B) venture development organizations;

24 “(C) financial institutions and investment
25 funds;

1 “(D) primary and secondary educational
2 institutions, including career and technical edu-
3 cation schools;

4 “(E) National Laboratories (as defined in
5 section 2 of the Energy Policy Act of 2005 (42
6 U.S.C. 15801));

7 “(F) Federal laboratories;

8 “(G) Manufacturing extension centers;

9 “(H) Manufacturing USA institutes;

10 “(I) institutions receiving an award under
11 section 2104 of the Endless Frontier Act; and

12 “(J) a cooperative extension.

13 “(d) DESIGNATION OF REGIONAL TECHNOLOGY
14 HUBS.—

15 “(1) IN GENERAL.—In carrying out subsection
16 (b)(1)(C), the Secretary shall use a competitive proc-
17 ess to designate eligible consortia as regional tech-
18 nology hubs.

19 “(2) GEOGRAPHIC DISTRIBUTION.—In con-
20 ducting the competitive process under paragraph
21 (1), the Secretary shall ensure geographic distribu-
22 tion in the designation of regional technology hubs
23 by—

24 “(A) seeking to designate at least three
25 technology hubs in each region covered by a re-

1 regional office of the Economic Development Ad-
2 ministration;

3 “(B) focusing on localities that are not
4 leading technology centers;

5 “(C) ensuring that not fewer than one-
6 third of eligible consortia designated as regional
7 technology hubs significantly benefit a small
8 and rural community, which may include a
9 State described in subparagraph (D);

10 “(D) ensuring that not fewer than one-
11 third of eligible consortia designated as regional
12 technology hubs include as a member of the eli-
13 gible consortia at least 1 member that is a
14 State that is eligible to receive funding from the
15 Established Program to Stimulate Competitive
16 Research of the National Science Foundation;
17 and

18 “(E) ensuring that at least one eligible
19 consortium designated as a regional technology
20 hub is headquartered in a low population State
21 that is eligible to receive funding from the Es-
22 tablished Program to Stimulate Competitive Re-
23 search of the National Science Foundation.

24 “(3) RELATION TO CERTAIN GRANT AWARDS.—

25 The Secretary shall not require an eligible consor-

1 tium to receive a grant or cooperative agreement
2 under subsection (e) in order to be designated as a
3 regional technology hub under paragraph (1) of this
4 subsection.

5 “(e) STRATEGY DEVELOPMENT GRANTS AND COOP-
6 ERATIVE AGREEMENTS.—

7 “(1) IN GENERAL.—The Secretary shall use a
8 competitive process to award grants or cooperative
9 agreements to eligible consortia for the development
10 of regional innovation strategies.

11 “(2) NUMBER OF RECIPIENTS.—The Secretary
12 shall award a grant or cooperative agreement under
13 paragraph (1) to not fewer than 20 eligible con-
14 sortia.

15 “(3) GEOGRAPHIC DIVERSITY AND REPRESENTATION.—

16
17 “(A) IN GENERAL.—The Secretary shall
18 carry out paragraph (1) in a manner that en-
19 sures geographic diversity and representation
20 from communities of differing populations.

21 “(B) AWARDS TO SMALL AND RURAL COM-
22 MUNITIES.—In carrying out paragraph (1), the
23 Secretary shall—

24 “(i) award not fewer than one-third of
25 the grants and cooperative agreements

1 under such paragraph to eligible consortia
2 that significantly benefit a small and rural
3 community, which may include a State de-
4 scribed in clause (ii); and

5 “(ii) award not fewer than one-third
6 of the grants and cooperative agreements
7 under such paragraph to eligible consortia
8 that include as a member of the eligible
9 consortia at least 1 member that is a State
10 that is eligible to receive funding from the
11 Established Program to Stimulate Com-
12 petitive Research of the National Science
13 Foundation.

14 “(4) USE OF FUNDS.—The amount of a grant
15 or cooperative agreement awarded under paragraph
16 (1) shall be as follows:

17 “(A) To coordinate locally defined planning
18 processes, across jurisdictions and agencies, re-
19 lating to developing a comprehensive regional
20 technology strategy.

21 “(B) To identify regional partnerships for
22 developing and implementing a comprehensive
23 regional technology strategy.

24 “(C) To conduct or update assessments to
25 determine regional needs.

1 “(D) To develop or update goals and strat-
2 egies to implement an existing comprehensive
3 regional plan.

4 “(E) To identify or implement local zoning
5 and other code changes necessary to implement
6 a comprehensive regional technology strategy.

7 “(5) FEDERAL SHARE.—The Federal share of
8 the cost of an effort carried out using a grant or co-
9 operative agreement awarded under this subsection
10 may not exceed 80 percent—

11 “(A) where in-kind contributions may be
12 used for all or part of the non-Federal share,
13 but Federal funding from other Government
14 sources may not count towards the non-Federal
15 share;

16 “(B) except in the case of an eligible con-
17 sortium that represents all or part of a small
18 and rural community, the Federal share may be
19 up to 90 percent of the total cost, subject to
20 subparagraph (A); and

21 “(C) except in the case of an eligible con-
22 sortium that is led by a Tribal government, the
23 Federal share may be up to 100 percent of the
24 total cost of the project.

1 “(f) STRATEGY IMPLEMENTATION GRANTS AND CO-
2 OPERATIVE AGREEMENTS.—

3 “(1) IN GENERAL.—The Secretary shall use a
4 competitive process to award grants or cooperative
5 agreements to regional technology hubs for the im-
6 plementation of regional innovation strategies, in-
7 cluding regional strategies for infrastructure and
8 site development, in support of the regional tech-
9 nology hub’s plans and programs.

10 “(2) USE OF FUNDS.—The amount of a grant
11 or cooperative agreement awarded under subpara-
12 graph (A) to a regional technology hub may be used
13 by the regional technology hub to support any of the
14 following activities, consistent with the most current
15 regional innovation strategy of the regional tech-
16 nology hub:

17 “(A) WORKFORCE DEVELOPMENT ACTIVI-
18 TIES.—Workforce development activities, in-
19 cluding activities relating to the following:

20 “(i) The creation of partnerships be-
21 tween industry, workforce, and academic
22 groups, which may include community col-
23 leges, to create and align technical training
24 and educational programs.

1 “(ii) The design, development, and
2 updating of educational and training cur-
3 riculum.

4 “(iii) The procurement of facilities
5 and equipment, as required to train a tech-
6 nical workforce.

7 “(iv) The development and execution
8 of programs to rapidly award certificates
9 or credentials recognized by regional indus-
10 try groups.

11 “(v) The matching of regional employ-
12 ers with a potential new entrant, under-
13 employed, or incumbent workforce.

14 “(vi) The expansion of successful
15 training programs at a scale required by
16 the region served by the regional tech-
17 nology hub, including through the use of
18 online education.

19 “(B) BUSINESS AND ENTREPRENEUR DE-
20 VELOPMENT ACTIVITIES.—Business and entre-
21 preneur development activities, including activi-
22 ties relating to the following:

23 “(i) The development and growth of
24 regional businesses and the training of en-
25 trepreneurs.

1 “(ii) The support of technology com-
2 mercialization, including funding for activi-
3 ties relevant to the protection of intellec-
4 tual property.

5 “(iii) The development of networks for
6 business and entrepreneur mentorship.

7 “(C) TECHNOLOGY MATURATION ACTIVI-
8 TIES.—Technology maturation activities, includ-
9 ing activities relating to the following:

10 “(i) The development and deployment
11 of technologies in sectors critical to the re-
12 gion served by the regional technology hub
13 or to national and economic security, in-
14 cluding proof of concept, prototype devel-
15 opment, and testing.

16 “(ii) The provision of facilities for
17 technology maturation, including incuba-
18 tors for collaborative development of tech-
19 nologies by private sector, academic, and
20 other entities.

21 “(iii) Activities to ensure access to
22 capital for new business formation and
23 business expansion, including by attracting
24 new private, public, and philanthropic in-

1 vestment and by establishing regional ven-
2 ture and loan funds.

3 “(iv) Activities determined appro-
4 priate by the Secretary under section
5 27(c)(2) of this Act.

6 “(D) INFRASTRUCTURE-RELATED ACTIVI-
7 TIES.—The building of facilities and site
8 connectivity infrastructure necessary to carry
9 out activities described in subparagraphs (A),
10 (B), and (C), including activities relating to the
11 following:

12 “(i) Establishing a workforce training
13 center with required tools and instrumen-
14 tation.

15 “(ii) Establishing a facility for tech-
16 nology development, demonstration, and
17 testing.

18 “(iii) Establishing collaborative incu-
19 bators to support technology commer-
20 cialization and entrepreneur training.

21 “(3) LIMITATION ON AMOUNT OF AWARDS.—
22 The Secretary shall ensure that no single regional
23 technology hub receives more than 10 percent of the
24 aggregate amount of the grants and cooperative
25 agreements awarded under this subsection.

1 “(4) TERM.—

2 “(A) IN GENERAL.—The term of a grant
3 or cooperative agreement awarded under this
4 subsection shall be for such period as the Sec-
5 retary considers appropriate.

6 “(B) RENEWAL.—The Secretary may
7 renew a grant or cooperative agreement award-
8 ed to a regional technology hub under this sub-
9 section as the Secretary considers appropriate if
10 the Secretary determines that the performance
11 of the regional technology hub is satisfactory.

12 “(5) MATCHING REQUIRED.—

13 “(A) IN GENERAL.—Except in the case of
14 a regional technology hub described in subpara-
15 graph (B), the total amount of all grants
16 awarded to a regional technology hub under
17 this subsection in a given year shall not exceed
18 amounts as follows:

19 “(i) In the first year of the grant or
20 cooperative agreement, 90 percent of the
21 total operating costs of the regional tech-
22 nology hub in that year.

23 “(ii) In the second year of the grant
24 or cooperative agreement, 85 percent of

1 the total operating costs of the regional
2 technology hub in that year.

3 “(iii) In the third year of the grant or
4 cooperative agreement, 80 percent of the
5 total operating costs of the regional tech-
6 nology hub in that year.

7 “(iv) In the fourth year of the grant
8 or cooperative agreement and each year
9 thereafter, 75 percent of the total oper-
10 ating costs of the regional technology hub
11 in that year.

12 “(B) SMALL AND RURAL COMMUNITIES
13 AND INDIAN TRIBES.—

14 “(i) IN GENERAL.—The total Federal
15 financial assistance awarded in a given
16 year to a regional technology hub under
17 this subsection shall not exceed amounts as
18 follows:

19 “(I) In the case of a regional
20 technology hub that represents a
21 small and rural community, in a fiscal
22 year, 90 percent of the total funding
23 of the regional technology hub in that
24 fiscal year.

1 “(II) In the case of an regional
2 technology hub that is led by a Tribal
3 government, in a fiscal year, 100 per-
4 cent of the total funding of the re-
5 gional technology hub in that fiscal
6 year.

7 “(ii) MINIMUM THRESHOLD OF RURAL
8 REPRESENTATION.—For purposes of
9 clause (i)(I), the Secretary shall establish a
10 minimum threshold of rural representation
11 in the regional technology hub.

12 “(C) IN-KIND CONTRIBUTIONS.—For pur-
13 poses of this paragraph, in-kind contributions
14 may be used for part of the non-Federal share
15 of the total funding of a regional technology
16 hub in a fiscal year.

17 “(6) GRANTS FOR INFRASTRUCTURE.—Any
18 grant or cooperative agreement awarded under this
19 subsection to support the construction of facilities
20 and site connectivity infrastructure shall be awarded
21 pursuant to section 201 of the Public Works and
22 Economic Development Act of 1965 (42 U.S.C.
23 3141) and subject to the provisions of such Act, ex-
24 cept that subsection (b) of such section and sections

1 204 and 301 of such Act (42 U.S.C. 3144, 3161)
2 shall not apply.

3 “(7) RELATION TO CERTAIN GRANT AWARDS.—

4 The Secretary shall not require a regional tech-
5 nology hub to receive a grant or cooperative agree-
6 ment under subsection (e) in order to receive a grant
7 or cooperative agreement under this subsection.

8 “(g) APPLICATIONS.—An eligible consortium seeking
9 designation as a regional technology hub under subsection
10 (d) or a grant or cooperative agreement under subsection
11 (e) or (f) shall submit to the Secretary an application
12 therefor at such time, in such manner, and containing
13 such information as the Secretary may specify.

14 “(h) CONSIDERATIONS FOR DESIGNATION AND
15 AWARD OF STRATEGY DEVELOPMENT GRANTS AND CO-
16 OPERATIVE AGREEMENTS.—In selecting an eligible con-
17 sortium that submitted an application under subsection
18 (g) for designation under subsection (d) or for a grant
19 or cooperative agreement under subsection (f), the Sec-
20 retary shall consider, at a minimum, the following:

21 “(1) The potential of the eligible consortium to
22 advance the research, development, deployment, and
23 domestic manufacturing of technologies in a key
24 technology focus area or other technology or innova-
25 tion sector critical to national and economic security.

1 “(2) The likelihood of positive regional eco-
2 nomic effect, including increasing the number of
3 high wage domestic jobs, and creating new economic
4 opportunities for economically disadvantaged and
5 underrepresented populations.

6 “(3) How the eligible consortium plans to inte-
7 grate with and leverage the resources of 1 or more
8 federally funded research and development centers,
9 National Laboratories, Federal laboratories, Manu-
10 facturing USA institutes, Hollings Manufacturing
11 Extension Partnership centers, university technology
12 centers established under section 2104 of the End-
13 less Frontier Act, the program established under
14 section 2107 of the such Act, test beds established
15 and operated under section 2108 of such Act, or
16 other Federal research entities.

17 “(4) How the eligible consortium will engage
18 with the private sector, including small- and me-
19 dium-sized businesses to commercialize new tech-
20 nologies and improve the resiliency of domestic sup-
21 ply chains in a key technology focus area or other
22 technology or innovation sector critical to national
23 and economic security.

24 “(5) How the eligible consortium will carry out
25 workforce development and skills acquisition pro-

1 gramming, including through partnerships with enti-
2 ties that include State and local workforce develop-
3 ment boards, institutions of higher education, in-
4 cluding community colleges, historically Black col-
5 leges and universities, Tribal colleges and univer-
6 sities, and minority serving institutions, labor orga-
7 nizations, and workforce development programs, and
8 other related activities authorized by the Secretary,
9 to support the development of a key technology focus
10 area or other technology or innovation sector critical
11 to national and economic security.

12 “(6) How the eligible consortium will improve
13 science, technology, engineering, and mathematics
14 education programs in the identified region in ele-
15 mentary and secondary school and higher education
16 institutions located in the identified region to sup-
17 port the development of a key technology focus area
18 or other technology or innovation sector critical to
19 national and economic security.

20 “(7) How the eligible consortium plans to de-
21 velop partnerships with venture development organi-
22 zations and sources of private investment in support
23 of private sector activity, including launching new or
24 expanding existing companies, in a key technology

1 focus area or other technology or innovation sector
2 critical to national and economic security.

3 “(8) How the eligible consortium plans to orga-
4 nize the activities of regional partners across sectors
5 in support of a regional technology hub.

6 “(9) How the eligible consortium will ensure
7 that growth in technology and innovation sectors
8 produces broadly shared opportunity across the iden-
9 tified region, including for economic disadvantaged
10 and underrepresented populations and rural areas.

11 “(10) The likelihood efforts served by the con-
12 sortium will be sustained once Federal support ends.

13 “(11) How the eligible consortium will—

14 “(A) enhance the economic, environmental,
15 and energy security of the United States by
16 promoting domestic development, manufacture,
17 and deployment of innovative clean technologies
18 and advanced manufacturing practices; and

19 “(B) support translational research, tech-
20 nology development, manufacturing innovation,
21 and commercialization activities relating to
22 clean technology.

23 “(i) COORDINATION AND COLLABORATION.—

24 “(1) COORDINATION WITH REGIONAL INNOVA-
25 TION PROGRAM.—The Secretary shall work to en-

1 sure the activities under this section do not duplicate
2 activities or efforts under section 27, as the Sec-
3 retary considers appropriate.

4 “(2) COORDINATION WITH PROGRAMS OF THE
5 NATIONAL INSTITUTE OF STANDARDS AND TECH-
6 NOLOGY.—The Secretary shall coordinate the activi-
7 ties of regional technology hubs designated under
8 this section, the Hollings Manufacturing Extension
9 Partnership, and the Manufacturing USA Program,
10 as the Secretary considers appropriate, to maintain
11 the effectiveness of a manufacturing extension center
12 or a Manufacturing USA institute.

13 “(3) COORDINATION WITH DEPARTMENT OF
14 ENERGY PROGRAMS.—The Secretary shall, in col-
15 laboration with the Secretary of Energy, coordinate
16 the activities and selection of regional technology
17 hubs designated under this section, as the Secre-
18 taries consider appropriate, to maintain the effec-
19 tiveness of activities at the Department of Energy
20 and the National Laboratories.

21 “(4) INTERAGENCY COLLABORATION.—In des-
22 ignating regional technology hubs under subsection
23 (d) and awarding grants or cooperative agreements
24 under subsection (f), the Secretary—

1 “(A) shall collaborate, to the extent pos-
2 sible, with the interagency working group estab-
3 lished under section 2004 of the Endless Fron-
4 tier Act;

5 “(B) shall collaborate with Federal depart-
6 ments and agencies whose missions contribute
7 to the goals of the regional technology hub;

8 “(C) shall consult with the Director of the
9 National Science Foundation for the purpose of
10 ensuring that the regional technology hubs are
11 aligned with relevant science, technology, and
12 engineering expertise; and

13 “(D) may accept funds from other Federal
14 agencies to support grants, cooperative agree-
15 ments, and activities under this section.

16 “(j) PERFORMANCE MEASUREMENT, TRANS-
17 PARENCY, AND ACCOUNTABILITY.—

18 “(1) METRICS, STANDARDS, AND ASSESS-
19 MENT.—For each grant and cooperative agreement
20 awarded under subsection (f) for a regional tech-
21 nology hub, the Secretary shall—

22 “(A) develop metrics, which may include
23 metrics relating to domestic job creation, patent
24 awards, and business formation and expansion,
25 to assess the effectiveness of the activities fund-

1 ed in making progress toward the purposes set
2 forth under subsection (b)(1);

3 “(B) establish standards for the perform-
4 ance of the regional technology hub that are
5 based on the metrics developed under subpara-
6 graph (A); and

7 “(C) 4 years after the initial award under
8 subsection (f) and every 2 years thereafter until
9 Federal financial assistance under this section
10 for the regional technology hub is discontinued,
11 conduct an assessment of the regional tech-
12 nology hub to confirm whether the performance
13 of the regional technology hub is meeting the
14 standards for performance established under
15 subparagraph (B) of this paragraph.

16 “(2) FINAL REPORTS BY RECIPIENTS OF
17 STRATEGY IMPLEMENTATION GRANTS AND COOPER-
18 ATIVE AGREEMENTS.—

19 “(A) IN GENERAL.—The Secretary shall
20 require each eligible consortium that receives a
21 grant or cooperative agreement under sub-
22 section (f) for activities of a regional technology
23 hub, as a condition of receipt of such grant or
24 cooperative agreement, to submit to the Sec-
25 retary, not later than 120 days after the last

1 day of the term of the grant or cooperative
2 agreement, a report on the activities of the re-
3 gional technology hub supported by the grant or
4 cooperative agreement.

5 “(B) CONTENTS OF REPORT.—Each report
6 submitted by an eligible consortium under sub-
7 paragraph (A) shall include the following:

8 “(i) A detailed description of the ac-
9 tivities carried out by the regional tech-
10 nology hub using the grant or cooperative
11 agreement described in subparagraph (A),
12 including the following:

13 “(I) A description of each project
14 the regional technology hub completed
15 using such grant or cooperative agree-
16 ment.

17 “(II) An explanation of how each
18 project described in subclause (I)
19 achieves a specific goal under this sec-
20 tion in the region of the regional tech-
21 nology hub with respect to—

22 “(aa) the resiliency of a sup-
23 ply chain;

1 “(bb) research, development,
2 and deployment of a critical tech-
3 nology;

4 “(cc) workforce training and
5 development;

6 “(dd) domestic job creation;

7 or

8 “(ee) entrepreneurship.

9 “(ii) A discussion of any obstacles en-
10 countered by the regional technology hub
11 in the implementation of the regional tech-
12 nology hub and how the regional tech-
13 nology hub overcame those obstacles.

14 “(iii) An evaluation of the success of
15 the projects of the regional technology hub
16 using the performance standards and
17 measures established under paragraph (1),
18 including an evaluation of the planning
19 process and how the project contributes to
20 carrying out the regional innovation strat-
21 egy of the regional technology hub.

22 “(iv) The effectiveness of the regional
23 technology hub in ensuring that, in the re-
24 gion of the regional technology hub, growth
25 in technology and innovation sectors pro-

1 duces broadly shared opportunity across
2 the region, including for economic dis-
3 advantaged and underrepresented popu-
4 lations and rural areas.

5 “(v) Information regarding such other
6 matters as the Secretary may require.

7 “(3) INTERIM REPORTS BY RECIPIENTS OF
8 GRANTS AND COOPERATIVE AGREEMENTS.—In addi-
9 tion to requiring submittal of final reports under
10 paragraph (2)(A), the Secretary may require a re-
11 gional technology hub described in such paragraph
12 to submit to the Secretary such interim reports as
13 the Secretary considers appropriate.

14 “(4) ANNUAL REPORTS TO CONGRESS.—Not
15 less frequently than once each year, the Secretary
16 shall submit to the appropriate committees of Con-
17 gress an annual report on the results of the assess-
18 ments conducted by the Secretary under paragraph
19 (1)(C) during the period covered by the report.

20 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to the Secretary, for the
22 period of fiscal years 2022 through 2026—

23 “(1) \$9,425,000,000 to award grants and coop-
24 erative agreements under subsection (f); and

1 “(2) \$575,000,000 to award grants and cooper-
2 ative agreements under subsection (e).”.

3 (b) INITIAL DESIGNATIONS AND AWARDS.—

4 (1) COMPETITION REQUIRED.—Not later than
5 180 days after the date of the enactment of this di-
6 vision, the Secretary of Commerce shall commence a
7 competition under subsection (d)(1) of section 28 of
8 the Stevenson-Wydler Technology Innovation Act of
9 1980 (Public Law 96–480), as added by subsection
10 (a).

11 (2) DESIGNATION AND AWARD.—Not later than
12 1 year after the date of the enactment of this divi-
13 sion, if the Secretary has received at least 1 applica-
14 tion under subsection (g) of such section from an eli-
15 gible consortium whom the Secretary considers suit-
16 able for designation under subsection (d)(1) of such
17 section, the Secretary shall—

18 (A) designate at least 1 regional tech-
19 nology hub under subsection (d)(1) of such sec-
20 tion; and

21 (B) award a grant or cooperative agree-
22 ment under subsection (f)(1) of such section to
23 each regional technology hub designated pursu-
24 ant to subparagraph (A) of this paragraph.

1 **SEC. 2402. MANUFACTURING USA PROGRAM.**

2 (a) DEFINITIONS.—In this section:

3 (1) HISTORICALLY BLACK COLLEGE OR UNI-
4 VERSITY.—The term “historically Black college or
5 university” has the meaning given the term “part B
6 institution” in section 322 of the Higher Education
7 Act of 1965 (20 U.S.C. 1061)).

8 (2) MANUFACTURING USA INSTITUTE.—The
9 term “Manufacturing USA institute” means an in-
10 stitute described in section 34(d) of the National In-
11 stitute of Standards and Technology Act (15 U.S.C.
12 278s(d)).

13 (3) MANUFACTURING USA NETWORK.—The
14 term “Manufacturing USA Network” means the
15 network established under section 34(c) of the Na-
16 tional Institute of Standards and Technology Act
17 (15 U.S.C. 278s(c)).

18 (4) MANUFACTURING USA PROGRAM.—The
19 term “Manufacturing USA Program” means the
20 program established under section 34(b)(1) of the
21 National Institute of Standards and Technology Act
22 (15 U.S.C. 278s(b)(1)).

23 (5) MINORITY-SERVING INSTITUTION.—The
24 term “minority-serving institution” means an eligi-
25 ble institution described in section 371(a) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1067q(a)).

3 (6) NATIONAL PROGRAM OFFICE.—The term
4 “National Program Office” means the National Pro-
5 gram Office established under section 34(h)(1) of
6 the National Institute of Standards and Technology
7 Act (15 U.S.C. 278s(h)(1)).

8 (7) TRIBAL COLLEGE OR UNIVERSITY.—The
9 term “Tribal college or university” has the meaning
10 given the term in section 316(b)(3) of the Higher
11 Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

12 (b) AUTHORIZATION OF APPROPRIATIONS TO EN-
13 HANCE AND EXPAND MANUFACTURING USA PROGRAM
14 AND SUPPORT INNOVATION AND GROWTH IN DOMESTIC
15 MANUFACTURING.—There is authorized to be appro-
16 priated \$1,200,000,000 for the period of fiscal years 2022
17 through 2026 for the Secretary of Commerce, acting
18 through the Director of the National Institute of Stand-
19 ards and Technology and in consultation with the Sec-
20 retary of Energy, the Secretary of Defense, and the heads
21 of such other Federal agencies as the Secretary of Com-
22 merce considers relevant—

23 (1) to carry out the Manufacturing USA Pro-
24 gram, including by awarding financial assistance
25 under section 34(e) of the National Institute of

1 Standards and Technology Act (15 U.S.C. 278s(e))
2 for Manufacturing USA institutes that were in effect
3 on the day before the date of the enactment of this
4 division; and

5 (2) to expand such program to support innova-
6 tion and growth in domestic manufacturing.

7 (c) DIVERSITY PREFERENCES.—Section 34(e) of the
8 National Institute of Standards and Technology Act (15
9 U.S.C. 278s(e)) is amended by adding at the end the fol-
10 lowing:

11 “(8) DIVERSITY PREFERENCES.—In awarding
12 financial assistance under paragraph (1) for plan-
13 ning or establishing a Manufacturing USA institute,
14 an agency head shall prioritize Manufacturing USA
15 institutes that—

16 “(A) contribute to the geographical diver-
17 sity of the Manufacturing USA Program;

18 “(B) are located in an area with a low per
19 capita income; and

20 “(C) are located in an area with a high
21 proportion of socially disadvantaged residents.”.

22 (d) COORDINATION BETWEEN MANUFACTURING
23 USA PROGRAM AND HOLLINGS MANUFACTURING EXTEN-
24 SION PARTNERSHIP.—The Secretary shall facilitate the
25 coordination of the activities of the Manufacturing USA

1 Program and the activities of Hollings Manufacturing Ex-
2 tension Partnership with each other to the degree that
3 doing so does not diminish the effectiveness of the ongoing
4 activities of a Manufacturing USA institute or a Center
5 (as the term is defined in section 25(a) of the National
6 Institute of Standards and Technology Act (15 U.S.C.
7 278k(a)), including Manufacturing USA institutes enter-
8 ing into agreements with a Center (as so defined) that
9 the Secretary considers appropriate to provide services re-
10 lating to the mission of the Hollings Manufacturing Ex-
11 tension Partnership, including outreach, technical assist-
12 ance, workforce development, and technology transfer and
13 adoption assistance to small- and medium-sized manufac-
14 turers.

15 (e) ADVICE FROM THE NATIONAL MANUFACTURING
16 ADVISORY COUNCIL.—The Secretary shall seek advice
17 from the National Manufacturing Advisory Council on
18 matters concerning investment in and support of the man-
19 ufacturing workforce within the Manufacturing USA Pro-
20 gram, including those matters covered under section
21 2404(d)(7).

22 (f) PARTICIPATION OF MINORITY-SERVING INSTITU-
23 TIONS, HISTORICALLY BLACK COLLEGES AND UNIVER-
24 SITIES, AND TRIBAL COLLEGES AND UNIVERSITIES.—

1 (1) IN GENERAL.—The Secretary of Commerce,
2 in consultation with the Secretary of Energy, the
3 Secretary of Defense, and the heads of such other
4 Federal agencies as the Secretary of Commerce con-
5 siders relevant, shall coordinate with existing and
6 new Manufacturing USA institutes to integrate cov-
7 ered entities as active members of the Manufac-
8 turing USA institutes, including through the devel-
9 opment of preferences in selection criteria for pro-
10 posals to create new Manufacturing USA institutes
11 or renew existing Manufacturing USA institutes that
12 are led by a covered entity.

13 (2) COVERED ENTITIES.—For purposes of this
14 subsection, a covered entity is—

15 (A) a minority-serving institution;

16 (B) an historically Black college or univer-
17 sity;

18 (C) a Tribal college or university; or

19 (D) a minority business enterprise (as de-
20 fined in section 1400.2 of title 15, Code of Fed-
21 eral Regulations, or successor regulation).

22 (g) DEPARTMENT OF COMMERCE POLICIES TO PRO-
23 MOTE DOMESTIC PRODUCTION OF TECHNOLOGIES DE-
24 VELOPED UNDER MANUFACTURING USA PROGRAM.—

25 (1) POLICIES.—

1 (A) IN GENERAL.—Each agency head (as
2 defined in section 34(a) of the National Insti-
3 tute of Standards and Technology Act (15
4 U.S.C. 278s(a))) and the Secretary of Defense
5 shall, in consultation with the Secretary of
6 Commerce, establish policies to promote the do-
7 mestic production of technologies developed by
8 the Manufacturing USA Network.

9 (B) ELEMENTS.—The policies developed
10 under subparagraph (A) shall include the fol-
11 lowing:

12 (i) Measures to partner domestic de-
13 velopers of goods, services, or technologies
14 by Manufacturing USA Network activities
15 with domestic manufacturers and sources
16 of financing.

17 (ii) Measures to develop and provide
18 incentives to promote transfer of intellec-
19 tual property and goods, services, or tech-
20 nologies developed by Manufacturing USA
21 Network activities to domestic manufactur-
22 ers.

23 (iii) Measures to assist with supplier
24 scouting and other supply chain develop-
25 ment, including the use of the Hollings

1 Manufacturing Extension Partnership to
2 carry out such measures.

3 (iv) A process to review and approve
4 or deny membership in a Manufacturing
5 USA institute by foreign-owned companies,
6 especially from countries of concern, in-
7 cluding the People's Republic of China.

8 (v) Measures to prioritize Federal pro-
9 curement of goods, services, or technologies
10 developed by the Manufacturing USA Net-
11 work activities from domestic sources, as
12 appropriate.

13 (C) PROCESSES FOR WAIVERS.—The poli-
14 cies established under this paragraph shall in-
15 clude processes to permit waivers, on a case by
16 case basis, for policies that promote domestic
17 production based on cost, availability, severity
18 of technical and mission requirements, emer-
19 gency requirements, operational needs, other
20 legal or international treaty obligations, or
21 other factors deemed important to the success
22 of the Manufacturing USA Program.

23 (2) PROHIBITION.—

24 (A) COMPANY DEFINED.—In this para-
25 graph, the term “company” has the meaning

1 given such term in section 847(a) of the Na-
2 tional Defense Authorization Act for Fiscal
3 Year 2020 (Public Law 116–92; 10 U.S.C.
4 2509 note).

5 (B) IN GENERAL.—A company of the Peo-
6 ple’s Republic of China may not participate in
7 the Manufacturing USA Program or the Manu-
8 facturing USA Network without a waiver, as
9 described in paragraph (1)(C).

10 (h) COORDINATION OF MANUFACTURING USA INSTI-
11 TUTES.—

12 (1) IN GENERAL.—Section 34(h) of the Na-
13 tional Institute of Standards and Technology Act
14 (15 U.S.C. 278s(h)) is amended by adding at the
15 end the following:

16 “(7) COUNCIL FOR COORDINATION OF INSTI-
17 TUTES.—

18 “(A) COUNCIL.—The National Program
19 Office shall establish or designate a council of
20 heads of any Manufacturing USA institute re-
21 ceiving Federal funding at any given time to
22 foster collaboration between Manufacturing
23 USA institutes.

1 “(B) MEETINGS.—The council established
2 or designated under subparagraph (A) shall
3 meet not less frequently than twice each year.

4 “(C) DUTIES OF THE COUNCIL.—The
5 council established under subparagraph (A)
6 shall assist the National Program Office in car-
7 rying out the functions of the National Pro-
8 gram Office under paragraph (2).”.

9 (2) REPORT REQUIRED.—Not later than 180
10 days after the date on which the council is estab-
11 lished under section 34(h)(7)(A) of the National In-
12 stitute of Standards and Technology Act, as added
13 by paragraph (1), the council shall submit to the
14 National Program Office a report containing rec-
15 ommendations for improving inter-network collabo-
16 ration.

17 (3) SUBMITTAL TO CONGRESS.—Not later than
18 30 days after the date on which the report required
19 by paragraph (2) is submitted to the National Pro-
20 gram Office, the Director of the National Institute
21 of Standards and Technology shall submit such re-
22 port to the Committee on Commerce, Science, and
23 Transportation, the Committee on Energy and Nat-
24 ural Resources, and the Committee on Armed Serv-
25 ices of the Senate and the Committee on Science,

1 Space, and Technology of the House of Representa-
2 tives.

3 (i) REQUIREMENT FOR NATIONAL PROGRAM OFFICE
4 TO DEVELOP STRATEGIES FOR RETAINING DOMESTIC
5 PUBLIC BENEFIT AFTER CEASE OF FEDERAL FUND-
6 ING.—Section 34(h)(2)(C) of the National Institute of
7 Standards and Technology Act (15 U.S.C. 278s(h)(2)(C))
8 is amended by inserting “, including a strategy for retain-
9 ing domestic public benefits from Manufacturing USA in-
10 stitutes once Federal funding has been discontinued” after
11 “Program”.

12 (j) MODIFICATION OF FUNCTIONS OF NATIONAL
13 PROGRAM OFFICE TO INCLUDE DEVELOPMENT OF IN-
14 DUSTRY CREDENTIALS.—Section 34(h)(2)(J) of the Na-
15 tional Institute of Standards and Technology Act (15
16 U.S.C. 278s(h)(2)(J)) is amended by inserting “, includ-
17 ing the development of industry credentials” after “activi-
18 ties”.

19 **SEC. 2403. ESTABLISHMENT OF EXPANSION AWARDS PRO-**
20 **GRAM IN HOLLINGS MANUFACTURING EX-**
21 **TENSION PARTNERSHIP AND AUTHORIZA-**
22 **TION OF APPROPRIATIONS FOR THE PART-**
23 **nership.**

24 (a) ESTABLISHMENT OF EXPANSION AWARDS PRO-
25 GRAM.—The National Institute of Standards and Tech-

1 nology Act (15 U.S.C. 271 et seq.) is amended by insert-
2 ing after section 25A (15 U.S.C. 278k–1) the following:

3 **“SEC. 25B. EXPANSION AWARDS PROGRAM.**

4 “(a) DEFINITIONS.—The terms used in this section
5 have the meanings given the terms in section 25.

6 “(b) ESTABLISHMENT.—The Director shall establish,
7 subject to the availability of appropriations, within the
8 Hollings Manufacturing Extension Partnership under sec-
9 tions 25 and 26 a program of expansion awards among
10 participants described in subsection (c) of this section for
11 the purposes described in subsection (d) of this section.

12 “(c) PARTICIPANTS.—Participants receiving awards
13 under this section shall be Centers, or a consortium of
14 Centers.

15 “(d) PURPOSE OF AWARDS.—An award under this
16 section shall be made for one or more of the following pur-
17 poses:

18 “(1) To provide worker education, training, de-
19 velopment, and entrepreneurship training and to
20 connect individuals or business with such services of-
21 fered in their community, which may include em-
22 ployee ownership and workforce training, connecting
23 manufacturers with career and technical education
24 entities, institutions of higher education (including
25 community colleges), workforce development boards,

1 State government programs for advanced manufac-
2 turing, entities (such as public-private partnerships)
3 or a collection of entities and individuals carrying
4 out an advanced manufacturing forum that would
5 serve educationally underrepresented individuals
6 (such as underrepresented racial and ethnic minori-
7 ties), labor organizations, and nonprofit job training
8 providers to develop and support training and job
9 placement services, apprenticeship and online learn-
10 ing platforms, for new and incumbent workers, pro-
11 gramming to prevent job losses when adopting new
12 technologies and processes, and development of em-
13 ployee ownership practices.

14 “(2) To mitigate vulnerabilities to cyberattacks,
15 including helping to offset the cost of cybersecurity
16 projects for small manufacturers.

17 “(3) To expand advanced technology services to
18 small- and medium-sized manufacturers, which may
19 include—

20 “(A) developing technology demonstration
21 laboratories;

22 “(B) services for the adoption of advanced
23 technologies, including smart manufacturing
24 technologies and practices; and

1 “(C) establishing partnerships, for the de-
2 velopment, demonstration, and deployment of
3 advanced technologies, with—

4 “(i) national laboratories (as defined
5 in section 2 of the Energy Policy Act of
6 2005 (42 U.S.C. 15801));

7 “(ii) Federal laboratories;

8 “(iii) Manufacturing USA institutes
9 (as described in section 2402 of the End-
10 less Frontiers Act); and

11 “(iv) institutions of higher education.

12 “(4) To build capabilities across the Hollings
13 Manufacturing Extension Partnership for domestic
14 supply chain resiliency and optimization, including—

15 “(A) assessment of domestic manufac-
16 turing capabilities, expanded capacity for re-
17 searching and deploying information on supply
18 chain risk, hidden costs of reliance on offshore
19 suppliers, and other relevant topics; and

20 “(B) expanded services to provide indus-
21 try-wide support that assists United States
22 manufacturers with reshoring manufacturing to
23 strengthen the resiliency of domestic supply
24 chains, including in critical technology areas
25 and foundational manufacturing capabilities

1 that are key to domestic manufacturing com-
2 petitiveness and resiliency, including forming,
3 casting, machining, joining, surface treatment,
4 tooling, and metal or chemical refining.

5 “(e) REIMBURSEMENT.—The Director may reim-
6 burse Centers for costs incurred by the Centers under this
7 section.

8 “(f) PROGRAM CONTRIBUTION.—Recipients of
9 awards under this section shall not be required to provide
10 a matching contribution.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to carry out the Hollings Manufac-
14 turing Extension Partnership program under sec-
15 tions 25, 25A, and 26 of the National Institute of
16 Standards and Technology Act (15 U.S.C. 278k,
17 278k-1, and 278l), and section 25B of such Act, as
18 added by subsection (a), \$480,000,000 for each of
19 fiscal years 2022 through fiscal year 2026.

20 (2) BASE FUNDING.—Of the amounts appro-
21 priated pursuant to the authorization in paragraph
22 (1), \$216,000,000 shall be available in each fiscal
23 year to carry out the Hollings Manufacturing Exten-
24 sion Partnership under sections 25 and 25A of such
25 Act (15 U.S.C. 278k and 278k-1), of which

1 \$40,000,000 shall not be subject to cost share re-
2 quirements under subsection (e)(2) of such section:
3 Provided, That the authority made available pursu-
4 ant to this section shall be elective for any Manufac-
5 turing Extension Partnership Center that also re-
6 ceives funding from a State that is conditioned upon
7 the application of a Federal cost sharing require-
8 ment.

9 (3) EXPANSION AWARD PROGRAM.—Of the
10 amounts appropriated pursuant to the authorization
11 in paragraph (1), \$264,000,000 shall be available
12 each fiscal year to carry out section 25B of such
13 Act, as added by subsection (a).

14 **SEC. 2404. NATIONAL MANUFACTURING ADVISORY COUN-**
15 **CIL.**

16 (a) DEFINITIONS.—In this section:

17 (1) ADVISORY COUNCIL.—The term “Advisory
18 Council” means the National Manufacturing Advi-
19 sory Council established under subsection (b)(1).

20 (2) APPROPRIATE COMMITTEES OF CON-
21 GRESS.—The term “appropriate committees of Con-
22 gress” means—

23 (A) the Committee on Health, Education,
24 Labor, and Pensions, the Committee on Com-
25 merce, Science, and Transportation, the Com-

1 mittee on Energy and Natural Resources, the
2 Committee on Armed Services, and the Com-
3 mittee on Appropriations of the Senate; and

4 (B) the Committee on Education and
5 Labor, the Committee on Science, Space, and
6 Technology, the Committee on Energy and
7 Commerce, the Committee on Armed Services,
8 and the Committee on Appropriations of the
9 House of Representatives.

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of Commerce.

12 (b) ESTABLISHMENT.—

13 (1) IN GENERAL.—The Secretary, in consulta-
14 tion with the Secretary of Labor, the Secretary of
15 Defense, the Secretary of Energy, and the Secretary
16 of Education, shall establish within the Department
17 of Commerce the National Manufacturing Advisory
18 Council.

19 (2) PURPOSE.—The purpose of the Advisory
20 Council shall be to—

21 (A) provide worker education, training, de-
22 velopment, and entrepreneurship training;

23 (B) connect individuals and business with
24 the services described in subparagraph (A) that

1 are offered in the community of the individuals
2 or businesses;

3 (C) coordinate services relating to em-
4 ployee engagement, including employee owner-
5 ship and workforce training;

6 (D) connect manufacturers with career and
7 technical education entities, institutions of high-
8 er education, community colleges, workforce de-
9 velopment boards, labor organizations, and non-
10 profit job training providers to develop and sup-
11 port training and job placement services and
12 apprenticeship and online learning platforms for
13 new and incumbent workers;

14 (E) develop programming to prevent job
15 losses as entities adopt new technologies and
16 processes; and

17 (F) develop best practices for employee
18 ownership.

19 (c) MISSION.—The mission of the Advisory Council
20 shall be to—

21 (1) ensure regular communication between the
22 Federal Government and the manufacturing sector
23 in the United States;

1 (2) advise the Federal Government regarding
2 policies and programs of the Federal Government
3 that affect manufacturing in the United States;

4 (3) provide a forum for discussing and pro-
5 posing solutions to problems relating to the manu-
6 facturing industry in the United States; and

7 (4) ensure that the United States remains the
8 preeminent destination throughout the world for in-
9 vestment in manufacturing.

10 (d) DUTIES.—The duties of the Advisory Council
11 shall include—

12 (1) meeting not less frequently than every 180
13 days to provide independent advice and rec-
14 ommendations to the Secretary regarding issues in-
15 volving manufacturing in the United States;

16 (2) completing specific tasks requested by the
17 Secretary;

18 (3) conveying input from key industry, labor,
19 academic, defense, governmental, and other stake-
20 holders to aid in the development of a national stra-
21 tegic plan for manufacturing in the United States;

22 (4) monitoring the status of technological devel-
23 opments, critical production capacity, skill avail-
24 ability, investment patterns, emerging defense needs,
25 and other key indicators of manufacturing competi-

1 tiveness to provide foresight for periodic updates to
2 the national strategic plan for manufacturing devel-
3 oped under paragraph (3);

4 (5) soliciting input from the public and private
5 sectors and academia relating to emerging trends in
6 manufacturing, the responsiveness of Federal pro-
7 gramming with respect to manufacturing, and sug-
8 gestions for areas of increased Federal attention
9 with respect to manufacturing;

10 (6) monitoring global manufacturing trends and
11 global threats to manufacturing sectors in the
12 United States;

13 (7) providing advice and recommendations to
14 the Federal Government on matters relating to in-
15 vestment in and support of the manufacturing work-
16 force relating to—

17 (A) worker participation, including through
18 labor organizations and through other methods
19 determined by the Advisory Council, in the
20 planning for deployment of new technologies
21 across an industry and within workplaces;

22 (B) training and education priorities for
23 the Federal Government and for employers to
24 assist workers in adapting the skills and experi-

1 ences of those workers to fit the demands of the
2 21st century economy;

3 (C) innovative suggestions from workers on
4 the development of new technologies and proc-
5 esses and, as appropriate, assessing the impact
6 of those technologies and processes on the
7 workforce and economy of the United States;

8 (D) management practices that lead to
9 worker employment, job quality, worker protec-
10 tion, worker participation and power in decision
11 making, and investment in worker career suc-
12 cess;

13 (E) policies and procedures to prioritize di-
14 versity and inclusion in the manufacturing and
15 technology workforce by expanding access to
16 job, career advancement, and management op-
17 portunities for underrepresented populations;
18 and

19 (F) advice on how to improve access to de-
20 mand-driven education, training, and re-train-
21 ing for workers, including community and tech-
22 nical colleges, higher education, apprenticeships
23 and work-based learning opportunities;

1 (8) with respect to the manufacturing.gov
2 website, or any successor thereto, providing input
3 and improvements in order to—

4 (A) make that website more user-friendly
5 to enhance the ability of that website to—

6 (i) provide information to manufactur-
7 ers; and

8 (ii) receive feedback from manufactur-
9 ers;

10 (B) assist that website in becoming the
11 principal place of interaction between manufac-
12 turers in the United States and Federal pro-
13 grams relating to manufacturing; and

14 (C) enable that website to provide assist-
15 ance to manufacturers relating to—

16 (i) international trade and investment
17 matters;

18 (ii) research and technology develop-
19 ment opportunities;

20 (iii) workforce development and train-
21 ing programs and opportunities;

22 (iv) small and medium manufacturer
23 needs; and

24 (v) industrial commons and supply
25 chain needs.

1 (e) MEMBERSHIP.—

2 (1) IN GENERAL.—The Advisory Council
3 shall—

4 (A) consist of individuals appointed by the
5 Secretary with a balance of backgrounds, expe-
6 riences, and viewpoints; and

7 (B) include an equal proportion of individ-
8 uals with manufacturing experience who rep-
9 resent private industry, academia, and labor or-
10 ganizations.

11 (2) PUBLIC PARTICIPATION.—The Secretary
12 shall, to the maximum extent practicable, accept rec-
13 ommendations from the public regarding the ap-
14 pointment of individuals under paragraph (1).

15 (3) PERIOD OF APPOINTMENT; VACANCIES.—

16 (A) IN GENERAL.—Each member of the
17 Advisory Council shall be appointed by the Sec-
18 retary for a term of 3 years.

19 (B) RENEWAL.—The Secretary may renew
20 an appointment made under subparagraph (A)
21 not more than 2 additional terms

22 (C) STAGGER TERMS.—The Secretary may
23 stagger the terms of the members of the Advi-
24 sory Council to ensure that the terms of the
25 members expire during different years.

1 (D) VACANCIES.—Any member appointed
2 to fill a vacancy on the Advisory Council occur-
3 ring before the expiration of the term for which
4 the member's predecessor was appointed shall
5 be appointed only for the remainder of that
6 term. A member may serve after the expiration
7 of that term until a successor has been ap-
8 pointed.

9 (f) TRANSFER OF FUNCTIONS.—

10 (1) IN GENERAL.—All functions of the United
11 States Manufacturing Council of the International
12 Trade Administration of the Department of Com-
13 merce, including the personnel, assets, and obliga-
14 tions of the United States Manufacturing Council of
15 the International Trade Administration of the De-
16 partment of Commerce, as in existence on the day
17 before the date of enactment of this division, shall
18 be transferred to the Advisory Council.

19 (2) DEEMING OF NAME.—Any reference in law,
20 regulation, document, paper, or other record of the
21 United States to the United States Manufacturing
22 Council of the International Trade Administration of
23 the Department of Commerce shall be deemed a ref-
24 erence to the Advisory Council.

1 (3) UNEXPENDED BALANCES.—Unexpended
2 balances of appropriations, authorization, alloca-
3 tions, or other funds related to the United States
4 Manufacturing Council of the International Trade
5 Administration of the Department of Commerce
6 shall be available for use by the Advisory Council for
7 the purpose for which the appropriations, authoriza-
8 tions, allocations, or other funds were originally
9 made available.

10 (g) REPORT.—Not later than 180 days after the date
11 on which the Advisory Council holds the initial meeting
12 of the Advisory Council and annually thereafter, the Advi-
13 sory Council shall submit to the appropriate committees
14 of Congress a report containing a detailed statement of
15 the advice and recommendations of the Advisory Council
16 required under subsection (d)(7).

17 **TITLE V—MISCELLANEOUS**

18 **SEC. 2501. STRATEGY AND REPORT ON ECONOMIC SECUR-** 19 **RITY, SCIENCE, RESEARCH, AND INNOVATION** 20 **TO SUPPORT THE NATIONAL SECURITY** 21 **STRATEGY.**

22 (a) NATIONAL SECURITY STRATEGY DEFINED.—In
23 this section, the term “national security strategy” means
24 the national security strategy required by section 108 of
25 the National Security Act of 1947 (50 U.S.C. 3043).

1 (b) STRATEGY AND REPORT.—

2 (1) IN GENERAL.—Not later than 90 days after
3 the transmission of each national security strategy
4 under section 108(a) of the National Security Act of
5 1947 (50 U.S.C. 3043(a)), the Director of the Office
6 of Science and Technology Policy shall, in coordina-
7 tion with the National Science and Technology
8 Council, the Director of the National Economic
9 Council, and the heads of such other relevant Fed-
10 eral agencies as the Director of the Office of Science
11 and Technology Policy considers appropriate and in
12 consultation with such nongovernmental partners as
13 the Director of the Office of Science and Technology
14 Policy considers appropriate—

15 (A) review such strategy, programs, and
16 resources as the Director of the Office of
17 Science and Technology Policy determines per-
18 tain to United States national competitiveness
19 in science, research, innovation, and technology
20 transfer, including patenting and licensing, to
21 support the national security strategy;

22 (B) develop or revise a national strategy to
23 improve the national competitiveness of the
24 United States in science, research, and innova-

1 tion to support the national security strategy;
2 and

3 (C) submit to Congress—

4 (i) a report on the findings of the Di-
5 rector with respect to the review conducted
6 under subparagraph (A); and

7 (ii) the strategy developed or revised
8 under subparagraph (B).

9 (2) TERMINATION.—The requirement of para-
10 graph (1) shall terminate on the date that is 5 years
11 after the date of the enactment of this Act.

12 (c) ELEMENTS.—

13 (1) REPORT.—Each report submitted under
14 subsection (b)(1)(C)(i) shall include the following:

15 (A) An assessment of public and private
16 investment in civilian and military science and
17 technology and its implications for the
18 geostrategic position of the United States.

19 (B) A description of the prioritized eco-
20 nomic security interests and objectives, includ-
21 ing domestic job creation, of the United States
22 relating to science, research, and innovation
23 and an assessment of how investment in civilian
24 and military science and technology can ad-
25 vance those objectives.

1 (C) An assessment of global trends in
2 science and technology, including potential
3 threats to the leadership of the United States
4 in science and technology.

5 (D) An assessment of the national debt
6 and its implications for the economic and na-
7 tional security of the United States.

8 (E) An assessment of how regional efforts
9 are contributing and could contribute to the in-
10 novation capacity of the United States, includ-
11 ing programs run by State and local govern-
12 ments.

13 (F) An assessment of—

14 (i) workforce needs for competitive-
15 ness in key technology focus areas; and

16 (ii) any efforts needed—

17 (I) to expand pathways into key
18 technology focus areas; and

19 (II) to improve workforce devel-
20 opment and employment systems, as
21 well as programs and practices to
22 upskill incumbent workers.

23 (G) An assessment of barriers to competi-
24 tiveness and barriers to the development and

1 evolution of start-ups, small and mid-sized busi-
2 ness entities, and industries.

3 (H) An assessment of the effectiveness of
4 the Federal Government, federally funded re-
5 search and development centers, and national
6 labs in supporting and promoting technology
7 commercialization and technology transfer, in-
8 cluding an assessment of the adequacy of Fed-
9 eral research and development funding in cre-
10 ating new domestic manufacturing growth and
11 job creation across sectors and promoting com-
12 petitiveness and the development of new tech-
13 nologies.

14 (I) An assessment of manufacturing capac-
15 ity, logistics, and supply chain dynamics of
16 major export sectors, including access to a
17 skilled workforce, physical infrastructure, and
18 broadband network infrastructure.

19 (J) An assessment of how the Federal
20 Government is increasing the participation of
21 underrepresented populations in science, re-
22 search, innovation, and manufacturing.

23 (K) An assessment of public-private part-
24 nerships in technology commercialization, in-
25 cluding—

1 (i) the structure of current technology
2 research and commercialization arrange-
3 ments with regard to public-private part-
4 nerships; and

5 (ii) the extent to which intellectual
6 property developed with Federal funding—

7 (I) is being used to manufacture
8 in the United States rather than in
9 other countries; and

10 (II) is being used by foreign busi-
11 ness entities that are majority owned
12 or controlled (as defined in section
13 800.208 of title 31, Code of Federal
14 Regulations, or a successor regula-
15 tion), or minority owned greater than
16 25 percent by—

17 (aa) any governmental orga-
18 nization of the People's Republic
19 of China; or

20 (bb) any other entity that
21 is—

22 (AA) known to be
23 owned or controlled by any
24 governmental organization

1 of the People's Republic of
2 China; or
3 (BB) organized under,
4 or otherwise subject to, the
5 laws of the People's Repub-
6 lic of China.

7 (2) STRATEGY.—Each strategy submitted
8 under subsection (b)(1)(C)(ii) shall include the fol-
9 lowing:

10 (A) A plan to utilize available tools to ad-
11 dress or minimize the leading threats and chal-
12 lenges and to take advantage of the leading op-
13 portunities, particularly in regards to key tech-
14 nology focus areas central to international com-
15 petition, including the following:

16 (i) Specific objectives, tasks, metrics,
17 and milestones for each relevant Federal
18 agency.

19 (ii) Strategic objectives and priorities
20 necessary to maintain the leadership of the
21 United States in science and technology,
22 including near-term, medium-term, and
23 long-term research priorities.

24 (iii) Specific plans to safeguard re-
25 search and technology funded, as appro-

1 puate, in whole or in part, by the Federal
2 Government, including in the key tech-
3 nology focus areas, from theft or
4 exfiltration by foreign entities of concern.

5 (iv) Specific plans to support public
6 and private sector investment in research,
7 technology development, education and
8 workforce development, and domestic man-
9 ufacturing supportive of the national eco-
10 nomic competitiveness of the United States
11 and to foster the use of public-private part-
12 nerships.

13 (v) Specific plans to promote sustain-
14 ability practices and strategies for increas-
15 ing jobs in the United States.

16 (vi) A description of—

17 (I) how the strategy submitted
18 under subsection (b)(1)(C)(ii) sup-
19 ports the national security strategy;
20 and

21 (II) how the strategy submitted
22 under such subsection is integrated
23 and coordinated with the most recent
24 national defense strategy under sec-

1 and value of partially manufactured
2 products;

3 (II) to ensure that intellectual
4 property developed with Federal fund-
5 ing is commercialized in the United
6 States; and

7 (III) to ensure, to the maximum
8 appropriate extent, that intellectual
9 property developed with Federal fund-
10 ing is not being used by foreign busi-
11 ness entities that are majority owned
12 or controlled (as defined in section
13 800.208 of title 31, Code of Federal
14 Regulations, or a successor regula-
15 tion), or minority owned greater than
16 25 percent by—

17 (aa) any governmental orga-
18 nization of the People's Republic
19 of China; or

20 (bb) any other entity that
21 is—

22 (AA) known to be
23 owned or controlled by any
24 governmental organization

1 of the People's Republic of
2 China; or
3 (BB) organized under,
4 or otherwise subject to, the
5 laws of the People's Repub-
6 lic of China.

7 (xii) An identification of additional re-
8 sources, administrative action, or legisla-
9 tive action recommended to assist with the
10 implementation of such strategy.

11 (d) RESEARCH AND DEVELOPMENT FUNDING.—The
12 Director of the Office of Science and Technology Policy
13 shall, as the Director considers necessary, consult with the
14 Director of the Office of Management and Budget and
15 with the heads of such other elements of the Executive
16 Office of the President as the Director of the Office of
17 Science and Technology Policy considers appropriate to
18 ensure that the recommendations and priorities with re-
19 spect to research and development funding as expressed
20 in the most recent report and strategy submitted under
21 subsection (b)(1)(C) are incorporated into the develop-
22 ment of annual budget requests for Federal research agen-
23 cies.

24 (e) PUBLICATION.—The Director of the Office of
25 Science and Technology Policy shall, consistent with the

1 protection of national security and other sensitive matters
2 and otherwise to the maximum extent practicable, make
3 each report submitted under subsection (b)(1)(C)(i) pub-
4 licly available on an internet website of the Office of
5 Science and Technology Policy. The report may include
6 a classified annex if the working group determines appro-
7 priate.

8 **SEC. 2502. PERSON OR ENTITY OF CONCERN PROHIBITION.**

9 No person published on the list under section 1237(b)
10 of the Strom Thurmond National Defense Authorization
11 Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C.
12 1701 note) or entity identified under section 1260H of
13 the William M. (Mac) Thornberry National Defense Au-
14 thorization Act for Fiscal Year 2021 (Public Law 116–
15 283) may receive or participate in any grant, award, pro-
16 gram, support, or other activity under—

17 (1) the Directorate established in section 2102;

18 (2) the supply chain resiliency program under
19 section 2505;

20 (3) section 28(b)(1) of the Stevenson-Wydler
21 Technology Innovation Act of 1980 (15 U.S.C. 3701
22 et seq.), as added by section 2401(a); or

23 (4) the Manufacturing USA Program, as im-
24 proved and expanded under section 2402.

1 **SEC. 2503. STUDY ON EMERGING SCIENCE AND TECH-**
2 **NOLOGY CHALLENGES FACED BY THE**
3 **UNITED STATES AND RECOMMENDATIONS TO**
4 **ADDRESS THEM.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “National Strategy to Ensure American Leadership Act
7 of 2021” or the “National SEAL Act of 2021”.

8 (b) **STUDY.**—

9 (1) **IN GENERAL.**—The Secretary of Commerce
10 shall seek to enter into an agreement with the Na-
11 tional Academies of Sciences, Engineering, and Med-
12 icine to conduct a study—

13 (A) to identify the 10 most critical emerg-
14 ing science and technology challenges facing the
15 United States; and

16 (B) to develop recommendations for legis-
17 lative or administrative action to ensure United
18 States leadership in matters relating to such
19 challenges.

20 (2) **ELEMENTS.**—The study conducted under
21 paragraph (1) shall include identification, review,
22 and evaluation of the following:

23 (A) Matters pertinent to identification of
24 the challenges described in paragraph (1)(A).

25 (B) Matters relating to the recommenda-
26 tions developed under paragraph (1)(B), includ-

1 ing with respect to education and workforce de-
2 velopment necessary to address each of the
3 challenges identified under paragraph (1)(A).

4 (C) Matters related to the review of key
5 technology focus areas by the Director of the
6 National Science Foundation under section
7 2005.

8 (D) An assessment of the current relative
9 balance in leadership in addressing the chal-
10 lenges identified in paragraph (1)(A) between
11 the United States, allies or key partners of the
12 United States, and the People's Republic of
13 China.

14 (3) TIMEFRAME.—

15 (A) AGREEMENT.—The Secretary of Com-
16 merce shall seek to enter into the agreement re-
17 quired by paragraph (1) on or before the date
18 that is 60 days after the date of enactment of
19 this Act.

20 (B) FINDINGS.—Under an agreement en-
21 tered into under paragraph (1), the National
22 Academies of Sciences, Engineering, and Medi-
23 cine shall, not later than 1 year after the date
24 on which the Secretary of Commerce and the
25 National Academies enter into such agreement,

1 transmit to the Secretary of Commerce the
2 findings of the National Academies with respect
3 to the study conducted pursuant to such agree-
4 ment.

5 (c) REPORT.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date on which the Secretary of Commerce re-
8 ceives the findings of the National Academies of
9 Sciences, Engineering, and Medicine with respect to
10 the study conducted under subsection (b), the Sec-
11 retary of Commerce shall submit to Congress a
12 “Strategy to Ensure American Leadership” report
13 on such study.

14 (2) CONTENTS.—The report submitted under
15 paragraph (1) shall include the following:

16 (A) The findings of the National Acad-
17 emies of Sciences, Engineering, and Medicine
18 with respect to the study conducted under sub-
19 section (b).

20 (B) The conclusions of the Secretary of
21 Commerce with respect to such findings.

22 (C) The recommendations developed under
23 subsection (b)(1)(B).

24 (D) Such other recommendations for legis-
25 lative or administrative action as the Secretary

1 of Commerce may have with respect to such
2 findings and conclusions.

3 (3) CLASSIFIED ANNEX.—The report submitted
4 under paragraph (1) shall be submitted in unclassi-
5 fied form, but may include a classified annex if the
6 Secretary of Commerce determines appropriate.

7 (d) INFORMATION FROM FEDERAL AGENCIES.—

8 (1) IN GENERAL.—The National Academies of
9 Sciences, Engineering, and Medicine may secure di-
10 rectly from a Federal department or agency such in-
11 formation as the National Academies of Sciences,
12 Engineering, and Medicine consider necessary to
13 carry out the study under subsection (b).

14 (2) FURNISHING INFORMATION.—On request of
15 the National Academies of Sciences, Engineering,
16 and Medicine for information, the head of the de-
17 partment or agency shall furnish such information to
18 the National Academies of Sciences, Engineering,
19 and Medicine.

20 (e) CONSULTATION.—The Secretary of Defense and
21 the Director of National Intelligence shall provide support
22 upon request from the Secretary of Commerce or the Na-
23 tional Academies to carry out this section.

24 (f) NON-DUPLICATION OF EFFORT.—In carrying out
25 subsection (b), the Secretary of Commerce shall, to the

1 degree practicable, coordinate with the steering committee
2 established under section 236(a) of the William M. (Mac)
3 Thornberry National Defense Authorization Act for Fiscal
4 Year 2021 (Public Law 116–283).

5 **SEC. 2504. REPORT ON GLOBAL SEMICONDUCTOR SHORT-**
6 **AGE.**

7 Not later than 1 year after the date of enactment
8 of this division, the Comptroller General of the United
9 States shall submit to Congress a report on the global
10 semiconductor supply shortage and the impact of that
11 shortage on manufacturing in the United States.

12 **SEC. 2505. SUPPLY CHAIN RESILIENCY PROGRAM.**

13 (a) DEFINITIONS.—In this section:

14 (1) CRITICAL INDUSTRY.—The term “critical
15 industry” means an industry identified under sub-
16 section (f)(1)(A)(i).

17 (2) CRITICAL INFRASTRUCTURE.—The term
18 “critical infrastructure” has the meaning given the
19 term in the Critical Infrastructures Protection Act
20 of 2001 (42 U.S.C. 5195c).

21 (3) LABOR ORGANIZATION.—The term “labor
22 organization” has the meaning given the term in
23 section 2101.

1 (4) PROGRAM.—The term “program” means
2 the supply chain resiliency and crisis response pro-
3 gram established under subsection (b).

4 (5) RESILIENT SUPPLY CHAIN.—The term “re-
5 silient supply chain” means a supply chain that—

6 (A) ensures that the United States can
7 sustain critical industry production, supply
8 chains, services, and access to critical goods and
9 services during supply chain shocks, including
10 pandemic and biological threats, cyberattacks,
11 extreme weather events, terrorist and geo-
12 political attacks, great power conflicts, and
13 other threats to the national security of the
14 United States; and

15 (B) has key components of resilience that
16 include—

17 (i) effective private sector risk man-
18 agement and mitigation planning to sus-
19 tain critical supply chains and supplier
20 networks during a supply chain shock;

21 (ii) minimized or managed exposure to
22 supply chain shocks; and

23 (iii) the financial and operational ca-
24 pacity to—

1 (I) sustain critical industry sup-
2 ply chains during shocks; and

3 (II) recover from supply chain
4 shocks.

5 (6) RELEVANT COMMITTEES OF CONGRESS.—

6 The term “relevant committees of Congress”
7 means—

8 (A) the Committee on Commerce, Science,
9 and Transportation of the Senate;

10 (B) the Committee on Appropriations of
11 the Senate;

12 (C) the Committee on Finance of the Sen-
13 ate;

14 (D) the Committee on Homeland Security
15 and Governmental Affairs of the Senate;

16 (E) the Committee on Armed Services of
17 the Senate;

18 (F) the Committee on Energy and Natural
19 Resources of the Senate;

20 (G) the Select Committee on Intelligence of
21 the Senate;

22 (H) the Committee on Science, Space, and
23 Technology of the House of Representatives;

24 (I) the Committee on Energy and Com-
25 merce of the House of Representatives;

1 (J) the Committee on Appropriations of
2 the House of Representatives;

3 (K) the Committee on Ways and Means of
4 the House of Representatives;

5 (L) the Committee on Homeland Security
6 of the House of Representatives;

7 (M) the Committee on Armed Services of
8 the House of Representatives; and

9 (N) the Permanent Select Committee on
10 Intelligence of the House of Representatives.

11 (7) SECRETARY.—The term “Secretary” means
12 the Secretary of Commerce.

13 (8) SUPPLY CHAIN INFORMATION.—The term
14 “supply chain information” means information that
15 is not customarily in the public domain and relating
16 to—

17 (A) sustaining and adapting supply chains
18 during a supply chain shock, including pan-
19 demic and biological threats, cyberattacks, ex-
20 treme weather events, terrorist and geopolitical
21 attacks, great power conflict, and other threats
22 to national security;

23 (B) the development of supply chain risk
24 mitigation and recovery planning with respect
25 to a supply chain shock, including any planned

1 or past assessment, projection, or estimate of a
2 vulnerability within the supply chain, including
3 testing, supplier network assessments, produc-
4 tion flexibility, risk evaluations thereto, risk
5 management planning, or risk audits; or

6 (C) operational best practices, planning,
7 and supplier partnerships that enable enhanced
8 supply chain resilience during a supply chain
9 shock, including response, repair, recovery, re-
10 construction, insurance, or continuity.

11 (b) ESTABLISHMENT.—The Secretary shall establish
12 in the Department of Commerce a supply chain resiliency
13 and crisis response program to carry out the activities de-
14 scribed in subsection (d).

15 (c) MISSION.—The mission of the program shall be
16 to—

17 (1) help to promote the leadership of the
18 United States with respect to critical industries that
19 are essential to the mid-term and long-term national
20 security of the United States; and

21 (2) encourage partnerships between the Federal
22 Government and industry, labor organizations, and
23 State, local, territorial, and Tribal governments in
24 order to—

25 (A) promote resilient supply chains; and

1 (B) respond to critical industry supply
2 chain shocks.

3 (d) ACTIVITIES.—Under the program, the Secretary,
4 acting through 1 or more bureaus or other divisions of
5 the Department of Commerce as appropriate, shall carry
6 out activities—

7 (1) in coordination with the private sector, to—

8 (A) map and monitor critical industry sup-
9 ply chains; and

10 (B) identify high priority supply chain
11 gaps and vulnerabilities in critical industries
12 that—

13 (i) exist as of the date of enactment
14 of this division; or

15 (ii) are anticipated in the future;

16 (2) in coordination with the private sector and
17 State, local, territorial, and Tribal governments, and
18 as appropriate, in cooperation with the governments
19 of countries that are allies or key international part-
20 ners of the United States, to—

21 (A) identify opportunities to reduce supply
22 chain gaps and vulnerabilities in critical indus-
23 tries;

24 (B) encourage partnerships between the
25 Federal Government and industry, labor organi-

1 zations, and State, local, territorial, and Tribal
2 governments to better respond to supply chain
3 shocks to critical industries and coordinate re-
4 sponse efforts;

5 (C) develop or identify opportunities to
6 build the capacity of the United States, or
7 countries that are allies of the United States, in
8 critical industries; and

9 (D) develop contingency plans and coordi-
10 nation mechanisms to improve critical industry
11 supply chain response to supply chain shocks;
12 and

13 (3) acting within existing authorities of the De-
14 partment of Commerce and in coordination with the
15 Secretary of State and the United States Trade
16 Representative, to—

17 (A) work with governments of countries
18 that are allies or partners of the United States
19 to promote diversified and resilient supply
20 chains that ensure the supply of critical goods
21 to both the United States and companies of
22 countries that are allies of the United States;
23 and

24 (B) coordinate with other divisions of the
25 Department of Commerce and other Federal

1 agencies to leverage existing authorities, as of
2 the date of enactment of this division, to en-
3 courage resilient supply chains.

4 (e) COORDINATION GROUP.—In carrying out the ac-
5 tivities under subsection (d), the Secretary may—

6 (1) establish a unified coordination group,
7 which may include private sector partners, as appro-
8 priate, to serve as the primary method for coordi-
9 nating between and among Federal agencies to plan
10 for supply chain shocks;

11 (2) establish subgroups of the unified coordina-
12 tion group established under paragraph (1) led by
13 the head of an appropriate Federal agency;

14 (3) through the unified coordination group es-
15 tablished under paragraph (1)—

16 (A) acquire on a voluntary basis technical,
17 engineering, and operational supply chain infor-
18 mation from the private sector, in a manner
19 that ensures any supply chain information pro-
20 vided by the private sector is kept confidential
21 and as required under section 552 of title 5,
22 United States Code (commonly known as the
23 “Freedom of Information Act”);

24 (B) study the supply chain information ac-
25 quired under subparagraph (A) to assess crit-

1 ical industry supply chain resilience and inform
2 planning;

3 (C) convene with relevant private sector
4 entities to share best practices, planning, and
5 capabilities to response to potential supply
6 chain shocks; and

7 (D) develop contingency plans and coordi-
8 nation mechanisms to ensure an effective and
9 coordinated response to potential supply chain
10 shocks; and

11 (4) enter into agreements with governments of
12 countries that are allies or partners of the United
13 States relating to enhancing critical industry supply
14 chain security and resilience in response to supply
15 chain shocks.

16 (f) REPORT ON SUPPLY CHAIN RESILIENCY AND DO-
17 MESTIC MANUFACTURING.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this division, and from time
20 to time thereafter, the Secretary, in coordination
21 with relevant Federal agencies and relevant private
22 sector entities, labor organizations, and State, local,
23 territorial, and Tribal governments, shall submit to
24 the relevant committees of Congress a review that—

25 (A) identifies—

1 (i) industries that are critical for the
2 national security of the United States, con-
3 sidering the key technology focus areas
4 under this division and critical infrastruc-
5 ture; and

6 (ii) supplies that are critical to the
7 crisis preparedness of the United States;

8 (B) describes—

9 (i) the manufacturing base and supply
10 chains for critical industries in the United
11 States as of the date of enactment of this
12 division, including the manufacturing base
13 and supply chains for—

14 (I) raw materials;

15 (II) production equipment; and

16 (III) other goods, including semi-
17 conductors, that are essential to the
18 production of technologies and sup-
19 plies for critical industries; and

20 (ii) the ability of the United States
21 to—

22 (I) maintain readiness; and

23 (II) in response to a supply chain
24 shock—

1 (aa) surge production in
2 critical industries; and

3 (bb) maintain access to crit-
4 ical goods and services;

5 (C) identifies defense, intelligence, home-
6 land, economic, domestic labor supply, natural,
7 geopolitical, or other contingencies that may
8 disrupt, strain, compromise, or eliminate the
9 supply chain for those critical industries;

10 (D) assesses—

11 (i) the resiliency and capacity of the
12 manufacturing base, supply chains, and
13 workforce of the United States, the allies
14 of the United States, and the partners of
15 the United States that can sustain critical
16 industries through a supply chain shock;
17 and

18 (ii) any single points of failure in the
19 supply chains described in clause (i);

20 (E) assesses the flexible manufacturing ca-
21 pacity and capabilities available in the United
22 States in the case of an emergency;

23 (F) makes specific recommendations to im-
24 prove the security and resiliency of manufac-

1 turing capacity and supply chains for critical
2 industries by—

3 (i) developing long-term strategies;

4 (ii) increasing visibility into the net-
5 works and capabilities of suppliers;

6 (iii) identifying industry best prac-
7 tices;

8 (iv) evaluating how diverse supplier
9 networks, multi-platform and multi-region
10 production capabilities and sources, and in-
11 tegrated global and regional supply chains
12 can enhance the resilience of—

13 (I) critical industries in the
14 United States;

15 (II) jobs in the United States;

16 (III) capabilities of the United
17 States; and

18 (IV) the support access of the
19 United States to needed goods and
20 services during a supply chain shock;

21 (v) identifying and mitigating risks,
22 including—

23 (I) the financial and operational
24 risks of a supply chain after a supply
25 chain shock;

1 (II) significant vulnerabilities to
2 extreme weather events, cyberattacks,
3 pandemic and biological threats, ter-
4 rorist and geopolitical attacks, and
5 other emergencies; and

6 (III) exposure to gaps and
7 vulnerabilities in—

8 (aa) domestic capacity or ca-
9 pabilities; and

10 (bb) sources of imports
11 needed to sustain critical indus-
12 tries;

13 (vi) identifying enterprise resource
14 planning systems that are—

15 (I) compatible across supply
16 chain tiers; and

17 (II) affordable for small and me-
18 dium-sized businesses;

19 (vii) understanding the total cost of
20 ownership, total value contribution, and
21 other best practices that encourage stra-
22 tegic partnerships throughout supply
23 chains;

24 (viii) understanding Federal procure-
25 ment opportunities to increase resiliency of

1 supply chains for goods and services and
2 fill gaps in domestic purchasing;

3 (ix) identifying policies that maximize
4 job retention and creation in the United
5 States, including workforce development
6 programs;

7 (x) identifying opportunities to work
8 with allies or key partners of the United
9 States in building more resilient critical in-
10 dustry supply chains and mitigating risks;

11 (xi) identifying areas requiring further
12 investment in research and development or
13 workforce education; and

14 (xii) identifying such other services as
15 the Secretary determines necessary;

16 (G) provides guidance to the Department
17 of Commerce, the National Science Foundation,
18 and other relevant Federal agencies with re-
19 spect to technologies and supplies that should
20 be prioritized;

21 (H) with respect to countries that are al-
22 lies or key partners of the United States—

23 (i) reviews and, if appropriate, pro-
24 vides recommendations for expanding the

1 sourcing of goods associated with critical
2 industries from those countries; and

3 (ii) recommends coordination with
4 those countries on—

5 (I) sourcing critical raw mate-
6 rials, inputs, and products; and

7 (II) sustaining production and
8 availability of critical supplies during
9 a supply chain shock;

10 (I) monitors and makes recommendations
11 for strengthening the financial and operational
12 health of small and medium-sized businesses in
13 supply chains of the United States and coun-
14 tries that are allies or partners of the United
15 States to mitigate risks and ensure diverse and
16 competitive supplier markets that are less vul-
17 nerable to single points of failure; and

18 (J) assessment of policies, rules, and regu-
19 lations that impact domestic manufacturing op-
20 erating costs and inhibit the ability for domestic
21 manufacturing to compete with global competi-
22 tors.

23 (2) PROHIBITION.—The report submitted under
24 paragraph (1) may not include—

1 (A) supply chain information that is not
2 aggregated; or

3 (B) confidential business information of a
4 private sector entity.

5 (g) SEMICONDUCTOR INCENTIVES.—

6 (1) IN GENERAL.—The Secretary shall carry
7 out the program established under section 9902 of
8 the William M. (Mac) Thornberry National Defense
9 Authorization Act for Fiscal Year 2021 (Public Law
10 116–283) as part of the program.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—Section 9902(a)(1) of the William M. (Mac)
13 Thornberry National Defense Authorization Act for
14 Fiscal Year 2021 (Public Law 116–283) is amended
15 by striking “in the Department of Commerce” and
16 inserting “as part of the program established under
17 section 2505 of the Endless Frontier Act”.

18 (h) REPORT TO CONGRESS.—Concurrent with the an-
19 nual submission by the President of the budget under sec-
20 tion 1105 of title 31, United States Code, the Secretary
21 shall submit to the relevant committees of Congress a re-
22 port that contains a summary of every activity carried out
23 under this section during the year covered by the report.

24 (i) COORDINATION.—

1 (G) the Director of National Intelligence;

2 and

3 (H) the heads of other relevant agencies.

4 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to require any private entity—

6 (1) to share information with the Secretary;

7 (2) to request assistance from the Secretary; or

8 (3) that requests assistance from the Secretary

9 to implement any measure or recommendation sug-
10 gested by the Secretary.

11 (k) PROTECTIONS.—

12 (1) IN GENERAL.—

13 (A) PROTECTIONS.—Subsections (a)(1),

14 (b), (c), and (d) of section 2224 of the Home-

15 land Security Act of 2002 (6 U.S.C. 673) shall

16 apply to the voluntary submission of supply

17 chain information by a private entity under this

18 section in the same manner as those provisions

19 apply to critical infrastructure information vol-

20 untarily submitted to a covered agency for an

21 other informational purpose under that sub-

22 section if the voluntary submission is accom-

23 panied by an express statement described in

24 paragraph (2) of this subsection; and

1 (B) REFERENCES.—For the purpose of
2 this subsection, with respect to section 2224 of
3 the Homeland Security Act of 2002 (6 U.S.C.
4 673)—

5 (i) the express statement described in
6 subsection (a)(1) of that section shall be
7 deemed to refer to the express statement
8 described in paragraph (2) of this sub-
9 section;

10 (ii) references in the subsections de-
11 scribed in subparagraph (A) to “this sub-
12 title” shall be deemed to refer to this sec-
13 tion;

14 (iii) the reference to “protecting crit-
15 ical infrastructure or protected systems” in
16 subsection (a)(1)(E)(iii) of that section
17 shall be deemed to refer to carrying out
18 this section; and

19 (iv) the reference to “critical infra-
20 structure information” in subsections (b)
21 and (c) of that section shall be deemed to
22 refer to supply chain information.

23 (2) EXPRESS STATEMENT.—The express state-
24 ment described in this paragraph, with respect to in-
25 formation or records, is—

1 (A) in the case of written information or
2 records, a written marking on the information
3 or records substantially similar to the following:
4 “This information is voluntarily submitted to
5 the Federal Government in expectation of pro-
6 tection from disclosure as provided by the provi-
7 sions of section 2505 of the Endless Frontier
8 Act.”; or

9 (B) in the case of oral information, a writ-
10 ten statement similar to the statement de-
11 scribed in subparagraph (A) submitted within a
12 reasonable period following the oral communica-
13 tion.

14 (3) INAPPLICABILITY TO SEMICONDUCTOR IN-
15 CENTIVE PROGRAM.—This subsection shall not apply
16 to the voluntary submission of supply chain informa-
17 tion by a private entity in an application for Federal
18 financial assistance under section 9902 of the Wil-
19 liam M. (Mac) Thornberry National Defense Author-
20 ization Act for Fiscal Year 2021 (Public Law 116–
21 283).

22 (1) DETERMINATION RELATED TO OPTICAL TRANS-
23 MISSION EQUIPMENT.—

24 (1) PROCEEDING.—Not later than 45 days
25 after the date of enactment of this division , the Sec-

1 retary of Commerce shall commence a process to
2 make a determination for purposes of section 2 of
3 the Secure and Trusted Communications Networks
4 Act of 2019 (47 U.S.C. 1601) whether optical trans-
5 mission equipment manufactured, produced, or dis-
6 tributed by an entity owned, controlled, or supported
7 by the People’s Republic of China poses an unac-
8 ceptable risk to the national security of the United
9 States or the security and safety of United States
10 persons.

11 (2) COMMUNICATION OF DETERMINATION.—If
12 the Secretary determines pursuant to paragraph (1)
13 that such optical transmission equipment poses an
14 unacceptable risk consistent with that paragraph,
15 the Secretary shall immediately transmit that deter-
16 mination to the Federal Communications Commis-
17 sion consistent with section 2 of the Secure and
18 Trusted Communications Networks Act of 2019 (47
19 U.S.C. 1601).

20 **SEC. 2506. SEMICONDUCTOR INCENTIVES.**

21 (a) DEFINITIONS.—Section 9901 of the William M.
22 (Mac) Thornberry National Defense Authorization Act for
23 Fiscal Year 2021 (Public Law 116–283) is amended—

1 (1) by redesignating paragraphs (4), (5), (6),
2 (7), (8), and (9) as paragraphs (5), (6), (7), (8),
3 (10), and (11), respectively;

4 (2) by inserting after paragraph (3) the fol-
5 lowing:

6 “(4) The term ‘critical manufacturing indus-
7 try’—

8 “(A) means an industry—

9 “(i) that is assigned a North Amer-
10 ican Industry Classification System code
11 beginning with 31, 32, or 33; and

12 “(ii) for which the industry compo-
13 nents that are assigned a North American
14 Industry Classification System code begin-
15 ning with the same 4 digits as the indus-
16 try—

17 “(I) manufacture primary prod-
18 ucts and parts, the sum of which ac-
19 count for not less than 5 percent of
20 the manufacturing value added by in-
21 dustry gross domestic product of the
22 United States; and

23 “(II) employ individuals for pri-
24 mary products and parts manufac-
25 turing activities that, combined, ac-

1 count for not less than 5 percent of
2 manufacturing employment in the
3 United States; and

4 “(B) may include any other manufacturing
5 industry designated by the Secretary based on
6 the relevance of the manufacturing industry to
7 the national and economic security of the
8 United States, including the impacts of job
9 losses.”;

10 (3) by inserting after paragraph (8), as so re-
11 designated, the following:

12 “(9) The term ‘mature technology node’ has the
13 meaning given the term by the Secretary.”.

14 (b) SEMICONDUCTOR PROGRAM.—Section 9902 of
15 the William M. (Mac) Thornberry National Defense Au-
16 thorization Act for Fiscal Year 2021 (Public Law 116–
17 283) is amended—

18 (1) in subsection (a)(2)—

19 (A) in subparagraph (B)(ii)—

20 (i) in subclause (III), by striking
21 “and” at the end;

22 (ii) in subclause (IV), by striking the
23 period at the end and inserting “and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(V) determined—

2 “(aa) the type of semicon-
3 ductor technology the covered en-
4 tity will produce at the facility
5 described in clause (i); and

6 “(bb) the customers to
7 which the covered entity plans to
8 sell the semiconductor technology
9 described in item (aa).”;

10 (B) in subparagraph (C)—

11 (i) in clause (i)—

12 (I) in subclause (II), by striking
13 “is in the interest of the United
14 States” and inserting “is in the eco-
15 nomic and national security interests
16 of the United States”; and

17 (II) in subclause (III), by strik-
18 ing “and” at the end;

19 (ii) in clause (ii)(IV), by striking
20 “and” at the end;

21 (iii) by redesignating clause (iii) as
22 clause (iv); and

23 (iv) by inserting after clause (ii) the
24 following:

1 States and other essential elements of the
2 economy of the United States.”; and

3 (2) by adding at the end the following:

4 “(d) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that, in carrying out subsection (a), the Secretary
6 should allocate funds in a manner that—

7 “(1) strengthens the security and resilience of
8 the semiconductor supply chain, including by miti-
9 gating gaps and vulnerabilities;

10 “(2) provides a supply of secure semiconductors
11 relevant for national security;

12 “(3) strengthens the leadership of the United
13 States in semiconductor technology;

14 “(4) grows the economy of the United States
15 and supports job creation in the United States; and

16 “(5) improves the resiliency of the semicon-
17 ductor supply chains of critical manufacturing in-
18 dustries.

19 “(e) ADDITIONAL ASSISTANCE FOR MATURE TECH-
20 NOLOGY NODES.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish within the program established under subsection
23 (a) an additional program that provides Federal fi-
24 nancial assistance to covered entities to incentivize
25 investment in facilities and equipment in the United

1 States for the fabrication, assembly, testing, or ad-
2 vanced packaging of semiconductors at mature tech-
3 nology nodes.

4 “(2) ELIGIBILITY AND REQUIREMENTS.—In
5 order for an entity to qualify to receive Federal fi-
6 nancial assistance under this subsection, the covered
7 entity shall—

8 “(A) submit an application under sub-
9 section (a)(2)(A);

10 “(B) meet the eligibility requirements
11 under subsection (a)(2)(B);

12 “(C)(i) provide equipment or materials for
13 the fabrication, assembly, testing, or advanced
14 packaging of semiconductors at mature tech-
15 nology nodes in the United States; or

16 “(ii) fabricate, assemble using advanced
17 packaging, or test semiconductors at mature
18 technology nodes in the United States;

19 “(D) commit to using any Federal finan-
20 cial assistance received under this section to in-
21 crease the production of semiconductors at ma-
22 ture technology nodes; and

23 “(E) be subject to the considerations de-
24 scribed in subsection (a)(2)(C).

1 “(3) PROCEDURES.—In granting Federal finan-
2 cial assistance to covered entities under this sub-
3 section, the Secretary may use the procedures estab-
4 lished under subsection (a).

5 “(4) CONSIDERATIONS.—In addition to the con-
6 siderations described in subsection (a)(2)(C), in
7 granting Federal financial assistance under this sec-
8 tion, the Secretary may consider whether a covered
9 entity produces or supplies equipment or materials
10 used in the fabrication, assembly, testing, or ad-
11 vanced packaging of semiconductors at mature tech-
12 nology nodes that are necessary to support a critical
13 manufacturing industry.

14 “(5) PRIORITY.—In awarding Federal financial
15 assistance to covered entities under this subsection,
16 the Secretary shall give priority to covered entities
17 that support the resiliency of semiconductor supply
18 chains for critical manufacturing industries in the
19 United States.

20 “(6) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated to the Sec-
22 retary to carry out this subsection \$2,000,000,000,
23 which shall remain available until expended.

24 “(f) CONSTRUCTION PROJECTS.—Section 602 of the
25 Public Works and Economic Development Act of 1965 (42

1 U.S.C. 3212) shall apply to a construction project that
2 receives financial assistance from the Secretary under this
3 section.”.

4 (c) **ADVANCED MICROELECTRONICS RESEARCH AND**
5 **DEVELOPMENT.**—Section 9906 of the William M. (Mac)
6 Thornberry National Defense Authorization Act for Fiscal
7 Year 2021 (Public Law 116–283) is amended by adding
8 at the end the following:

9 “(h) **INFRASTRUCTURE GRANTS.**—Section 602 of the
10 Public Works and Economic Development Act of 1965 (42
11 U.S.C. 3212) shall apply to a construction project that
12 receives financial assistance from the Secretary under this
13 section.”.

14 **SEC. 2507. RESEARCH INVESTMENT TO SPARK THE ECON-**
15 **OMY ACT.**

16 (a) **DEFINITIONS.**—In this section:

17 (1) **AWARD.**—The term “award” includes a
18 grant, cooperative agreement, or other financial as-
19 sistance.

20 (2) **COVID–19 PUBLIC HEALTH EMERGENCY.**—
21 The term “COVID–19 public health emergency”
22 means the public health emergency declared by the
23 Secretary of Health and Human Services under sec-
24 tion 319 of the Public Health Service Act (42

1 U.S.C. 247d) on January 31, 2020, with respect to
2 the Coronavirus Disease 2019 (COVID–19).

3 (3) RESEARCH INSTITUTION.—The term “re-
4 search institution” means the following:

5 (A) An institution of higher education (as
6 defined in section 101(a) of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1001(a))).

8 (B) A Tribal College or University (as de-
9 fined in section 316 of the Higher Education
10 Act of 1965 (20 U.S.C. 1059c)).

11 (C) A nonprofit entity that conducts Fed-
12 erally funded research.

13 (4) RESEARCH LABORATORY.—The term “Re-
14 search Laboratory” means the following:

15 (A) A National Laboratory (as defined in
16 section 2 of the Energy Policy Act of 2005 (42
17 U.S.C. 15801)).

18 (B) A Federally Funded Research and De-
19 velopment Center for purposes of section
20 35.017 of title 48, Code of Federal Regulations,
21 or a successor regulation.

22 (b) AWARD AND MODIFICATION OF GRANTS, COOP-
23 ERATIVE AGREEMENTS AND OTHER FINANCIAL ASSIST-
24 ANCE FOR INSTITUTIONS OF HIGHER EDUCATION, RE-
25 SEARCH LABORATORIES, AND OTHER RESEARCH INSTI-

1 TUTIONS TO ADDRESS MATTERS RELATING TO DISRUP-
2 TION CAUSED BY COVID-19.—

3 (1) IN GENERAL.—Each officer specified in
4 paragraph (2) may exercise the authorities described
5 in paragraph (3).

6 (2) OFFICERS.—The officers specified in this
7 paragraph are as follows:

8 (A) The Secretary of Commerce, acting
9 through the Administrator of the National Oce-
10 anic and Atmospheric Administration and the
11 Director of the National Institute of Standards
12 and Technology.

13 (B) The Secretary of Agriculture.

14 (C) The Secretary of Defense.

15 (D) The Secretary of Education.

16 (E) The Secretary of Energy, acting for
17 the Department of Energy (with respect to En-
18 ergy Efficiency and Renewable Energy, Nuclear
19 Energy, and Fossil Research and Development)
20 and through the Office of Science, the Ad-
21 vanced Research Projects Agency–Energy
22 (ARPA–E), and the Office of Electricity.

23 (F) The Secretary of Interior, acting
24 through the Director of the United States Geo-
25 logical Survey.

1 (G) The Secretary of Health and Human
2 Services, acting through the Director of the Na-
3 tional Institutes of Health.

4 (H) The Secretary of Transportation.

5 (I) The Administrator of the National Aer-
6 onautics and Space Administration.

7 (J) The Administrator of the Environ-
8 mental Protection Agency.

9 (K) The Director of the National Science
10 Foundation.

11 (3) AUTHORITIES.—The officers specified in
12 paragraph (2) may—

13 (A) provide supplemental funding to ex-
14 tend the duration of an award disrupted be-
15 cause of the COVID–19 public health emer-
16 gency to a research institution, Research Lab-
17 oratory, or individual that was awarded before
18 the date of the enactment of this division, or to
19 expand the purposes of such an award, in order
20 to—

21 (i) enable a postsecondary student or
22 post-doctoral researcher to complete work;

23 (ii) enable research scientists, tech-
24 nical staff, research associates, and prin-
25 cipal investigators to complete work;

1 (iii) extend the training of a postsec-
2 ondary student, or the employment of a
3 post-doctoral researcher, on an ongoing re-
4 search project for up to 2 years because of
5 the disruption of the job market;

6 (iv) create research opportunities for
7 up to 2 years for graduate students and
8 post-doctoral researchers;

9 (v) replace, refurbish, or otherwise
10 make usable laboratory animals, reagents,
11 equipment, or other items required for re-
12 search;

13 (vi) facilitate other research (including
14 field work), training, and ongoing con-
15 struction activities, including at institu-
16 tions that are disproportionately affected
17 by the COVID-19 public health emergency
18 (such as minority-serving institutions and
19 2-year institutions of higher education);

20 (vii) enable experimental field cam-
21 paigns and maintenance of field infrastruc-
22 ture, including through replacement of dis-
23 rupted experimental data to enable comple-
24 tion of impacted research; and

1 (viii) support training in online course
2 delivery and virtual research experiences
3 that will improve quality and access needed
4 to continue undergraduate, graduate, and
5 post-doctoral training;

6 (B) issue awards to research institutions,
7 Research Laboratories, or other individuals to
8 conduct research on the effects of the
9 Coronavirus Disease 2019 and future potential
10 pandemics, on the effects and effectiveness of
11 responses to such diseases, and on improving
12 the prediction of the possible courses of such
13 pandemics; and

14 (C) provide flexibility on an award for
15 funds made available to an agency, by any prior
16 or subsequent Act, by modifying the terms and
17 conditions of the award with a research institu-
18 tion, Research Laboratory, or individual due to
19 facility closures or other limitations during the
20 COVID-19 public health emergency.

21 (4) MODIFICATIONS.—The modifications au-
22 thorized by paragraph (3)(C) include, but are not
23 limited to—

1 (A) the provision of supplemental funding
2 to extend the duration of the award concerned;
3 and

4 (B) flexibility on the allowable expenses
5 under such award.

6 (c) PROCEDURES.—The officers specified in sub-
7 section (b)(2) shall each establish procedures to carry out
8 subsection (b).

9 (d) EXPEDITED AWARDS.—Awards under subsection
10 (b) shall be issued as expeditiously as possible.

11 **SEC. 2508. OFFICE OF MANUFACTURING AND INDUSTRIAL**
12 **INNOVATION POLICY.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) The general welfare, security, and economic
15 health and stability of the United States require a
16 long-term, substantial, coordinated, and multidisci-
17 plinary strategy and implementation of cohesive ob-
18 jectives to remain at the forefront of industrial inno-
19 vation.

20 (2) The large and complex innovative and tech-
21 nological capabilities of global supply chains and
22 manufacturing economies, which influence the course
23 of national and international manufacturing and in-
24 novative relevance, require appropriate attention, in-
25 cluding long-range inclusive planning and more im-

1 mediate program development, to encourage and
2 support private manufacturing growth in the United
3 States and participation in the public decision-mak-
4 ing process.

5 (3) The innovative and manufacturing capabili-
6 ties of business in the United States, when properly
7 fostered, applied, and supported, can effectively as-
8 sist in improving the quality of life for people in the
9 United States, in anticipating and addressing emerg-
10 ing international, national, and local problems, and
11 strengthening the international economic engage-
12 ment and pioneering leadership of the United States.

13 (4) Just as Federal funding for science and
14 technology represents an investment in the future,
15 strategically addressing gaps in the innovation pipe-
16 line of the United States would—

17 (A) contribute to converting research and
18 development investments into high-value, qual-
19 ity job-creating product production and capture
20 domestic and global markets; and

21 (B) strengthen the economic posture of the
22 United States.

23 (5) The capabilities of the United States at
24 both the Federal and State levels need enhanced
25 strategic planning and influence over policy formula-

1 tion for industrial innovation and technology devel-
2 opment, as well as a means to ensure an adequate
3 workforce.

4 (b) SENSE OF CONGRESS.—

5 (1) PRIORITY GOALS.—It is the sense of Con-
6 gress that manufacturing and industrial innovation
7 should include contributing to the following priority
8 goals:

9 (A) Taking concrete national action to re-
10 build, restore, and expand domestic manufac-
11 turing capabilities, skills, and production capac-
12 ity, including world-class infrastructure.

13 (B) Rebuilding the industrial innovation
14 commons, including common resources, tech-
15 nical knowledge, and entrepreneurial opportuni-
16 ties associated with technical concepts.

17 (C) Supporting domestic supply chains.

18 (D) Expanding production capabilities, co-
19 operation, and knowledge.

20 (E) Revitalizing communities harmed by
21 historical and poorly conceived, implemented,
22 and enforced regulatory and trade policies.

23 (F) Developing a strategy for innovation
24 and establishment of manufacturing industries
25 of the future, including adoption and produc-

1 tion of Industry 4.0 technology to support do-
2 mestic economic expansion, particularly manu-
3 facturers with fewer than 800 employees, and
4 in traditionally underserved communities.

5 (G) Contributing to national health and se-
6 curity and emergency readiness and resilience,
7 including addressing environmental concerns.

8 (H) Strengthening the economy of the
9 United States and promoting full employment
10 in high-quality, high-wage jobs through useful
11 industrial and technological innovation.

12 (I) Cultivating, utilizing, and enhancing
13 academic and industrial thought-leadership with
14 practical workforce development and training to
15 the fullest extent possible.

16 (J) Implementing a national strategy that
17 identifies and prioritizes high growth, high
18 value-added industries, products, and compo-
19 nents of national importance to the long-term
20 economic, environmental, national security, and
21 public health of the United States.

22 (2) NATIONAL POLICY.—In view of the findings
23 under subsection (a), it is the sense of Congress that
24 the Federal Government and public and private in-
25 stitutions in the United States should pursue a na-

1 tional policy of manufacturing and industrial innova-
2 tion that includes the following principles:

3 (A) Ensuring global leadership in advanced
4 manufacturing technologies critical to the long-
5 term economic, environmental, and public
6 health of the United States, and to the long-
7 term national security of the United States.

8 (B) Restoring and strengthening the in-
9 dustrial commons of the United States, includ-
10 ing—

11 (i) essential engineering and produc-
12 tion skills;

13 (ii) infrastructure for research and de-
14 velopment, standardization, and metrology;

15 (iii) process innovations and manufac-
16 turing know-how;

17 (iv) equipment; and

18 (v) suppliers that provide the founda-
19 tion for the innovativeness and competi-
20 tiveness of all manufacturers in the United
21 States.

22 (C) Strengthening the technical, financial,
23 and educational commons and assets necessary
24 to ensure that the United States is the best po-
25 sitioned nation for the creation and production

1 of advanced technologies and products emerging
2 from national research and development invest-
3 ments.

4 (D) Capitalizing on the scientific and tech-
5 nological advances produced by researchers and
6 innovators in the United States by developing
7 capable and responsive institutions focused on
8 advancing the technology and manufacturing
9 readiness levels of those advances.

10 (E) Supporting the discovery, invention,
11 start-up, ramp-up, scale-up, and transition of
12 new products and manufacturing technologies
13 to full-scale production in the United States.

14 (F) Addressing the evolving needs of man-
15 ufacturers for a diverse set of workers with the
16 necessary skills, training, and expertise as man-
17 ufacturers in the United States increase high-
18 quality, high-wage employment opportunities.

19 (G) Improving and expanding manufac-
20 turing engineering and technology offerings
21 within institutions of higher education, includ-
22 ing 4-year engineering technology programs at
23 polytechnic institutes and secondary schools, to
24 be more closely aligned with the needs of manu-
25 facturers in the United States and the goal of

1 strengthening the long-term competitiveness of
2 such manufacturing.

3 (H) Working collaboratively with Federal
4 agencies, State and local governments, Tribal
5 governments, regional authorities, institutions
6 of higher education, economic development or-
7 ganizations, and labor organizations that pri-
8 marily represent workers in manufacturing to
9 leverage their knowledge, resources, applied re-
10 search, experimental development, and pro-
11 grams to foster manufacturing in the United
12 States so as to anticipate and prepare for emer-
13 gencies and global, national, and regional sup-
14 ply chain disruptions, including disruptions
15 brought on and exacerbated by changing envi-
16 ronmental and other circumstances.

17 (I) Recognizing that, as changing cir-
18 cumstances require the periodic revision and
19 adaptation of this section, Congress is respon-
20 sible for—

21 (i) identifying and interpreting the
22 changes in those circumstances as they
23 occur; and

24 (ii) affecting subsequent changes to
25 this section, as appropriate.

1 viding enhanced attention to manufac-
2 turing startups and small businesses in the
3 United States;

4 (B) Federal trade and monetary policies
5 should—

6 (i) ensure that global competition in
7 manufacturing is free, open, and fair;

8 (ii) prioritize policies and investments
9 that support domestic manufacturing
10 growth and innovation; and

11 (iii) not be utilized to offshore poor
12 manufacturing working conditions or de-
13 structive manufacturing environmental
14 practices;

15 (C) Federal policies and practices should
16 reasonably prioritize competitiveness for manu-
17 facturing and industrial innovation efforts in
18 the United States, but should not sacrifice the
19 quality of employment opportunities, including
20 the health and safety of workers, pay, and ben-
21 efits;

22 (D) Federal manufacturing and industrial
23 innovation policies, practices, and priorities
24 should reasonably improve environmental sus-

1 tainability within the manufacturing industry,
2 while minimizing economic impact;

3 (E) Federal patent policies should be de-
4 veloped, based on uniform principles, which
5 have as their objective to preserve incentives for
6 industrial technological innovation and the ap-
7 plication of procedures that will continue to as-
8 sure the full use of beneficial technology to
9 serve the public;

10 (F) Federal efforts should promote and
11 support a strong system of intellectual property
12 rights to include trade secrets, through both
13 protection of intellectual property rights and
14 enforcement against intellectual property theft,
15 and broad engagement to limit foreign efforts
16 to illegally or inappropriately utilize com-
17 promised intellectual property;

18 (G) closer relationships should be encour-
19 aged among practitioners of scientific and tech-
20 nological research and development and those
21 who apply those foundations to domestic com-
22 mercial manufacturing;

23 (H) the full use of the contributions of
24 manufacturing and industrial innovation to sup-

1 port State and local government goals should be
2 encouraged;

3 (I) formal recognition should be accorded
4 to those persons, the manufacturing and indus-
5 trial innovation achievements of which contrib-
6 uted significantly to the national welfare; and

7 (J) departments, agencies, and instrumen-
8 talities of the Federal Government should es-
9 tablish procedures to ensure among them the
10 systematic interchange of data, efforts, and
11 findings developed under their programs.

12 (K) policies, rules, and regulations that
13 negatively impact domestic manufacturing
14 should be reformed.

15 (4) IMPLEMENTATION.—To implement the na-
16 tional policy described in paragraph (2), it is the
17 sense of Congress—

18 (A) that—

19 (i) the Federal Government should
20 maintain integrated policy planning ele-
21 ments in the executive branch that assist
22 agencies in such branch in—

23 (I) identifying problems and ob-
24 jectives that could be addressed or en-
25 hanced by public policy;

1 (II) mobilizing industrial and in-
2 novative manufacturing resources for
3 national security and emergency re-
4 sponse purposes;

5 (III) securing appropriate fund-
6 ing for programs so identified by the
7 President or the Chief Manufacturing
8 Officer;

9 (IV) anticipating future concerns
10 to which industrial and innovative
11 manufacturing can contribute and de-
12 vise industrial strategies for such pur-
13 poses;

14 (V) reviewing systematically the
15 manufacturing and industrial innova-
16 tion policy and programs of the Fed-
17 eral Government and recommending
18 legislative amendments to those poli-
19 cies and programs when needed; and

20 (VI) reforming policies, rules,
21 and regulations that harm domestic
22 manufacturing and inhibit domestic
23 manufacturing from competing with
24 global competitors; and

1 (ii) the elements described in clause
2 (i) should include a data collection, anal-
3 ysis, and advisory mechanism within the
4 Executive Office of the President to pro-
5 vide the President with independent, expert
6 judgment and assessments of the complex
7 manufacturing and industrial features in-
8 volved; and

9 (B) that it is the responsibility of the Fed-
10 eral Government to—

11 (i) promote prompt, effective, reliable,
12 and systematic dissemination of manufac-
13 turing and industrial information—

14 (I) by such methods as may be
15 appropriate; and

16 (II) through efforts conducted by
17 nongovernmental organizations, in-
18 cluding industrial groups, technical
19 societies, and educational entities;

20 (ii) coordinate and develop a manufac-
21 turing industrial strategy and facilitate the
22 close coupling of this manufacturing strat-
23 egy with commercial manufacturing appli-
24 cation; and

1 (iii) enhance domestic development
2 and utilization of such industrial informa-
3 tion by prioritization of efforts with manu-
4 facturers, the production of which takes
5 place in the United States.

6 (c) ESTABLISHMENT.—

7 (1) IN GENERAL.—The President shall appoint,
8 by and with the advice and consent of the Senate,
9 a Chief Manufacturing Officer to serve within the
10 Executive Office of the President.

11 (2) OFFICE.—

12 (A) IN GENERAL.—There is established in
13 the Executive Office of the President an Office
14 of Manufacturing and Industrial Innovation
15 Policy (referred to in this section as the “Of-
16 fice”).

17 (B) CMO.—The Chief Manufacturing Offi-
18 cer shall—

19 (i) head the Office; and

20 (ii) serve as a source of manufac-
21 turing and industrial innovation analysis
22 and judgment for the President and the
23 Director of the National Economic Council
24 with respect to the major policies, plans,
25 and programs of the Federal Government

1 relating to manufacturing and industrial
2 innovation.

3 (d) CHIEF MANUFACTURING OFFICER; ASSOCIATE
4 MANUFACTURING OFFICERS.—

5 (1) CHIEF MANUFACTURING OFFICER.—

6 (A) FUNCTIONS.—

7 (i) PRIMARY FUNCTION.—To the ex-
8 tent consistent with law, the Chief Manu-
9 facturing Officer shall report to the Presi-
10 dent, and such agencies within the Execu-
11 tive Office of the President and the Direc-
12 tor of the National Economic Council, as
13 may be appropriate, on issues regarding
14 and impacting manufacturing and indus-
15 trial innovation efforts of the Federal Gov-
16 ernment, or of the private sector, that re-
17 quire attention at the highest levels of the
18 Federal Government.

19 (ii) OTHER FUNCTIONS.—The Chief
20 Manufacturing Officer shall—

21 (I) advise the President on man-
22 ufacturing and industrial innovation
23 considerations relating to areas of na-
24 tional concern, including—

350

- 1 (aa) the economy of the
2 United States;
- 3 (bb) national security;
- 4 (cc) public health;
- 5 (dd) the workforce of the
6 United States;
- 7 (ee) education;
- 8 (ff) foreign relations (includ-
9 ing trade and supply chain
10 issues);
- 11 (gg) the environment; and
- 12 (hh) technological innovation
13 in the United States;
- 14 (II) convene stakeholders, includ-
15 ing key industry stakeholders, aca-
16 demic stakeholders, defense stake-
17 holders, governmental stakeholders,
18 and stakeholders from nonprofit orga-
19 nizations and labor organizations that
20 primarily represent workers in manu-
21 facturing, to develop the national stra-
22 tegic plan required under subsection
23 (f);
- 24 (III) evaluate the scale, quality,
25 and effectiveness of the effort of the

1 Federal Government to support manu-
2 facturing and industrial innovation by
3 the Federal Government or by the pri-
4 vate sector, and advise on appropriate
5 actions;

6 (IV) to the extent consistent with
7 law, report to the President, the Di-
8 rector of the National Economic
9 Council, the Director of the Office of
10 Management Budget, and such agen-
11 cies within the Executive Office of the
12 President as may be appropriate, ad-
13 vise the President on the budgets, reg-
14 ulations, and regulatory reforms of
15 agencies of the executive branch of
16 the Federal Government with respect
17 to issues concerning manufacturing
18 and industrial innovation;

19 (V) to the extent consistent with
20 law, assist the President and the Di-
21 rector of the National Economic
22 Council in providing general leader-
23 ship and coordination of activities and
24 policies of the Federal Government re-

1 lating to and impacting manufac-
2 turing and industrial innovation; and
3 (VI) perform such other func-
4 tions, duties, and activities as the
5 President and the Director of the Na-
6 tional Economic Council may assign.

7 (B) AUTHORITIES.—In carrying out the
8 duties and functions under this section, the
9 Chief Manufacturing Officer may—

10 (i) appoint such officers and employ-
11 ees as may be determined necessary to per-
12 form the functions vested in the position
13 and to prescribe the duties of such officers
14 and employees;

15 (ii) obtain services as authorized
16 under section 3109 of title 5, United
17 States Code, at rates not to exceed the
18 rate prescribed for grade GS-15 of the
19 General Schedule under section 5332 of
20 title 5, United States Code; and

21 (iii) enter into contracts and other ar-
22 rangements for studies, analysis, and other
23 services with public agencies and with pri-
24 vate persons, organizations, or institutions,
25 and make such payments as determined

1 necessary to carry out the provisions of
2 this section without legal consideration,
3 without performance bonds, and without
4 regard to section 6101 of title 41, United
5 States Code.

6 (2) ASSOCIATE DIRECTORS.—

7 (A) IN GENERAL.—The Chief Manufac-
8 turing Officer may appoint not more than 5 As-
9 sociate Directors, to be known as Associate
10 Manufacturing Officers to carry out such func-
11 tions as may be prescribed by the Chief Manu-
12 facturing Officer.

13 (B) COMPENSATION.—Each Associate
14 Manufacturing Officer shall be compensated at
15 a rate not to exceed that provided for level III
16 of the Executive Schedule under section 5314
17 title 5, United States Code.

18 (e) POLICY PLANNING, ANALYSIS, AND ADVICE.—

19 (1) IN GENERAL.—In carrying out the provi-
20 sions of this section, the Chief Manufacturing Offi-
21 cer shall—

22 (A) monitor the status of technological de-
23 velopments, critical production capacity, skill
24 availability, investment patterns, emerging de-

1 fense needs, and other key indicators of manu-
2 facturing competitiveness to—

3 (i) provide foresight for periodic up-
4 dates to the national strategic plan re-
5 quired under subsection (f); and

6 (ii) guide investment decisions;

7 (B) convene interagency and public-private
8 working groups to align Federal policies that
9 drive implementation of the national strategic
10 plan required under subsection (f);

11 (C) initiate and support translation re-
12 search in engineering and manufacturing by en-
13 tering into contracts or making other arrange-
14 ments (including grants, awards, cooperative
15 agreements, loans, and other forms of assist-
16 ance) to study that research and to assess the
17 impact of that research on the economic well-
18 being, climate and environmental impact, public
19 health, and national security of the United
20 States;

21 (D) report to the President and the Direc-
22 tor of the National Economic Council on the ex-
23 tent to which the various programs, policies,
24 and activities of the Federal Government are
25 likely to affect the achievement of priority goals

1 of the United States described in subsection
2 (b)(1);

3 (E) annually survey the nature and needs
4 of the policies relating to national manufac-
5 turing and industrial innovation and make rec-
6 ommendations to the President and the Direc-
7 tor of the National Economic Council, for re-
8 view and submission to Congress, for the timely
9 and appropriate revision of the manufacturing
10 and industrial innovation policies of the Federal
11 Government, including the reform of policies,
12 rules, and regulations that harm domestic man-
13 ufacturing and inhibit the ability for domestic
14 manufacturing to compete with global competi-
15 tors;

16 (F) perform such other duties and func-
17 tions and make and furnish such studies and
18 reports thereon, and recommendations with re-
19 spect to matters of policy and legislation as the
20 President and the Director of the National Eco-
21 nomic Council may request; and

22 (G) coordinate, as appropriate, Federal
23 permitting with respect to manufacturing and
24 industrial innovation.

1 United States, so as to maximize the appli-
2 cation of such research.

3 (B) COMPOSITION.—The Panel shall be
4 composed of—

5 (i) the Chief Manufacturing Officer,
6 or a representative of the Chief Manufac-
7 turing Officer;

8 (ii) not fewer than 10 members rep-
9 resenting the interests of the States, ap-
10 pointed by the Chief Manufacturing Officer
11 after consultation with State officials;

12 (iii) the Director of the National In-
13 stitute of Standards and Technology;

14 (iv) the Deputy Assistant Secretary of
15 Defense for Manufacturing and Industrial
16 Base Policy;

17 (v) the Assistant Secretary of Labor
18 for Employment and Training;

19 (vi) the Administrator of the Small
20 Business Administration; and

21 (vii) the Assistant Secretary of En-
22 ergy for Energy Efficiency and Renewable
23 Energy.

24 (C) CHAIR.—The Chief Manufacturing Of-
25 ficer, or the representative of the Chief Manu-

1 facturing Officer, shall serve as Chair of the
2 Panel.

3 (D) MEETINGS.—The Panel shall meet at
4 the call of the Chair.

5 (E) COMPENSATION.—

6 (i) IN GENERAL.—Each member of
7 the Panel shall be entitled to receive com-
8 pensation at a rate not to exceed the daily
9 rate prescribed for GS-15 of the General
10 Schedule under section 5332 of title 5,
11 United States Code, for each day (includ-
12 ing travel time) during which the member
13 is engaged in the performance of the duties
14 of the Panel.

15 (ii) TRAVEL EXPENSES.—Each mem-
16 ber of the Panel who is serving away from
17 the home or regular place of business of
18 the member in the performance of the du-
19 ties of the Panel shall be allowed travel ex-
20 penses, including per diem in lieu of sub-
21 sistence, in the same manner as the ex-
22 penses authorized by section 5703(b) of
23 title 5, United States Code, for persons in
24 government service employed intermit-
25 tently.

1 (f) NATIONAL STRATEGIC PLAN FOR MANUFAC-
2 TURING AND INDUSTRIAL INNOVATION.—

3 (1) STRATEGIC PLAN.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this division, the
6 Chief Manufacturing Officer, in coordination
7 with the Director of the National Economic
8 Council, shall, to the extent practicable, in ac-
9 cordance with subsection (d)(1)(A)(ii) and in
10 consultation with other agencies and private in-
11 dividuals as the Chief Manufacturing Officer
12 determines necessary, establish a national stra-
13 tegic plan for manufacturing and industrial in-
14 novation that identifies—

15 (i) short-term, medium-term, and
16 long-term needs critical to the economy,
17 national security, public health, workforce
18 readiness, environmental concerns, and pri-
19 orities of the United States manufacturing
20 sector, including emergency readiness and
21 resilience; and

22 (ii) situations and conditions that
23 warrant special attention by the Federal
24 Government relating to—

1 (I) any problems, constraints, or
2 opportunities of manufacturing and
3 industrial innovation that—

4 (aa) are of national signifi-
5 cance;

6 (bb) will occur or may
7 emerge during the 4-year period
8 beginning on the date on which
9 the national strategic plan is es-
10 tablished; and

11 (cc) are identified through
12 basic research;

13 (II) an evaluation of activities
14 and accomplishments of all agencies
15 in the executive branch of the Federal
16 Government that are related to car-
17 rying out such plan;

18 (III) opportunities for, and con-
19 straints on, manufacturing and indus-
20 trial innovation that can make a sig-
21 nificant contribution to—

22 (aa) the resolution of prob-
23 lems identified under this para-
24 graph; or

1 (bb) the achievement of Fed-
2 eral program objectives or pri-
3 ority goals, including those de-
4 scribed in subsection (b)(1); and
5 (IV) recommendations for pro-
6 posals to carry out such plan.

7 (B) REVISIONS.—Not later than 4 years
8 after the date on which the national strategic
9 plan is established under subparagraph (A),
10 and every 4 years thereafter, the Chief Manu-
11 facturing Officer, in coordination with the Di-
12 rector of the National Economic Council, shall
13 revise that plan so that the plan takes account
14 of near- and long-term problems, constraints,
15 and opportunities and changing national goals
16 and circumstances.

17 (2) CONSULTATION WITH OTHER AGENCIES.—
18 The Chief Manufacturing Officer shall consult, as
19 necessary, with officials of agencies in the executive
20 branch of the Federal Government that administer
21 programs or have responsibilities relating to the
22 problems, constraints, and opportunities identified in
23 the national strategic plan under paragraph (1) in
24 order to—

1 (A) identify and evaluate actions that
2 might be taken by the Federal Government,
3 State, and local governments, or the private
4 sector to deal with such problems, constraints,
5 or opportunities; and

6 (B) ensure to the extent possible that ac-
7 tions identified under subparagraph (A) are
8 considered by each agency of the executive
9 branch of the Federal Government in formu-
10 lating proposals of each such agency.

11 (3) CONSULTATION WITH MANUFACTURING
12 STAKEHOLDERS.—The Chief Manufacturing Officer
13 shall consult broadly with representatives from
14 stakeholder constituencies, including from technology
15 fields, engineering fields, manufacturing fields, aca-
16 demic fields, worker training or credentialing pro-
17 grams, industrial sectors, business sectors, consumer
18 sectors, defense sector, public interest sectors, and
19 labor organizations which primarily represent work-
20 ers in manufacturing to ensure information and per-
21 spectives from such consultations are incorporated
22 within the problems, constraints, opportunities, and
23 actions identified in the national strategic plan
24 under paragraph (1).

1 (4) CONSULTATION WITH OMB.—The Chief
2 Manufacturing Officer shall consult as necessary
3 with officials of the Office of Management and
4 Budget and other appropriate elements of the Exec-
5 utive Office of the President to ensure that the prob-
6 lems, constraints, opportunities, and actions identi-
7 fied under paragraph (1) are fully considered in the
8 development of legislative proposals and the Presi-
9 dent’s budget.

10 (g) ADDITIONAL FUNCTIONS OF THE CHIEF MANU-
11 FACTURING OFFICER; ADMINISTRATIVE PROVISIONS.—

12 (1) IN GENERAL.—The Chief Manufacturing
13 Officer, in addition to the other duties and functions
14 under this section, shall serve—

15 (A) on the Federal Strategy and Coordin-
16 ating Council on Manufacturing and Indus-
17 trial Innovation established under subsection
18 (j); and

19 (B) as a member of the Domestic Policy
20 Council, the National Economic Council, and
21 the Office of Science and Technology Policy
22 Council.

23 (2) ADVICE TO NATIONAL SECURITY COUN-
24 CIL.—For the purpose of ensuring the optimal con-
25 tribution of manufacturing and industrial innovation

1 to the national security of the United States, the
2 Chief Manufacturing Officer, at the request of the
3 President, shall advise the National Security Council
4 in such matters concerning manufacturing and in-
5 dustrial innovation as may be related to national se-
6 curity.

7 (3) COORDINATION WITH OTHER ORGANIZA-
8 TIONS.—

9 (A) IN GENERAL.—In exercising the func-
10 tions under this section, the Chief Manufac-
11 turing Officer—

12 (i) shall—

13 (I) work in close consultation and
14 cooperation with the Director of the
15 Domestic Policy Council, the National
16 Security Advisor, the Assistant to the
17 President for Economic Policy and
18 Director of the National Economic
19 Council, the Director of the Office of
20 Science and Technology Policy, the
21 Director of the Office of Management
22 and Budget, and the heads of other
23 agencies in the executive branch of
24 the Federal Government;

1 (II) utilize the services of con-
2 sultants, establish such advisory pan-
3 els, and, to the extent practicable,
4 consult with—

5 (aa) State and local govern-
6 ment agencies;

7 (bb) appropriate professional
8 groups;

9 (cc) representatives of indus-
10 try, universities, consumers, labor
11 organizations that primarily rep-
12 resent workers in manufacturing;
13 and

14 (dd) such other public inter-
15 est groups, organizations, and in-
16 dividuals as may be necessary;

17 (III) hold such hearings in var-
18 ious parts of the United States as
19 necessary to determine the views of
20 the agencies, groups, and organiza-
21 tions described in subparagraph (B),
22 and of the general public, concerning
23 national needs and trends in manufac-
24 turing and industrial innovation; and

1 (IV) utilize, with the heads of
2 public and private agencies and orga-
3 nizes, to the fullest extent possible the
4 services, personnel, equipment, facili-
5 ties, and information (including statis-
6 tical information) of public and pri-
7 vate agencies and organizations, and
8 individuals, in order to avoid the du-
9 plication of efforts and expenses; and
10 (ii) may transfer funds made available
11 pursuant to this section to other agencies
12 in the executive branch of the Federal Gov-
13 ernment as reimbursement for the utiliza-
14 tion of such personnel, services, facilities,
15 equipment, and information.

16 (B) FURNISHMENT OF INFORMATION.—
17 Each department, agency, and instrumentality
18 of the executive branch of the Federal Govern-
19 ment, including any independent agency, shall
20 furnish the Chief Manufacturing Officer such
21 information as necessary to carry out this sec-
22 tion.

23 (h) MANUFACTURING AND INDUSTRIAL INNOVATION
24 REPORT.—

1 (1) REPORT.—Not later than 3 years after the
2 date of enactment of this division, and every 4 years
3 thereafter, the Chief Manufacturing Officer, in con-
4 sultation with the Director of the National Economic
5 Council, shall submit to Congress a Manufacturing
6 and Industrial Innovation Report (referred to in this
7 section as the “report”) with appropriate assistance
8 from agencies in the executive branch of the Federal
9 Government and such consultants and contractors as
10 the Chief Manufacturing Officer determines nec-
11 essary.

12 (2) CONTENTS OF REPORT.—Each report re-
13 quired under paragraph (1) shall draw upon the
14 most recent national strategic plan established under
15 subsection (f) and shall include, to the extent prac-
16 ticable and within the limitations of available knowl-
17 edge and resources—

18 (A) a review of developments of national
19 significance in manufacturing and industrial in-
20 novation;

21 (B) the significant effects of trends at the
22 time of the submission of the report and pro-
23 jected trends in manufacturing and industrial
24 innovation on the economy, workforce, and envi-

1 ronmental, health and national security, and
2 other requirements of the United States;

3 (C) a review and appraisal of selected
4 manufacturing and industrial innovation related
5 programs, policies, and activities of the Federal
6 Government, including procurement;

7 (D) an inventory and forecast of critical
8 and emerging national problems, the resolution
9 of which might be substantially assisted by
10 manufacturing and industrial innovation in the
11 United States;

12 (E) the identification and assessment of
13 manufacturing and industrial innovation meas-
14 ures that can contribute to the resolution of the
15 problems described in subparagraph (D) in
16 light of the related economic, workforce, envi-
17 ronmental, public health, and national security
18 considerations;

19 (F) at the time of the submission of the re-
20 port, and as projected, the manufacturing and
21 industrial resources, including specialized man-
22 power, that could contribute to the resolution of
23 the problems described in subparagraph (D);
24 and

1 (G) recommendations for legislation and
2 regulatory changes on manufacturing and in-
3 dustrial innovation-related programs and poli-
4 cies that will contribute to the resolution of the
5 problems described in subparagraph (D).

6 (3) PREPARATION OF REPORT.—In preparing
7 each report required under paragraph (1), the Chief
8 Manufacturing Officer shall make maximum use of
9 relevant data available from agencies in the execu-
10 tive branch of the Federal Government.

11 (4) PUBLIC AVAILABILITY OF REPORT.—The
12 Chief Manufacturing Officer shall ensure that the
13 report is made available to the public.

14 (i) COMPTROLLER GENERAL REPORT.—Not later
15 than 3 years after the date of enactment of this division,
16 the Comptroller General of the United States shall submit
17 to the Committee on Commerce, Science, and Transpor-
18 tation of the Senate, the Committee on Appropriations of
19 the Senate, the Committee on Science, Space, and Tech-
20 nology of the House of Representatives, the Committee on
21 Energy and Commerce of the House of Representatives,
22 and the Committee on Appropriations of the House of
23 Representatives, and make available to the public, a re-
24 port—

1 (1) containing an assessment of the efforts of
2 the Office to implement or advance the priority goals
3 described in subsection (b)(1); and

4 (2) providing recommendations on how to im-
5 prove the efforts described in paragraph (1).

6 (j) FEDERAL STRATEGY AND COORDINATING COUN-
7 CIL ON MANUFACTURING AND INDUSTRIAL INNOVA-
8 TION.—There is established in the executive branch of the
9 Federal Government the Federal Strategy and Coordi-
10 nating Council on Manufacturing and Industrial Innova-
11 tion (referred to in this section as the “Council”).

12 (1) MEMBERSHIP.—

13 (A) IN GENERAL.—The Council shall be
14 composed of the following:

15 (i) The President, who shall serve as
16 Chair of the Council.

17 (ii) The Vice President.

18 (iii) The Secretary of Commerce.

19 (iv) The Secretary of Defense.

20 (v) The Secretary of Education.

21 (vi) The Secretary of Energy.

22 (vii) The Secretary of Health and
23 Human Services.

24 (viii) The Secretary of Housing and
25 Urban Development.

- 1 (ix) The Secretary of Labor.
- 2 (x) The Secretary of State.
- 3 (xi) The Secretary of Transportation.
- 4 (xii) The Secretary of the Treasury.
- 5 (xiii) The Secretary of Veterans Af-
- 6 fairs.
- 7 (xiv) The Administrator of the Envi-
- 8 ronmental Protection Agency.
- 9 (xv) The Administrator of the Na-
- 10 tional Aeronautics and Space Administra-
- 11 tion.
- 12 (xvi) The Administrator of the Small
- 13 Business Administration.
- 14 (xvii) The Director of the National
- 15 Science Foundation.
- 16 (xviii) The Director of the Office of
- 17 Management and Budget.
- 18 (xix) The Assistant to the President
- 19 for Science and Technology.
- 20 (xx) The United States Trade Rep-
- 21 resentative.
- 22 (xxi) The National Security Advisor.
- 23 (xxii) The Assistant to the President
- 24 for Economic Policy.

1 (xxiii) The Director of the Domestic
2 Policy Council.

3 (xxiv) The Chair of the Council of
4 Economic Advisers.

5 (xxv) The Chief Manufacturing Offi-
6 cer.

7 (B) ADDITIONAL PARTICIPANTS.—The
8 President may, from time to time and as nec-
9 essary, appoint officials in the executive branch
10 of the Federal Government to serve as members
11 of the Council.

12 (2) MEETINGS OF THE COUNCIL.—

13 (A) IN GENERAL.—The President or the
14 Chief Manufacturing Officer may convene meet-
15 ings of the Council.

16 (B) PRESIDING OFFICER.—

17 (i) IN GENERAL.—Subject to clause
18 (ii), the President shall preside over the
19 meetings of the Council.

20 (ii) EXCEPTION.—If the President is
21 not present at a meeting of the Council,
22 the Vice President (and if the Vice Presi-
23 dent is not present at a meeting of the
24 Council, the Chief Manufacturing Officer)

1 shall preside and be considered the chair of
2 the Council.

3 (k) COUNCIL ON MANUFACTURING AND INDUSTRIAL
4 INNOVATION FUNCTIONS.—

5 (1) IN GENERAL.—The Council shall—

6 (A) consider problems and developments,
7 including concerns relating to the workforce of
8 the United States, in manufacturing and indus-
9 trial innovation and related activities of more
10 than 1 agency in the executive branch of the
11 Federal Government;

12 (B) coordinate the manufacturing and in-
13 dustrial innovation policy-making process;

14 (C) harmonize the Federal permitting
15 process relating to manufacturing and indus-
16 trial innovation, as appropriate;

17 (D) ensure manufacturing and industrial
18 innovation policy decisions and programs are
19 consistent with the priority goals described in
20 subsection (b)(1);

21 (E) help implement the priority goals de-
22 scribed in subsection (b)(1) across the Federal
23 Government;

24 (F) ensure manufacturing and industrial
25 innovation are considered in the development

1 and implementation of Federal policies and pro-
2 grams;

3 (G) achieve more effective use of
4 foundational aspects of manufacturing and in-
5 dustrial innovation, particularly scientific, engi-
6 neering, and technological resources and facili-
7 ties of agencies in the executive branch of the
8 Federal Government, including the elimination
9 of efforts that have been unwarrantedly dupli-
10 cated;

11 (H) identify—

12 (i) threats to, and vulnerabilities of,
13 supply chains;

14 (ii) workforce skills;

15 (iii) aspects of supply chains and
16 workforce skills requiring additional em-
17 phasis; and

18 (iv) for reform policies, rules, and reg-
19 ulations that harm domestic manufac-
20 turing and inhibit the ability for domestic
21 manufacturing to compete with global com-
22 petitors; and

23 (I) further international cooperation on
24 manufacturing and industrial innovation poli-

1 cies that enhance the policies of the United
2 States and internationally agreed upon policies.

3 (2) CHIEF MANUFACTURING OFFICER.—The
4 Chief Manufacturing Officer may take such actions
5 as may be necessary or appropriate to implement the
6 functions described in paragraph (1).

7 (1) COORDINATION.—The head of each agency in the
8 executive branch of the Federal Government, without re-
9 gard to whether the head of the agency is a member of
10 the Council, shall coordinate manufacturing and industrial
11 innovation policy with the Council.

12 (m) ADMINISTRATION.—

13 (1) COORDINATION WITH NATIONAL SCIENCE
14 AND TECHNOLOGY COUNCIL.—In carrying out the
15 duties of the Council, the Council shall consult with
16 the National Science and Technology Council, as
17 necessary.

18 (2) AD COMMITTEES; TASKS FORCES, INTER-
19 AGENCY GROUPS.—The Council may function
20 through established or ad hoc committees, task
21 forces, or interagency groups.

22 (3) REQUIREMENT TO COOPERATE.—Each
23 agency in the executive branch of the Federal Gov-
24 ernment shall—

25 (A) cooperate with the Council; and

1 (B) provide assistance, information, and
2 advice to the Council, as the Council may re-
3 quest, to the extent permitted by law.

4 (4) ASSISTANCE TO COUNCIL.—For the purpose
5 of carrying out the provisions of this section, the
6 head of each agency that is a member of the Council
7 shall furnish necessary assistance and resources to
8 the Council, which may include—

9 (A) detailing employees of the agency to
10 the Council to perform such functions, con-
11 sistent with the purposes of this section, as the
12 Chair of the Council may assign to those
13 detailees;

14 (B) providing office support and printing,
15 as requested by the Chair of the Council; and

16 (C) upon the request of the Chair of the
17 Council, undertake special studies for the Coun-
18 cil that come within the functions of the Coun-
19 cil described in subsection (k).

20 (n) NATIONAL MEDAL OF MANUFACTURING AND IN-
21 DUSTRIAL INNOVATION.—

22 (1) RECOMMENDATIONS.—The President shall
23 from time to time award a medal, to be known as
24 the “National Medal of Manufacturing and Indus-
25 trial Innovation”, on the basis of recommendations

1 received from the National Academies of Sciences,
2 the Chief Manufacturing Officer, or on the basis of
3 such other information and evidence as the Presi-
4 dent determines appropriate, to individuals who in
5 the judgment of the President are deserving of spe-
6 cial recognition by reason of outstanding contribu-
7 tions to knowledge in manufacturing and industrial
8 innovation.

9 (2) NUMBER.—Not more than 20 individuals
10 may be awarded a medal under this section in any
11 one calendar year.

12 (3) CITIZENSHIP.—An individual may not be
13 awarded a medal under this section unless at the
14 time such award is made the individual—

15 (A) is a citizen or other national of the
16 United States; or

17 (B) is an individual lawfully admitted to
18 the United States for permanent residence
19 who—

20 (i) has filed an application for petition
21 for naturalization in the manner prescribed
22 by section 334(b) of the Immigration and
23 Nationality Act (8 U.S.C. 1445(b)); and

24 (ii) is not permanently ineligible to be-
25 come a citizen of the United States.

1 (4) CEREMONIES.—The presentation of the
2 award shall be made by the President with such
3 ceremonies as determined proper, including attend-
4 ance by appropriate Members of Congress.

5 (o) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for each of fiscal years
7 2022 through 2026—

8 (1) \$5,000,000, for the purpose of carrying out
9 subsections (c) through (i); and

10 (2) \$5,000,000, for the purpose of carrying out
11 subsections (j) through (m).

12 **SEC. 2509. TELECOMMUNICATIONS WORKFORCE TRAINING**
13 **GRANT PROGRAM.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Improving Minority Participation And Careers in Tele-
16 communications Act” or the “IMPACT Act”.

17 (b) DEFINITIONS.—In this section:

18 (1) ASSISTANT SECRETARY.—The term “Assist-
19 ant Secretary” means the Assistant Secretary of
20 Commerce for Communications and Information.

21 (2) COVERED GRANT.—The term “covered
22 grant” means a grant awarded under subsection (c).

23 (3) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means a historically Black college or university,
25 Tribal College or University, or minority-serving in-

1 stitution, or a consortium of such entities, that
2 forms a partnership with 1 or more of the following
3 entities to carry out a training program:

4 (A) A member of the telecommunications
5 industry, such as a company or industry asso-
6 ciation.

7 (B) A labor or labor-management organi-
8 zation with experience working in the tele-
9 communications industry or a similar industry.

10 (C) The Telecommunications Industry
11 Registered Apprenticeship Program.

12 (D) A nonprofit organization dedicated to
13 helping individuals gain employment in the tele-
14 communications industry.

15 (E) A community or technical college with
16 experience in providing workforce development
17 for individuals seeking employment in the tele-
18 communications industry or a similar industry.

19 (F) A Federal agency laboratory special-
20 izing in telecommunications technology.

21 (4) FUND.—The term “Fund” means the Tele-
22 communications Workforce Training Grant Program
23 Fund established under subsection (d)(1).

24 (5) GRANT PROGRAM.—The term “Grant Pro-
25 gram” means the Telecommunications Workforce

1 Training Grant Program established under sub-
2 section (c).

3 (6) HISTORICALLY BLACK COLLEGE OR UNI-
4 VERSITY.—The term “historically Black college or
5 university” has the meaning given the term “part B
6 institution” in section 322 of the Higher Education
7 Act of 1965 (20 U.S.C. 1061).

8 (7) INDUSTRY FIELD ACTIVITIES.—The term
9 “industry field activities” means activities at active
10 telecommunications, cable, and broadband network
11 worksites, such as towers, construction sites, and
12 network management hubs.

13 (8) INDUSTRY PARTNER.—The term “industry
14 partner” means an entity described in subpara-
15 graphs (A) through (F) of paragraph (3) with which
16 an eligible entity forms a partnership to carry out a
17 training program.

18 (9) MINORITY-SERVING INSTITUTION.—The
19 term “minority-serving institution” means an insti-
20 tution described in section 371(a) of the Higher
21 Education Act of 1965 (20 U.S.C. 1067q(a)).

22 (10) TRAINING PROGRAM.—The term “training
23 program” means a credit or non-credit program de-
24 veloped by an eligible entity, in partnership with an
25 industry partner, that—

1 (A) is designed to educate and train stu-
2 dents to participate in the telecommunications
3 workforce; and

4 (B) includes a curriculum and apprentice-
5 ship or internship opportunities that can also be
6 paired with—

7 (i) a degree program; or

8 (ii) stacked credentialing toward a de-
9 gree.

10 (11) TRIBAL COLLEGE OR UNIVERSITY.—The
11 term “Tribal College or University” has the meaning
12 given the term in section 316(b)(3) of the Higher
13 Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

14 (c) PROGRAM.—The Assistant Secretary, acting
15 through the Office of Minority Broadband Initiatives es-
16 tablished under section 902(b)(1) of division N of the Con-
17 solidated Appropriations Act, 2021 (Public Law 116–
18 260), shall establish a program, to be known as the “Tele-
19 communications Workforce Training Grant Program”,
20 under which the Assistant Secretary awards grants to eli-
21 gible entities to develop training programs.

22 (d) FUND.—

23 (1) ESTABLISHMENT.—There is established in
24 the Treasury of the United States a fund to be

1 known as the “Telecommunications Workforce
2 Training Grant Program Fund”.

3 (2) AVAILABILITY.—Amounts in the Fund shall
4 be available to the Assistant Secretary to carry out
5 the Grant Program.

6 (e) APPLICATION.—

7 (1) IN GENERAL.—An eligible entity desiring a
8 covered grant shall submit an application to the As-
9 sistant Secretary at such time, in such manner, and
10 containing such information as the Assistant Sec-
11 retary may require.

12 (2) CONTENTS.—An eligible entity shall include
13 in an application under paragraph (1)—

14 (A) a commitment from the industry part-
15 ner of the eligible entity to collaborate with the
16 eligible entity to develop a training program, in-
17 cluding curricula and internships or apprentice-
18 ships;

19 (B) a description of how the eligible entity
20 plans to use the covered grant, including the
21 type of training program the eligible entity
22 plans to develop;

23 (C) a plan for recruitment of students and
24 potential students to participate in the training
25 program;

1 (D) a plan to increase female student par-
2 ticipation in the training program of the eligible
3 entity; and

4 (E) a description of potential jobs to be se-
5 cured through the training program, including
6 jobs in the communities surrounding the eligible
7 entity.

8 (f) USE OF FUNDS.—An eligible entity may use a
9 covered grant, with respect to the training program of the
10 eligible entity, to—

11 (1) hire faculty members to teach courses in the
12 training program;

13 (2) train faculty members to prepare students
14 for employment in jobs related to the deployment of
15 next-generation wired and wireless communications
16 networks, including 5G networks, hybrid fiber-co-
17 axial networks, and fiber infrastructure, particularly
18 in—

19 (A) broadband and wireless network engi-
20 neering;

21 (B) network deployment, operation, and
22 maintenance;

23 (C) industry field activities; and

24 (D) cloud networks, data centers, and cy-
25 bersecurity;

1 (3) design and develop curricula and other com-
2 ponents necessary for degrees, courses, or programs
3 of study, including certificate programs and
4 credentialing programs, that comprise the training
5 program;

6 (4) pay for costs associated with instruction
7 under the training program, including the costs of
8 equipment, telecommunications training towers, lab-
9 oratory space, classroom space, and instructional
10 field activities;

11 (5) fund scholarships, student internships, ap-
12 prenticeships, and pre-apprenticeship opportunities;

13 (6) recruit students for the training program;
14 and

15 (7) support the enrollment in the training pro-
16 gram of individuals working in the telecommuni-
17 cations industry in order to advance professionally in
18 the industry.

19 (g) GRANT AWARDS.—

20 (1) DEADLINE.—Not later than 2 years after
21 the date on which amounts are appropriated to the
22 Fund pursuant to subsection (m), the Assistant Sec-
23 retary shall award all covered grants.

1 (2) MINIMUM ALLOCATION TO CERTAIN ENTI-
2 TIES.—The Assistant Secretary shall award not less
3 than—

4 (A) 30 percent of covered grant amounts
5 to historically Black colleges or universities; and

6 (B) 30 percent of covered grant amounts
7 to Tribal Colleges or Universities.

8 (3) EVALUATION CRITERIA.—As part of the
9 final rules issued under subsection (h), the Assistant
10 Secretary shall develop criteria for evaluating appli-
11 cations for covered grants.

12 (4) COORDINATION.—The Assistant Secretary
13 shall ensure that grant amounts awarded under
14 paragraph (2) are coordinated with, and do not du-
15 plicate the specific use of, grant amounts provided
16 under section 902 of division N of the Consolidated
17 Appropriations Act, 2021 (Public Law 116–260).

18 (5) CONSTRUCTION.—In awarding grants under
19 this section for training or education relating to con-
20 struction, the Assistant Secretary may prioritize ap-
21 plicants that partner with apprenticeship programs,
22 pre-apprenticeship programs, or public two-year
23 community or technical colleges that have a written
24 agreement with one or more apprenticeship pro-
25 grams.

1 (h) RULES.—Not later than 180 days after the date
2 of enactment of this division, after providing public notice
3 and an opportunity to comment, the Assistant Secretary,
4 in consultation with the Secretary of Labor and the Sec-
5 retary of Education, shall issue final rules governing the
6 Grant Program.

7 (i) TERM.—The Assistant Secretary shall establish
8 the term of a covered grant, which may not be less than
9 5 years.

10 (j) GRANTEE REPORTS.—During the term of a cov-
11 ered grant received by an eligible entity, the eligible entity
12 shall submit to the Assistant Secretary a semiannual re-
13 port that, with respect to the preceding 6-month period—

14 (1) describes how the eligible entity used the
15 covered grant amounts;

16 (2) describes the progress the eligible entity
17 made in developing and executing the training pro-
18 gram of the eligible entity;

19 (3) describes the number of faculty and stu-
20 dents participating in the training program of the el-
21 igible entity;

22 (4) describes the partnership with the industry
23 partner of the eligible entity, including—

24 (A) the commitments and in-kind contribu-
25 tions made by the industry partner; and

1 (B) the role of the industry partner in cur-
2 riculum development, the degree program, and
3 internships and apprenticeships; and

4 (5) includes data on internship, apprenticeship,
5 and employment opportunities and placements.

6 (k) OVERSIGHT.—

7 (1) AUDITS.—The Inspector General of the De-
8 partment of Commerce shall audit the Grant Pro-
9 gram in order to—

10 (A) ensure that eligible entities use covered
11 grant amounts in accordance with—

12 (i) the requirements of this section;

13 and

14 (ii) the overall purpose of the Grant
15 Program, as described in subsection (c);

16 and

17 (B) prevent waste, fraud, and abuse in the
18 operation of the Grant Program.

19 (2) REVOCATION OF FUNDS.—The Assistant
20 Secretary shall revoke a grant awarded to an eligible
21 entity that is not in compliance with the require-
22 ments of this section or the overall purpose of the
23 Grant Program, as described in subsection (c).

1 (l) ANNUAL REPORT TO CONGRESS.—Each year,
2 until all covered grants have expired, the Assistant Sec-
3 retary shall submit to Congress a report that—

4 (1) identifies each eligible entity that received a
5 covered grant and the amount of the covered grant;

6 (2) describes the progress each eligible entity
7 described in paragraph (1) has made toward accom-
8 plishing the overall purpose of the Grant Program,
9 as described in subsection (c);

10 (3) summarizes the job placement status or ap-
11 prenticeship opportunities of students who have par-
12 ticipated in the training program of the eligible enti-
13 ty; and

14 (4) includes the findings of any audits con-
15 ducted by the Inspector General of the Department
16 of Commerce under subsection (k)(1) that were not
17 included in the previous report submitted under this
18 subsection.

19 (m) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to the Fund a total of \$100,000,000
22 for fiscal years 2022 through 2027, to remain avail-
23 able until expended.

24 (2) ADMINISTRATION.—The Assistant Secretary
25 may use not more than 2 percent of the amounts ap-

1 propriated to the Fund for the administration of the
2 Grant Program.

3 **SEC. 2510. COUNTRY OF ORIGIN LABELING ONLINE ACT.**

4 (a) MANDATORY ORIGIN AND LOCATION DISCLO-
5 SURE FOR PRODUCTS OFFERED FOR SALE ON THE
6 INTERNET.—

7 (1) IN GENERAL.—It shall be unlawful for a
8 product that is required to be marked under section
9 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or
10 its implementing regulations to be introduced, sold,
11 advertised, or offered for sale in commerce on an
12 internet website unless the internet website descrip-
13 tion of the product—

14 (A)(i) indicates in a conspicuous place the
15 country of origin of the product, in a manner
16 consistent with the regulations prescribed under
17 section 304 of the Tariff Act of 1930 (19
18 U.S.C. 1304) and the country of origin marking
19 regulations administered by U.S. Customs and
20 Border Protection; and

21 (ii) includes, in the case of—

22 (I) a new passenger motor vehicle (as
23 defined in section 32304 of title 49, United
24 States Code), the disclosure required by
25 such section;

1 (II) a textile fiber product (as defined
2 in section 2 of the Textile Fiber Products
3 Identification Act (15 U.S.C. 70b)), the
4 disclosure required by such Act;

5 (III) a wool product (as defined in
6 section 2 of the Wool Products Labeling
7 Act of 1939 (15 U.S.C. 68)), the disclo-
8 sure required by such Act;

9 (IV) a fur product (as defined in sec-
10 tion 2 of the Fur Products Labeling Act
11 (15 U.S.C. 69)), the disclosure required by
12 such Act;

13 (V) a covered commodity (as defined
14 in section 281 of the Agricultural Mar-
15 keting Act of 1946 (7 U.S.C. 1638)), the
16 country of origin information required by
17 section 282 of such Act (7 U.S.C. 1638a);
18 and

19 (VI) a pharmaceutical product subject
20 to the jurisdiction of the Food and Drug
21 Administration, the disclosure required by
22 section 502 of the Federal Food, Drug,
23 and Cosmetic Act (21 U.S.C. 352); and

24 (B) indicates in a conspicuous place the
25 country in which the seller of the product is lo-

1 cated (and, if applicable, the country in which
2 any parent corporation of such seller is lo-
3 cated).

4 (2) LIMITATION.—The disclosure of a product’s
5 country of origin required pursuant to paragraph
6 (1)(A) shall not be made in such a manner as to
7 represent to a consumer that the product is in
8 whole, or part, of United States origin, unless such
9 disclosure is consistent with section 5 of the Federal
10 Trade Commission Act (15 U.S.C. 45(a)), provided
11 that no other Federal statute applies.

12 (b) PROHIBITION ON FALSE AND MISLEADING REP-
13 RESENTATION OF UNITED STATES ORIGIN ON PROD-
14 UCTS.—

15 (1) UNLAWFUL ACTIVITY.—Notwithstanding
16 any other provision of law, it shall be unlawful to
17 make any false or deceptive representation that a
18 product or its parts or processing are of United
19 States origin in any labeling, advertising, or other
20 promotional materials, or any other form of mar-
21 keting, including marketing through digital or elec-
22 tronic means in the United States.

23 (2) DECEPTIVE REPRESENTATION.—For pur-
24 poses of paragraph (1), a representation that a
25 product is in whole, or in part, of United States ori-

1 gin is deceptive if, at the time the representation is
2 made, such claim is not consistent with section 5 of
3 the Federal Trade Commission Act (15 U.S.C.
4 45(a)), provided that no other Federal statute ap-
5 plies.

6 (c) ENFORCEMENT BY COMMISSION.—

7 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
8 TICES.—A violation of subsection (a) or (b) shall be
9 treated as a violation of a rule under section
10 18(a)(1)(B) of the Federal Trade Commission Act
11 (15 U.S.C. 57a(a)(1)(B)).

12 (2) POWERS OF THE COMMISSION.—

13 (A) IN GENERAL.—The Commission shall
14 enforce this section in the same manner, by the
15 same means, and with the same jurisdiction,
16 powers, and duties as though all applicable
17 terms and provisions of the Federal Trade
18 Commission Act (15 U.S.C. 41 et seq.) were in-
19 corporated into and made a part of this section.

20 (B) PRIVILEGES AND IMMUNITIES.—Any
21 person that violates subsection (a) or (b) shall
22 be subject to the penalties and entitled to the
23 privileges and immunities provided in the Fed-
24 eral Trade Commission Act (15 U.S.C. 41 et
25 seq.) as though all applicable terms and provi-

1 sions of that Act were incorporated and made
2 part of this section.

3 (C) **AUTHORITY PRESERVED.**—Nothing in
4 this section may be construed to limit the au-
5 thority of the Commission under any other pro-
6 vision of law.

7 (3) **INTERAGENCY AGREEMENT.**—Not later
8 than 6 months after the date of enactment of this
9 division, the Commission and U.S. Customs and
10 Border Protection shall—

11 (A) enter into a Memorandum of Under-
12 standing or other appropriate agreement for the
13 purpose of providing consistent implementation
14 of this section; and

15 (B) publish such agreement to provide
16 public guidance.

17 (4) **DEFINITION OF COMMISSION.**—In this sub-
18 section, the term “Commission” means the Federal
19 Trade Commission.

20 (d) **EFFECTIVE DATE.**—This section shall take effect
21 9 months after the date of enactment of this division.

22 **SEC. 2511. COUNTRY OF ORIGIN LABELING FOR KING CRAB**
23 **AND TANNER CRAB.**

24 Section 281(7)(B) of the Agricultural Marketing Act
25 of 1946 (7 U.S.C. 1638(7)(B)) is amended—

1 (1) by striking “includes a fillet” and inserting
2 “includes—

3 “(i) a fillet”;

4 (2) by striking the period at the end and insert-
5 ing “; and”; and

6 (3) by adding at the end the following:

7 “(ii) whole cooked king crab and tan-
8 ner crab and cooked king crab and tanner
9 crab sections.”.

10 **SEC. 2512. INTERNET EXCHANGES AND SUBMARINE CA-**
11 **BLES.**

12 (a) DEFINITIONS.—In this section:

13 (1) ASSISTANT SECRETARY.—The term “Assist-
14 ant Secretary” means the Assistant Secretary of
15 Commerce for Communications and Information.

16 (2) CORE BASED STATISTICAL AREA.—The
17 term “core based statistical area” has the meaning
18 given the term by the Office of Management and
19 Budget in the Notice of Decision entitled “2010
20 Standards for Delineating Metropolitan and
21 Micropolitan Statistical Areas”, published in the
22 Federal Register on June 28, 2010 (75 Fed. Reg.
23 37246), or any successor to that Notice.

1 (3) COVERED GRANT.—The term “covered
2 grant” means a grant awarded under subsection
3 (b)(1).

4 (4) INDIAN TRIBE.—The term “Indian
5 Tribe”—

6 (A) has the meaning given the term in sec-
7 tion 4 of the Indian Self-Determination and
8 Education Assistance Act (25 U.S.C. 5304);
9 and

10 (B) includes a Native Hawaiian organiza-
11 tion, as that term is defined in section 6207 of
12 the Native Hawaiian Education Act (20 U.S.C.
13 7517).

14 (5) INTERNET EXCHANGE FACILITY.—The term
15 “internet exchange facility” means physical infra-
16 structure through which internet service providers
17 and content delivery networks exchange internet
18 traffic between their networks.

19 (6) STATE.—The term “State” has the mean-
20 ing given the term in section 3 of the Communica-
21 tions Act of 1934 (47 U.S.C. 153).

22 (7) SUBMARINE CABLE LANDING STATION.—
23 The term “submarine cable landing station” means
24 a cable landing station, as that term is used in sec-
25 tion 1.767(a)(5) of title 47, Code of Federal Regula-

1 tions (or any successor regulation), that can be uti-
2 lized to land a submarine cable by an entity that has
3 obtained a license under the first section of the Act
4 entitled “An Act relating to the landing and oper-
5 ation of submarine cables in the United States”, ap-
6 proved May 27, 1921 (47 U.S.C. 34) (commonly
7 known as the “Cable Landing Licensing Act”).

8 (b) INTERNET EXCHANGE FACILITY GRANTS.—

9 (1) GRANTS.—Not later than 1 year after the
10 date on which amounts are made available under
11 subsection (e), the Assistant Secretary shall award
12 grants to entities to acquire real property and nec-
13 essary equipment to—

14 (A) establish a new internet exchange facil-
15 ity in a core based statistical area in which, at
16 the time the grant is awarded, there are no ex-
17 isting internet exchange facilities; or

18 (B) expand operations at an existing inter-
19 net exchange facility in a core based statistical
20 area in which, at the time the grant is awarded,
21 there is only 1 internet exchange facility.

22 (2) ELIGIBILITY.—To be eligible to receive a
23 covered grant, an entity shall—

24 (A) have sufficient interest from third
25 party entities that will use the internet ex-

1 change facility to be funded by the grant once
2 the facility is established or operations are ex-
3 panded, as applicable;

4 (B) have sovereign control over the land or
5 building in which the internet exchange facility
6 is to be housed;

7 (C) provide evidence of direct conduit,
8 duct, and manhole access to public rights-of-
9 way;

10 (D) have a plan to establish security proto-
11 cols for the internet exchange facility to prevent
12 physical or electronic intrusion from unauthor-
13 ized users; and

14 (E) provide other information required by
15 the Assistant Secretary to protect against
16 waste, fraud, or abuse.

17 (3) FEDERAL SHARE.—The Federal share of
18 the total cost of the establishment of, or expansion
19 of operations at, an internet exchange facility for
20 which a covered grant is awarded may not exceed 50
21 percent.

22 (4) GRANT AMOUNT.—The amount of a covered
23 grant may not exceed \$3,000,000.

24 (5) APPLICATIONS.—

1 (A) RULES AND TIMELINES.—Not later
2 than 1 year after the date of enactment of this
3 division, the Assistant Secretary shall establish
4 rules and timelines for applications for—

5 (i) covered grants; and

6 (ii) grants under subsection (c).

7 (B) THIRD PARTY REVIEW.—To prevent
8 fraud in the covered grant program, the Assist-
9 ant Secretary shall enter into a contract with
10 an independent third party under which the
11 third party reviews an application for a covered
12 grant not later than 60 days after the date on
13 which the application is submitted to ensure
14 that only an entity that is eligible for a covered
15 grant receives a covered grant.

16 (6) RULE OF CONSTRUCTION.—Nothing in this
17 subsection shall be construed to authorize the Assist-
18 ant Secretary to regulate, issue guidance for, or oth-
19 erwise interfere with the activities at an internet ex-
20 change facility.

21 (c) SUBMARINE CABLE LANDING STATION
22 GRANTS.—Not later than 1 year after the date on which
23 amounts are made available under subsection (e), and in
24 accordance with the rules and timelines established under
25 subsection (b)(5)(A), the Assistant Secretary shall award

1 grants to States and Indian Tribes to build infrastructure
2 and acquire necessary equipment to establish or expand
3 an open-access, carrier-neutral submarine cable landing
4 station that serves a military facility.

5 (d) REPORT.—Not later than 5 years after the date
6 of enactment of this division, and annually thereafter for
7 5 years, the Assistant Secretary shall submit a report on
8 outcomes of grants awarded under this section to—

9 (1) the Committee on Commerce, Science, and
10 Transportation of the Senate; and

11 (2) the Committee on Energy and Commerce of
12 the House of Representatives.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated \$35,000,000 to carry out subsections
16 (b) and (c).

17 (2) LIMITATION.—The Assistant Secretary may
18 not use more than 10 percent of the amounts made
19 available under paragraph (1) to administer and re-
20 port on the outcomes of grants awarded under this
21 section.

22 (f) RETURN OF CERTAIN GRANT AMOUNTS.—The
23 Assistant Secretary may require a recipient of a grant
24 awarded under subsection (b) or (c) to return all or a por-

1 tion of the grant amount if there is evidence of waste,
2 fraud, or abuse of grant funds by the recipient.

3 **SEC. 2513. STUDY OF SISTER CITY PARTNERSHIPS OPER-**
4 **ATING WITHIN THE UNITED STATES INVOLV-**
5 **ING FOREIGN COMMUNITIES IN COUNTRIES**
6 **WITH SIGNIFICANT PUBLIC SECTOR CORRUP-**
7 **TION.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “Sister City Transparency Act”.

10 (b) **DEFINITIONS.**—In this section:

11 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
12 **TEES.**—The term “appropriate congressional com-

13 mittees” means—
14 (A) the Committee on Foreign Relations of
15 the Senate;

16 (B) the Committee on Health, Education,
17 Labor, and Pensions of the Senate;

18 (C) the Committee on Armed Services of
19 the Senate;

20 (D) the Committee on Foreign Affairs of
21 the House of Representatives;

22 (E) the Committee on Education and
23 Labor of the House of Representatives; and

24 (F) the Committee on Armed Services of
25 the House of Representatives.

1 (2) FOREIGN COMMUNITY.—The term “foreign
2 community” means any subnational unit of govern-
3 ment outside of the United States.

4 (3) SISTER CITY PARTNERSHIP.—The term
5 “sister city partnership” means a formal agreement
6 between a United States community and a foreign
7 community that—

8 (A) is recognized by Sister Cities Inter-
9 national; and

10 (B) is operating within the United States.

11 (4) UNITED STATES COMMUNITY.—The term
12 “United States community” means a State, county,
13 city, or other unit of local government in the United
14 States.

15 (c) STUDY OF SISTER CITY PARTNERSHIPS OPER-
16 ATING WITHIN THE UNITED STATES INVOLVING FOR-
17 EIGN COMMUNITIES IN COUNTRIES WITH SIGNIFICANT
18 PUBLIC SECTOR CORRUPTION.—

19 (1) IN GENERAL.—The Comptroller General of
20 the United States shall conduct a study of the activi-
21 ties of sister city partnerships involving foreign com-
22 munities in countries receiving a score of 45 or less
23 on Transparency International’s 2019 Corruption
24 Perceptions Index.

1 (2) ELEMENTS OF THE STUDY.—The study
2 conducted under paragraph (1) shall—

3 (A) identify—

4 (i) the criteria by which foreign com-
5 munities identify United States commu-
6 nities as candidates for sister city partner-
7 ships, including themes with respect to the
8 prominent economic activities and demo-
9 graphics of such United States commu-
10 nities;

11 (ii) the activities conducted within sis-
12 ter city partnerships;

13 (iii) the economic and educational out-
14 comes of such activities;

15 (iv) the types of information that sis-
16 ter city partnerships make publicly avail-
17 able, including information relating to con-
18 tracts and activities;

19 (v) the means by which United States
20 communities safeguard freedom of expres-
21 sion within sister city partnerships; and

22 (vi) the oversight practices that
23 United States communities implement to
24 mitigate the risks of foreign espionage and

1 economic coercion within sister city part-
2 nerships;

3 (B) assess—

4 (i) the extent to which United States
5 communities ensure transparency regard-
6 ing sister city partnership contracts and
7 activities;

8 (ii) the extent to which sister city
9 partnerships involve economic arrange-
10 ments that make United States commu-
11 nities vulnerable to malign market prac-
12 tices;

13 (iii) the extent to which sister city
14 partnerships involve educational arrange-
15 ments that diminish the freedom of expres-
16 sion;

17 (iv) the extent to which sister city
18 partnerships allow foreign nationals to ac-
19 cess local commercial, educational, and po-
20 litical institutions;

21 (v) the extent to which foreign com-
22 munities could use sister city partnerships
23 to realize strategic objectives that do not
24 conduce to the economic and national secu-
25 rity interests of the United States;

1 (vi) the extent to which sister city
2 partnerships could enable or otherwise con-
3 tribute to foreign communities' malign ac-
4 tivities globally, including activities relating
5 to human rights abuses and academic and
6 industrial espionage; and

7 (vii) the extent to which United States
8 communities seek to mitigate foreign na-
9 tionals' potentially inappropriate use of
10 visa programs to participate in activities
11 relating to sister city partnerships; and

12 (C) review—

13 (i) the range of activities conducted
14 within sister city partnerships, including
15 activities relating to cultural exchange and
16 economic development;

17 (ii) how such activities differ between
18 sister city partnerships; and

19 (iii) best practices to ensure trans-
20 parency regarding sister city partnerships'
21 agreements, activities, and employees.

22 (3) REPORT.—

23 (A) IN GENERAL.—Not later than 6
24 months after initiating the study required under
25 paragraph (1), the Comptroller General shall

1 submit a report to the appropriate congres-
2 sional committees that contains the results of
3 such study, including the findings, conclusions,
4 and recommendations (if any) of the study.

5 (B) FORM.—The report required under
6 subparagraph (A) may include a classified
7 annex, if necessary.

8 **SEC. 2514. PROHIBITION ON TRANSFER, ASSIGNMENT, OR**
9 **DISPOSITION OF CONSTRUCTION PERMITS**
10 **AND STATION LICENSES TO ENTITIES SUB-**
11 **JECT TO UNDUE INFLUENCE BY THE CHI-**
12 **NESE COMMUNIST PARTY OR THE GOVERN-**
13 **MENT OF THE PEOPLE’S REPUBLIC OF**
14 **CHINA.**

15 The Federal Communications Commission shall, pur-
16 suant to section 310 of the Communications Act of 1934
17 (47 U.S.C. 310), prohibit the transfer, assignment, or dis-
18 position of construction permits and station licenses to an
19 entity that is subject to undue influence by the Chinese
20 Communist Party or the Government of the People’s Re-
21 public of China.

22 **SEC. 2515. LIMITATION ON NUCLEAR COOPERATION WITH**
23 **THE PEOPLE’S REPUBLIC OF CHINA.**

24 (a) IN GENERAL.—The President shall not—

1 (1) develop, design, plan, promulgate, imple-
2 ment, or execute a bilateral policy, program, order,
3 or contract of any kind to participate in, collaborate
4 on, or coordinate bilaterally in any manner with re-
5 spect to nuclear cooperation activities, or otherwise
6 engage in nuclear cooperation, with—

7 (A) the Government of the People’s Repub-
8 lic of China; or

9 (B) any company—

10 (i) owned by the Government of the
11 People’s Republic of China; or

12 (ii) incorporated under the laws of the
13 People’s Republic of China; or

14 (2) allow any agency of the United States Gov-
15 ernment to host official visitors at a facility belong-
16 ing to the agency if those visitors are—

17 (A) officials, corporate officers, or principal
18 shareholders of any entity described in subpara-
19 graph (A) or (B) of paragraph (1); or

20 (B) individuals subject to undue influence
21 by the individuals described in subparagraph

22 (A).

23 (b) REVIEW OF PRIOR NUCLEAR COOPERATION AND
24 ASSOCIATED IMPACTS.—

1 (1) AGREEMENT.—Not later than 60 days after
2 the date of enactment of this division, the Secretary
3 of State shall seek to enter into an agreement with
4 the National Academy of Public Administration (re-
5 ferred to in this section as the “National Academy”)
6 to carry out the review and assessment described in
7 paragraph (2) and submit the report described in
8 paragraph (3).

9 (2) REVIEW AND ASSESSMENT.—

10 (A) IN GENERAL.—Under the agreement
11 described in paragraph (1), the National Acad-
12 emy shall—

13 (i) conduct a review of nuclear co-
14 operation during the 25-year period ending
15 on the date of enactment of this division
16 between the United States Government
17 and the People’s Republic of China, includ-
18 ing the role of the Department of State in
19 facilitating such cooperation; and

20 (ii) perform an assessment of the im-
21 plications of the cooperation described in
22 clause (i) on the national security of the
23 United States.

24 (B) ELEMENTS.—In conducting the review
25 and assessment under subparagraph (A), the

1 National Academy shall examine all cooperative
2 activities relating to nuclear cooperation be-
3 tween the United States Government and the
4 People's Republic of China during the 25-year
5 period ending on the date of enactment of this
6 division, including—

7 (i) all trips relating to nuclear co-
8 operation taken by officials of the Depart-
9 ment of State to the People's Republic of
10 China;

11 (ii) all exchanges of goods, services,
12 data, or information between officials of
13 the United States Government and an enti-
14 ty described in subparagraph (A) or (B) of
15 subsection (a)(1); and

16 (C) all instances in which officials of the
17 United States Government hosted officials
18 from, or significantly tied to, an entity de-
19 scribed in subparagraph (A) or (B) of sub-
20 section (a)(1).

21 (3) DEADLINE AND REPORT.—Not later than 1
22 year after the date on which the Secretary and the
23 National Academy enter into an agreement described
24 in paragraph (1), the National Academy shall—

1 (A) complete the review and assessment
2 described in paragraph (2); and

3 (B) submit a report containing the results
4 of the review and assessment, which shall be
5 unclassified but, if necessary, may contain a
6 classified annex, to—

7 (i) the Secretary; and

8 (ii) the appropriate congressional com-
9 mittees.

10 (4) PUBLICATION.—Not later than 60 days
11 after the date on which the National Academy sub-
12 mits the report under paragraph (3), the Secretary
13 shall make the report publically available in an easily
14 accessible electronic format, with appropriate
15 redactions for information that, in the determination
16 of the Secretary, would be damaging to the national
17 security of the United States if disclosed.

18 (c) WAIVERS.—

19 (1) WAIVER FOR COUNTERTERRORISM; NON-
20 PROLIFERATION ACTIVITIES; AND THE NATIONAL IN-
21 TEREST.—The President may waive the limitation
22 under subsection (a)—

23 (A) to continue ongoing activities with the
24 People's Republic of China relating to nuclear
25 and radiological counterterrorism, nuclear and

1 radiological counterproliferation, and nuclear
2 and radiological nonproliferation; or

3 (B) if the President determines that such
4 waiver is in the national interests of the United
5 States, provided the Federal Bureau of Inves-
6 tigation certifies prior to such waiver that the
7 persons covered under such waiver—

8 (i) are not subject to undue influence
9 by the Government of the People’s Repub-
10 lic of China or the Chinese Communist
11 Party, or by officials of the People’s Re-
12 public of China or the Chinese Communist
13 Party; and

14 (ii) are not engaged in human rights
15 abuses.

16 (2) WAIVER TO ADDRESS EMERGENCIES.—Sub-
17 ject to receiving appropriate licenses and other au-
18 thorizations, the President may waive the limitation
19 under subsection (a) to allow transfers of technology
20 and equipment to address a nuclear or radiological
21 emergency.

22 (3) NOTIFICATION REQUIREMENT.—The Presi-
23 dent shall notify Congress of any waiver issued
24 under paragraph (1) or (2).

25 (d) DEFINITIONS.—In this section:

1 **SEC. 2516. CERTIFICATION.**

2 Section 1260I(a) of the National Defense Authoriza-
3 tion Act for Fiscal Year 2020 (Public Law 116–92; 113
4 Stat. 1687) is amended—

5 (1) by inserting “and” at the end of paragraph
6 (2); and

7 (2) by striking paragraphs (3) and (4) and in-
8 serting the following:

9 “(3) Huawei does not pose an ongoing threat to
10 the critical infrastructure of the United States or its
11 allies.”.

12 **SEC. 2517. FAIRNESS AND DUE PROCESS IN STANDARDS-**
13 **SETTING BODIES.**

14 (a) DEFINITIONS.—In this section:

15 (1) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—The term “appropriate committees of Con-
17 gress” means—

18 (A) the Committee on Commerce, Science,
19 and Transportation of the Senate;

20 (B) the Committee on Armed Services of
21 the Senate;

22 (C) the Select Committee on Intelligence of
23 the Senate;

24 (D) the Committee on Foreign Relations of
25 the Senate;

1 (E) the Committee on Science, Space, and
2 Technology of the House of Representatives;

3 (F) the Committee on Armed Services of
4 the House of Representatives;

5 (G) the Permanent Select Committee on
6 Intelligence of the House of Representatives;
7 and

8 (H) the Committee on Foreign Affairs of
9 the House of Representatives.

10 (2) ASSISTANT SECRETARY.—The term “Assist-
11 ant Secretary” means the Assistant Secretary of
12 Commerce for Communications and Information.

13 (b) STUDY.—

14 (1) IN GENERAL.—Not later than 270 days
15 after the date of enactment of this division, the Sec-
16 retary of Commerce, acting through the Assistant
17 Secretary, shall submit to the appropriate commit-
18 tees of Congress the results of a study identifying
19 opportunities for improved participation by United
20 States Government experts in the standardization
21 activities of the Telecommunication Standardization
22 Sector of the International Telecommunication
23 Union.

1 (2) CONSULTATIONS REQUIRED.—In con-
2 ducting the study required under paragraph (1), the
3 Assistant Secretary shall—

4 (A) consult with—

5 (i) the Under Secretary of State for
6 Economic Growth, Energy, and the Envi-
7 ronment; and

8 (ii) the Chairman of the Federal Com-
9 munications Commission;

10 (B) engage with the International Digital
11 Economy and Telecommunication Advisory
12 Committee; and

13 (C) provide opportunities for all relevant
14 stakeholders in the United States to provide
15 meaningful input with respect to the conduct of
16 the study.

17 (3) CONTENTS.—The study required under
18 paragraph (1) shall include—

19 (A) the identification and assessment of
20 factors that serve as a barrier to the participa-
21 tion of United States Government experts in
22 the standards development activities of the
23 Telecommunication Standardization Sector of
24 the International Telecommunication Union, in-
25 cluding—

- 1 (i) budgetary constraints;
- 2 (ii) lack of awareness regarding the
3 strategic importance of, and support for,
4 participation in those activities;
- 5 (iii) limited knowledge about opportu-
6 nities for, and means of, participation with
7 respect to those activities;
- 8 (iv) the extent to which there are op-
9 portunities for cooperation with govern-
10 ment experts from like-minded foreign al-
11 lies with respect to those activities; and
- 12 (v) any other barriers to effective par-
13 ticipation in, and representation with re-
14 spect to, those activities; and
- 15 (B) recommendations regarding how the
16 barriers to increased and effective participation,
17 as identified under subparagraph (A), could be
18 addressed, which may include—
- 19 (i) strategies and tactics to ensure
20 long-term participation;
- 21 (ii) means for improved information
22 sharing and coordination—
- 23 (I) among Federal Government
24 participants;

1 (II) between the public and pri-
2 vate sectors; and

3 (III) between the Federal Gov-
4 ernment and like-minded foreign al-
5 lies;

6 (iii) identification of suitable leader-
7 ship opportunities for Federal Government
8 participants; and

9 (iv) any other recommendation that
10 the Assistant Secretary determines to be
11 appropriate.

12 **SEC. 2518. SHARK FIN SALES ELIMINATION.**

13 (a) **SHORT TITLE.**—This section may be cited as the
14 “Shark Fin Sales Elimination Act of 2021”.

15 (b) **PROHIBITION ON SALE OF SHARK FINS.**—

16 (1) **PROHIBITION.**—Except as provided in sub-
17 section (c), no person shall possess, transport, offer
18 for sale, sell, or purchase shark fins or products con-
19 taining shark fins.

20 (2) **PENALTY.**—A violation of paragraph (1)
21 shall be treated as an act prohibited by section 307
22 of the Magnuson-Stevens Fishery Conservation and
23 Management Act (16 U.S.C. 1857) and shall be pe-
24 nalized pursuant to section 308(a) of that Act (16
25 U.S.C. 1858(a)), except that the maximum civil pen-

1 alty for each violation shall be \$100,000, or the fair
2 market value of the shark fins involved, whichever is
3 greater.

4 (c) EXCEPTIONS.—A person may possess a shark fin
5 that was taken lawfully under a State, territorial, or Fed-
6 eral license or permit to take or land sharks, if the shark
7 fin is separated from the shark in a manner consistent
8 with the license or permit and is—

9 (1) destroyed or discarded upon separation;

10 (2) used for noncommercial subsistence pur-
11 poses in accordance with State or territorial law;

12 (3) used solely for display or research purposes
13 by a museum, college, or university, or other person
14 under a State or Federal permit to conduct non-
15 commercial scientific research; or

16 (4) retained by the license or permit holder for
17 a noncommercial purpose.

18 (d) DOGFISH.—

19 (1) IN GENERAL.—It shall not be a violation of
20 subsection (b) for any person to possess, transport,
21 offer for sale, sell, or purchase any fresh or frozen
22 raw fin or tail from any stock of the species
23 *Mustelus canis* (smooth dogfish) or *Squalus*
24 *acanthias* (spiny dogfish).

1 (2) REPORT.—By not later than January 1,
2 2027, the Secretary of Commerce shall review the
3 exemption contained in paragraph (1) and shall pre-
4 pare and submit to Congress a report that includes
5 a recommendation on whether the exemption con-
6 tained in paragraph (1) should continue or be termi-
7 nated. In preparing such report and making such
8 recommendation, the Secretary shall analyze factors
9 including—

10 (A) the economic viability of dogfish fish-
11 eries with and without the continuation of the
12 exemption;

13 (B) the impact to ocean ecosystems of con-
14 tinuing or terminating the exemption;

15 (C) the impact on enforcement of the ban
16 contained in subsection (b) caused by the ex-
17 emption; and

18 (D) the impact of the exemption on shark
19 conservation.

20 (e) DEFINITION OF SHARK FIN.—In this section, the
21 term “shark fin” means—

22 (1) the raw or dried or otherwise processed de-
23 tached fin of a shark; or

24 (2) the raw or dried or otherwise processed de-
25 tached tail of a shark.

1 (f) STATE AUTHORITY.—Nothing in this section may
2 be construed to preclude, deny, or limit any right of a
3 State or territory to adopt or enforce any regulation or
4 standard that is more stringent than a regulation or
5 standard in effect under this section.

6 (g) SEVERABILITY.—If any provision of this section
7 or its application to any person or circumstance is held
8 invalid, the invalidity does not affect other provisions or
9 applications of this section which can be given effect with-
10 out the invalid provision or application, and to this end
11 the provisions of this section are severable.

12 **SEC. 2519. SENSE OF CONGRESS ON FORCED LABOR.**

13 It is the sense of Congress that the Federal Govern-
14 ment shall not engage in research, partnerships, contracts,
15 or other agreements with any entity (including any coun-
16 try or institution of higher education) that has any affili-
17 ation with a country that engages in forced labor.

18 **SEC. 2520. OPEN NETWORK ARCHITECTURE.**

19 (a) OPEN NETWORK ARCHITECTURE TESTBED.—

20 (1) DEFINITIONS.—In this subsection—

21 (A) the term “Applied Research Open-
22 RAN testbed” means the testbed established
23 under paragraph (2);

1 (B) the term “Assistant Secretary” means
2 the Assistant Secretary of Commerce for Com-
3 munications and Information; and

4 (C) the term “NTIA” means the National
5 Telecommunications and Information Adminis-
6 tration.

7 (2) ESTABLISHMENT.—The Assistant Secretary
8 shall establish an applied research open network ar-
9 chitecture testbed at the Institute for Telecommuni-
10 cation Sciences of the NTIA to develop and dem-
11 onstrate network architectures and applications,
12 equipment integration and interoperability at scale,
13 including—

14 (A) Open Radio Access Network (com-
15 monly known as “Open-RAN”) technology;

16 (B) Virtualized Radio Access Network
17 (commonly known as “vRAN”) technology; and

18 (C) cloud native technologies that replicate
19 telecommunications hardware as software-based
20 virtual network elements and functions.

21 (3) FOCUS; CONSIDERATIONS.—In establishing
22 the Applied Research Open-RAN testbed pursuant
23 to this section, the Assistant Secretary shall ensure
24 that such testbed evaluates issues related to deploy-

1 ment and operation of open network architectures in
2 rural areas.

3 (4) COOPERATIVE RESEARCH AND DEVELOP-
4 MENT AGREEMENTS.—The Assistant Secretary shall
5 enter into cooperative research and development
6 agreements as appropriate to obtain equipment, de-
7 vices, and expertise for the Applied Research Open-
8 RAN testbed, in accordance with section 12 of the
9 Stevenson-Wydler Technology Innovation Act of
10 1980 (15 U.S.C. 3710a).

11 (5) PRIVATE SECTOR CONTRIBUTIONS.—The
12 Assistant Secretary may accept private contributions
13 to the Applied Research Open-RAN testbed in the
14 form of network equipment or devices for testing
15 purposes.

16 (6) PARTNERSHIP WITH GOVERNMENT ENTI-
17 TIES.—

18 (A) ESTABLISHMENT.—In establishing the
19 Applied Research Open-RAN testbed, the As-
20 sistant Secretary shall—

21 (i) consult with the Federal Commu-
22 nications Commission, including with re-
23 spect to ongoing work by the Commission
24 to develop other testbeds, including private

1 sector testbeds, related to Open-RAN tech-
2 nologies; and

3 (ii) ensure that the work on the
4 testbed is coordinated with the responsibil-
5 ities of the Assistant Secretary under any
6 relevant memorandum of understanding
7 with the Federal Communications Commis-
8 sion and the National Science Foundation
9 related to spectrum.

10 (B) OPERATIONS.—In operating the Ap-
11 plied Research Open-RAN testbed, the Assist-
12 ant Secretary shall, in consultation with the
13 Federal Communications Commission, partner
14 with—

15 (i) the First Responder Network Au-
16 thority of the NTIA (also known as
17 “FirstNet”) and the Public Safety Com-
18 munications Research Division of the Na-
19 tional Institute of Standards and Tech-
20 nology to examine use cases and applica-
21 tions for Open-RAN technologies in a pub-
22 lic safety network;

23 (ii) other Federal agencies, as appro-
24 priate to examine use cases and applica-

1 tions for Open-RAN technologies in other
2 areas of interest to such agencies; and

3 (iii) international partners, as appro-
4 priate.

5 (7) STAKEHOLDER INPUT.—The Assistant Sec-
6 retary shall seek input from stakeholders regarding
7 the establishment and operation of the Applied Re-
8 search Open-RAN testbed.

9 (8) IMPLEMENTATION DEADLINE.—Not later
10 than 180 days after the date of enactment of this
11 division, the Assistant Secretary shall—

12 (A) define metrics and parameters for the
13 Applied Research Open-RAN testbed, including
14 functionality, project configuration and capac-
15 ity, performance, security requirements, and
16 quality assurance;

17 (B) adopt any rules as necessary, in con-
18 sultation with the Federal Communications
19 Commission; and

20 (C) begin the development of the Applied
21 Research Open-RAN testbed, including seeking
22 stakeholder input as required by paragraph (7).

23 (9) REPORT.—Not later than 1 year after the
24 date of enactment of this division, the Assistant Sec-
25 retary shall submit to the Committee on Commerce,

1 Science and Transportation of the Senate and the
2 Committee on Energy and Commerce of the House
3 of Representatives a report on the findings of the
4 testbed and any recommendations for additional leg-
5 islative or regulatory actions relating to the work of
6 the testbed.

7 (10) AUTHORIZATION OF APPROPRIATIONS.—

8 (A) IN GENERAL.—There are authorized to
9 be appropriated for the administration of the
10 Applied Research Open-RAN testbed
11 \$20,000,000 for fiscal year 2022, to remain
12 available until expended.

13 (B) RULE OF CONSTRUCTION.—Nothing in
14 paragraph (6) shall be construed to obligate
15 FirstNet or any other Federal entity to pay for
16 the cost of the Applied Research Open-RAN
17 testbed created under this section in the ab-
18 sence of the appropriation of amounts under
19 this paragraph.

20 (C) AUTHORIZATION FOR VOLUNTARY SUP-
21 PORT.—A Federal entity, including FirstNet,
22 may voluntarily enter into an agreement with
23 NTLA to provide monetary or nonmonetary sup-
24 port for the Applied Research Open-RAN
25 testbed.

1 (b) PARTICIPATION IN STANDARDS-SETTING BOD-
2 IES.—

3 (1) DEFINITIONS.—In this section—

4 (A) the term “Assistant Secretary” means
5 the Assistant Secretary of Commerce for Com-
6 munications and Information;

7 (B) the term “eligible standards-setting
8 body”—

9 (i) means a standards-setting body,
10 participation in which may be funded by a
11 grant awarded under paragraph (2), as de-
12 termined by the Assistant Secretary; and

13 (ii) includes—

14 (I) the 3rd Generation Partner-
15 ship Project (commonly known as
16 “3GPP”);

17 (II) the Alliance for Tele-
18 communications Industry Solutions
19 (commonly known as “ATIS”);

20 (III) the International Tele-
21 communications Union (commonly
22 known as “ITU”);

23 (IV) the Institute for Electrical
24 and Electronics Engineers (commonly
25 known as “IEEE”);

1 (V) the World
2 Radiocommunications Conferences
3 (commonly known as the “WRC”) of
4 the ITU;

5 (VI) the Internet Engineering
6 Task Force (commonly known as the
7 “IETF”);

8 (VII) the International Organiza-
9 tion for Standardization (commonly
10 known as the “ISO”) and the Inter-
11 national Electrotechnical Commission
12 (commonly known as the “IEC”);

13 (VIII) the O-RAN Alliance;

14 (IX) the Telecommunications In-
15 dustry Association (commonly known
16 as “TIA”); and

17 (X) any other standards-setting
18 body identified under paragraph (4);

19 (C) the term “Secretary” means the Sec-
20 retary of Commerce; and

21 (D) the term “standards-setting body”
22 means an international body that develops the
23 standards for open network architecture tech-
24 nologies.

25 (2) GRANT PROGRAM.—

1 (A) IN GENERAL.—The Secretary, in col-
2 laboration with the Assistant Secretary, shall
3 award grants to private sector entities based in
4 the United States to participate in eligible
5 standards-setting bodies.

6 (B) PRIORITIZATION.—The Secretary shall
7 prioritize grants awarded under this section to
8 private sector entities that would not otherwise
9 be able to participate in eligible standards-set-
10 ting bodies without the grant.

11 (3) GRANT CRITERIA.—Not later than 180 days
12 after the date on which amounts are appropriated
13 under paragraph (5), the Secretary, in collaboration
14 with the Assistant Secretary, shall establish criteria
15 for the grants awarded under paragraph (2).

16 (4) CONSULTATION WITH FEDERAL COMMU-
17 NICATIONS COMMISSION.—The Secretary shall con-
18 sult with the Federal Communications Commission
19 in—

20 (A) determining criteria for the grants
21 awarded under paragraph (2); and

22 (B) determining which standards-setting
23 bodies, if any, in addition to the standards-set-
24 ting bodies listed in paragraph (1)(C)(ii) are el-
25 igible standards-setting bodies.

1 (5) AUTHORIZATION OF APPROPRIATIONS.—

2 (A) IN GENERAL.—There are authorized to
3 be appropriated for grants under paragraph (2)
4 \$30,000,000 in total for fiscals years 2022
5 through 2025, to remain available until ex-
6 pended.

7 (B) ADMINISTRATIVE COSTS.—The Sec-
8 retary may use not more than 2 percent of any
9 funds appropriated under this paragraph for
10 the administration of the grant program estab-
11 lished under this subsection.

12 **SEC. 2521. COMBATTING SEXUAL HARASSMENT IN SCIENCE.**

13 (a) DEFINITIONS.—This section may be cited as the
14 “Combating Sexual Harassment in Science Act of 2021”.

15 (b) DEFINITIONS.—In this section:

16 (1) DIRECTOR.—The term “Director” means
17 the Director of the National Science Foundation.

18 (2) FEDERAL SCIENCE AGENCY.—The term
19 “Federal science agency” means any Federal agency
20 with an annual extramural research expenditure of
21 over \$100,000,000.

22 (3) GRANT PERSONNEL.—The term “grant per-
23 sonnel” means principal investigators and co-prin-
24 cipal investigators supported by a grant award under
25 Federal law and their trainees.

1 (4) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given such term in section 101 of the High-
4 er Education Act of 1965 (20 U.S.C. 1001).

5 (5) NATIONAL ACADEMIES.—The term “Na-
6 tional Academies” means the National Academies of
7 Sciences, Engineering, and Medicine.

8 (6) RECIPIENT.—The term “recipient” means
9 an entity, usually a non-Federal entity, that receives
10 a Federal award directly from a Federal awarding
11 agency. The term “recipient” does not include enti-
12 ties that receive subgrants or individuals that are
13 the beneficiaries of the award.

14 (7) SEXUAL HARASSMENT.—The term “sexual
15 harassment” has the meaning given such term in
16 section 1604.11 of title 29, Code of Federal Regula-
17 tions (or any successor regulations).

18 (c) RESEARCH GRANTS.—

19 (1) IN GENERAL.—The Director shall award
20 grants, on a competitive basis, to institutions of
21 higher education or nonprofit organizations (or con-
22 sortia of such institutions or organizations)—

23 (A) to expand research efforts to better
24 understand the factors contributing to, and con-
25 sequences of, sexual harassment affecting indi-

1 individuals in the scientific, technical, engineering,
2 and mathematics workforce, including students
3 and trainees; and

4 (B) to examine best practices to reduce the
5 incidence and negative consequences of such
6 harassment.

7 (2) USE OF FUNDS.—Activities funded by a
8 grant under this subsection may include—

9 (A) research on the sexual harassment ex-
10 periences of individuals in underrepresented or
11 vulnerable groups, including communities of
12 color, disabled individuals, foreign nationals,
13 sexual- and gender-minority individuals, and
14 others;

15 (B) development and assessment of poli-
16 cies, procedures, trainings, and interventions,
17 with respect to sexual harassment, conflict
18 management, and ways to foster respectful and
19 inclusive climates;

20 (C) research on approaches for remedi-
21 ating the negative impacts and outcomes of
22 such harassment on individuals experiencing
23 such harassment;

24 (D) support for institutions of higher edu-
25 cation or nonprofit organizations to develop,

1 adapt, implement, and assess the impact of in-
2 novative, evidence-based strategies, policies, and
3 approaches to policy implementation to prevent
4 and address sexual harassment;

5 (E) research on alternatives to the power
6 dynamics and hierarchical and dependent rela-
7 tionships in academia that have been shown to
8 create higher levels of risk for and lower levels
9 of reporting of sexual harassment; and

10 (F) research related to the ongoing com-
11 pilation, management, and analysis of organiza-
12 tional climate survey data.

13 (d) DATA COLLECTION.—Not later than 180 days
14 after the date of enactment of this division, the Director,
15 through the National Center for Science and Engineering
16 Statistics and with guidance from the Office of Manage-
17 ment and Budget given their oversight of the Federal sta-
18 tistical agencies, shall convene a working group composed
19 of representatives of Federal statistical agencies—

20 (1) to develop questions on sexual harassment
21 in science, technology, engineering, and mathematics
22 departments to gather national data on the preva-
23 lence, nature, and implications of sexual harassment
24 in institutions of higher education that builds on the
25 work conducted by the National Center for Science

1 and Engineering Statistics in response to rec-
2 ommendations from the National Academies to de-
3 velop questions on harassment; and

4 (2) to include such questions as appropriate,
5 with sufficient protections of the privacy of respond-
6 ents, in relevant surveys conducted by the National
7 Center for Science and Engineering Statistics and
8 other relevant entities.

9 (e) RESPONSIBLE CONDUCT GUIDE.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this division, the Di-
12 rector shall enter into an agreement with the Na-
13 tional Academies to update the report entitled “On
14 Being a Scientist: A Guide to Responsible Conduct
15 in Research” issued by the National Academies. The
16 report, as so updated, shall include—

17 (A) updated professional standards of con-
18 duct in research;

19 (B) standards of treatment individuals can
20 expect to receive under such updated standards
21 of conduct;

22 (C) evidence-based practices for fostering a
23 climate intolerant of sexual harassment;

1 (D) methods, including bystander interven-
2 tion, for identifying and addressing incidents of
3 sexual harassment;

4 (E) professional standards for mentorship
5 and teaching with an emphasis on power diffu-
6 sion mechanisms and preventing sexual harass-
7 ment;

8 (F) recommended vetting and hiring prac-
9 tices scientific research entities are urged to im-
10 plement to eliminate serial harassers; and

11 (G) other topics as the National Academies
12 determines appropriate.

13 (2) RECOMMENDATIONS.—In updating the re-
14 port under paragraph (1), the National Academies
15 shall take into account recommendations made in
16 the report issued by the National Academies in 2018
17 entitled “Sexual Harassment of Women: Climate,
18 Culture, and Consequences in Academic Sciences,
19 Engineering, and Medicine” and other relevant stud-
20 ies and evidence.

21 (3) REPORT.—Not later than 18 months after
22 the effective date of the agreement under paragraph
23 (1), the National Academies, as part of such agree-
24 ment, shall submit to the Director and the Com-
25 mittee on Science, Space, and Technology of the

1 House of Representatives and the Committee on
2 Commerce, Science, and Transportation of the Sen-
3 ate the report referred to in such subsection, as up-
4 dated pursuant to such subsection.

5 (f) POLICY GUIDELINES.—

6 (1) RESPONSIBILITIES OF OSTP.—The Director
7 of the Office of Science and Technology Policy, in
8 coordination with the working group on inclusion in
9 STEM fields established under section 308 of the
10 American Innovation and Competitiveness Act (42
11 U.S.C. 6626) and the Safe Inclusive Research Envi-
12 ronments Subcommittee of the National Science and
13 Technology Council, and in consultation with rep-
14 resentatives from each Federal science agency, the
15 Department of Education, and the Equal Employ-
16 ment Opportunity Commission, shall—

17 (A) not later than 90 days after the date
18 of the enactment of this division, submit to the
19 Committee on Science, Space, and Technology
20 of the House of Representatives and the Com-
21 mittee on Commerce, Science, and Transpor-
22 tation of the Senate an inventory of Federal
23 science agency policies, procedures, and re-
24 sources dedicated to preventing and responding
25 to reports of sexual harassment;

1 (B) not later than 6 months after the date
2 on which the inventory is submitted under sub-
3 paragraph (A)—

4 (i) in consultation with outside stake-
5 holders, develop a set of policy guidelines
6 for Federal science agencies; and

7 (ii) submit a report to the committees
8 referred to in subparagraph (A) containing
9 such guidelines;

10 (C) encourage Federal science agencies to
11 develop or maintain and implement policies
12 based on the guidelines developed under sub-
13 paragraph (B);

14 (D) not later than 1 year after the date on
15 which the inventory under subparagraph (A) is
16 submitted, and every 5 years thereafter, the Di-
17 rector of the Office of Science and Technology
18 Policy shall report to Congress on the imple-
19 mentation by Federal science agencies of the
20 policy guidelines developed under subparagraph
21 (B); and

22 (E) update such policy guidelines as need-
23 ed.

24 (2) REQUIREMENTS.—

1 (A) IN GENERAL.—In developing policy
2 guidelines under paragraph (1)(B), the Director
3 of the Office of Science and Technology Policy
4 shall consider guidelines that require, to the ex-
5 tent practicable—

6 (i) recipients to submit to the Federal
7 science agency or agencies from which the
8 recipients receive funding reports relating
9 to—

10 (I) any decision made to launch a
11 formal investigation of sexual harass-
12 ment by, or of, grant personnel; and

13 (II) findings or determinations of
14 sexual harassment by, or of, grant
15 personnel, including the final disposi-
16 tion of a matter involving a violation
17 of organizational policies and proc-
18 esses, to include the exhaustion of
19 permissible appeals, or a conviction of
20 a sexual offense in a criminal court of
21 law;

22 (ii) the updating and sharing of re-
23 ports of sexual harassment submitted
24 under clause (i) with relevant Federal
25 science agencies by agency request; and

1 (iii) consistency among relevant Fed-
2 eral agencies with regards to the policies
3 and procedures for receiving reports sub-
4 mitted pursuant to clause (i).

5 (B) FERPA.—The Director of the Office
6 of Science and Technology Policy shall ensure
7 that such guidelines and requirements are con-
8 sistent with the requirements of section 444 of
9 the General Education Provisions Act (20
10 U.S.C. 1232g) (commonly referred to as the
11 “Family Educational Rights and Privacy Act of
12 1974”).

13 (C) PRIVACY PROTECTIONS.—The Director
14 of the Office of Science and Technology Policy
15 shall ensure that such guidelines and require-
16 ments—

17 (i) do not infringe upon the privacy
18 rights of individuals associated with re-
19 ports submitted to Federal science agen-
20 cies; and

21 (ii) do not require recipients to pro-
22 vide interim reports to Federal science
23 agencies.

24 (3) CONSIDERATIONS.—In developing policy
25 guidelines under paragraph (1)(B), the Director of

1 the Office of Science and Technology Policy shall
2 consider protocols that require or incent—

3 (A) recipients that receive funds from Fed-
4 eral science agencies to periodically assess their
5 organizational climate, which may include the
6 use of climate surveys, focus groups, or exit
7 interviews;

8 (B) recipients that receive funds from Fed-
9 eral science agencies to publish on a publicly
10 available internet website the results of assess-
11 ments conducted pursuant to paragraph (1),
12 disaggregated by gender and, if possible, race,
13 ethnicity, disability status, and sexual orienta-
14 tion, and in a manner that does not include
15 personally identifiable information;

16 (C) recipients that receive funds from Fed-
17 eral science agencies to make public on an an-
18 nual basis the number of determinations of sex-
19 ual harassment at that institution or organiza-
20 tion;

21 (D) recipients that receive funds from Fed-
22 eral science agencies to regularly assess and im-
23 prove policies, procedures, and interventions to
24 reduce the prevalence of and improve the re-
25 porting of sexual harassment;

1 (E) each entity applying for Federal assist-
2 ance awards from a Federal science agency to
3 have a code of conduct for maintaining a
4 healthy and welcoming workplace for grant per-
5 sonnel posted on their public website;

6 (F) each recipient that receives funds from
7 Federal science agencies to have in place mech-
8 anisms for the re-integration of individuals who
9 have experienced sexual harassment; and

10 (G) recipients that receive funds from Fed-
11 eral science agencies to work to create a climate
12 intolerant of sexual harassment and that values
13 and promotes diversity and inclusion.

14 (4) FEDERAL SCIENCE AGENCY IMPLEMENTA-
15 TION.—Each Federal science agency shall—

16 (A) develop or maintain and implement
17 policies with respect to sexual harassment that
18 are consistent with policy guidelines under
19 paragraph (1)(B) and that protect the privacy
20 of all parties involved in any report and inves-
21 tigation of sexual harassment; and

22 (B) broadly disseminate such policies to
23 current and potential recipients of research
24 grants awarded by such agency.

1 (g) NATIONAL ACADEMIES ASSESSMENT.—Not later
2 than 3 years after the date of enactment of this division,
3 the Director shall enter into an agreement with the Na-
4 tional Academies to undertake a study and issue a report
5 on the influence of sexual harassment in institutions of
6 higher education on the career advancement of individuals
7 in the scientific, engineering, technical, and mathematics
8 workforce. The study shall assess—

9 (1) the state of research on sexual harassment
10 in such workforce;

11 (2) whether research demonstrates a decrease
12 in the prevalence of sexual harassment in such work-
13 force;

14 (3) the progress made with respect to imple-
15 menting recommendations promulgated in the Na-
16 tional Academies consensus study report entitled
17 “Sexual Harassment of Women: Climate, Culture,
18 and Consequences in Academic Sciences, Engineer-
19 ing, and Medicine”;

20 (4) where to focus future efforts with respect to
21 decreasing sexual harassment in such institutions,
22 including specific recommendations; and

23 (5) other recommendations and issues, as the
24 National Academies determines appropriate.

1 (h) GOVERNMENT ACCOUNTABILITY OFFICE
2 STUDY.—Not later than 3 years after the date of enact-
3 ment of this division, the Comptroller General of the
4 United States shall—

5 (1) complete a study that assesses the degree to
6 which Federal science agencies have implemented
7 the policy guidelines developed under subsection
8 (f)(1)(B) and the effectiveness of that implementa-
9 tion; and

10 (2) submit a report to the Committee on
11 Science, Space, and Technology of the House of
12 Representatives and the Committee on Commerce,
13 Science, and Transportation of the Senate on the re-
14 sults of such study, including recommendations on
15 potential changes to practices and policies to im-
16 prove those guidelines and that implementation.

17 (i) HARASSMENT ON THE BASIS OF PREGNANCY
18 STATUS.—The Director of the Office of Science and Tech-
19 nology Policy, in consultation with the Equal Employment
20 Opportunity Commission, shall develop a definition of
21 “harassment on the basis of pregnancy status” for the
22 purposes of carrying out this section.

23 **SEC. 2522. NATIONAL SCIENCE CORPS.**

24 (a) PURPOSE.—It is the purpose of this section to
25 elevate the profession of STEM teaching by establishing

1 a National Science Corps that identifies outstanding
2 STEM teachers in our Nation’s classrooms, rewards them
3 for their accomplishments, elevates their public profile,
4 and creates rewarding career paths to which all STEM
5 teachers can aspire, both to prepare future STEM re-
6 searchers and to create a scientifically literate public.

7 (b) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the National
10 Science Corps.

11 (2) ELIGIBLE APPLICANT.—The term “eligible
12 applicant” means a STEM teacher who has not less
13 than 2 years of STEM teaching experience and is
14 employed as a public school classroom instructor on
15 the date of selection.

16 (3) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means—

18 (A) an institution of higher education (as
19 defined in section 101(a) of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1001(a));

21 (B) a State educational agency (as defined
22 in section 8101 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C.
24 7801));

1 (C) a local educational agency (as defined
2 in section 8101 of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C.
4 7801)); and

5 (D) a consortium composed of 1 or more
6 of the entities described in subparagraph (A),
7 (B), or (C), or all 3, and 1 of the following enti-
8 ties:

9 (i) An education nonprofit association.

10 (ii) A cross sector STEM organiza-
11 tion.

12 (iii) A private entity, including a
13 STEM-related business.

14 (4) HIGH-NEED SCHOOL.—The term “high-need
15 school” has the meaning given the term in section
16 2211(b) of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6631(b)).

18 (5) NATIONAL SCIENCE CORPS CENTRAL ENTI-
19 TY.—The term “National Science Corps central enti-
20 ty” means an office of the Foundation that—

21 (A) operates the National Science Corps in
22 accordance with the purposes of this section;

23 (B) serves as a national convener to im-
24 prove STEM instruction, including improving

1 the diversity of students participating in STEM
2 education and STEM teachers;

3 (C) serves as standard-bearer and eval-
4 uator of regional centers; and

5 (D) is headed by the Administrator, who
6 reports to the Director.

7 (6) PROFESSIONAL DEVELOPMENT.—The term
8 “professional development” has the meaning given
9 the term in section 8101 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 7801).

11 (7) REGIONAL CENTER.—The term “regional
12 center” means a regional center of the National
13 Science Corps.

14 (8) STEM.—The term “STEM” means science,
15 technology, engineering, and mathematics, including
16 computer science.

17 (9) STEM EDUCATION ADVISORY BOARD.—The
18 term “STEM Education Advisory Board” means the
19 Advisory Board for the National Science Corps es-
20 tablished under subsection (e).

21 (c) ESTABLISHMENT OF NATIONAL SCIENCE
22 CORPS.—There is established a National Science Corps 5-
23 year pilot program to be administered by the Adminis-
24 trator, who shall be appointed by the Director, and over-
25 seen by the STEM Education Advisory Board.

1 (d) DUTIES OF THE ADMINISTRATOR.—The Admin-
2 istrator shall—

3 (1) create a process and standards for selection
4 of eligible applicants to become members of the Na-
5 tional Science Corps, including—

6 (A) uniform selection criteria that in-
7 cludes—

8 (i) deep knowledge of STEM content
9 and pedagogy;

10 (ii) a passion for STEM subjects and
11 dedication to teaching, evidence of leader-
12 ship skills, and potential for continued ca-
13 reer growth as an educator; and

14 (iii) demonstrated experience increas-
15 ing STEM student achievement and
16 STEM participation rates for all students,
17 particularly those from rural and high-need
18 schools; and

19 (B) a uniform selection process, including
20 a comprehensive application that includes rec-
21 ommendations and other relevant professional
22 information;

23 (2) build an infrastructure to support the func-
24 tions and operations of the National Science Corps;

1 (ii) Include a representative from each
2 of the following:

3 (I) School leaders.

4 (II) STEM researchers.

5 (III) STEM education research-
6 ers.

7 (IV) Business leaders.

8 (V) Kindergarten through grade
9 12 STEM educators.

10 (VI) Students pursuing a post-
11 secondary STEM degree.

12 (B) STEM EDUCATION ADVISORY COM-
13 MITTEE IN EXISTENCE.—The Director may as-
14 sign the duties of the STEM Education Advi-
15 sory Board, described in paragraph (3), to an
16 advisory committee of the Foundation in exist-
17 ence on the date of enactment of this division.

18 (3) DUTIES OF THE STEM EDUCATION ADVI-
19 SORY BOARD.—In overseeing the operations of the
20 National Science Corps, the STEM Education Advi-
21 sory Board shall—

22 (A) create a steering committee that is
23 comprised of STEM educators and researchers
24 representing a variety of STEM fields and rep-
25 resenting geographic diversity, to help establish

1 the National Science Corps in its initial phases;
2 and

3 (B) provide a direct connection of the Na-
4 tional Science Corps to the existing research
5 and education communities, ensuring that the
6 National Science Corps program is consistent
7 with the aspirations of both.

8 (f) DUTIES OF THE REGIONAL CENTERS.—The Ad-
9 ministrator shall award not less than 10 and not more
10 than 20 grants, on a competitive basis, to establish re-
11 gional centers at eligible entities. Each regional center
12 shall—

13 (1) engage local partners, which may include
14 local educational agencies, institutions of higher edu-
15 cation, STEM organizations, or education nonprofit
16 organizations, to—

17 (A) develop and serve the community of
18 National Science Corps members within the re-
19 gion, in coordination local partners to carry out
20 day-to-day activities;

21 (B) coordinate professional development
22 activities, including activities led by National
23 Science Corps members;

24 (C) connect National Science Corps mem-
25 bers with existing educator professional develop-

1 ment programs and coordinate members' in-
2 volvement as cooperating teachers or mentors;

3 (D) seek opportunities to involve teachers
4 who are not members of the National Science
5 Corps to participate in National Science Corps
6 activities; and

7 (E) build partnerships with existing edu-
8 cation organizations and other efforts by State
9 educational agencies and local educational agen-
10 cies that operate programs relevant to the Na-
11 tional Science Corps and its activities;

12 (2) recruit eligible applicants, with a focus on
13 recruiting diverse STEM educators based on race,
14 ethnicity, sex (including sexual orientation or gender
15 identity), socioeconomic status, age, disability status,
16 and language ability;

17 (3) screen, interview, and select members of the
18 National Science Corps using procedures and stand-
19 ards provided by the Administrator;

20 (4) coordinate the online network that supports
21 all National Science Corps members in the region;

22 (5) convene occasional meetings of National
23 Science Corps members in a region;

24 (6) create opportunities for the professional
25 growth of National Service Corps members, with a

1 focus on increasing STEM student achievement and
2 STEM participation rates for all students, particu-
3 larly those from rural and high-need schools; and

4 (7) support the retention and success of Na-
5 tional Science Corps members in the region.

6 (g) DUTIES OF MEMBERS OF THE NATIONAL
7 SCIENCE CORPS.—An eligible applicant that is selected by
8 a regional center to be a member of the National Science
9 Corps shall—

10 (1) serve a 4-year term with a possibility of re-
11 appointment;

12 (2) receive an annual stipend in an amount of
13 up to \$15,000, which may be increased over time;
14 and

15 (3) have substantial responsibilities, including—

16 (A) working with other members of the
17 National Science Corps to develop and improve
18 innovative teaching practices, including prac-
19 tices such as inquiry-based learning;

20 (B) participating in professional develop-
21 ment on innovative teaching methodology and
22 mentorship; and

23 (C) continuing to excel in teaching the
24 member's own students, with a focus on ad-
25 vancing equity by spending additional time

1 teaching and coaching underserved students to
2 increase STEM student achievement and
3 STEM participation rates for students from
4 rural and high-need schools.

5 (h) EVALUATIONS.—The Administrator shall evalu-
6 ate the activities of the regional centers every 2 years.

7 (i) AUTHORIZATION OF APPROPRIATIONS.—Out of
8 funds authorized under section 2106, there are authorized
9 to be appropriated \$100,000,000 in fiscal years 2022
10 through 2026 to carry out this section.

11 **SEC. 2523. ANNUAL REPORT ON FOREIGN RESEARCH.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this division, and not less frequently
14 than every 2 years thereafter, the Director shall prepare
15 and submit a report to the relevant congressional commit-
16 tees regarding the particularized research being funded by
17 the National Science Foundation and conducted in foreign
18 countries.

19 (b) CONTENTS.—The report submitted under sub-
20 section (a) shall include the following:

21 (1) The total amount of National Science Foun-
22 dation funds provided to research institutions in for-
23 eign countries.

1 (2) A complete list of projects funded by the
2 National Science Foundation provided to foreign en-
3 tities, including for each project—

4 (A) a complete abstract;

5 (B) the previous fiscal year's funding
6 amount;

7 (C) whether they have a connection to a
8 foreign government and to what extent the con-
9 nection exists;

10 (D) the names of principal investigators;

11 and

12 (E) a specific justification for funding the
13 research abroad instead of in the United States.

14 **SEC. 2524. ACCELERATING UNMANNED MARITIME SYSTEMS**

15 **RESEARCH.**

16 (a) **IN GENERAL.**—In order to support advances in
17 marine science and security at sea, the Director shall issue
18 awards, on a competitive basis, to institutions of higher
19 education or nonprofit organizations (or consortia of such
20 institutions or organizations) to support basic and applied
21 research that will accelerate innovation to advance un-
22 manned maritime systems for the purpose of providing
23 greater maritime domain awareness to the Nation.

24 (b) **PARTNERSHIPS.**—In implementing this section,
25 the Director shall establish partnerships with other Fed-

1 eral agencies, including those established under the Com-
2 mercial Engagement Through Ocean Technology Act of
3 2018 (Public Law 115–394).

4 (c) USE OF NSF OCEANOGRAPHIC RESEARCH VES-
5 SELS.—The Director may leverage the resources and ca-
6 pabilities of the consortium operating the Directorate’s re-
7 gional class research vessels to complement the research
8 in unmanned maritime systems.

9 **SEC. 2525. FOUNDATION FUNDING TO INSTITUTIONS**
10 **HOSTING OR SUPPORTING CONFUCIUS INSTI-**
11 **TUTES.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “Confucius Institute” means a cul-
14 tural institute established as a partnership between
15 a United States institution of higher education and
16 a Chinese institution of higher education to promote
17 and teach Chinese language and culture that is
18 funded, directly or indirectly, by the Government of
19 the People’s Republic of China; and

20 (2) the term “institution of higher education”
21 has the meaning given the term in section 102 of the
22 Higher Education Act of 1965 (20 U.S.C. 1002).

23 (b) RESTRICTIONS OF CONFUCIUS INSTITUTES.—Ex-
24 cept as provided in subsection (d), none of the funds made
25 available to the Foundation under this Act, or an amend-

1 ment made by this Act, may be obligated or expended to
2 an institution of higher education that maintains a con-
3 tract or agreement between the institution and a Confu-
4 cius Institute, unless the Director, after consultation with
5 the National Academies of Science, Engineering, and Med-
6 icine, determines such a waiver is appropriate in accord-
7 ance with subsection (c).

8 (c) WAIVER.—The Director, after consultation with
9 the National Academies of Science, Engineering, and Med-
10 icine, may issue a waiver for an institution of higher edu-
11 cation that maintains a contract or agreement between the
12 institution and a Confucius Institute if such contract or
13 agreement includes clear provisions that—

14 (1) protect academic freedom at the institution;

15 (2) prohibit the application of any foreign law
16 on any campus of the institution;

17 (3) grant full managerial authority of the Con-
18 fucius Institute to the institution, including full con-
19 trol over what is being taught, the activities carried
20 out, the research grants that are made, and who is
21 employed at the Confucius Institute; and

22 (4) prohibit co-location with the institution's
23 Chinese language, history, and cultural programs
24 and require separate promotional materials.

25 (d) SPECIAL RULE.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of this section, this section shall not apply
3 to an institution of higher education if that institu-
4 tion has fulfilled the requirements—

5 (A) for a waiver from the Department of
6 Defense as described under section 1062 of the
7 National Defense Authorization Act for Fiscal
8 Year 2021 (Public Law 116-283); or

9 (B) under section 6242 with respect to
10 funding the provided under the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1001 et seq.),
12 except funds provided under title IV of such
13 Act.

14 (2) EXCEPTION.—Notwithstanding any other
15 provision of this section, the prohibition under sub-
16 section (b) shall not apply to amounts provided di-
17 rectly to students as educational assistance.

18 (e) EFFECTIVE DATE.—The limitation under sub-
19 section (b) shall apply with respect to the first fiscal year
20 that begins after the date that is 2 years after the date
21 of enactment of this Act and to any subsequent fiscal year
22 subject to subsection (f).

23 (f) SUNSET.—This section shall cease to be effective
24 on the date that is 5 years after the date of enactment
25 of this Act.

1 **SEC. 2526. BASIC RESEARCH.**

2 (a) NONDISCLOSURE OF MEMBERS OF GRANT RE-
3 VIEW PANEL.—Notwithstanding any other provision of
4 law, each agency that awards a Federal research grant
5 shall not disclose, either publicly or privately, to an appli-
6 cant for such grant the identity of any member of the
7 grant review panel for such applicant.

8 (b) PUBLIC ACCESSIBILITY OF RESEARCH FUNDED
9 BY TAXPAYERS.—

10 (1) DEFINITION OF FEDERAL AGENCY.—In this
11 section, the term “Federal agency” means an Execu-
12 tive agency, as defined under section 105 of title 5,
13 United States Code.

14 (2) FEDERAL RESEARCH PUBLIC ACCESS POL-
15 ICY.—

16 (A) REQUIREMENT TO DEVELOP POLICY.—

17 (i) IN GENERAL.—Not later than 1
18 year after the date of enactment of this
19 section, each Federal agency with annual
20 extramural research expenditures of over
21 \$100,000,000 shall develop an agency re-
22 search public access policy that is con-
23 sistent with and advances the purposes of
24 the Federal agency.

25 (ii) COMMON PROCEDURES.—To the
26 extent practicable, Federal agencies re-

1 required to develop a policy under clause (i)
2 shall follow common procedures for the col-
3 lection and depositing of research papers.

4 (B) CONTENT.—Each Federal research
5 public access policy shall provide for—

6 (i) submission to a digital repository
7 designated or maintained by the Federal
8 agency of an electronic version of the au-
9 thor’s final manuscript of original research
10 papers that have been accepted for publica-
11 tion in peer-reviewed journals and that re-
12 sult from research supported, in whole or
13 in part, from funding by the Federal Gov-
14 ernment;

15 (ii) the incorporation of all changes
16 resulting from the peer review publication
17 process in the manuscript described under
18 clause (i);

19 (iii) the replacement of the final
20 manuscript with the final published version
21 if—

22 (I) the publisher consents to the
23 replacement; and

1 (II) the goals of the Federal
2 agency for functionality and interoper-
3 ability are retained;

4 (iv) free online public access to such
5 final peer-reviewed manuscripts or pub-
6 lished versions within a time period that is
7 appropriate for each type of research con-
8 ducted or sponsored by the Federal agen-
9 cy, not later than 12 months after publica-
10 tion in peer-reviewed journals, preferably
11 sooner, or as adjusted under established
12 mechanisms;

13 (v) providing research papers as de-
14 scribed in clause (iv) in formats and under
15 terms that enable productive reuse of the
16 research and computational analysis by
17 state-of-the-art technologies;

18 (vi) improving the ability of the public
19 to locate and access research papers made
20 accessible under the Federal research pub-
21 lic access policy; and

22 (vii) long-term preservation of, and
23 free public access to, published research
24 findings—

1 (I) in a stable digital repository
2 maintained by the Federal agency; or

3 (II) if consistent with the pur-
4 poses of the Federal agency, in any
5 repository meeting conditions deter-
6 mined favorable by the Federal agen-
7 cy, including free public access, inter-
8 operability, and long-term preserva-
9 tion.

10 (C) APPLICATION OF POLICY.—Each Fed-
11 eral research public access policy shall—

12 (i) apply to—

13 (I) researchers employed by the
14 Federal agency whose works remain
15 in the public domain; and

16 (II) researchers funded by the
17 Federal agency;

18 (ii) provide that works described
19 under clause (i)(I) shall be—

20 (I) marked as being public do-
21 main material when published; and

22 (II) made available at the same
23 time such works are made available
24 under subparagraph (B)(iv); and

1 (iii) make effective use of any law or
2 guidance relating to the creation and res-
3 ervation of a Government license that pro-
4 vides for the reproduction, publication, re-
5 lease, or other uses of a final manuscript
6 for Federal purposes.

7 (D) EXCLUSIONS.—Each Federal research
8 public access policy shall not apply to—

9 (i) research progress reports pre-
10 sented at professional meetings or con-
11 ferences;

12 (ii) laboratory notes, preliminary data
13 analyses, notes of the author, phone logs,
14 or other information used to produce final
15 manuscripts;

16 (iii) classified research, research re-
17 sulting in works that generate revenue or
18 royalties for authors (such as books) or
19 patentable discoveries, to the extent nec-
20 essary to protect a copyright or patent; or

21 (iv) authors who do not submit their
22 work to a journal or works that are re-
23 jected by journals.

1 **TITLE VI—SPACE MATTERS**

2 **Subtitle A—SPACE Act**

3 **SEC. 2601. SHORT TITLE.**

4 This subtitle may be cited as the “Space Preservation
5 and Conjunction Emergency Act of 2021” or the “SPACE
6 Act of 2021”.

7 **SEC. 2602. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the increasingly congested nature of the
10 space environment requires immediate action to ad-
11 dress the threat of collisions between spacecraft and
12 orbital debris;

13 (2) such collisions threaten the billions of dol-
14 lars of existing United States and allied spacecraft,
15 including the International Space Station, and en-
16 danger the future usability of space;

17 (3) the provision of accurate and timely notice
18 to commercial satellite operators with respect to po-
19 tential conjunctions enhances safety;

20 (4) a 2020 National Academies for Public Ad-
21 ministration study identified the Department of
22 Commerce as the preferred Federal agency to man-
23 age, process, and disseminate space situational
24 awareness data to commercial satellite operators;
25 and

1 (5) given the growing space economy, elevating
2 the Office of Space Commerce within the Depart-
3 ment of Commerce may enhance the ability of the
4 Office of Space Commerce—

5 (A) to promote space safety through future
6 space situational awareness and space traffic
7 management efforts; and

8 (B) to coordinate with other Federal agen-
9 cies and foreign entities.

10 **SEC. 2603. DEFINITIONS.**

11 In this subtitle:

12 (1) CENTER.—The term “Center” means a
13 Center of Excellence for Space Situational Aware-
14 ness established under section 2605.

15 (2) INSTITUTION OF HIGHER EDUCATION.—The
16 term “institution of higher education” has the
17 meaning given the term in section 101 of the Higher
18 Education Act of 1965 (20 U.S.C. 1001).

19 (3) ORBITAL DEBRIS.—The term “orbital de-
20 bris” means any space object that—

21 (A) remains in orbit; and

22 (B) no longer serves any useful function or
23 purpose.

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of Commerce.

1 (5) SPACE OBJECT.—The term “space object”
2 means any object launched into space or created in
3 space by humans.

4 (6) SPACE SITUATIONAL AWARENESS.—The
5 term “space situational awareness” means—

6 (A) the identification and characterization
7 of space objects and orbital debris; and

8 (B) the understanding of the manner in
9 which space objects and orbital debris behave in
10 space.

11 **SEC. 2604. SPACE SITUATIONAL AWARENESS DATA, INFOR-**
12 **MATION, AND SERVICES: PROVISION TO NON-**
13 **UNITED STATES GOVERNMENT ENTITIES.**

14 (a) IN GENERAL.—Chapter 507 of title 51, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 50704. Space situational awareness data, informa-**
18 **tion, and services: provision to non-**
19 **United States Government entities**

20 “(a) SPACE SITUATIONAL AWARENESS PROGRAM.—

21 “(1) REQUIREMENT.—Pursuant to the author-
22 ity provided in section 50702, the Director of Space
23 Commerce, in coordination with appropriate entities
24 within the Department of Commerce and the heads
25 of other relevant Federal agencies—

1 “(A) shall carry out a program to improve
2 the collection, processing, and dissemination of
3 space situational awareness data, information,
4 and services;

5 “(B) subject to paragraph (2), may pro-
6 vide such data, information, and services to 1
7 or more eligible entities described in subsection
8 (b);

9 “(C) may obtain such data, information,
10 and services from 1 or more such eligible enti-
11 ties; and

12 “(D) not later than 180 days after the
13 date of the enactment of this section, shall ob-
14 tain data or services from 1 or more United
15 States commercial entities, to be stored in an
16 open-architecture data repository that uses
17 commercially available cloud-based computing
18 platforms and other analytic or visualization ca-
19 pabilities.

20 “(2) TYPE OF INFORMATION PROVIDED.—

21 “(A) IN GENERAL.—Data and information
22 provided to eligible entities under paragraph
23 (1)(B) shall be safety-related and unclassified.

24 “(B) NATIONAL SECURITY.—The Sec-
25 retary of Commerce, in consultation with the

1 Secretary of Defense and the heads of other rel-
2 evant Federal agencies, shall develop a policy to
3 determine the type of information that may be
4 provided under paragraph (1) without compro-
5 mising the national security interests of the
6 United States.

7 “(b) ELIGIBLE ENTITY DESCRIBED.—An eligible en-
8 tity described in this subsection is any non-United States
9 Government entity, including—

10 “(1) a State;

11 “(2) a political subdivision of a State;

12 “(3) a United States commercial entity;

13 “(4) the government of a foreign country; and

14 “(5) a foreign commercial entity.

15 “(c) PUBLIC SERVICES.—

16 “(1) IN GENERAL.—The Secretary of Com-
17 merce shall designate a basic level of space situa-
18 tional awareness data, information, and services to
19 be provided at no charge to 1 or more eligible enti-
20 ties described in subsection (b), which shall include
21 public services, free of charge, such as—

22 “(A) a public catalog of tracked space ob-
23 jects;

24 “(B) emergency conjunction notifications;

25 and

1 “(C) any other data or services the Direc-
2 tor of Space Commerce considers appropriate.

3 “(2) LIMITATION.—The Secretary of Commerce
4 may only provide data or services under paragraph
5 (1)(C) that compete with products offered by United
6 States commercial entities if the provision of such
7 data or services is required to address a threat to
8 space safety.

9 “(d) ADVANCED SERVICES.—The Secretary of Com-
10 merce may undertake activities to promote the develop-
11 ment of advanced space situational awareness data, infor-
12 mation, and services to foster the growth of a global space
13 safety industry.

14 “(e) PROCEDURES.—The Secretary of Commerce
15 shall establish procedures by which the authority under
16 this section shall be carried out.

17 “(f) IMMUNITY.—The United States, any agency or
18 instrumentality thereof, and any individual, firm, corpora-
19 tion, or other person acting for the United States shall
20 be immune from any suit in any court for any cause of
21 action arising from the provision or receipt of space situa-
22 tional awareness data, information, or services, whether
23 or not provided in accordance with this section, or any
24 related action or omission.

1 **“§ 50705. Authorization of appropriations**

2 “There is authorized to be appropriated to the Sec-
3 retary of Commerce to carry out this chapter \$15,000,000
4 for fiscal year 2021.”.

5 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
6 The table of sections for chapter 507 of title 51, United
7 States Code, is amended by inserting after the item relat-
8 ing to section 50703 the following:

“50704. Space situational awareness data, information, and services: provision
to non-United States Government entities.

“50705. Authorization of appropriations.”.

9 **SEC. 2605. CENTERS OF EXCELLENCE FOR SPACE SITUA-**
10 **TIONAL AWARENESS.**

11 (a) **IN GENERAL.**—Subject to appropriations, the
12 Secretary shall award grants to eligible entities to estab-
13 lish 1 or more Centers of Excellence for Space Situational
14 Awareness to advance scientific, technological,
15 transdisciplinary, and policy research in space situational
16 awareness.

17 (b) **PURPOSES.**—Each Center shall—

18 (1) conduct transdisciplinary research, develop-
19 ment, and demonstration projects related to detect-
20 ing, tracking, identifying, characterizing, modeling,
21 and minimizing space safety, security, and sustain-
22 ability risks to improve—

23 (A) space situational awareness and the
24 development of open-architecture resources for

1 improved space safety, security, and sustain-
2 ability;

3 (B) the unique identification, tracking,
4 classification, prediction, and modeling of or-
5 bital debris and space objects;

6 (C) the monitoring, quantification, assess-
7 ment, modeling, and prediction of space oper-
8 ations and environmental threats and hazards,
9 including in space collisions;

10 (D) peer exchange and documentation of
11 evidence-based practices, policies, laws, and reg-
12 ulations related to orbital debris mitigation and
13 remediation; and

14 (E) sharing, modeling, and curation of
15 data related to orbital debris, space objects, and
16 the environment of orbital debris and space ob-
17 jects;

18 (2) conduct policy research related to space
19 safety, security, and sustainability so as to improve
20 sharing of common data and legal standards related
21 to orbital debris;

22 (3) leverage non-Federal sources of support to
23 improve space situational awareness and minimize
24 space safety, security, and sustainability risks; and

1 (4) draw on commercial capabilities and data,
2 as appropriate.

3 (c) ELIGIBLE ENTITIES.—

4 (1) IN GENERAL.—To be eligible for a grant
5 under this section, an entity shall be a consortium
6 led by—

7 (A) an institution of higher education; or

8 (B) a nonprofit organization.

9 (2) MEMBERSHIP OF CONSORTIUM.—The con-
10 sortium referred to in paragraph (1) may include 1
11 or more—

12 (A) commercial entities;

13 (B) Federal laboratories, including Depart-
14 ment of Defense research laboratories; and

15 (C) other institutions of higher education
16 or nonprofit organizations.

17 (d) CONSIDERATIONS.—In awarding grants under
18 this section, the Secretary shall consider, at a minimum—

19 (1) the potential of a proposed Center—

20 (A) to improve the science and technology
21 of space situational awareness; and

22 (B) to reduce the amount of space safety,
23 security, and sustainability risks; and

1 (2) the commitment of financial support, ad-
2 vice, participation, and other contributions from
3 non-Federal sources.

4 (e) GRANT PERIOD.—A grant awarded under this
5 section shall be awarded for a period of 5 years.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$20,000,000.

9 **Subtitle B—National Aeronautics**
10 **and Space Administration Au-**
11 **thorization Act**

12 **SEC. 2611. SHORT TITLE.**

13 This subtitle may be cited as the “National Aero-
14 nautics and Space Administration Authorization Act of
15 2021”.

16 **SEC. 2612. DEFINITIONS.**

17 In this subtitle:

18 (1) ADMINISTRATION.—The term “Administra-
19 tion” means the National Aeronautics and Space
20 Administration.

21 (2) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the National
23 Aeronautics and Space Administration.

24 (3) APPROPRIATE COMMITTEES OF CON-
25 GRESS.—Except as otherwise expressly provided, the

1 term “appropriate committees of Congress”
2 means—

3 (A) the Committee on Commerce, Science,
4 and Transportation of the Senate; and

5 (B) the Committee on Science, Space, and
6 Technology of the House of Representatives.

7 (4) CISLUNAR SPACE.—The term “cislunar
8 space” means the region of space beyond low-Earth
9 orbit out to and including the region around the sur-
10 face of the Moon.

11 (5) DEEP SPACE.—The term “deep space”
12 means the region of space beyond low-Earth orbit,
13 including cislunar space.

14 (6) DEVELOPMENT COST.—The term “develop-
15 ment cost” has the meaning given the term in sec-
16 tion 30104 of title 51, United States Code.

17 (7) ISS.—The term “ISS” means the Inter-
18 national Space Station.

19 (8) ISS MANAGEMENT ENTITY.—The term
20 “ISS management entity” means the organization
21 with which the Administrator has entered into a co-
22 operative agreement under section 504(a) of the Na-
23 tional Aeronautics and Space Administration Au-
24 thorization Act of 2010 (42 U.S.C. 18354(a)).

1 (9) NASA.—The term “NASA” means the Na-
2 tional Aeronautics and Space Administration.

3 (10) ORION.—The term “Orion” means the
4 multipurpose crew vehicle described in section 303 of
5 the National Aeronautics and Space Administration
6 Authorization Act of 2010 (42 U.S.C. 18323).

7 (11) OSTP.—The term “OSTP” means the Of-
8 fice of Science and Technology Policy.

9 (12) SPACE LAUNCH SYSTEM.—The term
10 “Space Launch System” means the Space Launch
11 System authorized under section 302 of the National
12 Aeronautics and Space Administration Act of 2010
13 (42 U.S.C. 18322).

14 **PART I—AUTHORIZATION OF APPROPRIATIONS**

15 **SEC. 2613. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Ad-
17 ministration for fiscal year 2021 \$23,495,000,000 as fol-
18 lows:

19 (1) For Exploration, \$6,706,400,000.

20 (2) For Space Operations, \$3,988,200,000.

21 (3) For Science, \$7,274,700,000.

22 (4) For Aeronautics, \$828,700,000.

23 (5) For Space Technology, \$1,206,000,000.

24 (6) For Science, Technology, Engineering, and
25 Mathematics Engagement, \$120,000,000.

1 (7) For Safety, Security, and Mission Services,
2 \$2,936,500,000.

3 (8) For Construction and Environmental Com-
4 pliance and Restoration, \$390,300,000.

5 (9) For Inspector General, \$44,200,000.

6 **PART II—HUMAN SPACEFLIGHT AND**

7 **EXPLORATION**

8 **SEC. 2614. COMPETITIVENESS WITHIN THE HUMAN LAND-**
9 **ING SYSTEM PROGRAM.**

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

12 (1) advances in space technology and space ex-
13 ploration capabilities ensure the long-term techno-
14 logical preeminence, economic competitiveness,
15 STEM workforce development, and national security
16 of the United States;

17 (2) the development of technologies that enable
18 human exploration of the lunar surface and other ce-
19 lestial bodies is critical to the space industrial base
20 of the United States;

21 (3) commercial entities in the United States
22 have made significant investment and progress to-
23 ward the development of human-class lunar landers;

24 (4) NASA developed the Artemis program—

1 (A) to fulfill the goal of landing United
2 States astronauts, including the first woman
3 and the next man, on the Moon; and

4 (B) to collaborate with commercial and
5 international partners to establish sustainable
6 lunar exploration by 2028;

7 (5) in carrying out the Artemis program, the
8 Administrator should ensure that the entire Artemis
9 program is inclusive and representative of all people
10 of the United States, including women and minori-
11 ties; and

12 (6) maintaining multiple technically credible
13 providers within NASA commercial programs is a
14 best practice that reduces programmatic risk.

15 (b) STATEMENT OF POLICY.—It shall be the policy
16 of the United States—

17 (1) to bolster the domestic space technology in-
18 dustrial base, using existing tools and authorities,
19 particularly in areas central to competition between
20 the United States and the People’s Republic of
21 China; and

22 (2) to mitigate threats and minimize challenges
23 to the superiority of the United States in space tech-
24 nology, including lunar infrastructure and lander ca-
25 pabilities.

1 (c) HUMAN LANDING SYSTEM PROGRAM.—

2 (1) IN GENERAL.—Not later than 60 days after
3 the date of the enactment of this division, the Ad-
4 ministrator shall maintain competitiveness within
5 the human landing system program by funding de-
6 sign, development, testing, and evaluation for not
7 fewer than 2 entities.

8 (2) REQUIREMENTS.—In carrying out the
9 human landing system program referred to in para-
10 graph (1), the Administrator shall, to the extent
11 practicable—

12 (A) encourage reusability and sustain-
13 ability of systems developed; and

14 (B) offer existing capabilities and assets of
15 NASA centers to support such partnerships.

16 (3) BRIEFING.—Not later than 60 days after
17 the date of the enactment of this division, the Ad-
18 ministrator shall provide to the appropriate commit-
19 tees of Congress a briefing on the implementation of
20 paragraph (1).

21 (4) AUTHORIZATION OF APPROPRIATIONS.—In
22 addition to amounts otherwise appropriated for the
23 Artemis program, for fiscal years 2021 through
24 2025, there is authorized to be appropriated

1 10,032,000,000 to NASA to carry out the human
2 landing system program.

3 (5) SAVINGS.—The Administrator shall not, in
4 order to comply with the obligations referred to in
5 paragraph (1), modify, terminate, or rescind any se-
6 lection decisions or awards made under the human
7 landing system program that were announced prior
8 to the date of enactment of this division.

9 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
10 FINED.—In this section, the term “appropriate commit-
11 tees of Congress” means—

12 (1) the Committee on Commerce, Science, and
13 Transportation and the Committee on Appropria-
14 tions of the Senate; and

15 (2) the Committee on Science, Space, and
16 Technology and the Committee on Appropriations of
17 the House of Representatives.

18 **SEC. 2615. SPACE LAUNCH SYSTEM CONFIGURATIONS.**

19 (a) MOBILE LAUNCH PLATFORM.—The Adminis-
20 trator is authorized to maintain 2 operational mobile
21 launch platforms to enable the launch of multiple configu-
22 rations of the Space Launch System.

23 (b) EXPLORATION UPPER STAGE.—To meet the ca-
24 pability requirements under section 302(c)(2) of the Na-
25 tional Aeronautics and Space Administration Authoriza-

1 tion Act of 2010 (42 U.S.C. 18322(c)(2)), the Adminis-
2 trator shall continue development of the Exploration
3 Upper Stage for the Space Launch System with a sched-
4 uled availability sufficient for use on the third launch of
5 the Space Launch System.

6 (c) BRIEFING.—Not later than 90 days after the date
7 of the enactment of this division, the Administrator shall
8 brief the appropriate committees of Congress on the devel-
9 opment and scheduled availability of the Exploration
10 Upper Stage for the third launch of the Space Launch
11 System.

12 (d) MAIN PROPULSION TEST ARTICLE.—To meet the
13 requirements under section 302(c)(3) of the National Aer-
14 onautics and Space Administration Authorization Act of
15 2010 (42 U.S.C. 18322(c)(3)), the Administrator shall—

16 (1) immediately on completion of the first full-
17 duration integrated core stage test of the Space
18 Launch System, initiate development of a main pro-
19 pulsion test article for the integrated core stage pro-
20 pulsion elements of the Space Launch System, con-
21 sistent with cost and schedule constraints, particu-
22 larly for long-lead propulsion hardware needed for
23 flight;

24 (2) not later than 180 days after the date of
25 the enactment of this division, submit to the appro-

1 appropriate committees of Congress a detailed plan for
2 the development and operation of such main propul-
3 sion test article; and

4 (3) use existing capabilities of NASA centers
5 for the design, manufacture, and operation of the
6 main propulsion test article.

7 **SEC. 2616. ADVANCED SPACESUITS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that next-generation advanced spacesuits are a crit-
10 ical technology for human space exploration and use of
11 low-Earth orbit, cislunar space, the surface of the Moon,
12 and Mars.

13 (b) DEVELOPMENT PLAN.—The Administrator shall
14 establish a detailed plan for the development and manu-
15 facture of advanced spacesuits, consistent with the deep
16 space exploration goals and timetables of NASA.

17 (c) DIVERSE ASTRONAUT CORPS.—The Adminis-
18 trator shall ensure that spacesuits developed and manufac-
19 tured after the date of the enactment of this division are
20 capable of accommodating a wide range of sizes of astro-
21 nauts so as to meet the needs of the diverse NASA astro-
22 naut corps.

23 (d) ISS USE.—Throughout the operational life of the
24 ISS, the Administrator should fully use the ISS for testing
25 advanced spacesuits.

1 (e) PRIOR INVESTMENTS.—

2 (1) IN GENERAL.—In developing an advanced
3 spacesuit, the Administrator shall, to the maximum
4 extent practicable, partner with industry-proven
5 spacesuit design, development, and manufacturing
6 suppliers and leverage prior and existing investments
7 in advanced spacesuit technologies and existing ca-
8 pabilities at NASA centers to maximize the benefits
9 of such investments and technologies.

10 (2) AGREEMENTS WITH PRIVATE ENTITIES.—In
11 carrying out this subsection, the Administrator may
12 enter into 1 or more agreements with 1 or more pri-
13 vate entities for the manufacture of advanced
14 spacesuits, as the Administrator considers appro-
15 priate.

16 (f) BRIEFING.—Not later than 180 days after the
17 date of the enactment of this division, and semiannually
18 thereafter until NASA procures advanced spacesuits
19 under this section, the Administrator shall brief the appro-
20 priate committees of Congress on the development plan
21 in subsection (b).

1 **SEC. 2617. ACQUISITION OF DOMESTIC SPACE TRANSPOR-**
2 **TATION AND LOGISTICS RESUPPLY SERV-**
3 **ICES.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), the Administrator shall not enter into any contract
6 with a person or entity that proposes to use, or will use,
7 a foreign launch provider for a commercial service to pro-
8 vide space transportation or logistics resupply for—

9 (1) the ISS; or

10 (2) any Government-owned or Government-
11 funded platform in Earth orbit or cislunar space, on
12 the lunar surface, or elsewhere in space.

13 (b) EXCEPTION.—The Administrator may enter into
14 a contract with a person or an entity that proposes to use,
15 or will use, a foreign launch provider for a commercial
16 service to carry out an activity described in subsection (a)
17 if—

18 (1) a domestic vehicle or service is unavailable;

19 or

20 (2) the launch vehicle or service is a contribu-
21 tion by a partner to an international no-exchange-of-
22 funds collaborative effort.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to prohibit the Administrator from
25 entering into 1 or more no-exchange-of-funds collaborative

1 agreements with an international partner in support of the
2 deep space exploration plan of NASA.

3 **SEC. 2618. ROCKET ENGINE TEST INFRASTRUCTURE.**

4 (a) IN GENERAL.—The Administrator shall continue
5 to carry out a program to modernize rocket propulsion test
6 infrastructure at NASA facilities—

7 (1) to increase capabilities;

8 (2) to enhance safety;

9 (3) to support propulsion development and test-
10 ing; and

11 (4) to foster the improvement of Government
12 and commercial space transportation and explo-
13 ration.

14 (b) PROJECTS.—Projects funded under the program
15 described in subsection (a) may include—

16 (1) infrastructure and other facilities and sys-
17 tems relating to rocket propulsion test stands and
18 rocket propulsion testing;

19 (2) enhancements to test facility capacity and
20 flexibility; and

21 (3) such other projects as the Administrator
22 considers appropriate to meet the goals described in
23 that subsection.

24 (c) REQUIREMENTS.—In carrying out the program
25 under subsection (a), the Administrator shall—

1 (1) prioritize investments in projects that en-
2 hance test and flight certification capabilities for
3 large thrust-level atmospheric and altitude engines
4 and engine systems, and multi-engine integrated test
5 capabilities;

6 (2) continue to make underutilized test facilities
7 available for commercial use on a reimbursable
8 basis; and

9 (3) ensure that no project carried out under
10 this program adversely impacts, delays, or defers
11 testing or other activities associated with facilities
12 used for Government programs, including—

13 (A) the Space Launch System and the Ex-
14 ploration Upper Stage of the Space Launch
15 System;

16 (B) in-space propulsion to support explo-
17 ration missions; or

18 (C) nuclear propulsion testing.

19 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
20 tion shall preclude a NASA program, including the Space
21 Launch System and the Exploration Upper Stage of the
22 Space Launch System, from using the modernized test in-
23 frastructure developed under this section.

24 (e) **WORKING CAPITAL FUND STUDY.**—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this division, the
3 Administrator shall submit to the appropriate com-
4 mittees of Congress a report on the use of the au-
5 thority under section 30102 of title 51, United
6 States Code, to promote increased use of NASA
7 rocket propulsion test infrastructure for research,
8 development, testing, and evaluation activities by
9 other Federal agencies, firms, associations, corpora-
10 tions, and educational institutions.

11 (2) MATTERS TO BE INCLUDED.—The report
12 required by paragraph (1) shall include the fol-
13 lowing:

14 (A) An assessment of prior use, if any, of
15 the authority under section 30102 of title 51,
16 United States Code, to improve testing infra-
17 structure.

18 (B) An analysis of any barrier to imple-
19 mentation of such authority for the purpose of
20 promoting increased use of NASA rocket pro-
21 pulsion test infrastructure.

22 **SEC. 2619. PEARL RIVER MAINTENANCE.**

23 (a) IN GENERAL.—The Administrator shall coordi-
24 nate with the Chief of the Army Corps of Engineers to
25 ensure the continued navigability of the Pearl River and

1 Little Lake channels sufficient to support NASA barge op-
2 erations surrounding Stennis Space Center and the
3 Michoud Assembly Facility.

4 (b) REPORT TO CONGRESS.—Not later than 180 days
5 after the date of the enactment of this division, the Ad-
6 ministrator shall submit to the appropriate committees of
7 Congress a report on efforts under subsection (a).

8 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
9 FINED.—In this section, the term “appropriate commit-
10 tees of Congress” means—

11 (1) the Committee on Commerce, Science, and
12 Transportation, the Committee on Environment and
13 Public Works, and the Committee on Appropriations
14 of the Senate; and

15 (2) the Committee on Science, Space, and
16 Technology, the Committee on Transportation and
17 Infrastructure, and the Committee on Appropria-
18 tions of the House of Representatives.

19 **SEC. 2620. VALUE OF INTERNATIONAL SPACE STATION AND**
20 **CAPABILITIES IN LOW-EARTH ORBIT.**

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

23 (1) it is in the national and economic security
24 interests of the United States to maintain a contin-
25 uous human presence in low-Earth orbit;

1 (2) low-Earth orbit should be used as a test bed
2 to advance human space exploration and scientific
3 discoveries; and

4 (3) the ISS is a critical component of economic,
5 commercial, and industrial development in low-Earth
6 orbit.

7 (b) HUMAN PRESENCE REQUIREMENT.—The United
8 States shall continuously maintain the capability for a
9 continuous human presence in low-Earth orbit through
10 and beyond the useful life of the ISS.

11 **SEC. 2621. EXTENSION AND MODIFICATION RELATING TO**
12 **INTERNATIONAL SPACE STATION.**

13 (a) POLICY.—Section 501(a) of the National Aero-
14 nautics and Space Administration Authorization Act of
15 2010 (42 U.S.C. 18351(a)) is amended by striking
16 “2024” and inserting “2030”.

17 (b) MAINTENANCE OF UNITED STATES SEGMENT
18 AND ASSURANCE OF CONTINUED OPERATIONS.—Section
19 503(a) of the National Aeronautics and Space Administra-
20 tion Authorization Act of 2010 (42 U.S.C. 18353(a)) is
21 amended by striking “September 30, 2024” and inserting
22 “September 30, 2030”.

23 (c) RESEARCH CAPACITY ALLOCATION AND INTE-
24 GRATION OF RESEARCH PAYLOADS.—Section 504(d) of
25 the National Aeronautics and Space Administration Au-

1 thORIZATION Act of 2010 (42 U.S.C. 18354(d)) is amend-
2 ed—

3 (1) in paragraph (1), in the first sentence—

4 (A) by striking “As soon as practicable”
5 and all that follows through “2011,” and in-
6 serting “The”; and

7 (B) by striking “September 30, 2024” and
8 inserting “September 30, 2030”; and

9 (2) in paragraph (2), in the third sentence, by
10 striking “September 30, 2024” and inserting “Sep-
11 tember 30, 2030”.

12 (d) MAINTENANCE OF USE.—Section 70907 of title
13 51, United States Code, is amended—

14 (1) in the section heading, by striking “**2024**”
15 and inserting “**2030**”;

16 (2) in subsection (a), by striking “September
17 30, 2024” and inserting “September 30, 2030”; and

18 (3) in subsection (b)(3), by striking “September
19 30, 2024” and inserting “September 30, 2030”.

20 (e) TRANSITION PLAN REPORTS.—Section
21 50111(c)(2) of title 51, United States Code is amended—

22 (1) in the matter preceding subparagraph (A),
23 by striking “2023” and inserting “2028”; and

24 (2) in subparagraph (J), by striking “2028”
25 and inserting “2030”.

1 (f) ELIMINATION OF INTERNATIONAL SPACE STA-
2 TION NATIONAL LABORATORY ADVISORY COMMITTEE.—
3 Section 70906 of title 51, United States Code, is repealed.

4 (g) CONFORMING AMENDMENTS.—Chapter 709 of
5 title 51, United States Code, is amended—

6 (1) by redesignating section 70907 as section
7 70906; and

8 (2) in the table of sections for the chapter, by
9 striking the items relating to sections 70906 and
10 70907 and inserting the following:

“70906. Maintaining use through at least 2030.”.

11 **SEC. 2622. DEPARTMENT OF DEFENSE ACTIVITIES ON**
12 **INTERNATIONAL SPACE STATION.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this division, the Secretary of
15 Defense shall—

16 (1) identify and review each activity, program,
17 and project of the Department of Defense com-
18 pleted, being carried out, or planned to be carried
19 out on the ISS as of the date of the review; and

20 (2) provide to the appropriate committees of
21 Congress a briefing that describes the results of the
22 review.

23 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-
24 FINED.—In this section, the term “appropriate commit-
25 tees of Congress” means—

1 (1) the Committee on Armed Services, the
2 Committee on Appropriations, and the Committee on
3 Commerce, Science, and Transportation of the Sen-
4 ate; and

5 (2) the Committee on Armed Services, the
6 Committee on Appropriations, and the Committee on
7 Science, Space, and Technology of the House of
8 Representatives.

9 **SEC. 2623. COMMERCIAL DEVELOPMENT IN LOW-EARTH**
10 **ORBIT.**

11 (a) STATEMENT OF POLICY.—It is the policy of the
12 United States to encourage the development of a thriving
13 and robust United States commercial sector in low-Earth
14 orbit.

15 (b) PREFERENCE FOR UNITED STATES COMMERCIAL
16 PRODUCTS AND SERVICES.—The Administrator shall con-
17 tinue to increase the use of assets, products, and services
18 of private entities in the United States to fulfill the low-
19 Earth orbit requirements of the Administration.

20 (c) NONCOMPETITION.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the Administrator may not offer to a for-
23 eign person or a foreign government a spaceflight
24 product or service relating to the ISS, if a com-

1 parable spaceflight product or service, as applicable,
2 is offered by a private entity in the United States.

3 (2) EXCEPTION.—The Administrator may offer
4 a spaceflight product or service relating to the ISS
5 to the government of a country that is a signatory
6 to the Agreement Among the Government of Can-
7 ada, Governments of Member States of the Euro-
8 pean Space Agency, the Government of Japan, the
9 Government of the Russian Federation, and the
10 Government of the United States of America Con-
11 cerning Cooperation on the Civil International Space
12 Station, signed at Washington January 29, 1998,
13 and entered into force on March 27, 2001 (TIAS
14 12927), including an international partner astronaut
15 (as defined in section 50902 of title 51, United
16 States Code) that is sponsored by the government of
17 such a country.

18 (d) SHORT-DURATION COMMERCIAL MISSIONS.—To
19 provide opportunities for additional transport of astro-
20 nauts to the ISS and help establish a commercial market
21 in low-Earth orbit, the Administrator may permit short-
22 duration missions to the ISS for commercial passengers
23 on a fully or partially reimbursable basis.

24 (e) PROGRAM AUTHORIZATION.—

1 (1) ESTABLISHMENT.—The Administrator shall
2 establish a low-Earth orbit commercial development
3 program to encourage the fullest commercial use and
4 development of space by private entities in the
5 United States.

6 (2) ELEMENTS.—The program established
7 under paragraph (1) shall, to the maximum extent
8 practicable, include activities—

9 (A) to stimulate demand for—

10 (i) space-based commercial research,
11 development, and manufacturing;

12 (ii) spaceflight products and services;

13 and

14 (iii) human spaceflight products and
15 services in low-Earth orbit;

16 (B) to improve the capability of the ISS to
17 accommodate commercial users; and

18 (C) subject to paragraph (3), to foster the
19 development of commercial space stations and
20 habitats.

21 (3) COMMERCIAL SPACE STATIONS AND HABI-
22 TATS.—

23 (A) PRIORITY.—With respect to an activity
24 to develop a commercial space station or habi-
25 tat, the Administrator shall give priority to an

1 activity for which a private entity provides a
2 significant share of the cost to develop and op-
3 erate the activity.

4 (B) REPORT.—Not later than 30 days
5 after the date that an award or agreement is
6 made to carry out an activity to develop a com-
7 mercial space station or habitat, the Adminis-
8 trator shall submit to the appropriate commit-
9 tees of Congress a report on the development of
10 the commercial space station or habitat, as ap-
11 plicable, that includes—

12 (i) a business plan that describes the
13 manner in which the project will—

14 (I) meet the future requirements
15 of NASA for low-Earth orbit human
16 space-flight services; and

17 (II) fulfill the cost-share funding
18 prioritization under subparagraph (A);
19 and

20 (ii) a review of the viability of the
21 operational business case, including—

22 (I) the level of expected Govern-
23 ment participation;

24 (II) a list of anticipated non-
25 governmental an international cus-

1 tomers and associated contributions;
2 and

3 (III) an assessment of long-term
4 sustainability for the nongovernmental
5 customers, including an independent
6 assessment of the viability of the mar-
7 ket for such commercial services or
8 products.

9 **SEC. 2624. MAINTAINING A NATIONAL LABORATORY IN**
10 **SPACE.**

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

13 (1) the United States segment of the Inter-
14 national Space Station (as defined in section 70905
15 of title 51, United States Code), which is designated
16 as a national laboratory under section 70905(b) of
17 title 51, United States Code—

18 (A) benefits the scientific community and
19 promotes commerce in space;

20 (B) fosters stronger relationships among
21 NASA and other Federal agencies, the private
22 sector, and research groups and universities;

23 (C) advances science, technology, engineer-
24 ing, and mathematics education through use of
25 the unique microgravity environment; and

1 (D) advances human knowledge and inter-
2 national cooperation;

3 (2) after the ISS is decommissioned, the United
4 States should maintain a national microgravity lab-
5 oratory in space;

6 (3) in maintaining a national microgravity lab-
7 oratory in space, the United States should make ap-
8 propriate accommodations for different types of own-
9 ership and operation arrangements for the ISS and
10 future space stations;

11 (4) to the maximum extent practicable, a na-
12 tional microgravity laboratory in space should be
13 maintained in cooperation with international space
14 partners; and

15 (5) NASA should continue to support funda-
16 mental science research on future platforms in low-
17 Earth orbit and cislunar space, orbital and sub-
18 orbital flights, drop towers, and other microgravity
19 testing environments.

20 (b) REPORT.—The Administrator, in coordination
21 with the National Space Council and other Federal agen-
22 cies as the Administrator considers appropriate, shall
23 issue a report detailing the feasibility of establishing a
24 microgravity national laboratory federally funded research

1 and development center to carry out activities relating to
2 the study and use of in-space conditions.

3 **SEC. 2625. INTERNATIONAL SPACE STATION NATIONAL**
4 **LABORATORY; PROPERTY RIGHTS IN INVEN-**
5 **TIONS.**

6 (a) IN GENERAL.—Subchapter III of chapter 201 of
7 title 51, United States Code, is amended by adding at the
8 end the following:

9 **“§ 20150. Property rights in designated inventions**

10 “(a) EXCLUSIVE PROPERTY RIGHTS.—Notwith-
11 standing section 3710a of title 15, chapter 18 of title 35,
12 section 20135, or any other provision of law, a designated
13 invention shall be the exclusive property of a user, and
14 shall not be subject to a Government-purpose license, if—

15 “(1)(A) the Administration is reimbursed under
16 the terms of the contract for the full cost of a con-
17 tribution by the Federal Government of the use of
18 Federal facilities, equipment, materials, proprietary
19 information of the Federal Government, or services
20 of a Federal employee during working hours, includ-
21 ing the cost for the Administration to carry out its
22 responsibilities under paragraphs (1) and (4) of sec-
23 tion 504(d) of the National Aeronautics and Space
24 Administration Authorization Act of 2010 (42
25 U.S.C. 18354(d));

1 “(B) Federal funds are not transferred to the
2 user under the contract; and

3 “(C) the designated invention was made (as de-
4 fined in section 20135(a))—

5 “(i) solely by the user; or

6 “(ii)(I) by the user with the services of a
7 Federal employee under the terms of the con-
8 tract; and

9 “(II) the Administration is reimbursed for
10 such services under subparagraph (B); or

11 “(2) the Administrator determines that the rel-
12 evant field of commercial endeavor is sufficiently im-
13 mature that granting exclusive property rights to the
14 user is necessary to help bolster demand for prod-
15 ucts and services produced on crewed or crew-tended
16 space stations.

17 “(b) NOTIFICATION TO CONGRESS.—On completion
18 of a determination made under paragraph (2), the Admin-
19 istrator shall submit to the appropriate committees of
20 Congress a notification of the determination that includes
21 a written justification.

22 “(c) PUBLIC AVAILABILITY.—A determination or
23 part of such determination under paragraph (1) shall be
24 made available to the public on request, as required under

1 section 552 of title 5, United States Code (commonly re-
2 ferred to as the ‘Freedom of Information Act’).

3 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to affect the rights of the Federal
5 Government, including property rights in inventions,
6 under any contract, except in the case of a written con-
7 tract with the Administration or the ISS management en-
8 tity for the performance of a designated activity.

9 “(e) DEFINITIONS.—In this section—

10 “(1) CONTRACT.—The term ‘contract’ has the
11 meaning giving the term in section 20135(a).

12 “(2) DESIGNATED ACTIVITY.—The term ‘des-
13 ignated activity’ means any non-NASA scientific use
14 of the ISS national laboratory as described in sec-
15 tion 504 of the National Aeronautics and Space Ad-
16 ministration Authorization Act of 2010 (42 U.S.C.
17 18354).

18 “(3) DESIGNATED INVENTION.—The term ‘des-
19 ignated invention’ means any invention, product, or
20 service conceived or first reduced to practice by any
21 person in the performance of a designated activity
22 under a written contract with the Administration or
23 the ISS management entity.

24 “(4) FULL COST.—The term ‘full cost’ means
25 the cost of transporting materials or passengers to

1 and from the ISS, including any power needs, the
2 disposal of mass, crew member time, stowage, power
3 on the ISS, data downlink, crew consumables, and
4 life support.

5 “(5) GOVERNMENT-PURPOSE LICENSE.—The
6 term ‘Government-purpose license’ means the res-
7 ervation by the Federal Government of an irrev-
8 ocable, nonexclusive, nontransferable, royalty-free li-
9 cense for the use of an invention throughout the
10 world by or on behalf of the United States or any
11 foreign government pursuant to a treaty or agree-
12 ment with the United States.

13 “(6) ISS MANAGEMENT ENTITY.—The term
14 ‘ISS management entity’ means the organization
15 with which the Administrator enters into a coopera-
16 tive agreement under section 504(a) of the National
17 Aeronautics and Space Administration Authorization
18 Act of 2010 (42 U.S.C. 18354(a)).

19 “(7) USER.—The term ‘user’ means a person,
20 including a nonprofit organization or small business
21 firm (as such terms are defined in section 201 of
22 title 35), or class of persons that enters into a writ-
23 ten contract with the Administration or the ISS
24 management entity for the performance of des-
25 ignated activities.”

1 (b) CONFORMING AMENDMENT.—The table of sec-
2 tions for chapter 201 of title 51, United States Code, is
3 amended by inserting after the item relating to section
4 20149 the following:

“20150. Property rights in designated inventions.”.

5 **SEC. 2626. DATA FIRST PRODUCED DURING NON-NASA SCI-**
6 **ENTIFIC USE OF THE ISS NATIONAL LABORA-**
7 **TORY.**

8 (a) DATA RIGHTS.—Subchapter III of chapter 201
9 of title 51, United States Code, as amended by section
10 2626, is further amended by adding at the end the fol-
11 lowing:

12 **“§ 20151. Data rights**

13 “(a) NON-NASA SCIENTIFIC USE OF THE ISS NA-
14 TIONAL LABORATORY.—The Federal Government may not
15 use or reproduce, or disclose outside of the Government,
16 any data first produced in the performance of a designated
17 activity under a written contract with the Administration
18 or the ISS management entity, unless—

19 “(1) otherwise agreed under the terms of the
20 contract with the Administration or the ISS man-
21 agement entity, as applicable;

22 “(2) the designated activity is carried out with
23 Federal funds;

24 “(3) disclosure is required by law;

1 “(4) the Federal Government has rights in the
2 data under another Federal contract, grant, coopera-
3 tive agreement, or other transaction; or

4 “(5) the data is—

5 “(A) otherwise lawfully acquired or inde-
6 pendently developed by the Federal Govern-
7 ment;

8 “(B) related to the health and safety of
9 personnel on the ISS; or

10 “(C) essential to the performance of work
11 by the ISS management entity or NASA per-
12 sonnel.

13 “(b) DEFINITIONS.—In this section:

14 “(1) CONTRACT.—The term ‘contract’ has the
15 meaning given the term under section 20135(a).

16 “(2) DATA.—

17 “(A) IN GENERAL.—The term ‘data’
18 means recorded information, regardless of form
19 or the media on which it may be recorded.

20 “(B) INCLUSIONS.—The term ‘data’ in-
21 cludes technical data and computer software.

22 “(C) EXCLUSIONS.—The term ‘data’ does
23 not include information incidental to contract
24 administration, such as financial, administra-

1 Federal party participating in such an
2 agreement.

3 “(B) CERTAIN DATA.—Information re-
4 ferred to in paragraph (1) includes data (as de-
5 fined in section 20151) that—

6 “(i) was first produced by the Admin-
7 istration in the performance of any des-
8 igned activity (as defined in section
9 20150); and

10 “(ii) would be a trade secret or com-
11 mercial or financial information that is
12 privileged or confidential within the mean-
13 ing of section 552(b)(4) of title 5 if the
14 data had been obtained from a non-Fed-
15 eral party.”.

16 (c) CONFORMING AMENDMENT.—The table of sec-
17 tions for chapter 201 of title 51, United States Code, as
18 amended by section 2626, is further amended by inserting
19 after the item relating to section 20150 the following:

“20151. Data rights.”.

20 **SEC. 2627. PAYMENTS RECEIVED FOR COMMERCIAL SPACE-**
21 **ENABLED PRODUCTION ON THE ISS.**

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

24 (1) the Administrator should determine a
25 threshold for NASA to recover the costs of sup-

1 porting the commercial development of products or
2 services aboard the ISS, through the negotiation of
3 agreements, similar to agreements made by other
4 Federal agencies that support private sector innova-
5 tion; and

6 (2) the amount of such costs that to be recov-
7 ered or profits collected through such agreements
8 should be applied by the Administrator through a
9 tiered process, taking into consideration the relative
10 maturity and profitability of the applicable product
11 or service.

12 (b) IN GENERAL.—Subchapter III of chapter 201 of
13 title 51, United States Code, as amended by section 2627,
14 is further amended by adding at the end the following:

15 **“§ 20152. Payments received for commercial space-en-
16 able production**

17 **“(a) ANNUAL REVIEW.—**

18 **“(1) IN GENERAL.—**Not later than one year
19 after the date of the enactment of this section, and
20 annually thereafter, the Administrator shall review
21 the profitability of any partnership with a private
22 entity under a contract in which the Adminis-
23 trator—

1 “(A) permits the use of the ISS by such
2 private entities to produce a commercial prod-
3 uct or service; and

4 “(B) provides the total unreimbursed cost
5 of a contribution by the Federal Government
6 for the use of Federal facilities, equipment, ma-
7 terials, proprietary information of the Federal
8 Government, or services of a Federal employee
9 during working hours, including the cost for the
10 Administration to carry out its responsibilities
11 under paragraphs (1) and (4) of section 504(d)
12 of the National Aeronautics and Space Admin-
13 istration Authorization Act of 2010 (42 U.S.C.
14 18354(d)).

15 “(2) NEGOTIATION OF REIMBURSEMENTS.—
16 Subject to the review described in paragraph (1), the
17 Administrator shall seek to enter into an agreement
18 to negotiate reimbursements for payments received,
19 or portions of profits created, by any mature, profit-
20 able private entity described in that paragraph, as
21 appropriate, through a tiered process that reflects
22 the profitability of the relevant product or service.

23 “(3) USE OF FUNDS.—Amounts received by the
24 Administrator in accordance with an agreement

1 under paragraph (2) shall be used by the Adminis-
2 trator in the following order of priority:

3 “(A) To defray the operating cost of the
4 ISS.

5 “(B) To develop, implement, or operate fu-
6 ture low-Earth orbit platforms or capabilities.

7 “(C) To develop, implement, or operate fu-
8 ture human deep space platforms or capabili-
9 ties.

10 “(D) Any other costs the Administrator
11 considers appropriate.

12 “(4) REPORT.—On completion of the first an-
13 nual review under paragraph (1), and annually
14 thereafter, the Administrator shall submit to the ap-
15 propriate committees of Congress a report that in-
16 cludes a description of the results of the annual re-
17 view, any agreement entered into under this section,
18 and the amounts recouped or obtained under any
19 such agreement.

20 “(b) LICENSING AND ASSIGNMENT OF INVEN-
21 TIONS.—Notwithstanding sections 3710a and 3710c of
22 title 15 and any other provision of law, after payment in
23 accordance with subsection (A)(i) of such section
24 3710c(a)(1)(A)(i) to the inventors who have directly as-
25 signed to the Federal Government their interests in an in-

1 vention under a written contract with the Administration
2 or the ISS management entity for the performance of a
3 designated activity, the balance of any royalty or other
4 payment received by the Administrator or the ISS man-
5 agement entity from licensing and assignment of such in-
6 vention shall be paid by the Administrator or the ISS
7 management entity, as applicable, to the Space Explo-
8 ration Fund.

9 “(c) SPACE EXPLORATION FUND.—

10 “(1) ESTABLISHMENT.—There is established in
11 the Treasury of the United States a fund, to be
12 known as the ‘Space Exploration Fund’ (referred to
13 in this subsection as the ‘Fund’), to be administered
14 by the Administrator.

15 “(2) USE OF FUND.—The Fund shall be avail-
16 able to carry out activities described in subsection
17 (a)(3).

18 “(3) DEPOSITS.—There shall be deposited in
19 the Fund—

20 “(A) amounts appropriated to the Fund;

21 “(B) fees and royalties collected by the Ad-
22 ministrator or the ISS management entity
23 under subsections (a) and (b); and

24 “(C) donations or contributions designated
25 to support authorized activities.

1 “(4) RULE OF CONSTRUCTION.—Amounts avail-
2 able to the Administrator under this subsection shall
3 be—

4 “(A) in addition to amounts otherwise
5 made available for the purpose described in
6 paragraph (2); and

7 “(B) available for a period of 5 years, to
8 the extent and in the amounts provided in an-
9 nual appropriation Acts.

10 “(d) DEFINITIONS.—

11 “(1) IN GENERAL.—In this section, any term
12 used in this section that is also used in section
13 20150 shall have the meaning given the term in that
14 section.

15 “(2) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—The term ‘appropriate committees of Con-
17 gress’ means—

18 “(A) the Committee on Commerce,
19 Science, and Transportation and the Committee
20 on Appropriations of the Senate; and

21 “(B) the Committee on Science, Space,
22 and Technology and the Committee on Appro-
23 priations of the House of Representatives.”.

24 “(e) CONFORMING AMENDMENT.—The table of sec-
25 tions for chapter 201 of title 51, United States Code, as

1 amended by section and 2626, is further amended by in-
2 serting after the item relating to section 20151 the fol-
3 lowing:

“20152. Payments received for commercial space-enabled production.”.

4 **SEC. 2628. STEPPING STONE APPROACH TO EXPLORATION.**

5 (a) IN GENERAL.—Section 70504 of title 51, United
6 States Code, is amended to read as follows:

7 **“§ 70504. Stepping stone approach to exploration**

8 “(a) IN GENERAL.—The Administrator, in sustain-
9 able steps, may conduct missions to intermediate destina-
10 tions, such as the Moon, in accordance with section
11 20302(b), and on a timetable determined by the avail-
12 ability of funding, in order to achieve the objective of
13 human exploration of Mars specified in section 202(b)(5)
14 of the National Aeronautics and Space Administration Au-
15 thorization Act of 2010 (42 U.S.C. 18312(b)(5)), if the
16 Administrator—

17 “(1) determines that each such mission dem-
18 onstrates or advances a technology or operational
19 concept that will enable human missions to Mars;
20 and

21 “(2) incorporates each such mission into the
22 human exploration roadmap under section 432 of
23 the National Aeronautics and Space Administration
24 Transition Authorization Act of 2017 (Public Law
25 115–10; 51 U.S.C. 20302 note).

1 “(b) CISLUNAR SPACE EXPLORATION ACTIVITIES.—

2 In conducting a mission under subsection (a), the Admin-
3 istrator shall—

4 “(1) use a combination of launches of the Space
5 Launch System and space transportation services
6 from United States commercial providers, as appro-
7 priate, for the mission;

8 “(2) plan for not fewer than 1 Space Launch
9 System launch annually beginning after the first
10 successful crewed launch of Orion on the Space
11 Launch System; and

12 “(3) establish an outpost in orbit around the
13 Moon that—

14 “(A) demonstrates technologies, systems,
15 and operational concepts directly applicable to
16 the space vehicle that will be used to transport
17 humans to Mars;

18 “(B) has the capability for periodic human
19 habitation; and

20 “(C) can function as a point of departure,
21 return, or staging for Administration or non-
22 governmental or international partner missions
23 to multiple locations on the lunar surface or
24 other destinations.

1 “(c) COST-EFFECTIVENESS.—To maximize the cost-
2 effectiveness of the long-term space exploration and utili-
3 zation activities of the United States, the Administrator
4 shall take all necessary steps, including engaging non-
5 governmental and international partners, to ensure that
6 activities in the Administration’s human space exploration
7 program are balanced in order to help meet the require-
8 ments of future exploration and utilization activities lead-
9 ing to human habitation on the surface of Mars.

10 “(d) COMPLETION.—Within budgetary consider-
11 ations, once an exploration-related project enters its devel-
12 opment phase, the Administrator shall seek, to the max-
13 imum extent practicable, to complete that project without
14 undue delay.

15 “(e) INTERNATIONAL PARTICIPATION.—To achieve
16 the goal of successfully conducting a crewed mission to
17 the surface of Mars, the Administrator shall invite the
18 partners in the ISS program and other nations, as appro-
19 priate, to participate in an international initiative under
20 the leadership of the United States.”.

21 (b) DEFINITION OF CISLUNAR SPACE.—Section
22 10101 of title 51, United States Code, is amended by add-
23 ing at the end the following:

24 “(3) CISLUNAR SPACE.—The term ‘cislunar
25 space’ means the region of space beyond low-Earth

1 orbit out to and including the region around the sur-
2 face of the Moon.”.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

4 Section 3 of the National Aeronautics and Space Adminis-
5 tration Authorization Act of 2010 (42 U.S.C. 18302) is
6 amended by striking paragraphs (2) and (3) and inserting
7 the following:

8 “(2) APPROPRIATE COMMITTEES OF CON-
9 GRESS.—The term ‘appropriate committees of Con-
10 gress’ means—

11 “(A) the Committee on Commerce,
12 Science, and Transportation of the Senate; and

13 “(B) the Committee on Science, Space,
14 and Technology of the House of Representa-
15 tives.

16 “(3) CISLUNAR SPACE.—The term ‘cislunar
17 space’ means the region of space beyond low-Earth
18 orbit out to and including the region around the sur-
19 face of the Moon.”.

20 **SEC. 2629. TECHNICAL AMENDMENTS RELATING TO**
21 **ARTEMIS MISSIONS.**

22 (a) Section 421 of the National Aeronautics and
23 Space Administration Authorization Act of 2017 (Public
24 Law 115–10; 51 U.S.C. 20301 note) is amended—

25 (1) in subsection (c)(3)—

1 (A) by striking “EM–1” and inserting
2 “Artemis I”;

3 (B) by striking “EM–2” and inserting
4 “Artemis II”; and

5 (C) by striking “EM–3” and inserting
6 “Artemis III”; and

7 (2) in subsection (f)(3), by striking “EM–3”
8 and inserting “Artemis III”.

9 (b) Section 432(b) of the National Aeronautics and
10 Space Administration Authorization Act of 2017 (Public
11 Law 115–10; 51 U.S.C. 20302 note) is amended—

12 (1) in paragraph (3)(D)—

13 (A) by striking “EM–1” and inserting
14 “Artemis I”; and

15 (B) by striking “EM–2” and inserting
16 “Artemis II”; and

17 (2) in paragraph (4)(C), by striking “EM–3”
18 and inserting “Artemis III”.

19 **PART III—SCIENCE**

20 **SEC. 2631. SCIENCE PRIORITIES.**

21 (a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—
22 Congress reaffirms the sense of Congress that—

23 (1) a balanced and adequately funded set of ac-
24 tivities, consisting of research and analysis grant
25 programs, technology development, suborbital re-

1 search activities, and small, medium, and large space
2 missions, contributes to a robust and productive
3 science program and serves as a catalyst for innova-
4 tion and discovery; and

5 (2) the Administrator should set science prior-
6 ities by following the guidance provided by the sci-
7 entific community through the decadal surveys of
8 the National Academies of Sciences, Engineering,
9 and Medicine.

10 (b) NATIONAL ACADEMIES DECADAL SURVEYS.—
11 Section 20305(e) of title 51, United States Code, is
12 amended—

13 (1) by striking “The Administrator shall” and
14 inserting the following:

15 “(1) REEXAMINATION OF PRIORITIES BY NA-
16 TIONAL ACADEMIES.—The Administrator shall”; and

17 (2) by adding at the end the following:

18 “(2) REEXAMINATION OF PRIORITIES BY AD-
19 MINISTRATOR.—If the Administrator decides to reex-
20 amine the applicability of the priorities of the
21 decadal surveys to the missions and activities of the
22 Administration due to scientific discoveries or exter-
23 nal factors, the Administrator shall consult with the
24 relevant committees of the National Academies.”.

1 **SEC. 2632. LUNAR DISCOVERY PROGRAM.**

2 (a) IN GENERAL.—The Administrator may carry out
3 a program to conduct lunar science research, including
4 missions to the surface of the Moon, that materially con-
5 tributes to the objective described in section 20102(d)(1)
6 of title 51, United States Code.

7 (b) COMMERCIAL LANDERS.—In carrying out the
8 program under subsection (a), the Administrator shall
9 procure the services of commercial landers developed pri-
10 marily by United States industry to land science payloads
11 of all classes on the lunar surface.

12 (c) LUNAR SCIENCE RESEARCH.—The Administrator
13 shall ensure that lunar science research carried out under
14 subsection (a) is consistent with recommendations made
15 by the National Academies of Sciences, Engineering, and
16 Medicine.

17 (d) LUNAR POLAR VOLATILES.—In carrying out the
18 program under subsection (a), the Administrator shall, at
19 the earliest opportunity, consider mission proposals to
20 evaluate the potential of lunar polar volatiles to contribute
21 to sustainable lunar exploration.

22 **SEC. 2633. SEARCH FOR LIFE.**

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

25 (1) the report entitled “An Astrobiology Strat-
26 egy for the Search for Life in the Universe” pub-

1 lished by the National Academies of Sciences, Engi-
2 neering, and Medicine outlines the key scientific
3 questions and methods for fulfilling the objective of
4 NASA to search for the origin, evolution, distribu-
5 tion, and future of life in the universe; and

6 (2) the interaction of lifeforms with their envi-
7 ronment, a central focus of astrobiology research, is
8 a topic of broad significance to life sciences research
9 in space and on Earth.

10 (b) PROGRAM CONTINUATION.—

11 (1) IN GENERAL.—The Administrator shall con-
12 tinue to implement a collaborative, multidisciplinary
13 science and technology development program to
14 search for proof of the existence or historical exist-
15 ence of life beyond Earth in support of the objective
16 described in section 20102(d)(10) of title 51, United
17 States Code.

18 (2) ELEMENT.—The program under paragraph
19 (1) shall include activities relating to astronomy, bi-
20 ology, geology, and planetary science.

21 (3) COORDINATION WITH LIFE SCIENCES PRO-
22 GRAM.—In carrying out the program under para-
23 graph (1), the Administrator shall coordinate efforts
24 with the life sciences program of the Administration.

1 (4) TECHNOSIGNATURES.—In carrying out the
2 program under paragraph (1), the Administrator
3 shall support activities to search for and analyze
4 technosignatures.

5 (5) INSTRUMENTATION AND SENSOR TECH-
6 NOLOGY.—In carrying out the program under para-
7 graph (1), the Administrator may strategically invest
8 in the development of new instrumentation and sen-
9 sor technology.

10 **SEC. 2634. JAMES WEBB SPACE TELESCOPE.**

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

13 (1) the James Webb Space Telescope will be
14 the next premier observatory in space and has great
15 potential to further scientific study and assist sci-
16 entists in making new discoveries in the field of as-
17 tronomy;

18 (2) the James Webb Space Telescope was devel-
19 oped as an ambitious project with a scope that was
20 not fully defined at inception and with risk that was
21 not fully known or understood;

22 (3) despite the major technology development
23 and innovation that was needed to construct the
24 James Webb Space Telescope, major negative im-
25 pacts to the cost and schedule of the James Webb

1 Space Telescope resulted from poor program man-
2 agement and poor contractor performance;

3 (4) the Administrator should take into account
4 the lessons learned from the cost and schedule issues
5 relating to the development of the James Webb
6 Space Telescope in making decisions regarding the
7 scope of and the technologies needed for future sci-
8 entific missions; and

9 (5) in selecting future scientific missions, the
10 Administrator should take into account the impact
11 that large programs that overrun cost and schedule
12 estimates may have on other NASA programs in
13 earlier phases of development.

14 (b) PROJECT CONTINUATION.—The Administrator
15 shall continue—

16 (1) to closely track the cost and schedule per-
17 formance of the James Webb Space Telescope
18 project; and

19 (2) to improve the reliability of cost estimates
20 and contractor performance data throughout the re-
21 maining development of the James Webb Space Tel-
22 escope.

23 (c) REVISED ESTIMATE.—Due to delays to the James
24 Webb Space Telescope project resulting from the COVID—

1 19 pandemic, the Administrator shall provide to Con-
2 gress—

3 (1) an estimate of any increase to program de-
4 velopment costs, if such costs are anticipated to ex-
5 ceed \$8,802,700,000; and

6 (2) an estimate for a revised launch date.

7 **SEC. 2635. NANCY GRACE ROMAN SPACE TELESCOPE.**

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

10 (1) major growth in the cost of astrophysics
11 flagship-class missions has impacted the overall port-
12 folio balance of the Science Mission Directorate; and

13 (2) the Administrator should continue to de-
14 velop the Nancy Grace Roman Space Telescope with
15 a development cost of not more than
16 \$3,200,000,000.

17 (b) PROJECT CONTINUATION.—The Administrator
18 shall continue to develop the Nancy Grace Roman Space
19 Telescope to meet the objectives outlined in the 2010
20 decadal survey on astronomy and astrophysics of the Na-
21 tional Academies of Sciences, Engineering, and Medicine
22 in a manner that maximizes scientific productivity based
23 on the resources invested.

1 **SEC. 2636. STUDY ON SATELLITE SERVICING FOR SCIENCE**
2 **MISSIONS.**

3 (a) IN GENERAL.—The Administrator shall conduct
4 a study on the feasibility of using in-space robotic refuel-
5 ing, repair, or refurbishment capabilities to extend the
6 useful life of telescopes and other science missions that
7 are operational or in development as of the date of the
8 enactment of this Act.

9 (b) ELEMENTS.—The study conducted under sub-
10 section (a) shall include the following:

11 (1) An identification of the technologies and in-
12 space testing required to demonstrate the in-space
13 robotic refueling, repair, or refurbishment capabili-
14 ties described in that subsection.

15 (2) The projected cost of using such capabili-
16 ties, including the cost of extended operations for
17 science missions described in that subsection.

18 (c) BRIEFING.—Not later than 1 year after the date
19 of the enactment of this division, the Administrator shall
20 provide to the appropriate committees of Congress a brief-
21 ing on the results of the study conducted under subsection
22 (a).

23 (d) PUBLIC AVAILABILITY.—Not later than 30 days
24 after the Administrator provides the briefing under sub-
25 section (c), the Administrator shall make the study con-
26 ducted under subsection (a) available to the public.

1 **SEC. 2637. EARTH SCIENCE MISSIONS AND PROGRAMS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the Earth Science Division of NASA plays an
4 important role in national efforts—

5 (1) to collect and use Earth observations in
6 service to society; and

7 (2) to understand global change.

8 (b) EARTH SCIENCE MISSIONS AND PROGRAMS.—
9 With respect to the missions and programs of the Earth
10 Science Division, the Administrator shall, to the maximum
11 extent practicable, follow the recommendations and guid-
12 ance provided by the scientific community through the
13 decadal survey for Earth science and applications from
14 space of the National Academies of Sciences, Engineering,
15 and Medicine, including—

16 (1) the science priorities described in such sur-
17 vey;

18 (2) the execution of the series of existing or
19 previously planned observations (commonly known as
20 the “program of record”); and

21 (3) the development of a range of missions of
22 all classes, including opportunities for principal in-
23 vestigator-led, competitively selected missions.

1 **SEC. 2638. LIFE SCIENCE AND PHYSICAL SCIENCE RE-**
2 **SEARCH.**

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

5 (1) the 2011 decadal survey on biological and
6 physical sciences in space identifies—

7 (A) many areas in which fundamental sci-
8 entific research is needed to efficiently advance
9 the range of human activities in space, from the
10 first stages of exploration to eventual economic
11 development; and

12 (B) many areas of basic and applied sci-
13 entific research that could use the microgravity,
14 radiation, and other aspects of the spaceflight
15 environment to answer fundamental scientific
16 questions;

17 (2) given the central role of life science and
18 physical science research in developing the future of
19 space exploration, NASA should continue to invest
20 strategically in such research to maintain United
21 States leadership in space exploration; and

22 (3) such research remains important to the ob-
23 jectives of NASA with respect to long-duration deep
24 space human exploration to the Moon and Mars.

25 (b) PROGRAM CONTINUATION.—

1 (1) IN GENERAL.—In support of the goals de-
2 scribed in section 20302 of title 51, United States
3 Code, the Administrator shall continue to implement
4 a collaborative, multidisciplinary life science and
5 physical science fundamental research program—

6 (A) to build a scientific foundation for the
7 exploration and development of space;

8 (B) to investigate the mechanisms of
9 changes to biological systems and physical sys-
10 tems, and the environments of those systems in
11 space, including the effects of long-duration ex-
12 posure to deep space-related environmental fac-
13 tors on those systems;

14 (C) to understand the effects of combined
15 deep space radiation and altered gravity levels
16 on biological systems so as to inform the devel-
17 opment and testing of potential counter-
18 measures;

19 (D) to understand physical phenomena in
20 reduced gravity that affect design and perform-
21 ance of enabling technologies necessary for the
22 space exploration program;

23 (E) to provide scientific opportunities to
24 educate, train, and develop the next generation
25 of researchers and engineers; and

1 (F) to provide state-of-the-art data reposi-
2 tories and curation of large multi-data sets to
3 enable comparative research analyses.

4 (2) ELEMENTS.—The program under para-
5 graph (1) shall—

6 (A) include fundamental research relating
7 to life science, space bioscience, and physical
8 science; and

9 (B) maximize intra-agency and interagency
10 partnerships to advance space exploration, sci-
11 entific knowledge, and benefits to Earth.

12 (3) USE OF FACILITIES.—In carrying out the
13 program under paragraph (1), the Administrator
14 may use ground-based, air-based, and space-based
15 facilities in low-Earth orbit and beyond low-Earth
16 orbit.

17 **SEC. 2639. SCIENCE MISSIONS TO MARS.**

18 (a) IN GENERAL.—The Administrator shall conduct
19 1 or more science missions to Mars to enable the selection
20 of 1 or more sites for human landing.

21 (b) SAMPLE PROGRAM.—The Administrator may
22 carry out a program—

23 (1) to collect samples from the surface of Mars;
24 and

1 (2) to return such samples to Earth for sci-
2 entific analysis.

3 (c) USE OF EXISTING CAPABILITIES AND ASSETS.—

4 In carrying out this section, the Administrator shall, to
5 the maximum extent practicable, use existing capabilities
6 and assets of NASA centers.

7 **SEC. 2640. PLANETARY DEFENSE COORDINATION OFFICE.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) Near-Earth objects remain a threat to the
11 United States.

12 (2) Section 321(d)(1) of the National Aero-
13 nautics and Space Administration Authorization Act
14 of 2005 (Public Law 109–155; 119 Stat. 2922; 51
15 U.S.C. 71101 note prec.) established a requirement
16 that the Administrator plan, develop, and implement
17 a Near-Earth Object Survey program to detect,
18 track, catalogue, and characterize the physical char-
19 acteristics of near-Earth objects equal to or greater
20 than 140 meters in diameter in order to assess the
21 threat of such near-Earth objects to the Earth, with
22 the goal of 90-percent completion of the catalogue of
23 such near-Earth objects by December 30, 2020.

24 (3) The current planetary defense strategy of
25 NASA acknowledges that such goal will not be met.

1 (4) The report of the National Academies of
2 Sciences, Engineering, and Medicine entitled “Find-
3 ing Hazardous Asteroids Using Infrared and Visible
4 Wavelength Telescopes” issued in 2019 states
5 that—

6 (A) NASA cannot accomplish such goal
7 with currently available assets;

8 (B) NASA should develop and launch a
9 dedicated space-based infrared survey telescope
10 to meet the requirements of section 321(d)(1)
11 of the National Aeronautics and Space Admin-
12 istration Authorization Act of 2005 (Public
13 Law 109–155; 119 Stat. 2922; 51 U.S.C.
14 71101 note prec.); and

15 (C) the early detection of potentially haz-
16 ardous near-Earth objects enabled by a space-
17 based infrared survey telescope is important to
18 enable deflection of a dangerous asteroid.

19 (b) ESTABLISHMENT OF PLANETARY DEFENSE CO-
20 ORDINATION OFFICE.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of the enactment of this division, the Ad-
23 ministrator shall establish an office within the Plan-
24 etary Science Division of the Science Mission Direc-
25 torate, to be known as the “Planetary Defense Co-

1 ordination Office”, to plan, develop, and implement
2 a program to survey threats posed by near-Earth ob-
3 jects equal to or greater than 140 meters in diame-
4 ter, as required by section 321(d)(1) of the National
5 Aeronautics and Space Administration Authorization
6 Act of 2005 (Public Law 109–155; 119 Stat. 2922;
7 51 U.S.C. 71101 note prec.).

8 (2) ACTIVITIES.—The Administrator shall—

9 (A) develop and, not later than September
10 30, 2025, launch a space-based infrared survey
11 telescope that is capable of detecting near-
12 Earth objects equal to or greater than 140 me-
13 ters in diameter, with preference given to plan-
14 etary missions selected by the Administrator as
15 of the date of the enactment of this division to
16 pursue concept design studies relating to the
17 development of a space-based infrared survey
18 telescope;

19 (B) identify, track, and characterize poten-
20 tially hazardous near-Earth objects and issue
21 warnings of the effects of potential impacts of
22 such objects; and

23 (C) assist in coordinating Government
24 planning for response to a potential impact of
25 a near-Earth object.

1 (c) ANNUAL REPORT.—Section 321(f) of the Na-
2 tional Aeronautics and Space Administration Authoriza-
3 tion Act of 2005 (Public Law 109–155; 119 Stat. 2922;
4 51 U.S.C. 71101 note prec.) is amended to read as fol-
5 lows:

6 “(f) ANNUAL REPORT.—Not later than 180 days
7 after the date of the enactment of the National Aero-
8 nautics and Space Administration Authorization Act of
9 2021, and annually thereafter through 90-percent comple-
10 tion of the catalogue required by subsection (d)(1), the
11 Administrator shall submit to the Committee on Com-
12 merce, Science, and Transportation of the Senate and the
13 Committee on Science, Space, and Technology of the
14 House of Representatives a report that includes the fol-
15 lowing:

16 “(1) A summary of all activities carried out by
17 the Planetary Defense Coordination Office estab-
18 lished under section 2640(b)(1) of the National Aer-
19 onautics and Space Administration Authorization
20 Act of 2021 since the date of enactment of that Act.

21 “(2) A description of the progress with respect
22 to the design, development, and launch of the space-
23 based infrared survey telescope required by section
24 2640 (b)(2)(A) of the National Aeronautics and
25 Space Administration Authorization Act of 2021 .

1 “(3) An assessment of the progress toward
2 meeting the requirements of subsection (d)(1).

3 “(4) A description of the status of efforts to co-
4 ordinate planetary defense activities in response to a
5 threat posed by a near-Earth object with other Fed-
6 eral agencies since the date of enactment of the Na-
7 tional Aeronautics and Space Administration Au-
8 thorization Act of 2021 .

9 “(5) A description of the status of efforts to co-
10 ordinate and cooperate with other countries to dis-
11 cover hazardous asteroids and comets, plan a mitiga-
12 tion strategy, and implement that strategy in the
13 event of the discovery of an object on a likely colli-
14 sion course with Earth.

15 “(6) A summary of expenditures for all activi-
16 ties carried out by the Planetary Defense Coordina-
17 tion Office since the date of enactment of the Na-
18 tional Aeronautics and Space Administration Au-
19 thorization Act of 2021.”.

20 (d) LIMITATION ON USE OF FUNDS.—None of the
21 amounts authorized to be appropriated by this subtitle for
22 a fiscal year may be obligated or expended for the Office
23 of the Administrator during the last 3 months of that fis-
24 cal year unless the Administrator submits the report for
25 that fiscal year required by section 321(f) of the National

1 Aeronautics and Space Administration Authorization Act
2 of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C.
3 71101 note prec.).

4 (e) NEAR-EARTH OBJECT DEFINED.—In this sec-
5 tion, the term “near-Earth object” means an asteroid or
6 comet with a perihelion distance of less than 1.3 Astro-
7 nomical Units from the Sun.

8 **SEC. 2641. SUBORBITAL SCIENCE FLIGHTS.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that commercially available suborbital flight plat-
11 forms enable low-cost access to a microgravity environ-
12 ment to advance science and train scientists and engineers
13 under the Suborbital Research Program established under
14 section 802(c) of the National Aeronautics and Space Ad-
15 ministration Authorization Act of 2010 (42 U.S.C.
16 18382(c)).

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than 270 days
19 after the date of the enactment of this division, the
20 Administrator shall submit to the appropriate com-
21 mittees of Congress a report evaluating the manner
22 in which suborbital flight platforms can contribute
23 to meeting the science objectives of NASA for the
24 Science Mission Directorate and the Human Explo-
25 ration and Operations Mission Directorate.

1 (2) CONTENTS.—The report required by para-
2 graph (1) shall include the following:

3 (A) An assessment of the advantages of
4 suborbital flight platforms to meet science ob-
5 jectives.

6 (B) An evaluation of the challenges to
7 greater use of commercial suborbital flight plat-
8 forms for science purposes.

9 (C) An analysis of whether commercial
10 suborbital flight platforms can provide low-cost
11 flight opportunities to test lunar and Mars
12 science payloads.

13 **SEC. 2642. EARTH SCIENCE DATA AND OBSERVATIONS.**

14 (a) IN GENERAL.—The Administrator shall to the
15 maximum extent practicable, make available to the public
16 in an easily accessible electronic database all data (includ-
17 ing metadata, documentation, models, data processing
18 methods, images, and research results) of the missions
19 and programs of the Earth Science Division of the Admin-
20 istration, or any successor division.

21 (b) OPEN DATA PROGRAM.—In carrying out sub-
22 section (a), the Administrator shall establish and continue
23 to operate an open data program that—

24 (1) is consistent with the greatest degree of
25 interactivity, interoperability, and accessibility; and

1 (2) enables outside communities, including the
2 research and applications community, private indus-
3 try, academia, and the general public, to effectively
4 collaborate in areas important to—

5 (A) studying the Earth system and improv-
6 ing the prediction of Earth system change; and

7 (B) improving model development, data as-
8 simation techniques, systems architecture inte-
9 gration, and computational efficiencies; and

10 (3) meets basic end-user requirements for run-
11 ning on public computers and networks located out-
12 side of secure Administration information and tech-
13 nology systems.

14 (c) HOSTING.—The program under subsection (b)
15 shall use, as appropriate and cost-effective, innovative
16 strategies and methods for hosting and management of
17 part or all of the program, including cloud-based com-
18 puting capabilities.

19 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be interpreted to require the Administrator to
21 release classified, proprietary, or otherwise restricted in-
22 formation that would be harmful to the national security
23 of the United States.

1 **SEC. 2643. SENSE OF CONGRESS ON SMALL SATELLITE**
2 **SCIENCE.**

3 It is the sense of Congress that—

4 (1) small satellites—

5 (A) are increasingly robust, effective, and
6 affordable platforms for carrying out space
7 science missions;

8 (B) can work in tandem with or augment
9 larger NASA spacecraft to support high-priority
10 science missions of NASA; and

11 (C) are cost effective solutions that may
12 allow NASA to continue collecting legacy obser-
13 vations while developing next-generation science
14 missions; and

15 (2) NASA should continue to support small sat-
16 ellite research, development, technologies, and pro-
17 grams, including technologies for compact and light-
18 weight instrumentation for small satellites.

19 **SEC. 2644. SENSE OF CONGRESS ON COMMERCIAL SPACE**
20 **SERVICES.**

21 It is the sense of Congress that—

22 (1) the Administration should explore partner-
23 ships with the commercial space industry for space
24 science missions in and beyond Earth orbit, includ-
25 ing partnerships relating to payload and instrument
26 hosting and commercially available datasets; and

1 (2) such partnerships could result in increased
2 mission cadence, technology advancement, and cost
3 savings for the Administration.

4 **SEC. 2645. PROCEDURES FOR IDENTIFYING AND ADDRESS-**
5 **ING ALLEGED VIOLATIONS OF SCIENTIFIC IN-**
6 **TEGRITY POLICY.**

7 Not later than 180 days after the date of the enact-
8 ment of this division, the Administrator shall develop and
9 document procedures for identifying and addressing al-
10 leged violations of the scientific integrity policy of NASA.

11 **PART IV—AERONAUTICS**

12 **SEC. 2646. SHORT TITLE.**

13 This part may be cited as the “Aeronautics Innova-
14 tion Act”.

15 **SEC. 2647. DEFINITIONS.**

16 In this part:

17 (1) **AERONAUTICS STRATEGIC IMPLEMENTA-**
18 **TION PLAN.**—The term “Aeronautics Strategic Im-
19 plementation Plan” means the Aeronautics Strategic
20 Implementation Plan issued by the Aeronautics Re-
21 search Mission Directorate.

22 (2) **UNMANNED AIRCRAFT; UNMANNED AIR-**
23 **CRAFT SYSTEM.**—The terms “unmanned aircraft”
24 and “unmanned aircraft system” have the meanings

1 given those terms in section 44801 of title 49,
2 United States Code.

3 (3) X-PLANE.—The term “X-plane” means an
4 experimental aircraft that is—

5 (A) used to test and evaluate a new tech-
6 nology or aerodynamic concept; and

7 (B) operated by NASA or the Department
8 of Defense.

9 **SEC. 2648. EXPERIMENTAL AIRCRAFT PROJECTS.**

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

12 (1) developing high-risk, precompetitive aero-
13 space technologies for which there is not yet a profit
14 rationale is a fundamental role of NASA;

15 (2) large-scale piloted flight test experimen-
16 tation and validation are necessary for—

17 (A) transitioning new technologies and ma-
18 terials, including associated manufacturing
19 processes, for general aviation, commercial avia-
20 tion, and military aeronautics use; and

21 (B) capturing the full extent of benefits
22 from investments made by the Aeronautics Re-
23 search Mission Directorate in priority programs
24 called for in—

1 (i) the National Aeronautics Research
2 and Development Plan issued by the Na-
3 tional Science and Technology Council in
4 February 2010;

5 (ii) the NASA 2014 Strategic Plan;

6 (iii) the Aeronautics Strategic Imple-
7 mentation Plan; and

8 (iv) any updates to the programs
9 called for in the plans described in clauses
10 (i) through (iii);

11 (3) a level of funding that adequately supports
12 large-scale piloted flight test experimentation and
13 validation, including related infrastructure, should
14 be ensured over a sustained period of time to restore
15 the capacity of NASA—

16 (A) to see legacy priority programs
17 through to completion; and

18 (B) to achieve national economic and secu-
19 rity objectives; and

20 (4) NASA should not be directly involved in the
21 Type Certification of aircraft for current and future
22 scheduled commercial air service under part 121 or
23 135 of title 14, Code of Federal Regulations, that
24 would result in reductions in crew augmentation or
25 single pilot or autonomously operated aircraft.

1 (b) STATEMENT OF POLICY.—It is the policy of the
2 United States—

3 (1) to maintain world leadership in—

4 (A) military and civilian aeronautical
5 science and technology;

6 (B) global air power projection; and

7 (C) aerospace industrialization; and

8 (2) to maintain as a fundamental objective of
9 NASA aeronautics research the steady progression
10 and expansion of flight research and capabilities, in-
11 cluding the science and technology of critical under-
12 lying disciplines and competencies, such as—

13 (A) computational-based analytical and
14 predictive tools and methodologies;

15 (B) aerothermodynamics;

16 (C) propulsion;

17 (D) advanced materials and manufacturing
18 processes;

19 (E) high-temperature structures and mate-
20 rials; and

21 (F) guidance, navigation, and flight con-
22 trols.

23 (c) ESTABLISHMENT AND CONTINUATION OF X-
24 PLANE PROJECTS.—

1 (1) IN GENERAL.—The Administrator shall es-
2 tablish or continue to implement, in a manner that
3 is consistent with the roadmap for supersonic aero-
4 nautics research and development required by sec-
5 tion 604(b) of the National Aeronautics and Space
6 Administration Transition Authorization Act of
7 2017 (Public Law 115–10; 131 Stat. 55), the fol-
8 lowing projects:

9 (A) A low-boom supersonic aircraft project
10 to demonstrate supersonic aircraft designs and
11 technologies that—

12 (i) reduce sonic boom noise; and

13 (ii) assist the Administrator of the
14 Federal Aviation Administration in ena-
15 bling—

16 (I) the safe commercial deploy-
17 ment of civil supersonic aircraft tech-
18 nology; and

19 (II) the safe and efficient oper-
20 ation of civil supersonic aircraft.

21 (B) A subsonic flight demonstrator aircraft
22 project to advance high-aspect-ratio, thin-wing
23 aircraft designs and to integrate propulsion,
24 composites, and other technologies that enable
25 significant increases in energy efficiency and re-

1 duced life-cycle emissions in the aviation system
2 while reducing noise and emissions.

3 (C) A series of large-scale X-plane dem-
4 onstrators that are—

5 (i) developed sequentially or in par-
6 allel; and

7 (ii) each based on a set of new con-
8 figuration concepts or technologies deter-
9 mined by the Administrator to dem-
10 onstrate—

11 (I) aircraft and propulsion con-
12 cepts and technologies and related ad-
13 vances in alternative propulsion and
14 energy; and

15 (II) flight propulsion concepts
16 and technologies.

17 (2) ELEMENTS.—For each project under para-
18 graph (1), the Administrator shall—

19 (A) include the development of X-planes
20 and all necessary supporting flight test assets;

21 (B) pursue a robust technology maturation
22 and flight test validation effort;

23 (C) improve necessary facilities, flight test-
24 ing capabilities, and computational tools to sup-
25 port the project;

1 (D) award any primary contracts for de-
2 sign, procurement, and manufacturing to
3 United States persons, consistent with inter-
4 national obligations and commitments;

5 (E) coordinate research and flight test
6 demonstration activities with other Federal
7 agencies and the United States aviation com-
8 munity, as the Administrator considers appro-
9 priate; and

10 (F) ensure that the project is aligned with
11 the Aeronautics Strategic Implementation Plan
12 and any updates to the Aeronautics Strategic
13 Implementation Plan.

14 (3) UNITED STATES PERSON DEFINED.—In this
15 subsection, the term “United States person”
16 means—

17 (A) a United States citizen or an alien law-
18 fully admitted for permanent residence to the
19 United States; or

20 (B) an entity organized under the laws of
21 the United States or of any jurisdiction within
22 the United States, including a foreign branch of
23 such an entity.

24 (d) ADVANCED MATERIALS AND MANUFACTURING
25 TECHNOLOGY PROGRAM.—

1 (1) IN GENERAL.—The Administrator may es-
2 tablish an advanced materials and manufacturing
3 technology program—

4 (A) to develop—

5 (i) new materials, including composite
6 and high-temperature materials, from base
7 material formulation through full-scale
8 structural validation and manufacture;

9 (ii) advanced materials and manufac-
10 turing processes, including additive manu-
11 facturing, to reduce the cost of manufac-
12 turing scale-up and certification for use in
13 general aviation, commercial aviation, and
14 military aeronautics; and

15 (iii) noninvasive or nondestructive
16 techniques for testing or evaluating avia-
17 tion and aeronautics structures, including
18 for materials and manufacturing processes;

19 (B) to reduce the time it takes to design,
20 industrialize, and certify advanced materials
21 and manufacturing processes;

22 (C) to provide education and training op-
23 portunities for the aerospace workforce; and

24 (D) to address global cost and human cap-
25 ital competitiveness for United States aero-

1 nautical industries and technological leadership
2 in advanced materials and manufacturing tech-
3 nology.

4 (2) ELEMENTS.—In carrying out a program
5 under paragraph (1), the Administrator shall—

6 (A) build on work that was carried out by
7 the Advanced Composites Project of NASA;

8 (B) partner with the private and academic
9 sectors, such as members of the Advanced Com-
10 posites Consortium of NASA, the Joint Ad-
11 vanced Materials and Structures Center of Ex-
12 cellence of the Federal Aviation Administration,
13 the Manufacturing USA institutes of the De-
14 partment of Commerce, and national labora-
15 tories, as the Administrator considers appro-
16 priate;

17 (C) provide a structure for managing intel-
18 lectual property generated by the program
19 based on or consistent with the structure estab-
20 lished for the Advanced Composites Consortium
21 of NASA;

22 (D) ensure adequate Federal cost share for
23 applicable research; and

24 (E) coordinate with advanced manufac-
25 turing and composites initiatives in other mis-

1 sion directorates of NASA, as the Adminis-
2 trator considers appropriate.

3 (e) RESEARCH PARTNERSHIPS.—In carrying out the
4 projects under subsection (c) and a program under sub-
5 section (d), the Administrator may engage in cooperative
6 research programs with—

7 (1) academia; and

8 (2) commercial aviation and aerospace manu-
9 facturers.

10 **SEC. 2649. UNMANNED AIRCRAFT SYSTEMS.**

11 (a) UNMANNED AIRCRAFT SYSTEMS OPERATION
12 PROGRAM.—The Administrator shall—

13 (1) research and test capabilities and concepts,
14 including unmanned aircraft systems communica-
15 tions, for integrating unmanned aircraft systems
16 into the national airspace system;

17 (2) leverage the partnership NASA has with in-
18 dustry focused on the advancement of technologies
19 for future air traffic management systems for un-
20 manned aircraft systems; and

21 (3) continue to align the research and testing
22 portfolio of NASA to inform the integration of un-
23 manned aircraft systems into the national airspace
24 system, consistent with public safety and national
25 security objectives.

1 (b) SENSE OF CONGRESS ON COORDINATION WITH
2 FEDERAL AVIATION ADMINISTRATION.—It is the sense of
3 Congress that—

4 (1) NASA should continue—

5 (A) to coordinate with the Federal Avia-
6 tion Administration on research on air traffic
7 management systems for unmanned aircraft
8 systems; and

9 (B) to assist the Federal Aviation Admin-
10 istration in the integration of air traffic man-
11 agement systems for unmanned aircraft sys-
12 tems into the national airspace system; and

13 (2) the test ranges (as defined in section 44801
14 of title 49, United States Code) should continue to
15 be leveraged for research on—

16 (A) air traffic management systems for un-
17 manned aircraft systems; and

18 (B) the integration of such systems into
19 the national airspace system.

20 **SEC. 2650. 21ST CENTURY AERONAUTICS CAPABILITIES INI-**
21 **TIATIVE.**

22 (a) IN GENERAL.—The Administrator may establish
23 an initiative, to be known as the “21st Century Aero-
24 nautics Capabilities Initiative”, within the Construction
25 and Environmental Compliance and Restoration Account,

1 to ensure that NASA possesses the infrastructure and ca-
2 pabilities necessary to conduct proposed flight demonstra-
3 tion projects across the range of NASA aeronautics inter-
4 ests.

5 (b) ACTIVITIES.—In carrying out the 21st Century
6 Aeronautics Capabilities Initiative, the Administrator may
7 carry out the following activities:

8 (1) Any investments the Administrator con-
9 siders necessary to upgrade and create facilities for
10 civil and national security aeronautics research to
11 support advancements in—

12 (A) long-term foundational science and
13 technology;

14 (B) advanced aircraft systems;

15 (C) air traffic management systems;

16 (D) fuel efficiency;

17 (E) electric propulsion technologies;

18 (F) system-wide safety assurance;

19 (G) autonomous aviation; and

20 (H) supersonic and hypersonic aircraft de-
21 sign and development.

22 (2) Any measures the Administrator considers
23 necessary to support flight testing activities, includ-
24 ing—

1 (A) continuous refinement and develop-
2 ment of free-flight test techniques and meth-
3 odologies;

4 (B) upgrades and improvements to real-
5 time tracking and data acquisition; and

6 (C) such other measures relating to aero-
7 nautics research support and modernization as
8 the Administrator considers appropriate to
9 carry out the scientific study of the problems of
10 flight, with a view to practical solutions for
11 such problems.

12 **SEC. 2651. SENSE OF CONGRESS ON ON-DEMAND AIR**
13 **TRANSPORTATION.**

14 It is the sense of Congress that—

15 (1) greater use of high-speed air transportation,
16 small airports, helipads, vertical flight infrastruc-
17 ture, and other aviation-related infrastructure can
18 alleviate surface transportation congestion and sup-
19 port economic growth within cities;

20 (2) with respect to urban air mobility and re-
21 lated concepts, NASA should continue—

22 (A) to conduct research focused on con-
23 cepts, technologies, and design tools; and

1 (B) to support the evaluation of advanced
2 technologies and operational concepts that can
3 be leveraged by—

4 (i) industry to develop future vehicles
5 and systems; and

6 (ii) the Federal Aviation Administra-
7 tion to support vehicle safety and oper-
8 ational certification; and

9 (3) NASA should leverage ongoing efforts to
10 develop advanced technologies to actively support the
11 research needed for on-demand air transportation.

12 **SEC. 2652. SENSE OF CONGRESS ON HYPERSONIC TECH-**
13 **NOLOGY RESEARCH.**

14 It is the sense of Congress that—

15 (1) hypersonic technology is critical to the de-
16 velopment of advanced high-speed aerospace vehicles
17 for both civilian and national security purposes;

18 (2) for hypersonic vehicles to be realized, re-
19 search is needed to overcome technical challenges,
20 including in propulsion, advanced materials, and
21 flight performance in a severe environment;

22 (3) NASA plays a critical role in supporting
23 fundamental hypersonic research focused on system
24 design, analysis and validation, and propulsion tech-
25 nologies;

1 (4) NASA research efforts in hypersonic tech-
2 nology should complement research supported by the
3 Department of Defense to the maximum extent
4 practicable, since contributions from both agencies
5 working in partnership with universities and indus-
6 try are necessary to overcome key technical chal-
7 lenges;

8 (5) previous coordinated research programs be-
9 tween NASA and the Department of Defense en-
10 abled important progress on hypersonic technology;

11 (6) the commercial sector could provide flight
12 platforms and other capabilities that are able to host
13 and support NASA hypersonic technology research
14 projects; and

15 (7) in carrying out hypersonic technology re-
16 search projects, the Administrator should—

17 (A) focus research and development efforts
18 on high-speed propulsion systems, reusable ve-
19 hicle technologies, high-temperature materials,
20 and systems analysis;

21 (B) coordinate with the Department of De-
22 fense to prevent duplication of efforts and of in-
23 vestments;

24 (C) include partnerships with universities
25 and industry to accomplish research goals; and

1 (D) maximize public-private use of com-
2 mercially available platforms for hosting re-
3 search and development flight projects.

4 **PART V—SPACE TECHNOLOGY**

5 **SEC. 2653. SPACE TECHNOLOGY MISSION DIRECTORATE.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that an independent Space Technology Mission Di-
8 rectorate is critical to ensuring continued investments in
9 the development of technologies for missions across the
10 portfolio of NASA, including science, aeronautics, and
11 human exploration.

12 (b) SPACE TECHNOLOGY MISSION DIRECTORATE.—
13 The Administrator shall maintain a Space Technology
14 Mission Directorate consistent with section 702 of the Na-
15 tional Aeronautics and Space Administration Transition
16 Authorization Act of 2017 (51 U.S.C. 20301 note).

17 **SEC. 2654. FLIGHT OPPORTUNITIES PROGRAM.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Administrator should provide flight oppor-
20 tunities for payloads to microgravity environments and
21 suborbital altitudes as required by section 907(c) of the
22 National Aeronautics and Space Administration Author-
23 ization Act of 2010 (42 U.S.C. 18405(c)), as amended by
24 subsection (b).

1 (b) ESTABLISHMENT.—Section 907(e) of the Na-
2 tional Aeronautics and Space Administration Authoriza-
3 tion Act of 2010 (42 U.S.C. 18405(e)) is amended to read
4 as follows:

5 “(c) ESTABLISHMENT.—

6 “(1) IN GENERAL.—The Administrator shall es-
7 tablish a Commercial Reusable Suborbital Research
8 Program within the Space Technology Mission Di-
9 rectorate to fund—

10 “(A) the development of payloads for sci-
11 entific research, technology development, and
12 education;

13 “(B) flight opportunities for those pay-
14 loads to microgravity environments and sub-
15 orbital altitudes; and

16 “(C) transition of those payloads to orbital
17 opportunities.

18 “(2) COMMERCIAL REUSABLE VEHICLE
19 FLIGHTS.—In carrying out the Commercial Reusable
20 Suborbital Research Program, the Administrator
21 may fund engineering and integration demonstra-
22 tions, proofs of concept, and educational experiments
23 for flights of commercial reusable vehicles.

24 “(3) COMMERCIAL SUBORBITAL LAUNCH VEHI-
25 CLES.—In carrying out the Commercial Reusable

1 Suborbital Research Program, the Administrator
2 may not fund the development of new commercial
3 suborbital launch vehicles.

4 “(4) WORKING WITH MISSION DIREC-
5 TORATES.—In carrying out the Commercial Reus-
6 able Suborbital Research Program, the Adminis-
7 trator shall work with the mission directorates of
8 NASA to achieve the research, technology, and edu-
9 cation goals of NASA.”.

10 (c) CONFORMING AMENDMENT.—Section 907(b) of
11 the National Aeronautics and Space Administration Au-
12 thorization Act of 2010 (42 U.S.C. 18405(b)) is amended,
13 in the first sentence, by striking “Commercial Reusable
14 Suborbital Research Program in” and inserting “Commer-
15 cial Reusable Suborbital Research Program established
16 under subsection (c)(1) within”.

17 **SEC. 2655. SMALL SPACECRAFT TECHNOLOGY PROGRAM.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Small Spacecraft Technology Program is
20 important for conducting science and technology valida-
21 tion for—

22 (1) short- and long-duration missions in low-
23 Earth orbit;

24 (2) deep space missions; and

1 (3) deorbiting capabilities designed specifically
2 for smaller spacecraft.

3 (b) ACCOMMODATION OF CERTAIN PAYLOADS.—In
4 carrying out the Small Spacecraft Technology Program,
5 the Administrator shall, as the mission risk posture and
6 technology development objectives allow, accommodate
7 science payloads that further the goal of long-term human
8 exploration to the Moon and Mars.

9 **SEC. 2656. NUCLEAR PROPULSION TECHNOLOGY.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that nuclear propulsion is critical to the development
12 of advanced spacecraft for civilian and national defense
13 purposes.

14 (b) DEVELOPMENT; STUDIES.—The Administrator
15 shall, in coordination with the Secretary of Energy and
16 the Secretary of Defense—

17 (1) continue to develop the fuel element design
18 for NASA nuclear propulsion technology;

19 (2) undertake the systems feasibility studies for
20 such technology; and

21 (3) partner with members of commercial indus-
22 try to conduct studies on such technology.

23 (c) NUCLEAR PROPULSION TECHNOLOGY DEM-
24 ONSTRATION.—

1 (1) DETERMINATION; REPORT.—Not later than
2 December 31, 2022, the Administrator shall—

3 (A) determine the correct approach for
4 conducting a flight demonstration of nuclear
5 propulsion technology; and

6 (B) submit to Congress a report on a plan
7 for such a demonstration.

8 (2) DEMONSTRATION.—Not later than Decem-
9 ber 31, 2026, the Administrator shall conduct the
10 flight demonstration described in paragraph (1).

11 **SEC. 2657. MARS-FORWARD TECHNOLOGIES.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Administrator should pursue multiple tech-
14 nical paths for entry, descent, and landing for Mars, in-
15 cluding competitively selected technology demonstration
16 missions.

17 (b) PRIORITIZATION OF LONG-LEAD TECHNOLOGIES
18 AND SYSTEMS.—The Administrator shall prioritize, within
19 the Space Technology Mission Directorate, research, test-
20 ing, and development of long-lead technologies and sys-
21 tems for Mars, including technologies and systems relating
22 to—

23 (1) entry, descent, and landing; and

24 (2) in-space propulsion, including nuclear pro-
25 pulsion, cryogenic fluid management, in-situ large-

1 scale additive manufacturing, and electric propulsion
2 (including solar electric propulsion leveraging lessons
3 learned from the power and propulsion element of
4 the lunar outpost) options.

5 (c) TECHNOLOGY DEMONSTRATION.—The Adminis-
6 trator may use low-Earth orbit and cis-lunar missions, in-
7 cluding missions to the lunar surface, to demonstrate tech-
8 nologies for Mars.

9 **SEC. 2658. PRIORITIZATION OF LOW-ENRICHED URANIUM**
10 **TECHNOLOGY.**

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

13 (1) space technology, including nuclear propul-
14 sion technology and space surface power reactors,
15 should be developed in a manner consistent with
16 broader United States foreign policy, national de-
17 fense, and space exploration and commercialization
18 priorities;

19 (2) highly enriched uranium presents security
20 and nuclear nonproliferation concerns;

21 (3) since 1977, based on the concerns associ-
22 ated with highly enriched uranium, the United
23 States has promoted the use of low-enriched ura-
24 nium over highly enriched uranium in nonmilitary

1 contexts, including research and commercial applica-
2 tions;

3 (4) as part of United States efforts to limit
4 international use of highly enriched uranium, the
5 United States has actively pursued—

6 (A) since 1978, the conversion of domestic
7 and foreign research reactors that use highly
8 enriched uranium fuel to low-enriched uranium
9 fuel and the avoidance of any new research re-
10 actors that use highly enriched uranium fuel;
11 and

12 (B) since 1994, the elimination of inter-
13 national commerce in highly enriched uranium
14 for civilian purposes; and

15 (5) the use of low-enriched uranium in place of
16 highly enriched uranium has security, nonprolifera-
17 tion, and economic benefits, including for the na-
18 tional space program.

19 (b) PRIORITIZATION OF LOW-ENRICHED URANIUM
20 TECHNOLOGY.—The Administrator shall—

21 (1) establish, within the Space Technology Mis-
22 sion Directorate, a program for the research, test-
23 ing, and development of in-space reactor designs, in-
24 cluding a surface power reactor, that uses low-en-
25 riched uranium fuel; and

1 (2) prioritize the research, demonstration, and
2 deployment of such designs over designs using highly
3 enriched uranium fuel.

4 (c) REPORT ON NUCLEAR TECHNOLOGY
5 PRIORITIZATION.—Not later than 120 days after the date
6 of the enactment of this division, the Administrator shall
7 submit to the appropriate committees of Congress a report
8 that—

9 (1) details the actions taken to implement sub-
10 section (b); and

11 (2) identifies a plan and timeline under which
12 such subsection will be implemented.

13 (d) DEFINITIONS.—In this section:

14 (1) HIGHLY ENRICHED URANIUM.—The term
15 “highly enriched uranium” means uranium having
16 an assay of 20 percent or greater of the uranium-
17 235 isotope.

18 (2) LOW-ENRICHED URANIUM.—The term “low-
19 enriched uranium” means uranium having an assay
20 greater than the assay for natural uranium but less
21 than 20 percent of the uranium-235 isotope.

22 **SEC. 2659. SENSE OF CONGRESS ON NEXT-GENERATION**
23 **COMMUNICATIONS TECHNOLOGY.**

24 It is the sense of Congress that—

25 (1) optical communications technologies—

1 (A) will be critical to the development of
2 next-generation space-based communications
3 networks;

4 (B) have the potential to allow NASA to
5 expand the volume of data transmissions in low-
6 Earth orbit and deep space; and

7 (C) may provide more secure and cost-ef-
8 fective solutions than current radio frequency
9 communications systems;

10 (2) quantum encryption technology has prom-
11 ising implications for the security of the satellite and
12 terrestrial communications networks of the United
13 States, including optical communications networks,
14 and further research and development by NASA
15 with respect to quantum encryption is essential to
16 maintaining the security of the United States and
17 United States leadership in space; and

18 (3) in order to provide NASA with more secure
19 and reliable space-based communications, the Space
20 Communications and Navigation program office of
21 NASA should continue—

22 (A) to support research on and develop-
23 ment of optical communications; and

1 (B) to develop quantum encryption capa-
2 bilities, especially as those capabilities apply to
3 optical communications networks.

4 **SEC. 2660. LUNAR SURFACE TECHNOLOGIES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Administrator should—

7 (1) identify and develop the technologies needed
8 to live on and explore the lunar surface and prepare
9 for future operations on Mars;

10 (2) convene teams of experts from academia, in-
11 dustry, and government to shape the technology de-
12 velopment priorities of the Administration for lunar
13 surface exploration and habitation; and

14 (3) establish partnerships with researchers, uni-
15 versities, and the private sector to rapidly develop
16 and deploy technologies required for successful lunar
17 surface exploration.

18 (b) DEVELOPMENT AND DEMONSTRATION.—The Ad-
19 ministrator shall carry out a program, within the Space
20 Technology Mission Directorate, to conduct technology de-
21 velopment and demonstrations to enable human and
22 robotic exploration on the lunar surface.

23 (c) RESEARCH CONSORTIUM.—The Administrator
24 shall establish a consortium consisting of experts from
25 academia, industry, and government—

1 (1) to assist the Administrator in developing a
2 cohesive, executable strategy for the development
3 and deployment of technologies required for success-
4 ful lunar surface exploration; and

5 (2) to identify specific technologies relating to
6 lunar surface exploration that—

7 (A) should be developed to facilitate such
8 exploration; or

9 (B) require future research and develop-
10 ment.

11 (d) RESEARCH AWARDS.—

12 (1) IN GENERAL.—The Administrator may task
13 any member of the research consortium established
14 under subsection (c) with conducting research and
15 development with respect to a technology identified
16 under paragraph (2) of that subsection.

17 (2) STANDARD PROCESS FOR ARRANGE-
18 MENTS.—

19 (A) IN GENERAL.—The Administrator
20 shall develop a standard process by which a
21 consortium member tasked with research and
22 development under paragraph (1) may enter
23 into a formal arrangement with the Adminis-
24 trator to carry out such research and develop-

1 ment, such as an arrangement under section
2 2666 or 2667.

3 (B) REPORT.—Not later than 120 days
4 after the date of the enactment of this division,
5 the Administrator shall submit to the appro-
6 priate committees of Congress a report on the
7 one or more types of arrangement the Adminis-
8 trator intends to enter into under this sub-
9 section.

10 **PART VI—STEM ENGAGEMENT**

11 **SEC. 2661. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) NASA serves as a source of inspiration to
14 the people of the United States; and

15 (2) NASA is uniquely positioned to help in-
16 crease student interest in science, technology, engi-
17 neering, and math;

18 (3) engaging students, and providing hands-on
19 experience at an early age, in science, technology,
20 engineering, and math are important aspects of en-
21 suring and promoting United States leadership in
22 innovation; and

23 (4) NASA should strive to leverage its unique
24 position—

1 (A) to increase kindergarten through grade
2 12 involvement in NASA projects;

3 (B) to enhance higher education in STEM
4 fields in the United States;

5 (C) to support individuals who are under-
6 represented in science, technology, engineering,
7 and math fields, such as women, minorities,
8 and individuals in rural areas; and

9 (D) to provide flight opportunities for stu-
10 dent experiments and investigations.

11 **SEC. 2662. STEM EDUCATION ENGAGEMENT ACTIVITIES.**

12 (a) IN GENERAL.—The Administrator shall continue
13 to provide opportunities for formal and informal STEM
14 education engagement activities within the Office of
15 NASA STEM Engagement and other NASA directorates,
16 including—

17 (1) the Established Program to Stimulate Com-
18 petitive Research;

19 (2) the Minority University Research and Edu-
20 cation Project; and

21 (3) the National Space Grant College and Fel-
22 lowship Program.

23 (b) LEVERAGING NASA NATIONAL PROGRAMS TO
24 PROMOTE STEM EDUCATION.—The Administrator, in
25 partnership with museums, nonprofit organizations, and

1 commercial entities, shall, to the maximum extent prac-
2 ticable, leverage human spaceflight missions, Deep Space
3 Exploration Systems (including the Space Launch System,
4 Orion, and Exploration Ground Systems), and NASA
5 science programs to engage students at the kindergarten
6 through grade 12 and higher education levels to pursue
7 learning and career opportunities in STEM fields.

8 (c) BRIEFING.—Not later than 1 year after the date
9 of the enactment of this division, the Administrator shall
10 brief the appropriate committees of Congress on—

11 (1) the status of the programs described in sub-
12 section (a); and

13 (2) the manner by which each NASA STEM
14 education engagement activity is organized and
15 funded.

16 (d) STEM EDUCATION DEFINED.—In this section,
17 the term “STEM education” has the meaning given the
18 term in section 2 of the STEM Education Act of 2015
19 (Public Law 114–59; 42 U.S.C. 6621 note).

20 **SEC. 2663. SKILLED TECHNICAL EDUCATION OUTREACH**
21 **PROGRAM.**

22 (a) ESTABLISHMENT.—The Administrator shall es-
23 tablish a program to conduct outreach to secondary school
24 students—

1 (1) to expose students to careers that require
2 career and technical education; and

3 (2) to encourage students to pursue careers
4 that require career and technical education.

5 (b) OUTREACH PLAN.—Not later than 180 days after
6 the date of the enactment of this division, the Adminis-
7 trator shall submit to the appropriate committees of Con-
8 gress a report on the outreach program under subsection
9 (a) that includes—

10 (1) an implementation plan;

11 (2) a description of the resources needed to
12 carry out the program; and

13 (3) any recommendations on expanding out-
14 reach to secondary school students interested in
15 skilled technical occupations.

16 (c) SYSTEMS OBSERVATION.—

17 (1) IN GENERAL.—The Administrator shall de-
18 velop a program and associated policies to allow stu-
19 dents from accredited educational institutions to
20 view the manufacturing, assembly, and testing of
21 NASA-funded space and aeronautical systems, as
22 the Administrator considers appropriate.

23 (2) CONSIDERATIONS.—In developing the pro-
24 gram and policies under paragraph (1), the Adminis-
25 trator shall take into consideration factors such as

1 workplace safety, mission needs, and the protection
2 of sensitive and proprietary technologies.

3 **SEC. 2664.** NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PRO-
4 GRAM.—

5 (a) PURPOSES.—Section 40301 of title 51, United
6 States Code, is amended—

7 (1) in paragraph (3)—

8 (A) in subparagraph (B), by striking
9 “and” at the end;

10 (B) in subparagraph (C), by adding “and”
11 after the semicolon at the end; and

12 (C) by adding at the end the following:

13 “(D) promote equally the State and re-
14 gional STEM interests of each space grant con-
15 sortium;”; and

16 (2) in paragraph (4), by striking “made up of
17 university and industry members, in order to ad-
18 vance” and inserting “comprised of members of uni-
19 versities in each State and other entities, such as 2-
20 year colleges, industries, science learning centers,
21 museums, and government entities, to advance”.

22 (b) DEFINITIONS.—Section 40302 of title 51, United
23 States Code, is amended—

24 (1) by striking paragraph (3);

1 (2) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) LEAD INSTITUTION.—The term ‘lead insti-
4 tution’ means an entity in a State that—

5 “(A) was designated by the Administrator
6 under section 40306, as in effect on the day be-
7 fore the date of the enactment of the National
8 Aeronautics and Space Administration Author-
9 ization Act of 2021; or

10 “(B) is designated by the Administrator
11 under section 40303(d)(3).”;

12 (3) in paragraph (4), by striking “space grant
13 college, space grant regional consortium, institution
14 of higher education,” and inserting “lead institution,
15 space grant consortium,”;

16 (4) by striking paragraphs (6), (7), and (8);

17 (5) by inserting after paragraph (5) the fol-
18 lowing:

19 “(6) SPACE GRANT CONSORTIUM.—The term
20 ‘space grant consortium’ means a State-wide group,
21 led by a lead institution, that has established part-
22 nerships with other academic institutions, industries,
23 science learning centers, museums, and government
24 entities to promote a strong educational base in the
25 space and aeronautical sciences.”;

1 (6) by redesignating paragraph (9) as para-
2 graph (7);

3 (7) in paragraph (7)(B), as so redesignated, by
4 inserting “and aeronautics” after “space”;

5 (8) by striking paragraph (10); and

6 (9) by adding at the end the following:

7 “(8) STEM.—The term ‘STEM’ means science,
8 technology, engineering, and mathematics.”.

9 (c) PROGRAM OBJECTIVE.—Section 40303 of title
10 51, United States Code, is amended—

11 (1) by striking subsections (d) and (e);

12 (2) by redesignating subsection (c) as sub-
13 section (e); and

14 (3) by striking subsection (b) and inserting the
15 following:

16 “(b) PROGRAM OBJECTIVE.—

17 “(1) IN GENERAL.—The Administrator shall
18 carry out the national space grant college and fel-
19 lowship program with the objective of providing
20 hands-on research, training, and education programs
21 with measurable outcomes in each State, including
22 programs to provide—

23 “(A) internships, fellowships, and scholar-
24 ships;

1 “(B) interdisciplinary hands-on mission
2 programs and design projects;

3 “(C) student internships with industry or
4 university researchers or at centers of the Ad-
5 ministration;

6 “(D) faculty and curriculum development
7 initiatives;

8 “(E) university-based research initiatives
9 relating to the Administration and the STEM
10 workforce needs of each State; or

11 “(F) STEM engagement programs for kin-
12 dergarten through grade 12 teachers and stu-
13 dents.

14 “(2) PROGRAM PRIORITIES.—In carrying out
15 the objective described in paragraph (1), the Admin-
16 istrator shall ensure that each program carried out
17 by a space grant consortium under the national
18 space grant college and fellowship program balances
19 the following priorities:

20 “(A) The space and aeronautics research
21 needs of the Administration, including the mis-
22 sion directorates.

23 “(B) The need to develop a national
24 STEM workforce.

1 “(C) The STEM workforce needs of the
2 State.

3 “(c) PROGRAM ADMINISTERED THROUGH SPACE
4 GRANT CONSORTIA.—The Administrator shall carry out
5 the national space grant college and fellowship program
6 through the space grant consortia.

7 “(d) SUSPENSION; TERMINATION; NEW COMPETI-
8 TION.—

9 “(1) SUSPENSION.—The Administrator may,
10 for cause and after an opportunity for hearing, sus-
11 pend a lead institution that was designated by the
12 Administrator under section 40306, as in effect on
13 the day before the date of the enactment of the Na-
14 tional Aeronautics and Space Administration Au-
15 thorization Act of 2021.

16 “(2) TERMINATION.—If the issue resulting in a
17 suspension under paragraph (1) is not resolved with-
18 in a period determined by the Administrator, the
19 Administrator may terminate the designation of the
20 entity as a lead institution.

21 “(3) NEW COMPETITION.—If the Administrator
22 terminates the designation of an entity as a lead in-
23 stitution, the Administrator may initiate a new com-
24 petition in the applicable State for the designation of
25 a lead institution.”.

1 (d) GRANTS.—Section 40304 of title 51, United
2 States Code, is amended to read as follows:

3 **“§ 40304. Grants**

4 “(a) ELIGIBLE SPACE GRANT CONSORTIUM DE-
5 FINED.—In this section, the term ‘eligible space grant
6 consortium’ means a space grant consortium that the Ad-
7 ministrator has determined—

8 “(1) has the capability and objective to carry
9 out not fewer than 3 of the 6 programs under sec-
10 tion 40303(b)(1);

11 “(2) will carry out programs that balance the
12 priorities described in section 40303(b)(2); and

13 “(3) is engaged in research, training, and edu-
14 cation relating to space and aeronautics.

15 “(b) GRANTS.—

16 “(1) IN GENERAL.—The Administrator shall
17 award grants to the lead institutions of eligible space
18 grant consortia to carry out the programs under sec-
19 tion 40303(b)(1).

20 “(2) REQUEST FOR PROPOSALS.—

21 “(A) IN GENERAL.—On the expiration of
22 existing cooperative agreements between the
23 Administration and the space grant consortia,
24 the Administrator shall issue a request for pro-

1 posals from space grant consortia for the award
2 of grants under this section.

3 “(B) APPLICATIONS.—A lead institution of
4 a space grant consortium that seeks a grant
5 under this section shall submit, on behalf of
6 such space grant consortium, an application to
7 the Administrator at such time, in such man-
8 ner, and accompanied by such information as
9 the Administrator may require.

10 “(3) GRANT AWARDS.—The Administrator shall
11 award 1 or more 5-year grants, disbursed in annual
12 installments, to the lead institution of the eligible
13 space grant consortium of—

14 “(A) each State;

15 “(B) the District of Columbia; and

16 “(C) the Commonwealth of Puerto Rico.

17 “(4) USE OF FUNDS.—A grant awarded under
18 this section shall be used by an eligible space grant
19 consortium to carry out not fewer than 3 of the 6
20 programs under section 40303(b)(1).

21 “(c) ALLOCATION OF FUNDING.—

22 “(1) PROGRAM IMPLEMENTATION.—

23 “(A) IN GENERAL.—To carry out the ob-
24 jective described in section 40303(b)(1), of the
25 funds made available each fiscal year for the

1 national space grant college and fellowship pro-
2 gram, the Administrator shall allocate not less
3 than 85 percent as follows:

4 “(i) The 52 eligible space grant con-
5 sortia shall each receive an equal share.

6 “(ii) The territories of Guam and the
7 United States Virgin Islands shall each re-
8 ceive funds equal to approximately $\frac{1}{5}$ of
9 the share for each eligible space grant con-
10 sortia.

11 “(B) MATCHING REQUIREMENT.—Each el-
12 igible space grant consortium shall match the
13 funds allocated under subparagraph (A)(i) on a
14 basis of not less than 1 non-Federal dollar for
15 every 1 Federal dollar, except that any program
16 funded under paragraph (3) or any program to
17 carry out 1 or more internships or fellowships
18 shall not be subject to that matching require-
19 ment.

20 “(2) PROGRAM ADMINISTRATION.—

21 “(A) IN GENERAL.—Of the funds made
22 available each fiscal year for the national space
23 grant college and fellowship program, the Ad-
24 ministrator shall allocate not more than 10 per-
25 cent for the administration of the program.

1 “(B) COSTS COVERED.—The funds allo-
2 cated under subparagraph (A) shall cover all
3 costs of the Administration associated with the
4 administration of the national space grant col-
5 lege and fellowship program, including—

6 “(i) direct costs of the program, in-
7 cluding costs relating to support services
8 and civil service salaries and benefits;

9 “(ii) indirect general and administra-
10 tive costs of centers and facilities of the
11 Administration; and

12 “(iii) indirect general and administra-
13 tive costs of the Administration head-
14 quarters.

15 “(3) SPECIAL PROGRAMS.—Of the funds made
16 available each fiscal year for the national space
17 grant college and fellowship program, the Adminis-
18 trator shall allocate not more than 5 percent to the
19 lead institutions of space grant consortia established
20 as of the date of the enactment of the National Aer-
21 onautics and Space Administration Authorization
22 Act of 2021 for grants to carry out innovative ap-
23 proaches and programs to further science and edu-
24 cation relating to the missions of the Administration
25 and STEM disciplines.

1 “(d) TERMS AND CONDITIONS.—

2 “(1) LIMITATIONS.—Amounts made available
3 through a grant under this section may not be ap-
4 plied to—

5 “(A) the purchase of land;

6 “(B) the purchase, construction, preserva-
7 tion, or repair of a building; or

8 “(C) the purchase or construction of a
9 launch facility or launch vehicle.

10 “(2) LEASES.—Notwithstanding paragraph (1),
11 land, buildings, launch facilities, and launch vehicles
12 may be leased under a grant on written approval by
13 the Administrator.

14 “(3) RECORDS.—

15 “(A) IN GENERAL.—Any person that re-
16 ceives or uses the proceeds of a grant under
17 this section shall keep such records as the Ad-
18 ministrator shall by regulation prescribe as
19 being necessary and appropriate to facilitate ef-
20 fective audit and evaluation, including records
21 that fully disclose the amount and disposition
22 by a recipient of such proceeds, the total cost
23 of the program or project in connection with
24 which such proceeds were used, and the

1 amount, if any, of such cost that was provided
2 through other sources.

3 “(B) MAINTENANCE OF RECORDS.—
4 Records under subparagraph (A) shall be main-
5 tained for not less than 3 years after the date
6 of completion of such a program or project.

7 “(C) ACCESS.—For the purpose of audit
8 and evaluation, the Administrator and the
9 Comptroller General of the United States shall
10 have access to any books, documents, papers,
11 and records of receipts relating to a grant
12 under this section, as determined by the Admin-
13 istrator or Comptroller General.”.

14 (e) PROGRAM STREAMLINING.—Title 51, United
15 States Code, is amended—

16 (1) by striking sections 40305 through 40308,
17 40310, and 40311; and

18 (2) by redesignating section 40309 as section
19 40305.

20 (f) CONFORMING AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 403 of title 51, United
22 States Code, is amended by striking the items relating to
23 sections 40304 through 40311 and inserting the following:

“40304. Grants.

“40305. Availability of other Federal personnel and data.”.

1 **PART VII—WORKFORCE AND INDUSTRIAL BASE**

2 **SEC. 2665. APPOINTMENT AND COMPENSATION PILOT PRO-**
3 **GRAM.**

4 (a) DEFINITION OF COVERED PROVISIONS.—In this
5 section, the term “covered provisions” means the provi-
6 sions of title 5, United States Code, other than—

7 (1) section 2301 of that title;

8 (2) section 2302 of that title;

9 (3) chapter 71 of that title;

10 (4) section 7204 of that title; and

11 (5) chapter 73 of that title.

12 (b) ESTABLISHMENT.—There is established a 3-year
13 pilot program under which, notwithstanding section 20113
14 of title 51, United States Code, the Administrator may,
15 with respect to not more than 3,000 designated per-
16 sonnel—

17 (1) appoint and manage such designated per-
18 sonnel of the Administration, without regard to the
19 covered provisions; and

20 (2) fix the compensation of such designated
21 personnel of the Administration, without regard to
22 chapter 51 and subchapter III of chapter 53 of title
23 5, United States Code, at a rate that does not ex-
24 ceed the per annum rate of salary of the Vice Presi-
25 dent of the United States under section 104 of title
26 3, United States Code.

1 (c) ADMINISTRATOR RESPONSIBILITIES.—In car-
2 rying out the pilot program established under subsection
3 (b), the Administrator shall ensure that the pilot pro-
4 gram—

5 (1) uses—

6 (A) state-of-the-art recruitment techniques;

7 (B) simplified classification methods with
8 respect to personnel of the Administration; and

9 (C) broad banding; and

10 (2) offers—

11 (A) competitive compensation; and

12 (B) the opportunity for career mobility.

13 **SEC. 2666. ESTABLISHMENT OF MULTI-INSTITUTION CON-**
14 **SORTIA.**

15 (a) IN GENERAL.—The Administrator, pursuant to
16 section 2304(c)(3)(B) of title 10, United States Code,
17 may—

18 (1) establish one or more multi-institution con-
19 sortia to facilitate access to essential engineering, re-
20 search, and development capabilities in support of
21 NASA missions;

22 (2) use such a consortium to fund technical
23 analyses and other engineering support to address
24 the acquisition, technical, and operational needs of
25 NASA centers; and

1 (3) ensure such a consortium—

2 (A) is held accountable for the technical
3 quality of the work product developed under
4 this section; and

5 (B) convenes disparate groups to facilitate
6 public-private partnerships.

7 (b) POLICIES AND PROCEDURES.—The Adminis-
8 trator shall develop and implement policies and procedures
9 to govern, with respect to the establishment of a consor-
10 tium under subsection (a)—

11 (1) the selection of participants;

12 (2) the award of cooperative agreements or
13 other contracts;

14 (3) the appropriate use of competitive awards
15 and sole source awards; and

16 (4) technical capabilities required.

17 (c) ELIGIBILITY.—The following entities shall be eli-
18 gible to participate in a consortium established under sub-
19 section (a):

20 (1) An institution of higher education (as de-
21 fined in section 102 of the Higher Education Act of
22 1965 (20 U.S.C. 1002)).

23 (2) An operator of a federally funded research
24 and development center.

1 (3) A nonprofit or not-for-profit research insti-
2 tution.

3 (4) A consortium composed of—

4 (A) an entity described in paragraph (1),
5 (2), or (3); and

6 (B) one or more for-profit entities.

7 **SEC. 2667. EXPEDITED ACCESS TO TECHNICAL TALENT AND**
8 **EXPERTISE.**

9 (a) IN GENERAL.—The Administrator may—

10 (1) establish one or more multi-institution task
11 order contracts, consortia, cooperative agreements,
12 or other arrangements to facilitate expedited access
13 to eligible entities in support of NASA missions; and

14 (2) use such a multi-institution task order con-
15 tract, consortium, cooperative agreement, or other
16 arrangement to fund technical analyses and other
17 engineering support to address the acquisition, tech-
18 nical, and operational needs of NASA centers.

19 (b) CONSULTATION WITH OTHER NASA-AFFILIATED
20 ENTITIES.—To ensure access to technical expertise and
21 reduce costs and duplicative efforts, a multi-institution
22 task order contract, consortium, cooperative agreement, or
23 any other arrangement established under subsection (a)(1)
24 shall, to the maximum extent practicable, be carried out
25 in consultation with other NASA-affiliated entities, includ-

1 ing federally funded research and development centers,
2 university-affiliated research centers, and NASA labora-
3 tories and test centers.

4 (c) POLICIES AND PROCEDURES.—The Adminis-
5 trator shall develop and implement policies and procedures
6 to govern, with respect to the establishment of a multi-
7 institution task order contract, consortium, cooperative
8 agreement, or any other arrangement under subsection
9 (a)(1)—

10 (1) the selection of participants;

11 (2) the award of task orders;

12 (3) the maximum award size for a task;

13 (4) the appropriate use of competitive awards
14 and sole source awards; and

15 (5) technical capabilities required.

16 (d) ELIGIBLE ENTITY DEFINED.—In this section,
17 the term “eligible entity” means—

18 (1) an institution of higher education (as de-
19 fined in section 102 of the Higher Education Act of
20 1965 (20 U.S.C. 1002));

21 (2) an operator of a federally funded research
22 and development center;

23 (3) a nonprofit or not-for-profit research insti-
24 tution; and

25 (4) a consortium composed of—

1 (A) an entity described in paragraph (1),
2 (2), or (3); and

3 (B) one or more for-profit entities.

4 **SEC. 2668. REPORT ON INDUSTRIAL BASE FOR CIVIL SPACE**
5 **MISSIONS AND OPERATIONS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this division, and from time to
8 time thereafter, the Administrator shall submit to the ap-
9 propriate committees of Congress a report on the United
10 States industrial base for NASA civil space missions and
11 operations.

12 (b) ELEMENTS.—The report required by subsection
13 (a) shall include the following:

14 (1) A comprehensive description of the current
15 status of the United States industrial base for
16 NASA civil space missions and operations.

17 (2) A description and assessment of the weak-
18 nesses in the supply chain, skills, manufacturing ca-
19 pacity, raw materials, key components, and other
20 areas of the United States industrial base for NASA
21 civil space missions and operations that could ad-
22 versely impact such missions and operations if un-
23 available.

1 (3) A description and assessment of various
2 mechanisms to address and mitigate the weaknesses
3 described pursuant to paragraph (2).

4 (4) A comprehensive list of the collaborative ef-
5 forts, including future and proposed collaborative ef-
6 forts, between NASA and the Manufacturing USA
7 institutes of the Department of Commerce.

8 (5) An assessment of—

9 (A) the defense and aerospace manufac-
10 turing supply chains relevant to NASA in each
11 region of the United States; and

12 (B) the feasibility and benefits of estab-
13 lishing a supply chain center of excellence in a
14 State in which NASA does not, as of the date
15 of the enactment of this division, have a re-
16 search center or test facility.

17 (6) Such other matters relating to the United
18 States industrial base for NASA civil space missions
19 and operations as the Administrator considers ap-
20 propriate.

21 **SEC. 2669. SEPARATIONS AND RETIREMENT INCENTIVES.**

22 Section 20113 of title 51, United States Code, is
23 amended by adding at the end the following:

24 “(o) PROVISIONS RELATED TO SEPARATION AND RE-
25 TIREMENT INCENTIVES.—

1 “(1) DEFINITION.—In this subsection, the term
2 ‘employee’—

3 “(A) means an employee of the Adminis-
4 tration serving under an appointment without
5 time limitation; and

6 “(B) does not include—

7 “(i) a reemployed annuitant under
8 subchapter III of chapter 83 or chapter 84
9 of title 5 or any other retirement system
10 for employees of the Federal Government;

11 “(ii) an employee having a disability
12 on the basis of which such employee is or
13 would be eligible for disability retirement
14 under any of the retirement systems re-
15 ferred to in clause (i); or

16 “(iii) for purposes of eligibility for
17 separation incentives under this subsection,
18 an employee who is in receipt of a decision
19 notice of involuntary separation for mis-
20 conduct or unacceptable performance.

21 “(2) AUTHORITY.—The Administrator may es-
22 tablish a program under which employees may be el-
23 igible for early retirement, offered separation incen-
24 tive pay to separate from service voluntarily, or
25 both. This authority may be used to reduce the

1 number of personnel employed or to restructure the
2 workforce to meet mission objectives without reduc-
3 ing the overall number of personnel. This authority
4 is in addition to, and notwithstanding, any other au-
5 thorities established by law or regulation for such
6 programs.

7 “(3) EARLY RETIREMENT.—An employee who
8 is at least 50 years of age and has completed 20
9 years of service, or has at least 25 years of service,
10 may, pursuant to regulations promulgated under
11 this subsection, apply and be retired from the Ad-
12 ministration and receive benefits in accordance with
13 subchapter III of chapter 83 or 84 of title 5 if the
14 employee has been employed continuously within the
15 Administration for more than 30 days before the
16 date on which the determination to conduct a reduc-
17 tion or restructuring within 1 or more Administra-
18 tion centers is approved.

19 “(4) SEPARATION PAY.—

20 “(A) IN GENERAL.—Separation pay shall
21 be paid in a lump sum or in installments and
22 shall be equal to the lesser of—

23 “(i) an amount equal to the amount
24 the employee would be entitled to receive
25 under section 5595(c) of title 5, if the em-

1 ployee were entitled to payment under such
2 section; or

3 “(ii) \$40,000.

4 “(B) LIMITATIONS.—Separation pay shall
5 not be a basis for payment, and shall not be in-
6 cluded in the computation, of any other type of
7 Government benefit. Separation pay shall not
8 be taken into account for the purpose of deter-
9 mining the amount of any severance pay to
10 which an individual may be entitled under sec-
11 tion 5595 of title 5, based on any other separa-
12 tion.

13 “(C) INSTALLMENTS.—Separation pay, if
14 paid in installments, shall cease to be paid upon
15 the recipient’s acceptance of employment by the
16 Federal Government, or commencement of work
17 under a personal services contract as described
18 in paragraph (5).

19 “(5) LIMITATIONS ON REEMPLOYMENT.—

20 “(A) An employee who receives separation
21 pay under such program may not be reemployed
22 by the Administration for a 12-month period
23 beginning on the effective date of the employ-
24 ee’s separation, unless this prohibition is waived
25 by the Administrator on a case-by-case basis.

1 “(B) An employee who receives separation
2 pay under this section on the basis of a separa-
3 tion and accepts employment with the Govern-
4 ment of the United States, or who commences
5 work through a personal services contract with
6 the United States within 5 years after the date
7 of the separation on which payment of the sepa-
8 ration pay is based, shall be required to repay
9 the entire amount of the separation pay to the
10 Administration. If the employment is with an
11 Executive agency (as defined by section 105 of
12 title 5) other than the Administration, the Ad-
13 ministrator may, at the request of the head of
14 that agency, waive the repayment if the indi-
15 vidual involved possesses unique abilities and is
16 the only qualified applicant available for the po-
17 sition. If the employment is within the Adminis-
18 tration, the Administrator may waive the repay-
19 ment if the individual involved is the only quali-
20 fied applicant available for the position. If the
21 employment is with an entity in the legislative
22 branch, the head of the entity or the appointing
23 official may waive the repayment if the indi-
24 vidual involved possesses unique abilities and is
25 the only qualified applicant available for the po-

1 **“§ 31303. Confidentiality of medical quality assurance**
2 **records**

3 “(a) IN GENERAL.—Except as provided in subsection
4 (b)(1)—

5 “(1) a medical quality assurance record, or any
6 part of a medical quality assurance record, may not
7 be subject to discovery or admitted into evidence in
8 a judicial or administrative proceeding; and

9 “(2) an individual who reviews or creates a
10 medical quality assurance record for the Administra-
11 tion, or participates in any proceeding that reviews
12 or creates a medical quality assurance record, may
13 not testify in a judicial or administrative proceeding
14 with respect to—

15 “(A) the medical quality assurance record;

16 or

17 “(B) any finding, recommendation, evalua-
18 tion, opinion, or action taken by such individual
19 or in accordance with such proceeding with re-
20 spect to the medical quality assurance record.

21 “(b) DISCLOSURE OF RECORDS.—

22 “(1) IN GENERAL.—Notwithstanding subsection
23 (a), a medical quality assurance record may be dis-
24 closed to—

25 “(A) a Federal agency or private entity, if
26 the medical quality assurance record is nec-

1 essary for the Federal agency or private entity
2 to carry out—

3 “(i) licensing or accreditation func-
4 tions relating to Administration healthcare
5 facilities; or

6 “(ii) monitoring of Administration
7 healthcare facilities required by law;

8 “(B) a Federal agency or healthcare pro-
9 vider, if the medical quality assurance record is
10 required by the Federal agency or healthcare
11 provider to enable Administration participation
12 in a healthcare program of the Federal agency
13 or healthcare provider;

14 “(C) a criminal or civil law enforcement
15 agency, or an instrumentality authorized by law
16 to protect the public health or safety, on writ-
17 ten request by a qualified representative of such
18 agency or instrumentality submitted to the Ad-
19 ministrator that includes a description of the
20 lawful purpose for which the medical quality as-
21 surance record is requested;

22 “(D) an officer, an employee, or a con-
23 tractor of the Administration who requires the
24 medical quality assurance record to carry out
25 an official duty associated with healthcare;

1 “(E) healthcare personnel, to the extent
2 necessary to address a medical emergency af-
3 fecting the health or safety of an individual;
4 and

5 “(F) any committee, panel, or board con-
6 vened by the Administration to review the
7 healthcare-related policies and practices of the
8 Administration.

9 “(2) SUBSEQUENT DISCLOSURE PROHIBITED.—
10 An individual or entity to whom a medical quality
11 assurance record has been disclosed under para-
12 graph (1) may not make a subsequent disclosure of
13 the medical quality assurance record.

14 “(c) PERSONALLY IDENTIFIABLE INFORMATION.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the personally identifiable information
17 contained in a medical quality assurance record of a
18 patient or an employee of the Administration, or any
19 other individual associated with the Administration
20 for purposes of a medical quality assurance pro-
21 gram, shall be removed before the disclosure of the
22 medical quality assurance record to an entity other
23 than the Administration.

24 “(2) EXCEPTION.— Personally identifiable in-
25 formation described in paragraph (1) may be re-

1 leased to an entity other than the Administration if
2 the Administrator makes a determination that the
3 release of such personally identifiable information—

4 “(A) is in the best interests of the Admin-
5 istration; and

6 “(B) does not constitute an unwarranted
7 invasion of personal privacy.

8 “(d) EXCLUSION FROM FOIA.—A medical quality
9 assurance record may not be made available to any person
10 under section 552 of title 5, United States Code (com-
11 monly referred to as the ‘Freedom of Information Act’),
12 and this section shall be considered a statute described
13 in subsection (b)(3)(B) of such section 522.

14 “(e) REGULATIONS.—Not later than one year after
15 the date of the enactment of this section, the Adminis-
16 trator shall promulgate regulations to implement this sec-
17 tion.

18 “(f) RULES OF CONSTRUCTION.—Nothing in this
19 section shall be construed—

20 “(1) to withhold a medical quality assurance
21 record from a committee of the Senate or House of
22 Representatives or a joint committee of Congress if
23 the medical quality assurance record relates to a
24 matter within the jurisdiction of such committee or
25 joint committee; or

1 “(2) to limit the use of a medical quality assur-
2 ance record within the Administration, including the
3 use by a contractor or consultant of the Administra-
4 tion.

5 “(g) DEFINITIONS.—In this section:

6 “(1) MEDICAL QUALITY ASSURANCE RECORD.—
7 The term ‘medical quality assurance record’ means
8 any proceeding, discussion, record, finding, rec-
9 ommendation, evaluation, opinion, minutes, report,
10 or other document or action that results from a
11 quality assurance committee, quality assurance pro-
12 gram, or quality assurance program activity.

13 “(2) QUALITY ASSURANCE PROGRAM.—

14 “(A) IN GENERAL.—The term ‘quality as-
15 surance program’ means a comprehensive pro-
16 gram of the Administration—

17 “(i) to systematically review and im-
18 prove the quality of medical and behavioral
19 health services provided by the Administra-
20 tion to ensure the safety and security of
21 individuals receiving such health services;
22 and

23 “(ii) to evaluate and improve the effi-
24 ciency, effectiveness, and use of staff and

1 resources in the delivery of such health
2 services.

3 “(B) INCLUSION.—The term ‘quality as-
4 surance program’ includes any activity carried
5 out by or for the Administration to assess the
6 quality of medical care provided by the Admin-
7 istration.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
9 The table of sections for chapter 313 of title 51, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

“31303. Confidentiality of medical quality assurance records.”.

12 **PART VIII—MISCELLANEOUS PROVISIONS**

13 **SEC. 2671. CONTRACTING AUTHORITY.**

14 Section 20113 of title 51, United States Code, is
15 amended by adding at the end the following:

16 “(o) CONTRACTING AUTHORITY.—The Administra-
17 tion—

18 “(1) may enter into an agreement with a pri-
19 vate, commercial, or State government entity to pro-
20 vide the entity with supplies, support, and services
21 related to private, commercial, or State government
22 space activities carried out at a property owned or
23 operated by the Administration; and

1 “(2) upon the request of such an entity, may
2 include such supplies, support, and services in the
3 requirements of the Administration if—

4 “(A) the Administrator determines that
5 the inclusion of such supplies, support, or serv-
6 ices in such requirements—

7 “(i) is in the best interest of the Fed-
8 eral Government;

9 “(ii) does not interfere with the re-
10 quirements of the Administration; and

11 “(iii) does not compete with the com-
12 mercial space activities of other such enti-
13 ties; and

14 “(B) the Administration has full reimburs-
15 able funding from the entity that requested
16 supplies, support, and services prior to making
17 any obligation for the delivery of such supplies,
18 support, or services under an Administration
19 procurement contract or any other agreement.”.

20 **SEC. 2672. AUTHORITY FOR TRANSACTION PROTOTYPE**
21 **PROJECTS AND FOLLOW-ON PRODUCTION**
22 **CONTRACTS.**

23 Section 20113 of title 51, United States Code, as
24 amended by section 2671, is further amended by adding
25 at the end the following:

1 “(p) TRANSACTION PROTOTYPE PROJECTS AND FOL-
2 LOW-ON PRODUCTION CONTRACTS.—

3 “(1) IN GENERAL.—The Administration may
4 enter into a transaction (other than a contract, co-
5 operative agreement, or grant) to carry out a proto-
6 type project that is directly relevant to enhancing
7 the mission effectiveness of the Administration.

8 “(2) SUBSEQUENT AWARD OF FOLLOW-ON PRO-
9 Duction CONTRACT.—A transaction entered into
10 under this subsection for a prototype project may
11 provide for the subsequent award of a follow-on pro-
12 duction contract to participants in the transaction.

13 “(3) INCLUSION.—A transaction under this
14 subsection includes a project awarded to an indi-
15 vidual participant and to all individual projects
16 awarded to a consortium of United States industry
17 and academic institutions.

18 “(4) DETERMINATION.—The authority of this
19 section may be exercised for a transaction for a pro-
20 totype project and any follow-on production contract,
21 upon a determination by the head of the contracting
22 activity, in accordance with Administration policies,
23 that—

24 “(A) circumstances justify use of a trans-
25 action to provide an innovative business ar-

1 rangement that would not be feasible or appro-
2 priate under a contract; and

3 “(B) the use of the authority of this sec-
4 tion is essential to promoting the success of the
5 prototype project.

6 “(5) COMPETITIVE PROCEDURE.—

7 “(A) IN GENERAL.—To the maximum ex-
8 tent practicable, the Administrator shall use
9 competitive procedures with respect to entering
10 into a transaction to carry out a prototype
11 project.

12 “(B) EXCEPTION.—Notwithstanding sec-
13 tion 2304 of title 10, United States Code, a fol-
14 low-on production contract may be awarded to
15 the participants in the prototype transaction
16 without the use of competitive procedures, if—

17 “(i) competitive procedures were used
18 for the selection of parties for participation
19 in the prototype transaction; and

20 “(ii) the participants in the trans-
21 action successfully completed the prototype
22 project provided for in the transaction.

23 “(6) COST SHARE.—A transaction to carry out
24 a prototype project and a follow-on production con-
25 tract may require that part of the total cost of the

1 transaction or contract be paid by the participant or
2 contractor from a source other than the Federal
3 Government.

4 “(7) PROCUREMENT ETHICS.—A transaction
5 under this authority shall be considered an agency
6 procurement for purposes of chapter 21 of title 41,
7 United States Code, with regard to procurement eth-
8 ics.”.

9 **SEC. 2673. PROTECTION OF DATA AND INFORMATION FROM**
10 **PUBLIC DISCLOSURE.**

11 (a) CERTAIN TECHNICAL DATA.—Section 20131 of
12 title 51, United States Code, is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (d);

15 (2) in subsection (a)(3), by striking “subsection
16 (b)” and inserting “subsection (b) or (c)”;

17 (3) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) SPECIAL HANDLING OF CERTAIN TECHNICAL
20 DATA.—

21 “(1) IN GENERAL.—The Administrator may
22 provide appropriate protections against the public
23 dissemination of certain technical data, including ex-
24 emption from subchapter II of chapter 5 of title 5.

25 “(2) DEFINITIONS.—In this subsection:

1 “(A) CERTAIN TECHNICAL DATA.—The
2 term ‘certain technical data’ means technical
3 data that may not be exported lawfully outside
4 the United States without approval, authoriza-
5 tion, or license under—

6 “(i) the Export Control Reform Act of
7 2018 (Public Law 115–232; 132 Stat.
8 2208); or

9 “(ii) the International Security Assist-
10 ance and Arms Export Control Act of
11 1976 (Public Law 94–329; 90 Stat. 729).

12 “(B) TECHNICAL DATA.—The term ‘tech-
13 nical data’ means any blueprint, drawing, pho-
14 tograph, plan, instruction, computer software,
15 or documentation, or any other technical infor-
16 mation.”;

17 (4) in subsection (d), as so redesignated, by in-
18 serting “, including any data,” after “information”;
19 and

20 (5) by adding at the end the following:

21 “(e) EXCLUSION FROM FOIA.—This shall be consid-
22 ered a statute described in subsection (b)(3)(B) of 552
23 of title 5 (commonly referred to as the ‘Freedom of Infor-
24 mation Act’).”.

1 (b) CERTAIN VOLUNTARILY PROVIDED SAFETY-RE-
2 LATED INFORMATION.—

3 (1) IN GENERAL.—The Administrator shall pro-
4 vide appropriate safeguards against the public dis-
5 semination of safety-related information collected as
6 part of a mishap investigation carried out under the
7 NASA safety reporting system or in conjunction
8 with an organizational safety assessment, if the Ad-
9 ministrator makes a written determination, including
10 a justification of the determination, that—

11 (A)(i) disclosure of the information would
12 inhibit individuals from voluntarily providing
13 safety-related information; and

14 (ii) the ability of NASA to collect such in-
15 formation improves the safety of NASA pro-
16 grams and research relating to aeronautics and
17 space; or

18 (B) withholding such information from public
19 disclosure improves the safety of such NASA pro-
20 grams and research.

21 (2) OTHER FEDERAL AGENCIES.—Notwith-
22 standing any other provision of law, if the Adminis-
23 trator provides to the head of another Federal agen-
24 cy safety-related information with respect to which
25 the Administrator has made a determination under

1 paragraph (1), the head of the Federal agency shall
2 withhold the information from public disclosure.

3 (3) PUBLIC AVAILABILITY.—A determination or
4 part of a determination under paragraph (1) shall be
5 made available to the public on request, as required
6 under 552 of title 5, United States Code (commonly
7 referred to as the “Freedom of Information Act”).

8 (4) EXCLUSION FROM FOIA.—This subsection
9 shall be considered a statute described in subsection
10 (b)(3)(B) of section 552 of title 5, United States
11 Code.

12 **SEC. 2674. PHYSICAL SECURITY MODERNIZATION.**

13 Chapter 201 of title 51, United States Code, is
14 amended—

15 (1) in section 20133(2), by striking “property”
16 and all that follows through “to the United States,”
17 and inserting “Administration personnel or of prop-
18 erty owned or leased by, or under the control of, the
19 United States”; and

20 (2) in section 20134, in the second sentence—

21 (A) by inserting “Administration personnel
22 or any” after “protecting”; and

23 (B) by striking “, at facilities owned or
24 contracted to the Administration”.

1 **SEC. 2675. LEASE OF NON-EXCESS PROPERTY.**

2 Section 20145 of title 51, United States Code, is
3 amended—

4 (1) in subsection (b)(1)(B), by striking “en-
5 tered into for the purpose of developing renewable
6 energy production facilities”; and

7 (2) in subsection (g), in the first sentence, by
8 striking “December 31, 2021” and inserting “De-
9 cember 31, 2025”.

10 **SEC. 2676. CYBERSECURITY.**

11 (a) IN GENERAL.—Section 20301 of title 51, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “(c) CYBERSECURITY.—The Administrator shall up-
15 date and improve the cybersecurity of NASA space assets
16 and supporting infrastructure.”.

17 (b) SECURITY OPERATIONS CENTER.—

18 (1) ESTABLISHMENT.—The Administrator shall
19 maintain a Security Operations Center, to identify
20 and respond to cybersecurity threats to NASA infor-
21 mation technology systems, including institutional
22 systems and mission systems.

23 (2) INSPECTOR GENERAL RECOMMENDA-
24 TIONS.—The Administrator shall implement, to the
25 maximum extent practicable, each of the rec-
26 ommendations contained in the report of the Inspec-

1 tor General of NASA entitled “Audit of NASA’s Se-
2 curity Operations Center”, issued on May 23, 2018.

3 (c) CYBER THREAT HUNT.—

4 (1) IN GENERAL.—The Administrator, in co-
5 ordination with the Secretary of Homeland Security
6 and the heads of other relevant Federal agencies,
7 may implement a cyber threat hunt capability to
8 proactively search NASA information systems for
9 advanced cyber threats that otherwise evade existing
10 security tools.

11 (2) THREAT-HUNTING PROCESS.—In carrying
12 out paragraph (1), the Administrator shall develop
13 and document a threat-hunting process, including
14 the roles and responsibilities of individuals con-
15 ducting a cyber threat hunt.

16 (d) GAO PRIORITY RECOMMENDATIONS.—The Ad-
17 ministrator shall implement, to the maximum extent prac-
18 ticable, the recommendations for NASA contained in the
19 report of the Comptroller General of the United States
20 entitled “Information Security: Agencies Need to Improve
21 Controls over Selected High-Impact Systems”, issued May
22 18, 2016, including—

23 (1) re-evaluating security control assessments;
24 and

1 (2) specifying metrics for the continuous moni-
2 toring strategy of the Administration.

3 **SEC. 2677. LIMITATION ON COOPERATION WITH THE PEOP-**
4 **PLE'S REPUBLIC OF CHINA.**

5 (a) IN GENERAL.—Except as provided by subsection
6 (b), the Administrator, the Director of the OSTP, and the
7 Chair of the National Space Council, shall not—

8 (1) develop, design, plan, promulgate, imple-
9 ment, or execute a bilateral policy, program, order,
10 or contract of any kind to participate, collaborate, or
11 coordinate bilaterally in any manner with—

12 (A) the Government of the People's Repub-
13 lic of China; or

14 (B) any company—

15 (i) owned by the Government of the
16 People's Republic of China; or

17 (ii) incorporated under the laws of the
18 People's Republic of China; and

19 (2) host official visitors from the People's Re-
20 public of China at a facility belonging to or used by
21 NASA.

22 (b) WAIVER.—

23 (1) IN GENERAL.—The Administrator, the Di-
24 rector, or the Chair may waive the limitation under
25 subsection (a) with respect to an activity described

1 in that subsection only if the Administrator, the Di-
2 rector, or the Chair, as applicable, makes a deter-
3 mination that the activity—

4 (A) does not pose a risk of a transfer of
5 technology, data, or other information with na-
6 tional security or economic security implications
7 to an entity described in paragraph (1) of such
8 subsection; and

9 (B) does not involve knowing interactions
10 with officials who have been determined by the
11 United States to have direct involvement with
12 violations of human rights.

13 (2) CERTIFICATION TO CONGRESS.—Not later
14 than 30 days after the date on which a waiver is
15 granted under paragraph (1), the Administrator, the
16 Director, or the Chair, as applicable, shall submit to
17 the Committee on Commerce, Science, and Trans-
18 portation and the Committee on Appropriations of
19 the Senate and the Committee on Science, Space,
20 and Technology and the Committee on Appropria-
21 tions of the House of Representatives a written cer-
22 tification that the activity complies with the require-
23 ments in subparagraphs (A) and (B) of that para-
24 graph.

25 (c) GAO REVIEW.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall conduct a review of NASA
3 contracts that may subject the Administration to un-
4 acceptable transfers of intellectual property or tech-
5 nology to any entity—

6 (A) owned or controlled (in whole or in
7 part) by, or otherwise affiliated with, the Gov-
8 ernment of the People’s Republic of China; or

9 (B) organized under, or otherwise subject
10 to, the laws of the People’s Republic of China.

11 (2) ELEMENTS.—The review required under
12 paragraph (1) shall assess—

13 (A) whether the Administrator is aware—

14 (i) of any NASA contractor that bene-
15 fits from significant financial assistance
16 from—

17 (I) the Government of the Peo-
18 ple’s Republic of China;

19 (II) any entity controlled by the
20 Government of the People’s Republic
21 of China; or

22 (III) any other governmental en-
23 tity of the People’s Republic of China;
24 and

1 (ii) that the Government of the Peo-
2 ple's Republic of China, or an entity con-
3 trolled by the Government of the People's
4 Republic of China, may be—

5 (I) leveraging United States com-
6 panies that share ownership with
7 NASA contractors; or

8 (II) obtaining intellectual prop-
9 erty or technology illicitly or by other
10 unacceptable means; and

11 (B) the steps the Administrator is taking
12 to ensure that—

13 (i) NASA contractors are not being le-
14 veraged (directly or indirectly) by the Gov-
15 ernment of the People's Republic of China
16 or by an entity controlled by the Govern-
17 ment of the People's Republic of China;

18 (ii) the intellectual property and tech-
19 nology of NASA contractors are adequately
20 protected; and

21 (iii) NASA flight-critical components
22 are not sourced from the People's Republic
23 of China through any entity benefitting
24 from Chinese investments, loans, or other
25 assistance.

1 (3) RECOMMENDATIONS.—The Comptroller
2 General shall provide to the Administrator rec-
3 ommendations for future NASA contracting based
4 on the results of the review.

5 (4) PLAN.—Not later than 180 days after the
6 date on which the Comptroller General completes the
7 review, the Administrator shall—

8 (A) develop a plan to implement the rec-
9 ommendations of the Comptroller General; and

10 (B) submit the plan to the appropriate
11 committees of Congress.

12 (d) TERMINATION.—The limitation under subsection
13 (a) shall cease to have effect on the date that is 10 years
14 after the date of the enactment of this division.

15 **SEC. 2678. CONSIDERATION OF ISSUES RELATED TO CON-**
16 **TRACTING WITH ENTITIES RECEIVING AS-**
17 **SISTANCE FROM OR AFFILIATED WITH THE**
18 **PEOPLE'S REPUBLIC OF CHINA.**

19 (a) IN GENERAL.—With respect to a matter in re-
20 sponse to a request for proposal or a broad area announce-
21 ment by the Administrator, or award of any contract,
22 agreement, or other transaction with the Administrator,
23 a commercial or noncommercial entity shall certify that
24 it is not majority owned or controlled (as defined in section

1 800.208 of title 31, Code of Federal Regulations), or mi-
2 nority owned greater than 25 percent, by—

3 (1) any governmental organization of the Peo-
4 ple's Republic of China; or

5 (2) any other entity that is—

6 (A) known to be owned or controlled by
7 any governmental organization of the People's
8 Republic of China; or

9 (B) organized under, or otherwise subject
10 to, the laws of the People's Republic of China.

11 (b) FALSE STATEMENTS.—

12 (1) IN GENERAL.—A false statement contained
13 in a certification under subsection (a) constitutes a
14 false or fraudulent claim for purposes of chapter 47
15 of title 18, United States Code.

16 (2) ACTION UNDER FEDERAL ACQUISITION
17 REGULATION.—Any party convicted for making a
18 false statement with respect to a certification under
19 subsection (a) shall be subject to debarment from
20 contracting with the Administrator for a period of
21 not less than 1 year, as determined by the Adminis-
22 trator, in addition to other appropriate action in ac-
23 cordance with the Federal Acquisition Regulation
24 maintained under section 1303(a)(1) of title 41,
25 United States Code.

1 (c) ANNUAL REPORT.—The Administrator shall sub-
2 mit to the appropriate committees of Congress an annual
3 report detailing any violation of this section.

4 **SEC. 2679. SMALL SATELLITE LAUNCH SERVICES PRO-**
5 **GRAM.**

6 (a) IN GENERAL.—The Administrator shall continue
7 to procure dedicated launch services, including from small
8 and venture class launch providers, for small satellites, in-
9 cluding CubeSats, for the purpose of conducting science
10 and technology missions that further the goals of NASA.

11 (b) REQUIREMENTS.—In carrying out the program
12 under subsection (a), the Administrator shall engage with
13 the academic community to maximize awareness and use
14 of dedicated small satellite launch opportunities.

15 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall prevent the Administrator from continuing to
17 use a secondary payload of procured launch services for
18 CubeSats.

19 **SEC. 2680. 21ST CENTURY SPACE LAUNCH INFRASTRUC-**
20 **TURE.**

21 (a) IN GENERAL.—The Administrator shall carry out
22 a program to modernize multi-user launch infrastructure
23 at NASA facilities—

24 (1) to enhance safety; and

1 (2) to advance Government and commercial
2 space transportation and exploration.

3 (b) PROJECTS.—Projects funded under the program
4 under subsection (a) may include—

5 (1) infrastructure relating to commodities;

6 (2) standard interfaces to meet customer needs
7 for multiple payload processing and launch vehicle
8 processing;

9 (3) enhancements to range capacity and flexi-
10 bility; and

11 (4) such other projects as the Administrator
12 considers appropriate to meet the goals described in
13 subsection (a).

14 (c) REQUIREMENTS.—In carrying out the program
15 under subsection (a), the Administrator shall—

16 (1) identify and prioritize investments in
17 projects that can be used by multiple users and
18 launch vehicles, including non-NASA users and
19 launch vehicles; and

20 (2) limit investments to projects that would not
21 otherwise be funded by a NASA program, such as
22 an institutional or programmatic infrastructure pro-
23 gram.

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall preclude a NASA program, including the Space

1 Launch System and Orion, from using the launch infra-
2 structure modernized under this section.

3 **SEC. 2681. MISSIONS OF NATIONAL NEED.**

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

6 (1) while certain space missions, such as aster-
7 oid detection or space debris mitigation or removal
8 missions, may not provide the highest-value science,
9 as determined by the National Academies of Science,
10 Engineering, and Medicine decadal surveys, such
11 missions provide tremendous value to the United
12 States and the world; and

13 (2) the current organizational and funding
14 structure of NASA has not prioritized the funding
15 of missions of national need.

16 (b) STUDY.—

17 (1) IN GENERAL.—The Director of the OSTP
18 shall conduct a study on the manner in which NASA
19 funds missions of national need.

20 (2) MATTERS TO BE INCLUDED.—The study
21 conducted under paragraph (1) shall include the fol-
22 lowing:

23 (A) An identification and assessment of
24 the types of missions or technology development

1 programs that constitute missions of national
2 need.

3 (B) An assessment of the manner in which
4 such missions are currently funded and man-
5 aged by NASA.

6 (C) An analysis of the options for funding
7 missions of national need, including—

8 (i) structural changes required to
9 allow NASA to fund such missions; and

10 (ii) an assessment of the capacity of
11 other Federal agencies to make funds
12 available for such missions.

13 (c) REPORT TO CONGRESS.—Not later than 1 year
14 after the date of the enactment of this division, the Direc-
15 tor of the OSTP shall submit to the appropriate commit-
16 tees of Congress a report on the results of the study con-
17 ducted under subsection (b), including recommendations
18 for funding missions of national need.

19 **SEC. 2682. DRINKING WATER WELL REPLACEMENT FOR**
20 **CHINCOTEAGUE, VIRGINIA.**

21 Notwithstanding any other provision of law, during
22 the 5-year period beginning on the date of the enactment
23 of this division, the Administrator may enter into 1 or
24 more agreements with the town of Chincoteague, Virginia,

1 to reimburse the town for costs that are directly associated
2 with—

3 (1) the removal of drinking water wells located
4 on property administered by the Administration; and

5 (2) the relocation of such wells to property
6 under the administrative control, through lease, own-
7 ership, or easement, of the town.

8 **SEC. 2683. PASSENGER CARRIER USE.**

9 Section 1344(a)(2) of title 31, United States Code,
10 is amended—

11 (1) in subparagraph (A), by striking “or” at
12 the end;

13 (2) in subparagraph (B), by inserting “or”
14 after the comma at the end; and

15 (3) by inserting after subparagraph (B) the fol-
16 lowing:

17 “(C) necessary for post-flight transportation of
18 United States Government astronauts, and other as-
19 tronauts subject to reimbursable arrangements, re-
20 turning from space for the performance of medical
21 research, monitoring, diagnosis, or treatment, or
22 other official duties, prior to receiving post-flight
23 medical clearance to operate a motor vehicle.”.

1 **SEC. 2684. USE OF COMMERCIAL NEAR-SPACE BALLOONS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the use of an array of capabilities, including
4 the use of commercially available near-space balloon as-
5 sets, is in the best interest of the United States.

6 (b) USE OF COMMERCIAL NEAR-SPACE BALLOONS.—
7 The Administrator shall use commercially available bal-
8 loon assets operating at near-space altitudes, to the max-
9 imum extent practicable, as part of a diverse set of capa-
10 bilities to effectively and efficiently meet the goals of the
11 Administration.

12 **SEC. 2685. PRESIDENT’S SPACE ADVISORY BOARD.**

13 Section 121 of the National Aeronautics and Space
14 Administration Authorization Act, Fiscal Year 1991 (Pub-
15 lic Law 101–611; 51 U.S.C. 20111 note) is amended—

16 (1) in the section heading, by striking “**USERS’**
17 **ADVISORY GROUP**” and inserting “**PRESIDENT’S**
18 **SPACE ADVISORY BOARD**”; and

19 (2) by striking “Users’ Advisory Group” each
20 place it appears and inserting “President’s Space
21 Advisory Board.”

22 **SEC. 2686. INITIATIVE ON TECHNOLOGIES FOR NOISE AND**
23 **EMISSIONS REDUCTIONS.**

24 (a) INITIATIVE REQUIRED.—Section 40112 of title
25 51, United States Code, is amended—

1 (1) by redesignating subsections (b) through (f)
2 as subsections (c) through (g), respectively; and

3 (2) by inserting after subsection (a) the fol-
4 lowing new subsection (b):

5 “(b) TECHNOLOGIES FOR NOISE AND EMISSIONS RE-
6 Duction.—

7 “(1) INITIATIVE REQUIRED.—The Adminis-
8 trator shall establish an initiative to build upon and
9 accelerate previous or ongoing work to develop and
10 demonstrate new technologies, including systems ar-
11 chitecture, components, or integration of systems
12 and airframe structures, in electric aircraft propul-
13 sion concepts that are capable of substantially reduc-
14 ing both emissions and noise from aircraft.

15 “(2) APPROACH.—In carrying out the initiative,
16 the Administrator shall do the following:

17 “(A) Continue and expand work of the Ad-
18 ministration on research, development, and
19 demonstration of electric aircraft concepts, and
20 the integration of such concepts.

21 “(B) To the extent practicable, work with
22 multiple partners, including small businesses
23 and new entrants, on research and development
24 activities related to transport category aircraft.

1 “(C) Provide guidance to the Federal Avia-
2 tion Administration on technologies developed
3 and tested pursuant to the initiative.”.

4 (b) REPORTS.—Not later than 180 days after the
5 date of the enactment of this division, and annually there-
6 after as a part of the Administration’s budget submission,
7 the Administrator shall submit a report to the appropriate
8 committee of Congress on the progress of the work under
9 the initiative required by subsection (b) of section 40112
10 of title 51, United States Code (as amended by subsection
11 (a) of this section), including an updated, anticipated
12 timeframe for aircraft entering into service that produce
13 50 percent less noise and emissions than the highest per-
14 forming aircraft in service as of December 31, 2019.

15 **SEC. 2687. REMEDIATION OF SITES CONTAMINATED WITH**
16 **TRICHLOROETHYLENE.**

17 (a) IDENTIFICATION OF SITES.—Not later than 180
18 days after the date of the enactment of this division, the
19 Administrator shall identify sites of the Administration
20 contaminated with trichloroethylene.

21 (b) REPORT REQUIRED.—Not later than 1 year after
22 the date of the enactment of this division, the Adminis-
23 trator shall submit to the appropriate committees of Con-
24 gress a report that includes—

1 (1) the recommendations of the Administrator
2 for remediating the sites identified under subsection
3 (a) during the 5-year period beginning on the date
4 of the report; and

5 (2) an estimate of the financial resources nec-
6 essary to implement those recommendations.

7 **SEC. 2688. REVIEW ON PREFERENCE FOR DOMESTIC SUP-**
8 **PLIERS.**

9 (a) SENSE OF CONGRESS.—It is the Sense of Con-
10 gress that the Administration should, to the maximum ex-
11 tent practicable and with due consideration of foreign pol-
12 icy goals and obligations under Federal law—

13 (1) use domestic suppliers of goods and serv-
14 ices; and

15 (2) ensure compliance with the Federal acquisi-
16 tion regulations, including subcontract flow-down
17 provisions.

18 (b) REVIEW.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this division, the
21 Administrator shall undertake a comprehensive re-
22 view of the domestic supplier preferences of the Ad-
23 ministration and the obligations of the Administra-
24 tion under the Federal acquisition regulations to en-
25 sure compliance, particularly with respect to Federal

1 acquisition regulations provisions that apply to for-
2 eign-based subcontractors.

3 (2) ELEMENTS.—The review under paragraph
4 (1) shall include—

5 (A) an assessment as to whether the Ad-
6 ministration has provided funding for infra-
7 structure of a foreign-owned company or State-
8 sponsored entity in recent years; and

9 (B) a review of any impact such funding
10 has had on domestic service providers.

11 (c) REPORT.—The Administrator shall submit to the
12 appropriate committees of Congress a report on the re-
13 sults of the review.

14 **SEC. 2689. REPORT ON USE OF COMMERCIAL SPACEPORTS**
15 **LICENSED BY THE FEDERAL AVIATION AD-**
16 **MINISTRATION.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of the enactment of this division, the Administrator
19 shall submit to the appropriate committees of Congress
20 a report on the benefits of increased use of commercial
21 spaceports licensed by the Federal Aviation Administra-
22 tion for NASA civil space missions and operations.

23 (b) ELEMENTS.—The report required by subsection
24 (a) shall include the following:

1 (1) A description and assessment of current use
2 of commercial spaceports licensed by the Federal
3 Aviation Administration for NASA civil space mis-
4 sions and operations.

5 (2) A description and assessment of the benefits
6 of increased use of such spaceports for such mis-
7 sions and operations.

8 (3) A description and assessment of the steps
9 necessary to achieve increased use of such space-
10 ports for such missions and operations.

11 **SEC. 2690. ACTIVE ORBITAL DEBRIS MITIGATION.**

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

14 (1) orbital debris, particularly in low-Earth
15 orbit, poses a hazard to NASA missions, particularly
16 human spaceflight; and

17 (2) progress has been made on the development
18 of guidelines for long-term space sustainability
19 through the United Nations Committee on the
20 Peaceful Uses of Outer Space.

21 (b) REQUIREMENTS.—The Administrator should—

22 (1) ensure the policies and standard practices
23 of NASA meet or exceed international guidelines for
24 spaceflight safety; and

1 (2) support the development of orbital debris
2 mitigation technologies through continued research
3 and development of concepts.

4 (c) REPORT TO CONGRESS.—Not later than 90 days
5 after the date of the enactment of this division, the Ad-
6 ministrator shall submit to the appropriate committees of
7 Congress a report on the status of implementing sub-
8 section (b).

9 **SEC. 2691. STUDY ON COMMERCIAL COMMUNICATIONS**
10 **SERVICES.**

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

13 (1) enhancing the ability of researchers to con-
14 duct and interact with experiments while in flight
15 would make huge advancements in the overall profit-
16 ability of conducting research on suborbit and low-
17 Earth orbit payloads; and

18 (2) current NASA communications do not allow
19 for real-time data collection, observation, or trans-
20 mission of information.

21 (b) STUDY.—The Administrator shall conduct a
22 study on the feasibility, impact, and cost of using commer-
23 cial communications programs services for suborbital
24 flight programs and low-Earth orbit research.

1 (c) REPORT.—Not later than 18 months after the
 2 date of the enactment of this division, the Administrator
 3 shall submit to Congress and make publicly available a
 4 report that describes the results of the study conducted
 5 under subsection (b).

6 **DIVISION C—STRATEGIC**
 7 **COMPETITION ACT OF 2021**

8 **SEC. 3001. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) SHORT TITLE.—This Act may be cited as the
 10 “Strategic Competition Act of 2021”.

11 (b) TABLE OF CONTENTS.—The table of contents for
 12 this division is as follows:

DIVISION C—STRATEGIC COMPETITION ACT OF 2021

- Sec. 3001. Short title; table of contents.
- Sec. 3002. Findings.
- Sec. 3003. Definitions.
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1 **SEC. 3002. FINDINGS.**

2 Congress makes the following findings:

3 (1) The People's Republic of China (PRC) is
4 leveraging its political, diplomatic, economic, mili-
5 tary, technological, and ideological power to become
6 a strategic, near-peer, global competitor of the
7 United States. The policies increasingly pursued by
8 the PRC in these domains are contrary to the inter-
9 ests and values of the United States, its partners,
10 and much of the rest of the world.

11 (2) The current policies being pursued by the
12 PRC—

13 (A) threaten the future character of the
14 international order and are shaping the rules,
15 norms, and institutions that govern relations
16 among states;

17 (B) will put at risk the ability of the
18 United States to secure its national interests;
19 and

20 (C) will put at risk the future peace, pros-
21 perity, and freedom of the international commu-
22 nity in the coming decades.

23 (3) After normalizing diplomatic relations with
24 the PRC in 1979, the United States actively worked

1 to advance the PRC's economic and social develop-
2 ment to ensure that the PRC participated in, and
3 benefitted from, the free and open international
4 order. The United States pursued these goals and
5 contributed to the welfare of the Chinese people
6 by—

7 (A) increasing the PRC's trade relations
8 and access to global capital markets;

9 (B) promoting the PRC's accession to the
10 World Trade Organization;

11 (C) providing development finance and
12 technical assistance;

13 (D) promoting research collaboration;

14 (E) educating the PRC's top students;

15 (F) permitting transfers of cutting-edge
16 technologies and scientific knowledge; and

17 (G) providing intelligence and military as-
18 sistance.

19 (4) It is now clear that the PRC has chosen to
20 pursue state-led, mercantilist economic policies, an
21 increasingly authoritarian governance model at home
22 through increased restrictions on personal freedoms,
23 and an aggressive and assertive foreign policy. These
24 policies frequently and deliberately undermine
25 United States interests and are contrary to core

1 United States values and the values of other nations,
2 both in the Indo-Pacific and beyond. In response to
3 this strategic decision of the Chinese Communist
4 Party (CCP), the United States has been compelled
5 to reexamine and revise its strategy towards the
6 PRC.

7 (5) The General Secretary of the CCP and the
8 President of the PRC, Xi Jinping, has elevated the
9 “Great Rejuvenation of the Chinese Nation” as cen-
10 tral to the domestic and foreign policy of the PRC.
11 His program demands—

12 (A) strong, centralized CCP leadership;

13 (B) concentration of military power;

14 (C) a strong role for the CCP in the state
15 and the economy;

16 (D) an aggressive foreign policy seeking
17 control over broadly asserted territorial claims;
18 and

19 (E) the denial of any values and individual
20 rights that are deemed to threaten the CCP.

21 (6) The PRC views its Leninist model of gov-
22 ernance, “socialism with Chinese characteristics”, as
23 superior to, and at odds with, the constitutional
24 models of the United States and other democracies.
25 This approach to governance is lauded by the CCP

1 as essential to securing the PRC's status as a global
2 leader, and to shaping the future of the world. In a
3 2013 speech, President Xi said, "We firmly believe
4 that as socialism with Chinese characteristics devel-
5 ops further . . . it is . . . inevitable that the superi-
6 ority of our socialist system will be increasingly ap-
7 parent . . . [and] our country's road of development
8 will have increasingly greater influence on the
9 world."

10 (7) The PRC's objectives are to first establish
11 regional hegemony over the Indo-Pacific and then to
12 use that dominant position to propel the PRC to be-
13 come the "leading world power," shaping an inter-
14 national order that is conducive to the CCP's inter-
15 ests. Achieving these objectives require turning the
16 PRC into a wealthy nation under strict CCP rule
17 and using a strong military and advanced techno-
18 logical capability to pursue the PRC's objectives, re-
19 gardless of other countries' interests.

20 (8) The PRC is reshaping the current inter-
21 national order, which is built upon the rule of law
22 and free and open ideals and principles, by con-
23 ducting global information and influence operations,
24 seeking to redefine international laws and norms to
25 align with the objectives of the CCP, rejecting the

1 legitimacy of internationally recognized human
2 rights, and seeking to co-opt the leadership and
3 agenda of multinational organizations for the benefit
4 of the PRC and other authoritarian regimes at the
5 expense of the interests of the United States and the
6 international community. In December 2018, Presi-
7 dent Xi suggested that the CCP views its “historic
8 mission” as not only to govern China, but also to
9 profoundly influence global governance to benefit the
10 CCP.

11 (9) The PRC is encouraging other countries to
12 follow its model of “socialism with Chinese charac-
13 teristics”. During the 19th Party Congress in 2017,
14 President Xi said that the PRC could serve as a
15 model of development for other countries by utilizing
16 “Chinese wisdom” and a “Chinese approach to solv-
17 ing problems”.

18 (10) The PRC is promoting its governance
19 model and attempting to weaken other models of
20 governance by—

- 21 (A) undermining democratic institutions;
- 22 (B) subverting financial institutions;
- 23 (C) coercing businesses to accommodate
- 24 the policies of the PRC; and

1 (D) using disinformation to disguise the
2 nature of the actions described in subpara-
3 graphs (A) through (C).

4 (11) The PRC is close to its goal of becoming
5 the global leader in science and technology. In May
6 2018, President Xi said that for the PRC to reach
7 “prosperity and rejuvenation”, it needs to “endeavor
8 to be a major world center for science and innova-
9 tion”. The PRC has invested the equivalent of bil-
10 lions of dollars into education and research and de-
11 velopment, and has established joint scientific re-
12 search centers and science universities.

13 (12) The PRC’s drive to become a “manufac-
14 turing and technological superpower” and to pro-
15 mote “innovation with Chinese characteristics” is
16 coming at the expense of human rights and long-
17 standing international rules and norms with respect
18 to economic competition, and presents a challenge to
19 United States national security and the security of
20 allies and like-minded countries. In particular, the
21 PRC advances its illiberal political and social policies
22 through mass surveillance, social credit systems, and
23 a significant role of the state in internet governance.
24 Through these means, the PRC increases direct and
25 indirect government control over its citizens’ every-

1 day lives. Its national strategy of “Military-Civil Fu-
2 sion” mandates that civil and commercial research,
3 which increasingly drives global innovation, is lever-
4 aged to develop new military capabilities.

5 (13) The PRC and the CCP are committing
6 crimes against humanity and are engaged in an on-
7 going genocide, in violation of the Convention on the
8 Prevention and Punishment of the Crime of Geno-
9 cide, done at Paris December 9, 1948, against the
10 predominantly Muslim Uyghurs and other ethnic
11 and religious minority groups in the Xinjiang
12 Uyghur Autonomous Region, including through cam-
13 paigns of imprisonment, torture, rape, and coercive
14 birth prevention policies.

15 (14) The PRC is using legal and illegal means
16 to achieve its objective of becoming a manufacturing
17 and technological superpower. The PRC uses state-
18 directed industrial policies in anticompetitive ways to
19 ensure the dominance of PRC companies. The CCP
20 engages in and encourages actions that actively un-
21 dermine a free and open international market, such
22 as intellectual property theft, forced technology
23 transfers, regulatory and financial subsidies, and
24 mandatory CCP access to proprietary data as part

1 of business and commercial agreements between Chi-
2 nese and foreign companies.

3 (15) The policies referred to in paragraph (14)
4 are designed to freeze United States and other for-
5 eign firms out of the PRC market, while eroding
6 competition in other important markets. The heavy
7 subsidization of Chinese companies includes poten-
8 tial violation of its World Trade Organization com-
9 mitments. In May 2018, President Xi said that the
10 PRC aims to keep the “initiatives of innovation and
11 development security . . . in [China’s] own hands”.

12 (16) The PRC is advancing its global objectives
13 through a variety of avenues, including its signature
14 initiative, the Belt and Road Initiative (BRI), which
15 is enshrined in the Chinese Constitution and in-
16 cludes the Digital Silk Road and Health Silk Road.
17 The PRC describes BRI as a straightforward and
18 wholly beneficial plan for all countries. However, it
19 eventually seeks to advance an economic system with
20 the PRC at its center, making it the most concrete
21 geographical representation of the PRC’s global am-
22 bitions. BRI increases the economic influence of
23 state-owned Chinese firms in global markets, en-
24 hances the PRC’s political leverage with government
25 leaders around the world, and provides greater ac-

1 cess to strategic nodes such as ports and railways.
2 Through BRI, the PRC seeks political deference
3 through economic dependence.

4 (17) The PRC is executing a plan to establish
5 regional hegemony over the Indo-Pacific and dis-
6 place the United States from the region. As a Pa-
7 cific power, the United States has built and sup-
8 ported enduring alliances and economic partnerships
9 that secure peace and prosperity and promote the
10 rule of law and political pluralism in a free and open
11 Indo-Pacific. In contrast, the PRC uses economic
12 and military coercion in the region to secure its own
13 interests.

14 (18) The PRC's military strategy seeks to keep
15 the United States military from operating in the
16 Western Pacific and to erode United States security
17 guarantees.

18 (19) The PRC is aggressively pursuing exclu-
19 sive control of critical land routes, sea lanes, and air
20 space in the Indo-Pacific in the hopes of eventually
21 exercising greater influence beyond the region. This
22 includes lanes crucial to commercial activity, energy
23 exploration, transport, and the exercise of security
24 operations in areas permitted under international
25 law.

1 (20) The PRC seeks so-called “reunification”
2 with Taiwan through whatever means may ulti-
3 mately be required. The CCP’s insistence that so-
4 called “reunification” is Taiwan’s only option makes
5 this goal inherently coercive. In January 2019,
6 President Xi stated that the PRC “make[s] no
7 promise to renounce the use of force and reserve[s]
8 the option of taking all necessary means”. Taiwan’s
9 embodiment of democratic values and economic lib-
10 eralism challenges President Xi’s goal of achieving
11 national rejuvenation. The PRC plans to exploit Tai-
12 wan’s dominant strategic position in the First Island
13 Chain and to project power into the Second Island
14 Chain and beyond.

15 (21) In the South China Sea, the PRC has exe-
16 cuted an illegal island-building campaign that
17 threatens freedom of navigation and the free-flow of
18 commerce, damages the environment, bolsters PLA
19 power projection capabilities, and coerces and intimi-
20 dates other regional claimants in an effort to ad-
21 vance its unlawful claims and control the waters
22 around neighboring countries. Despite President Xi’s
23 September 2015 speech, in which he said the PRC
24 did not intend to militarize the South China Sea,
25 during the 2017 19th Party Congress, President Xi

1 announced that “construction on islands and reefs in
2 the South China Sea have seen steady progress”.

3 (22) The PRC is rapidly modernizing the PLA
4 to attain a level of capacity and capability superior
5 to the United States in terms of equipment and con-
6 duct of modern military operations by shifting its
7 military doctrine from having a force “adequate
8 [for] China’s defensive needs” to having a force
9 “commensurate with China’s international status”.
10 Ultimately, this transformation could enable China
11 to impose its will in the Indo-Pacific region through
12 the threat of military force. In 2017, President Xi
13 established the following developmental benchmarks
14 for the advancement of the PLA:

15 (A) A mechanized force with increased
16 informatized and strategic capabilities by 2020.

17 (B) The complete modernization of China’s
18 national defense by 2035.

19 (C) The full transformation of the PLA
20 into a world-class force by 2050.

21 (23) The PRC’s strategy and supporting poli-
22 cies described in this section undermine United
23 States interests, such as—

24 (A) upholding a free and open inter-
25 national order;

1 (B) maintaining the integrity of inter-
2 national institutions with liberal norms and val-
3 ues;

4 (C) preserving a favorable balance of
5 power in the Indo-Pacific;

6 (D) ensuring the defense of its allies;

7 (E) preserving open sea and air lanes;

8 (F) fostering the free flow of commerce
9 through open and transparent markets; and

10 (G) promoting individual freedom and
11 human rights.

12 (24) The global COVID–19 pandemic has in-
13 tensified and accelerated these trends in the PRC’s
14 behavior and therefore increased the need for United
15 States global leadership and a competitive posture.
16 The PRC has capitalized on the world’s focus on the
17 COVID–19 pandemic by—

18 (A) moving rapidly to undermine Hong
19 Kong’s autonomy, including imposing a so-
20 called “national security law” on Hong Kong;

21 (B) aggressively imposing its will in the
22 East and South China Seas;

23 (C) contributing to increased tensions with
24 India; and

1 (D) engaging in a widespread and govern-
2 ment-directed disinformation campaign to ob-
3 scure the PRC government's efforts to cover up
4 the seriousness of COVID-19, sow confusion
5 about the origination of the outbreak, and dis-
6 credit the United States, its allies, and global
7 health efforts.

8 (25) The CCP's disinformation campaign re-
9 ferred to in paragraph (24)(D) has included—

10 (A) concerted efforts, in the early days of
11 the pandemic, to downplay the nature and
12 scope of the outbreak in Wuhan in the PRC, as
13 well as cases of person-to-person transmission;

14 (B) claims that the virus originated in
15 United States biological defense research at
16 Fort Detrick, Maryland;

17 (C) Chinese state media reports insinu-
18 ating a possible link between the virus and
19 other United States biological facilities; and

20 (D) efforts to block access to qualified
21 international infectious disease experts who
22 might contradict the CCP's narrative.

23 (26) In response to the PRC's strategy and
24 policies, the United States must adopt a policy of

1 strategic competition with the PRC to protect and
2 promote our vital interests and values.

3 (27) The United States' policy of strategic com-
4 petition with respect to the PRC is part of a broader
5 strategic approach to the Indo-Pacific and the world
6 which centers around cooperation with United States
7 allies and partners to advance shared values and in-
8 terests and to preserve and enhance a free, open,
9 democratic, inclusive, rules-based, stable, and diverse
10 region.

11 (28) The Asia Reassurance Initiative Act of
12 2018 (Public Law 115–409) contributed to a com-
13 prehensive framework for promoting United State
14 security interests, economic interests, and values in
15 the Indo-Pacific region, investing \$7,500,000,000
16 over 5 years—

17 (A) to support greater security and defense
18 cooperation between the United States and al-
19 lies and partners in the Indo-Pacific region;

20 (B) to advance democracy and the protec-
21 tion and promotion of human rights in the
22 Indo-Pacific region;

23 (C) to enhance cybersecurity cooperation
24 between the United States and partners in the
25 Indo-Pacific;

- 1 (D) to deepen people-to-people engagement
2 through programs such as the Young Southeast
3 Asian Leaders Initiative and the ASEAN Youth
4 Volunteers program; and
- 5 (E) to enhance energy cooperation and en-
6 ergy security in the Indo-Pacific region.

7 **SEC. 3003. DEFINITIONS.**

8 In this division:

9 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
10 **TEES.**—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Foreign Relations of
13 the Senate; and

14 (B) the Committee on Foreign Affairs of
15 the House of Representatives.

16 (2) **CCP.**—The term “CCP” means the Chinese
17 Communist Party.

18 (3) **INDO-PACIFIC REGION.**—The terms “Indo-
19 Pacific” and “Indo-Pacific region” mean the 37
20 countries and the surrounding waterways that are
21 under the area of responsibility of the U.S. Indo-Pa-
22 cific Command. These countries are: Australia, Ban-
23 gladesh, Bhutan, Brunei, Burma, Cambodia, China,
24 Fiji, India, Indonesia, Japan, Kiribati, Laos, Malay-
25 sia, Maldives, Marshall Islands, Micronesia, Mon-

1 golia, Nauru, Nepal, New Zealand, North Korea,
2 Palau, Papua New Guinea, Philippines, Republic of
3 Korea, Samoa, Singapore, Solomon Islands, Sri
4 Lanka, Taiwan, Thailand, Timor-Leste, Tonga,
5 Tuvalu, Vanuatu, and Vietnam.

6 (4) PEOPLE’S LIBERATION ARMY; PLA.—The
7 terms “People’s Liberation Army” and “PLA” mean
8 the armed forces of the People’s Republic of China.

9 (5) PRC; CHINA.—The terms “PRC” and
10 “China” mean the People’s Republic of China.

11 **SEC. 3004. STATEMENT OF POLICY.**

12 (a) OBJECTIVES.—It is the policy of the United
13 States, in pursuing strategic competition with the PRC,
14 to pursue the following objectives:

15 (1) The United States global leadership role is
16 sustained and its political system and major founda-
17 tions of national power are postured for long-term
18 political, economic, technological, and military com-
19 petition with the PRC.

20 (2) The balance of power in the Indo-Pacific re-
21 mains favorable to the United States and its allies.
22 The United States and its allies maintain unfettered
23 access to the region, including through freedom of
24 navigation and the free flow of commerce, consistent
25 with international law and practice, and the PRC

1 neither dominates the region nor coerces its neigh-
2 bors.

3 (3) The allies and partners of the United
4 States—

5 (A) maintain confidence in United States
6 leadership and its commitment to the Indo-Pa-
7 cific region;

8 (B) can withstand and combat subversion
9 and undue influence by the PRC; and

10 (C) align themselves with the United
11 States in setting global rules, norms, and stand-
12 ards that benefit the international community.

13 (4) The combined weight of the United States
14 and its allies and partners is strong enough to dem-
15 onstrate to the PRC that the risks of attempts to
16 dominate other states outweigh the potential bene-
17 fits.

18 (5) The United States leads the free and open
19 international order, which is comprised of resilient
20 states and institutions that uphold and defend prin-
21 ciples, such as sovereignty, rule of law, individual
22 freedom, and human rights. The international order
23 is strengthened to defeat attempts at destabilization
24 by illiberal and authoritarian actors.

1 (6) The key rules, norms, and standards of
2 international engagement in the 21st century are
3 maintained, including—

4 (A) the protection of human rights, com-
5 mercial engagement and investment, and tech-
6 nology; and

7 (B) that such rules, norms, and standards
8 are in alignment with the values and interests
9 of the United States, its allies and partners,
10 and the free world.

11 (7) The United States assures that the CCP
12 does not—

13 (A) subvert open and democratic societies;

14 (B) distort global markets;

15 (C) manipulate the international trade sys-
16 tem;

17 (D) coerce other nations via economic and
18 military means; or

19 (E) use its technological advantages to un-
20 dermine individual freedoms or other states' na-
21 tional security interests.

22 (8) The United States deters military con-
23 frontation with the PRC and both nations work to
24 reduce the risk of conflict.

1 (b) POLICY.—It is the policy of the United States,
2 in pursuit of the objectives set forth in subsection (a)—

3 (1) to strengthen the United States domestic
4 foundation by reinvesting in market-based economic
5 growth, education, scientific and technological inno-
6 vation, democratic institutions, and other areas that
7 improve the ability of the United States to pursue
8 its vital economic, foreign policy, and national secu-
9 rity interests;

10 (2) to pursue a strategy of strategic competition
11 with the PRC in the political, diplomatic, economic,
12 development, military, informational, and techno-
13 logical realms that maximizes the United States’
14 strengths and increases the costs for the PRC of
15 harming United States interests and the values of
16 United States allies and partners;

17 (3) to lead a free, open, and secure inter-
18 national system characterized by freedom from coer-
19 cion, rule of law, open markets and the free flow of
20 commerce, and a shared commitment to security and
21 peaceful resolution of disputes, human rights, and
22 good and transparent governance;

23 (4) to strengthen and deepen United States alli-
24 ances and partnerships, prioritizing the Indo-Pacific
25 and Europe, by pursuing greater bilateral and multi-

1 lateral cooperative initiatives that advance shared in-
2 terests and values and bolster partner countries'
3 confidence that the United States is and will remain
4 a strong, committed, and constant partner;

5 (5) to encourage and collaborate with United
6 States allies and partners in boosting their own ca-
7 pabilities and resiliency to pursue, defend, and pro-
8 tect shared interests and values, free from coercion
9 and external pressure;

10 (6) to pursue fair, reciprocal treatment and
11 healthy competition in United States-China economic
12 relations by—

13 (A) advancing policies that harden the
14 United States economy against unfair and ille-
15 gal commercial or trading practices and the co-
16 ercion of United States businesses; and

17 (B) tightening United States laws and reg-
18 ulations as necessary to prevent the PRC's at-
19 tempts to harm United States economic com-
20 petitiveness;

21 (7) to demonstrate the value of private sector-
22 led growth in emerging markets around the world,
23 including through the use of United States Govern-
24 ment tools that—

1 (A) support greater private sector invest-
2 ment and advance capacity-building initiatives
3 that are grounded in the rule of law;

4 (B) promote open markets;

5 (C) establish clear policy and regulatory
6 frameworks;

7 (D) improve the management of key eco-
8 nomic sectors;

9 (E) combat corruption; and

10 (F) foster and support greater collabora-
11 tion with and among partner countries and the
12 United States private sector to develop secure
13 and sustainable infrastructure;

14 (8) to lead in the advancement of international
15 rules and norms that foster free and reciprocal trade
16 and open and integrated markets;

17 (9) to conduct vigorous commercial diplomacy
18 in support of United States companies and busi-
19 nesses in partner countries that seek fair competi-
20 tion;

21 (10) to ensure that the United States leads in
22 the innovation of critical and emerging technologies,
23 such as next-generation telecommunications, artifi-
24 cial intelligence, quantum computing, semiconduc-
25 tors, and biotechnology, by—

1 (A) providing necessary investment and
2 concrete incentives for the private sector to ac-
3 celerate development of such technologies;

4 (B) modernizing export controls and in-
5 vestment screening regimes and associated poli-
6 cies and regulations;

7 (C) enhancing United States leadership in
8 technical standards-setting bodies and avenues
9 for developing norms regarding the use of
10 emerging critical technologies;

11 (D) reducing United States barriers and
12 increasing incentives for collaboration with al-
13 lies and partners on the research and co-devel-
14 opment of critical technologies;

15 (E) collaborating with allies and partners
16 to protect critical technologies by—

17 (i) crafting multilateral export control
18 measures;

19 (ii) building capacity for defense tech-
20 nology security;

21 (iii) safeguarding chokepoints in sup-
22 ply chains; and

23 (iv) ensuring diversification; and

24 (F) designing major defense capabilities
25 for export to allies and partners;

1 (11) to enable the people of the United States,
2 including the private sector, civil society, universities
3 and other academic institutions, State and local leg-
4 islators, and other relevant actors to identify and re-
5 main vigilant to the risks posed by undue influence
6 of the CCP in the United States;

7 (12) to implement measures to mitigate the
8 risks referred to in paragraph (11), while still pre-
9 serving opportunities for economic engagement, aca-
10 demic research, and cooperation in other areas
11 where the United States and the PRC share inter-
12 ests;

13 (13) to collaborate with advanced democracies
14 and other willing partners to promote ideals and
15 principles that—

16 (A) advance a free and open international
17 order;

18 (B) strengthen democratic institutions;

19 (C) protect and promote human rights;

20 and

21 (D) uphold a free press and fact-based re-
22 porting;

23 (14) to develop comprehensive and holistic
24 strategies and policies to counter PRC
25 disinformation campaigns;

1 (15) to demonstrate effective leadership at the
2 United Nations, its associated agencies, and other
3 multilateral organizations and defend the integrity
4 of these organizations against co-optation by illiberal
5 and authoritarian nations;

6 (16) to prioritize the defense of fundamental
7 freedoms and human rights in the United States re-
8 lationship with the PRC;

9 (17) to cooperate with allies, partners, and mul-
10 tilateral organizations, leveraging their significant
11 and growing capabilities to build a network of like-
12 minded states that sustains and strengthens a free
13 and open order and addresses regional and global
14 challenges to hold the Government of the PRC ac-
15 countable for—

16 (A) violations and abuses of human rights;

17 (B) restrictions on religious practices; and

18 (C) undermining and abrogating treaties,
19 other international agreements, and other inter-
20 national norms related to human rights;

21 (18) to expose the PRC's use of corruption, re-
22 pression, coercion, and other malign behavior to at-
23 tain unfair economic advantages and to pressure
24 other nations to defer to its political and strategic
25 objectives;

1 (19) to maintain United States access to the
2 Western Pacific, including by—

3 (A) increasing United States forward-de-
4 ployed forces in the Indo-Pacific region;

5 (B) modernizing the United States military
6 through investments in existing and new plat-
7 forms, emerging technologies, critical in-theater
8 force structure and enabling capabilities, joint
9 operational concepts, and a diverse, operation-
10 ally resilient and politically sustainable posture;
11 and

12 (C) operating and conducting exercises
13 with allies and partners—

14 (i) to mitigate the PLA's ability to
15 project power and establish contested zones
16 within the First and Second Island Chains;

17 (ii) to diminish the ability of the PLA
18 to coerce its neighbors;

19 (iii) to maintain open sea and air
20 lanes, particularly in the Taiwan Strait,
21 the East China Sea, and the South China
22 Sea; and

23 (iv) to project power from the United
24 States and its allies and partners to dem-

1 onstrate the ability to conduct contested lo-
2 gistics;

3 (20) to deter the PRC from—

4 (A) coercing Indo-Pacific nations, includ-
5 ing by developing more combat-credible forces
6 that are integrated with allies and partners in
7 contact, blunt, and surge layers and able to de-
8 feat any PRC theory of victory in the First or
9 Second Island Chains of the Western Pacific
10 and beyond, as called for in the 2018 National
11 Defense Strategy;

12 (B) using grey-zone tactics below the level
13 of armed conflict; or

14 (C) initiating armed conflict;

15 (21) to strengthen United States-PRC military-
16 to-military communication and improve de-escalation
17 procedures to de-conflict operations and reduce the
18 risk of unwanted conflict, including through high-
19 level visits and recurrent exchanges between civilian
20 and military officials and other measures, in align-
21 ment with United States interests; and

22 (22) to cooperate with the PRC if interests
23 align, including through bilateral or multilateral
24 means and at the United Nations, as appropriate.

1 **SEC. 3005. SENSE OF CONGRESS.**

2 It is the sense of Congress that the execution of the
3 policy described in section 3004(b) requires the following
4 actions:

5 (1) Strategic competition with the PRC will re-
6 quire the United States—

7 (A) to marshal sustained political will to
8 protect its vital interests, promote its values,
9 and advance its economic and national security
10 objectives for decades to come; and

11 (B) to achieve this sustained political will,
12 persuade the American people and United
13 States allies and partners of—

14 (i) the challenges posed by the PRC;

15 and

16 (ii) the need for long-term competition
17 to defend shared interests and values.

18 (2) The United States must coordinate closely
19 with allies and partners to compete effectively with
20 the PRC, including to encourage allies and partners
21 to assume, as appropriate, greater roles in balancing
22 and checking the aggressive and assertive behavior
23 of the PRC.

24 (3) The President of the United States must
25 lead and direct the entire executive branch to treat
26 the People's Republic of China as the greatest geo-

1 political and geoeconomic challenge for United
2 States foreign policy, increasing the prioritization of
3 strategic competition with the PRC and broader
4 United States interests in the Indo-Pacific region in
5 the conduct of foreign policy and assuring the alloca-
6 tion of appropriate resources adequate to the chal-
7 lenge.

8 (4) The head of every Federal department and
9 agency should designate a senior official at the level
10 of Under Secretary or above to coordinate the de-
11 partment's or agency's policies with respect to stra-
12 tegic competition with the PRC.

13 (5) The ability of the United States to execute
14 a strategy of strategic competition with the PRC will
15 be undermined if our attention is repeatedly diverted
16 to challenges that are not vital to United States eco-
17 nomic and national security interests.

18 (6) In the coming decades, the United States
19 must prevent the PRC from—

20 (A) establishing regional hegemony in the
21 Indo-Pacific; and

22 (B) using that position to advance its as-
23 sertive political, economic, and foreign policy
24 goals around the world.

1 (7) The United States must ensure that the
2 Federal budget is properly aligned with the strategic
3 imperative to compete with the PRC by—

4 (A) ensuring sufficient levels of funding to
5 resource all instruments of United States na-
6 tional power; and

7 (B) coherently prioritizing how such funds
8 are used.

9 (8) Sustained prioritization of the challenge
10 posed by the PRC requires—

11 (A) bipartisan cooperation within Con-
12 gress; and

13 (B) frequent, sustained, and meaningful
14 collaboration and consultation between the exec-
15 utive branch and Congress.

16 (9) The United States must ensure close inte-
17 gration among economic and foreign policymakers,
18 the private sector, civil society, universities and aca-
19 demic institutions, and other relevant actors in free
20 and open societies affected by the challenges posed
21 by the PRC to enable such actors—

22 (A) to collaborate to advance common in-
23 terests; and

24 (B) to identify appropriate policies—

1 (i) to strengthen the United States
2 and its allies;

3 (ii) to promote a compelling vision of
4 a free and open order; and

5 (iii) to push back against detrimental
6 policies pursued by the CCP.

7 (10) The United States must ensure that all
8 Federal departments and agencies are organized to
9 reflect the fact that strategic competition with the
10 PRC is the United States' greatest geopolitical and
11 geoeconomic challenge, including through the as-
12 signed missions and location of United States Gov-
13 ernment personnel, by—

14 (A) dedicating more personnel in the Indo-
15 Pacific region, at posts around the world, and
16 in Washington DC, with priorities directly rel-
17 evant to advancing competition with the Peo-
18 ple's Republic of China;

19 (B) placing greater numbers of foreign
20 service officers, international development pro-
21 fessionals, members of the foreign commercial
22 service, intelligence professionals, and other
23 United States Government personnel in the
24 Indo-Pacific region; and

1 (C) ensuring that this workforce, both ci-
2 vilian and military, has the training in lan-
3 guage, technical skills, and other competencies
4 required to advance a successful competitive
5 strategy with the PRC.

6 (11) The United States must place renewed em-
7 phasis on strengthening the nonmilitary instruments
8 of national power, including diplomacy, information,
9 technology, economics, foreign assistance and devel-
10 opment finance, commerce, intelligence, and law en-
11 forcement, which are crucial for addressing the
12 unique economic, political, and ideological challenges
13 posed by the PRC.

14 (12) The United States must sustain resourcing
15 for a Pacific Deterrence Initiative, which shall be
16 aligned with the overarching political and diplomatic
17 objectives articulated in the Asia Reassurance Initia-
18 tive Act (Public Law 115–409), and must prioritize
19 the military investments necessary to achieve United
20 States political objectives in the Indo-Pacific, includ-
21 ing—

22 (A) promoting regional security in the
23 Indo-Pacific;

24 (B) reassuring allies and partners while
25 protecting them from coercion; and

1 (C) deterring conflict with the PRC.

2 (13) Competition with the PRC requires the
3 United States' skillful adaptation to the information
4 environment of the 21st century. United States pub-
5 lic diplomacy and messaging efforts must effec-
6 tively—

7 (A) promote the value of partnership with
8 the United States;

9 (B) highlight the risks and costs of
10 enmeshment with the PRC; and

11 (C) counter CCP propaganda and
12 disinformation.

13 **SEC. 3006. RULES OF CONSTRUCTION.**

14 (a) **APPLICABILITY OF EXISTING RESTRICTIONS ON**
15 **ASSISTANCE TO FOREIGN SECURITY FORCES.**—Nothing
16 in this division shall be construed to diminish, supplant,
17 supersede, or otherwise restrict or prevent responsibilities
18 of the United States Government under section 620M of
19 the Foreign Assistance Act of 1961 (22 U.S.C. 2378d)
20 or section 362 of title 10, United States Code.

21 (b) **NO AUTHORIZATION FOR THE USE OF MILITARY**
22 **FORCE.**—Nothing in this division may be construed as au-
23 thORIZING the use of military force.

1 **TITLE I—INVESTING IN A**
2 **COMPETITIVE FUTURE**
3 **Subtitle A—Science and**
4 **Technology**

5 **SEC. 3101. AUTHORIZATION TO ASSIST UNITED STATES**
6 **COMPANIES WITH GLOBAL SUPPLY CHAIN DI-**
7 **VERSIFICATION AND MANAGEMENT.**

8 (a) **AUTHORIZATION TO CONTRACT SERVICES.**—The
9 Secretary of State, in coordination with the Secretary of
10 Commerce, is authorized to establish a program to facili-
11 tate the contracting by the Department of State for the
12 professional services of qualified experts, on a reimburs-
13 able fee for service basis, to assist interested United States
14 persons and business entities with supply chain manage-
15 ment issues related to the PRC, including—

16 (1) exiting from the PRC market or relocating
17 certain production facilities to locations outside the
18 PRC;

19 (2) diversifying sources of inputs, and other ef-
20 forts to diversify supply chains to locations outside
21 of the PRC;

22 (3) navigating legal, regulatory, or other chal-
23 lenges in the course of the activities described in
24 paragraphs (1) and (2); and

1 (4) identifying alternative markets for produc-
2 tion or sourcing outside of the PRC, including
3 through providing market intelligence, facilitating
4 contact with reliable local partners as appropriate,
5 and other services.

6 (b) CHIEF OF MISSION OVERSIGHT.—The persons
7 hired to perform the services described in subsection (a)
8 shall—

9 (1) be under the authority of the United States
10 Chief of Mission in the country in which they are
11 hired, in accordance with existing United States
12 laws;

13 (2) coordinate with Department of State and
14 Department of Commerce officers; and

15 (3) coordinate with United States missions and
16 relevant local partners in other countries as needed
17 to carry out the services described in subsection (a).

18 (c) PRIORITIZATION OF MICRO-, SMALL-, AND ME-
19 DIUM-SIZED ENTERPRISES.—The services described in
20 subsection (a) shall be prioritized for assisting micro-,
21 small-, and medium-sized enterprises with regard to the
22 matters described in subsection (a).

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$15,000,000 for each of fis-

1 cal years 2022 through 2026 for the purposes of carrying
2 out this section.

3 (e) PROHIBITION ON ACCESS TO ASSISTANCE BY
4 FOREIGN ADVERSARIES.—None of the funds appropriated
5 pursuant to this section may be provided to an entity—

6 (1) under the foreign ownership, control, or in-
7 fluence of the Government of the People’s Republic
8 of China or the Chinese Communist Party, or other
9 foreign adversary;

10 (2) determined to have beneficial ownership
11 from foreign individuals subject to the jurisdiction,
12 direction, or influence of foreign adversaries; and

13 (3) that has any contract in effect at the time
14 of the receipt of such funds, or has had a contract
15 within the previous one year that is no longer in ef-
16 fect, with—

17 (A) the Government of the People’s Repub-
18 lic of China;

19 (B) the Chinese Communist Party;

20 (C) the Chinese military;

21 (D) an entity majority-owned, majority-
22 controlled, or majority-financed by the Govern-
23 ment of the People’s Republic of China, the
24 CCP, or the Chinese military; or

1 (E) a parent, subsidiary, or affiliate of an
2 entity described in subparagraph (D).

3 (f) DEFINITIONS.—The terms “foreign ownership,
4 control, or influence” and “FOCI” have the meanings
5 given those terms in the National Industrial Security Pro-
6 gram Operating Manual (DOD 5220.22–M), or a suc-
7 cessor document.

8 **Subtitle B—Global Infrastructure** 9 **and Energy Development**

10 **SEC. 3111. APPROPRIATE COMMITTEES OF CONGRESS DE-** 11 **FINED.**

12 In this subtitle, the term “appropriate committees of
13 Congress” means—

14 (1) the Committee on Foreign Relations and
15 the Committee on Appropriations of the Senate; and

16 (2) the Committee on Foreign Affairs and the
17 Committee on Appropriations of the House of Rep-
18 resentatives.

19 **SEC. 3112. SENSE OF CONGRESS ON INTERNATIONAL QUAL-** 20 **ITY INFRASTRUCTURE INVESTMENT STAND-** 21 **ARDS.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the United States should initiate collaboration
24 among governments, the private sector, and civil society
25 to encourage the adoption of the standards for quality

1 global infrastructure development advanced by the G20 at
2 Osaka in 2018, including with respect to the following
3 issues:

4 (1) Respect for the sovereignty of countries in
5 which infrastructure investments are made.

6 (2) Anti-corruption.

7 (3) Rule of law.

8 (4) Human rights and labor rights.

9 (5) Fiscal and debt sustainability.

10 (6) Social and governance safeguards.

11 (7) Transparency.

12 (8) Environmental and energy standards.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the United States should launch a series of fora
15 around the world showcasing the commitment of the
16 United States and partners of the United States to high-
17 quality development cooperation, including with respect to
18 the issues described in subsection (a).

19 **SEC. 3113. UNITED STATES SUPPORT FOR INFRASTRUC-**
20 **TURE.**

21 (a) FINDINGS.—The Global Infrastructure Coordi-
22 nating Committee (GICC) was established to coordinate
23 the efforts of the Department of State, the Department
24 of Commerce, the Department of the Treasury, the De-
25 partment of Energy, the Department of Transportation,

1 the United States Agency for International Development,
2 the United States Trade and Development Agency, the
3 Development Finance Corporation, the Export-Import
4 Bank of the United States, and other agencies to catalyze
5 private sector investments around the world and to coordi-
6 nate the deployment of United States Government tech-
7 nical assistance and development finance tools, including
8 project preparation services and commercial advocacy.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the world’s infrastructure needs, including
12 in the transport, energy, and digital sectors, are vast
13 and growing;

14 (2) total or partial ownership or acquisition of,
15 or a significant financial stake or physical presence
16 in, certain types of infrastructure, including ports,
17 energy grids, 5G telecommunications networks, and
18 undersea cables, can provide an advantage to coun-
19 tries that do not share the interests and values of
20 the United States and its allies and partners, and
21 could therefore be deleterious to the interests and
22 values of the United States and its allies and part-
23 ners;

24 (3) the United States must continue to
25 prioritize support for infrastructure projects that are

1 physically secure, financially viable, economically
2 sustainable, and socially responsible;

3 (4) achieving the objective outlined in para-
4 graph (3) requires the coordination of all United
5 States Government economic tools across the inter-
6 agency, so that such tools are deployed in a way to
7 maximize United States interests and that of its al-
8 lies and partners;

9 (5) the GICC represents an important and con-
10 crete step towards better communication and coordi-
11 nation across the United States Government of eco-
12 nomic tools relevant to supporting infrastructure
13 that is physically secure, financially viable, economi-
14 cally sustainable, and socially responsible, and
15 should be continued; and

16 (6) the executive branch and Congress should
17 have consistent consultations on United States sup-
18 port for strategic infrastructure projects, including
19 how Congress can support such initiatives in the fu-
20 ture.

21 (c) REPORTING REQUIREMENT.—Not later than 180
22 days after the date of the enactment of this Act, and semi-
23 annually thereafter for 5 years, the Secretary of State, in
24 coordination with other Federal agencies that participate
25 in the GICC, and, as appropriate, the Director of National

1 Intelligence, shall submit to the appropriate committees
2 of Congress a report that identifies—

3 (1) current, pending, and future infrastructure
4 projects, particularly in the transport, energy, and
5 digital sectors, that the United States is supporting
6 or will support through financing, foreign assistance,
7 technical assistance, or other means;

8 (2) a detailed explanation of the United States
9 and partner country interests served by the United
10 States providing support to such projects; and

11 (3) a detailed description of any support pro-
12 vided by other United States allies and partners to
13 such projects.

14 (d) FORM OF REPORT.—The report required by sub-
15 section (a) shall be submitted in unclassified form but may
16 include a classified annex.

17 **SEC. 3114. INFRASTRUCTURE TRANSACTION AND ASSIST-**
18 **ANCE NETWORK.**

19 (a) AUTHORITY.—The Secretary of State is author-
20 ized to establish an initiative, to be known as the “Infra-
21 structure Transaction and Assistance Network”, under
22 which the Secretary of State, in consultation with other
23 relevant Federal agencies, including those represented on
24 the Global Infrastructure Coordinating Committee, may
25 carry out various programs to advance the development

1 of sustainable, transparent, and high-quality infrastruc-
2 ture in the Indo-Pacific region by—

3 (1) strengthening capacity-building programs to
4 improve project evaluation processes, regulatory and
5 procurement environments, and project preparation
6 capacity of countries that are partners of the United
7 States in such development;

8 (2) providing transaction advisory services and
9 project preparation assistance to support sustainable
10 infrastructure; and

11 (3) coordinating the provision of United States
12 assistance for the development of infrastructure, in-
13 cluding infrastructure that utilizes United States-
14 manufactured goods and services, and catalyzing in-
15 vestment led by the private sector.

16 (b) TRANSACTION ADVISORY FUND.—As part of the
17 “Infrastructure Transaction and Assistance Network” de-
18 scribed under subsection (a), the Secretary of State is au-
19 thorized to provide support, including through the Trans-
20 action Advisory Fund, for advisory services to help boost
21 the capacity of partner countries to evaluate contracts and
22 assess the financial and environmental impacts of poten-
23 tial infrastructure projects, including through providing
24 services such as—

25 (1) legal services;

- 1 (2) project preparation and feasibility studies;
- 2 (3) debt sustainability analyses;
- 3 (4) bid or proposal evaluation; and
- 4 (5) other services relevant to advancing the de-
- 5 velopment of sustainable, transparent, and high-
- 6 quality infrastructure.

7 (c) STRATEGIC INFRASTRUCTURE FUND.—

8 (1) IN GENERAL.—As part of the “Infrastruc-

9 ture Transaction and Assistance Network” described

10 under subsection (a), the Secretary of State is au-

11 thorized to provide support, including through the

12 Strategic Infrastructure Fund, for technical assist-

13 ance, project preparation, pipeline development, and

14 other infrastructure project support.

15 (2) JOINT INFRASTRUCTURE PROJECTS.—

16 Funds authorized for the Strategic Infrastructure

17 Fund should be used in coordination with the De-

18 partment of Defense, the International Development

19 Finance Corporation, like-minded donor partners,

20 and multilateral banks, as appropriate, to support

21 joint infrastructure projects in the Indo-Pacific re-

22 gion.

23 (3) STRATEGIC INFRASTRUCTURE PROJECTS.—

24 Funds authorized for the Strategic Infrastructure

25 Fund should be used to support strategic infrastruc-

1 ture projects that are in the national security inter-
2 est of the United States and vulnerable to strategic
3 competitors.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated, for each of fiscal years
6 2022 to 2026, \$75,000,000 to the Infrastructure Trans-
7 action and Assistance Network, of which \$20,000,000 is
8 to be provided for the Transaction Advisory Fund.

9 **SEC. 3115. STRATEGY FOR ADVANCED AND RELIABLE EN-**
10 **ERGY INFRASTRUCTURE.**

11 (a) IN GENERAL.—The President shall direct a com-
12 prehensive, multi-year, whole of government effort, in con-
13 sultation with the private sector, to counter predatory
14 lending and financing by the Government of the People’s
15 Republic of China, including support to companies incor-
16 porated in the PRC that engage in such activities, in the
17 energy sectors of developing countries.

18 (b) POLICY.—It is the policy of the United States
19 to—

20 (1) regularly evaluate current and forecasted
21 energy needs and capacities of developing countries,
22 and analyze the presence and involvement of PRC
23 state-owned industries and other companies incor-
24 porated in the PRC, Chinese nationals providing
25 labor, and financing of energy projects, including di-

1 rect financing by the PRC government, PRC finan-
2 cial institutions, or direct state support to state-
3 owned enterprises and other companies incorporated
4 in the PRC;

5 (2) pursue strategic support and investment op-
6 portunities, and diplomatic engagement on power
7 sector reforms, to expand the development and de-
8 ployment of advanced energy technologies in devel-
9 oping countries;

10 (3) offer financing, loan guarantees, grants,
11 and other financial products on terms that advance
12 domestic economic and local employment opportuni-
13 ties, utilize advanced energy technologies, encourage
14 private sector growth, and, when appropriate United
15 States equity and sovereign lending products as al-
16 ternatives to the predatory lending tools offered by
17 Chinese financial institutions;

18 (4) pursue partnerships with likeminded inter-
19 national financial and multilateral institutions to le-
20 verage investment in advanced energy technologies
21 in developing countries; and

22 (5) pursue bilateral partnerships focused on the
23 cooperative development of advanced energy tech-
24 nologies with countries of strategic significance, par-
25 ticularly in the Indo-Pacific region, to address the

1 effects of energy engagement by the PRC through
2 predatory lending or other actions that negatively
3 impact other countries.

4 (c) **ADVANCED ENERGY TECHNOLOGIES EXPORTS.**—

5 Not later than 180 days after the date of the enactment
6 of this Act, and annually thereafter for 5 years, the Sec-
7 retary of State, in consultation with the Secretary of En-
8 ergy, shall submit to the appropriate congressional com-
9 mittees a United States Government strategy to increase
10 United States exports of advanced energy technologies
11 to—

12 (1) improve energy security in allied and devel-
13 oping countries;

14 (2) create open, efficient, rules-based, and
15 transparent energy markets;

16 (3) improve free, fair, and reciprocal energy
17 trading relationships; and

18 (4) expand access to affordable, reliable energy.

19 **SEC. 3116. REPORT ON THE PEOPLE'S REPUBLIC OF CHI-**
20 **NA'S INVESTMENTS IN FOREIGN ENERGY DE-**
21 **VELOPMENT.**

22 (a) **IN GENERAL.**—No later than 180 days after the
23 date of the enactment of this Act, and annually thereafter
24 for five years, the Administrator of the United States
25 Agency for International Development, in consultation

1 with the Secretary of State through the Assistant Sec-
2 retary for Energy Resources, shall submit to the appro-
3 priate congressional committees a report that—

4 (1) identifies priority countries for deepening
5 United States engagement on energy matters, in ac-
6 cordance with the economic and national security in-
7 terests of the United States and where deeper en-
8 ergy partnerships are most achievable;

9 (2) describes the involvement of the PRC gov-
10 ernment and companies incorporated in the PRC in
11 the development, operation, financing, or ownership
12 of energy generation facilities, transmission infra-
13 structure, or energy resources in the countries iden-
14 tified in paragraph (1);

15 (3) evaluates strategic or security concerns and
16 implications for United States national interests and
17 the interests of the countries identified in paragraph
18 (1), with respect to the PRC's involvement and in-
19 fluence in developing country energy production or
20 transmission; and

21 (4) outlines current and planned efforts by the
22 United States to partner with the countries identi-
23 fied in paragraph (1) on energy matters that sup-
24 port shared interests between the United States and
25 such countries.

1 (b) PUBLICATION.—The assessment required in sub-
2 section (a) shall be published on the United States Agency
3 for International Development’s website.

4 **Subtitle C—Digital Technology and** 5 **Connectivity**

6 **SEC. 3121. SENSE OF CONGRESS ON DIGITAL TECHNOLOGY** 7 **ISSUES.**

8 (a) LEADERSHIP IN INTERNATIONAL STANDARDS
9 SETTING.—It is the sense of Congress that the United
10 States must lead in international bodies that set the gov-
11 ernance norms and rules for critical digitally enabled tech-
12 nologies in order to ensure that these technologies operate
13 within a free, secure, interoperable, and stable digital do-
14 main.

15 (b) COUNTERING DIGITAL AUTHORITARIANISM.—It
16 is the sense of Congress that the United States, along with
17 allies and partners, should lead an international effort
18 that utilizes all of the economic and diplomatic tools at
19 its disposal to combat the expanding use of information
20 and communications technology products and services to
21 surveil, repress, and manipulate populations (also known
22 as “digital authoritarianism”).

23 (c) NEGOTIATIONS FOR DIGITAL TRADE AGREE-
24 MENTS OR ARRANGEMENTS.—It is the sense of Congress
25 that the United States Trade Representative should nego-

1 tiate bilateral and plurilateral agreements or arrange-
2 ments relating to digital goods with the European Union,
3 Japan, Taiwan, the member countries of the Five Eyes
4 intelligence-sharing alliance, and other nations, as appro-
5 priate.

6 (d) FREEDOM OF INFORMATION IN THE DIGITAL
7 AGE.—It is the sense of Congress that the United States
8 should lead a global effort to ensure that freedom of infor-
9 mation, including the ability to safely consume or publish
10 information without fear of undue reprisals, is maintained
11 as the digital domain becomes an increasingly integral
12 mechanism for communication.

13 (e) EFFORTS TO ENSURE TECHNOLOGICAL DEVEL-
14 OPMENT DOES NOT THREATEN DEMOCRATIC GOVERN-
15 ANCE OR HUMAN RIGHTS.—It is the sense of Congress
16 that the United States should lead a global effort to de-
17 velop and adopt a set of common principles and standards
18 for critical technologies to ensure that the use of such
19 technologies cannot be abused by malign actors, whether
20 they are governments or other entities, and that they do
21 not threaten democratic governance or human rights.

22 (f) FORMATION OF DIGITAL TECHNOLOGY TRADE
23 ALLIANCE.—It is the sense of Congress that the United
24 States should examine opportunities for diplomatic nego-
25 tiations regarding the formation of mutually beneficial al-

1 liances relating to digitally-enabled technologies and serv-
2 ices.

3 **SEC. 3122. DIGITAL CONNECTIVITY AND CYBERSECURITY**
4 **PARTNERSHIP.**

5 (a) DIGITAL CONNECTIVITY AND CYBERSECURITY
6 PARTNERSHIP.—The Secretary of State is authorized to
7 establish a program, to be known as the “Digital
8 Connectivity and Cybersecurity Partnership” to help for-
9 eign countries—

10 (1) expand and increase secure Internet access
11 and digital infrastructure in emerging markets;

12 (2) protect technological assets, including data;

13 (3) adopt policies and regulatory positions that
14 foster and encourage open, interoperable, reliable,
15 and secure internet, the free flow of data, multi-
16 stakeholder models of internet governance, and pro-
17 competitive and secure information and communica-
18 tions technology (ICT) policies and regulations;

19 (4) promote exports of United States ICT
20 goods and services and increase United States com-
21 pany market share in target markets;

22 (5) promote the diversification of ICT goods
23 and supply chain services to be less reliant on PRC
24 imports; and

1 (6) build cybersecurity capacity, expand inter-
2 operability, and promote best practices for a national
3 approach to cybersecurity.

4 (b) IMPLEMENTATION PLAN.—Not later than 180
5 days after the date of the enactment of this Act, the Sec-
6 retary of State shall submit to the appropriate committees
7 of Congress an implementation plan for the coming year
8 to advance the goals identified in subsection (a).

9 (c) CONSULTATION.—In developing the action plan
10 required by subsection (b), the Secretary of State shall
11 consult with—

12 (1) the appropriate congressional committees;

13 (2) leaders of the United States industry;

14 (3) other relevant technology experts, including
15 the Open Technology Fund;

16 (4) representatives from relevant United States
17 Government agencies; and

18 (5) representatives from like-minded allies and
19 partners.

20 (d) SEMIANNUAL BRIEFING REQUIREMENT.—Not
21 later than 180 days after the date of the enactment of
22 this Act, and annually thereafter for 5 years, the Secretary
23 of State shall provide the appropriate congressional com-
24 mittees a briefing on the implementation of the plan re-
25 quired by subsection (b).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$100,000,000 for each of
3 fiscal years 2022 through 2026 to carry out this section.

4 **SEC. 3123. STRATEGY FOR DIGITAL INVESTMENT BY**
5 **UNITED STATES INTERNATIONAL DEVELOP-**
6 **MENT FINANCE CORPORATION.**

7 (a) IN GENERAL.—Not later than one year after the
8 date of the enactment of this Act, the United States Inter-
9 national Development Finance Corporation, in consulta-
10 tion with the Administrator of the United States Agency
11 for International Development, shall submit to the appro-
12 priate congressional committees a strategy for support of
13 private sector digital investment that—

14 (1) includes support for information-
15 connectivity projects, including projects relating to
16 telecommunications equipment, mobile payments,
17 smart cities, and undersea cables;

18 (2) in providing such support, prioritizes pri-
19 vate sector projects—

20 (A) of strategic value to the United States;

21 (B) of mutual strategic value to the United
22 States and allies and partners of the United
23 States; and

24 (C) that will advance broader development
25 priorities of the United States;

1 (3) helps to bridge the digital gap in less devel-
2 oped countries and among women and minority com-
3 munities within those countries;

4 (4) facilitates coordination, where appropriate,
5 with multilateral development banks and develop-
6 ment finance institutions of other countries with re-
7 spect to projects described in paragraph (1), includ-
8 ing through the provision of co-financing and co-
9 guarantees; and

10 (5) identifies the human and financial resources
11 available to dedicate to such projects and assesses
12 any constraints to implementing such projects.

13 (b) LIMITATION.—

14 (1) IN GENERAL.—The Corporation may not
15 provide support for projects in which entities de-
16 scribed in paragraph (2) participate.

17 (2) ENTITIES DESCRIBED.—An entity described
18 in this subparagraph is an entity based in, or owned
19 or controlled by the government of, a country, in-
20 cluding the People's Republic of China, that does
21 not protect internet freedom of expression and pri-
22 vacy.

1 **Subtitle D—Countering Chinese**
2 **Communist Party Malign Influence**

3 **SECTION 3131. SHORT TITLE.**

4 This subtitle may be cited as the “Countering Chi-
5 nese Communist Party Malign Influence Act”.

6 **SEC. 3132. AUTHORIZATION OF APPROPRIATIONS FOR**
7 **COUNTERING CHINESE INFLUENCE FUND.**

8 (a) COUNTERING CHINESE INFLUENCE FUND.—

9 There is authorized to be appropriated \$300,000,000 for
10 each of fiscal years 2022 through 2026 for the Countering
11 Chinese Influence Fund to counter the malign influence
12 of the Chinese Communist Party globally. Amounts appro-
13 priated pursuant to this authorization are authorized to
14 remain available until expended and shall be in addition
15 to amounts otherwise authorized to be appropriated to
16 counter such influence.

17 (b) CONSULTATION REQUIRED.—The obligation of
18 funds appropriated or otherwise made available to counter
19 the malign influence of the Chinese Communist Party
20 globally shall be subject to prior consultation with, and
21 consistent with section 634A of the Foreign Assistance
22 Act of 1961 (22 U.S.C. 2394-1), the regular notification
23 procedures of—

24 (1) the Committee on Foreign Relations and
25 the Committee on Appropriations of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Appropriations of the House of Rep-
3 resentatives.

4 (c) POLICY GUIDANCE, COORDINATION, AND AP-
5 PROVAL.—

6 (1) COORDINATOR.—The Secretary of State
7 shall designate an existing senior official of the De-
8 partment at the rank of Assistant Secretary or
9 above to provide policy guidance, coordination, and
10 approval for the obligation of funds authorized pur-
11 suant to subsection (a).

12 (2) DUTIES.—The senior official designated
13 pursuant to paragraph (1) shall be responsible for—

14 (A) on an annual basis, the identification
15 of specific strategic priorities for using the
16 funds authorized to be appropriated by sub-
17 section (a), such as geographic areas of focus or
18 functional categories of programming that
19 funds are to be concentrated within, consistent
20 with the national interests of the United States
21 and the purposes of this division;

22 (B) the coordination and approval of all
23 programming conducted using the funds au-
24 thorized to be appropriated by subsection (a),
25 based on a determination that such program-

1 ming directly counters the malign influence of
2 the Chinese Communist Party, including spe-
3 cific activities or policies advanced by the Chi-
4 nese Communist Party, pursuant to the stra-
5 tegic objectives of the United States, as estab-
6 lished in the 2017 National Security Strategy,
7 the 2018 National Defense Strategy, and other
8 relevant national and regional strategies as ap-
9 propriate;

10 (C) ensuring that all programming ap-
11 proved bears a sufficiently direct nexus to such
12 acts by the Chinese Communist Party described
13 in subsection (d) and adheres to the require-
14 ments outlined in subsection (e); and

15 (D) conducting oversight, monitoring, and
16 evaluation of the effectiveness of all program-
17 ming conducted using the funds authorized to
18 be appropriated by subsection (a) to ensure
19 that it advances United States interests and de-
20 grades the ability of the Chinese Communist
21 Party, to advance activities that align with sub-
22 section (d) of this section.

23 (3) INTERAGENCY COORDINATION.—The senior
24 official designated pursuant to paragraph (1) shall,

1 in coordinating and approving programming pursu-
2 ant to paragraph (2), seek to—

3 (A) conduct appropriate interagency con-
4 sultation; and

5 (B) ensure, to the maximum extent prac-
6 ticable, that all approved programming func-
7 tions in concert with other Federal activities to
8 counter the malign influence and activities of
9 the Chinese Communist Party.

10 (4) ASSISTANT COORDINATOR.—The Adminis-
11 trator of the United States Agency for International
12 Development shall designate a senior official at the
13 rank of Assistant Administrator or above to assist
14 and consult with the senior official designated pur-
15 suant to paragraph (1).

16 (d) MALIGN INFLUENCE.—In this section, the term
17 “malign influence” with respect to the Chinese Com-
18 munist Party should be construed to include acts con-
19 ducted by the Chinese Communist Party or entities acting
20 on its behalf that—

21 (1) undermine a free and open international
22 order;

23 (2) advance an alternative, repressive inter-
24 national order that bolsters the Chinese Communist

1 Party's hegemonic ambitions and is characterized by
2 coercion and dependency;

3 (3) undermine the national security or sov-
4 ereignty of the United States or other countries; or

5 (4) undermine the economic security of the
6 United States or other countries, including by pro-
7 moting corruption.

8 (e) COUNTERING MALIGN INFLUENCE.—In this sec-
9 tion, countering malign influence through the use of funds
10 authorized to be appropriated by subsection (a) shall in-
11 clude efforts to—

12 (1) promote transparency and accountability,
13 and reduce corruption, including in governance
14 structures targeted by the malign influence of the
15 Chinese Communist Party;

16 (2) support civil society and independent media
17 to raise awareness of and increase transparency re-
18 garding the negative impact of activities related to
19 the Belt and Road Initiative and associated initia-
20 tives;

21 (3) counter transnational criminal networks
22 that benefit, or benefit from, the malign influence of
23 the Chinese Communist Party;

24 (4) encourage economic development structures
25 that help protect against predatory lending schemes,

1 including support for market-based alternatives in
2 key economic sectors, such as digital economy, en-
3 ergy, and infrastructure;

4 (5) counter activities that provide undue influ-
5 ence to the security forces of the People's Republic
6 of China;

7 (6) expose misinformation and disinformation
8 of the Chinese Communist Party's propaganda, in-
9 cluding through programs carried out by the Global
10 Engagement Center; and

11 (7) counter efforts by the Chinese Communist
12 Party to legitimize or promote authoritarian ideology
13 and governance models.

14 **SEC. 3133. FINDINGS ON CHINESE INFORMATION WARFARE**
15 **AND MALIGN INFLUENCE OPERATIONS.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) In the report to Congress required under
19 section 1261(b) of the John S. McCain National De-
20 fense Authorization Act for Fiscal Year 2019 (Pub-
21 lic Law 115–232), the President laid out a broad
22 range of malign activities conducted by the Govern-
23 ment of the People's Republic of China and its
24 agents and entities, including—

1 (A) propaganda and disinformation, in
2 which “Beijing communicates its narrative
3 through state-run television, print, radio, and
4 online organizations whose presence is prolifer-
5 ating in the United States and around the
6 world”;

7 (B) malign political influence operations,
8 particularly “front organizations and agents
9 which target businesses, universities, think
10 tanks, scholars, journalists, and local state and
11 Federal officials in the United States and
12 around the world, attempting to influence dis-
13 course”; and

14 (C) malign financial influence operations,
15 characterized as the “misappropriation of tech-
16 nology and intellectual property, failure to ap-
17 propriately disclose relationships with foreign
18 government sponsored entities, breaches of con-
19 tract and confidentiality, and manipulation of
20 processes for fair and merit-based allocation of
21 Federal research and development funding”.

22 (2) Chinese information warfare and malign in-
23 fluence operations are ongoing. In January 2019,
24 then-Director of National Intelligence, Dan Coats,
25 stated, “China will continue to use legal, political,

1 and economic levers—such as the lure of Chinese
2 markets—to shape the information environment. It
3 is also capable of using cyber attacks against sys-
4 tems in the United States to censor or suppress
5 viewpoints it deems politically sensitive.”.

6 (3) In February 2020, then-Director of the
7 Federal Bureau of Investigation, Christopher Wray,
8 testified to the Committee on the Judiciary of the
9 House of Representatives that the People’s Republic
10 of China has “very active [malign] foreign influence
11 efforts in this country,” with the goal of “trying to
12 shift our policy and our public opinion to be more
13 pro-China on a variety of issues”.

14 (4) The PRC’s information warfare and malign
15 influence operations continue to adopt new tactics
16 and evolve in sophistication. In May 2020, then-Spe-
17 cial Envoy and Coordinator of the Global Engage-
18 ment Center (GEC), Lea Gabrielle, stated that there
19 was a convergence of Russian and Chinese nar-
20 ratives surrounding COVID–19 and that the GEC
21 had “uncovered a new network of inauthentic Twit-
22 ter accounts” that it assessed was “created with the
23 intent to amplify Chinese propaganda and
24 disinformation”. In June 2020, Google reported that

1 Chinese hackers attempted to access email accounts
2 of the campaign staff of a presidential candidate.

3 (5) Chinese information warfare and malign in-
4 fluence operations are a threat to the national secu-
5 rity, democracy, and economic systems of the United
6 States and its allies and partners. In October 2018,
7 Vice President Michael R. Pence warned that “Bei-
8 jing is employing a whole-of-government approach,
9 using political, economic, and military tools, as well
10 as propaganda, to advance its influence and benefit
11 its interests in the United States.”.

12 (6) In February 2018, then-Director of the
13 Federal Bureau of Investigation, Christopher Wray,
14 testified to the Select Committee on Intelligence of
15 the Senate that the People’s Republic of China is
16 taking advantage of and exploiting the open research
17 and development environments of United States in-
18 stitutions of higher education to utilize “professors,
19 scientists and students” as “nontraditional collec-
20 tors” of information.

21 (b) PRESIDENTIAL DUTIES.—The President shall—

22 (1) protect our democratic institutions and
23 processes from malign influence from the People’s
24 Republic of China and other foreign adversaries; and

1 (2) consistent with the policy specified in para-
2 graph (1), direct the heads of the appropriate Fed-
3 eral departments and agencies to implement Acts of
4 Congress to counter and deter PRC and other for-
5 eign information warfare and malign influence oper-
6 ations without delay, including—

7 (A) section 1043 of the John S. McCain
8 National Defense Authorization Act for Fiscal
9 Year 2019 (Public Law 115–232), which au-
10 thorizes a coordinator position within the Na-
11 tional Security Council for countering malign
12 foreign influence operations and campaigns;

13 (B) section 228 of the National Defense
14 Authorization Act for Fiscal Year 2020 (Public
15 Law 116–92), which authorizes additional re-
16 search of foreign malign influence operations on
17 social media platforms;

18 (C) section 847 of such Act, which requires
19 the Secretary of Defense to modify contracting
20 regulations regarding vetting for foreign owner-
21 ship, control and influence in order to mitigate
22 risks from malign foreign influence;

23 (D) section 1239 of such Act, which re-
24 quires an update of the comprehensive strategy

1 to counter the threat of malign influence to in-
2 clude the People's Republic of China;

3 (E) section 5323 of such Act, which au-
4 thORIZES the Director of National Intelligence to
5 facilitate the establishment of Social Media
6 Data and Threat Analysis Center to detect and
7 study information warfare and malign influence
8 operations across social media platforms; and

9 (F) section 119C of the National Security
10 Act of 1947 (50 U.S.C. 3059), which authorizes
11 the establishment of a Foreign Malign Influence
12 Response Center inside the Office of the Direc-
13 tor of National Intelligence.

14 **SEC. 3134. AUTHORIZATION OF APPROPRIATIONS FOR THE**
15 **FULBRIGHT-HAYS PROGRAM.**

16 There are authorized to be appropriated, for the 5-
17 year period beginning on October 1, 2021, \$105,500,000,
18 to promote education, training, research, and foreign lan-
19 guage skills through the Fulbright-Hays Program, in ac-
20 cordance with section 102(b) of the Mutual Educational
21 and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)).

22 **SEC. 3135. SENSE OF CONGRESS CONDEMNING ANTI-ASIAN**
23 **RACISM AND DISCRIMINATION.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) Since the onset of the COVID–19 pan-
2 demic, crimes and discrimination against Asians and
3 those of Asian descent have risen dramatically
4 worldwide. In May 2020, United Nations Secretary-
5 General Antonio Guterres said “the pandemic con-
6 tinues to unleash a tsunami of hate and xenophobia,
7 scapegoating and scare-mongering” and urged gov-
8 ernments to “act now to strengthen the immunity of
9 our societies against the virus of hate”.

10 (2) Asian American and Pacific Island (AAPI)
11 workers make up a large portion of the essential
12 workers on the frontlines of the COVID–19 pan-
13 demic, making up 8.5 percent of all essential
14 healthcare workers in the United States. AAPI
15 workers also make up a large share—between 6 per-
16 cent and 12 percent based on sector—of the bio-
17 medical field.

18 (3) The United States Census notes that Amer-
19 icans of Asian descent alone made up nearly 5.9 per-
20 cent of the United States population in 2019, and
21 that Asian Americans are the fastest-growing racial
22 group in the United States, projected to represent
23 14 percent of the United States population by 2065.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the reprehensible attacks on people of Asian
2 descent and concerning increase in anti-Asian senti-
3 ment and racism in the United States and around
4 the world have no place in a peaceful, civilized, and
5 tolerant world;

6 (2) the United States is a diverse nation with
7 a proud tradition of immigration, and the strength
8 and vibrancy of the United States is enhanced by
9 the diverse ethnic backgrounds and tolerance of its
10 citizens, including Asian Americans and Pacific Is-
11 landers;

12 (3) the United States Government should en-
13 courage other foreign governments to use the official
14 and scientific names for the COVID–19 pandemic,
15 as recommended by the World Health Organization
16 and the Centers for Disease Control and Prevention;
17 and

18 (4) the United States Government and other
19 governments around the world must actively oppose
20 racism and intolerance, and use all available and ap-
21 propriate tools to combat the spread of anti-Asian
22 racism and discrimination.

1 **SEC. 3136. SUPPORTING INDEPENDENT MEDIA AND COUN-**
2 **TERING DISINFORMATION.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The PRC is increasing its spending on pub-
6 lic diplomacy including influence campaigns, adver-
7 tising, and investments into state-sponsored media
8 publications outside of the PRC. These include, for
9 example, more than \$10,000,000,000 in foreign di-
10 rect investment in communications infrastructure,
11 platforms, and properties, as well as bringing jour-
12 nalists to the PRC for training programs.

13 (2) The PRC, through the Voice of China, the
14 United Front Work Department (UFWD), and
15 UFWD's many affiliates and proxies, has obtained
16 unfettered access to radio, television, and digital dis-
17 semination platforms in numerous languages tar-
18 geted at citizens in other regions where the PRC has
19 an interest in promoting public sentiment in support
20 of the Chinese Communist Party and expanding the
21 reach of its misleading narratives and propaganda.

22 (3) Even in Western democracies, the PRC
23 spends extensively on influence operations, such as a
24 \$500,000,000 advertising campaign to attract cable
25 viewers in Australia and a more than \$20,000,000

1 campaign to influence United States public opinion
2 via the China Daily newspaper supplement.

3 (4) Radio Free Asia (referred to in this sub-
4 section as “RFA”), a private nonprofit multimedia
5 news corporation, which broadcasts in 9 East Asian
6 languages including Mandarin, Uyghur, Cantonese,
7 and Tibetan, has succeeded in its mission to reach
8 audiences in China and in the Central Asia region
9 despite the Chinese Government’s—

10 (A) efforts to practice “media sov-
11 ereignty,” which restricts access to the free
12 press within China; and

13 (B) campaign to spread disinformation to
14 countries abroad.

15 (5) In 2019, RFA’s Uyghur Service alerted the
16 world to the human rights abuses of Uyghur and
17 other ethnic minorities in China’s Xinjiang Uyghur
18 Autonomous Region.

19 (6) Gulchehra Hoja, a Uyghur journalist for
20 RFA, received the International Women’s Media
21 Foundation’s Courage in Journalism Award and a
22 2019 Magnitsky Human Rights Award for her cov-
23 erage of Xinjiang, while the Chinese Government de-
24 tained and harassed Ms. Hoja’s China-based family

1 and the families of 7 other RFA journalists in retal-
2 iation for their role in exposing abuses.

3 (7) In 2019 and 2020, RFA provided widely
4 disseminated print and digital coverage of the de-
5 cline in freedom in Hong Kong and the student-led
6 protests of the extradition law.

7 (8) In March 2020, RFA exposed efforts by the
8 Chinese Government to underreport the number of
9 fatalities from the novel coronavirus outbreak in
10 Wuhan Province, China.

11 (b) THE UNITED STATES AGENCY FOR GLOBAL
12 MEDIA.—The United States Agency for Global Media
13 (USAGM) and affiliate Federal and non-Federal entities
14 shall undertake the following actions to support inde-
15 pendent journalism, counter disinformation, and combat
16 surveillance in countries where the Chinese Communist
17 Party and other malign actors are promoting
18 disinformation, propaganda, and manipulated media mar-
19 kets:

20 (1) Radio Free Asia (RFA) shall expand do-
21 mestic coverage and digital programming for all
22 RFA China services and other affiliate language
23 broadcasting services.

1 (2) USAGM shall increase funding for RFA's
2 Mandarin, Tibetan, Uyghur, and Cantonese lan-
3 guage services.

4 (3) Voice of America shall establish a real-time
5 disinformation tracking tool similar to Polygraph for
6 Russian language propaganda and misinformation.

7 (4) USAGM shall expand existing training and
8 partnership programs that promote journalistic
9 standards, investigative reporting, cybersecurity, and
10 digital analytics to help expose and counter false
11 CCP narratives.

12 (5) The Open Technology Fund shall continue
13 and expand its work to support tools and technology
14 to circumvent censorship and surveillance by the
15 CCP, both inside the PRC as well as abroad where
16 the PRC has exported censorship technology, and in-
17 crease secure peer-to-peer connectivity and privacy
18 tools.

19 (6) Voice of America shall continue and review
20 opportunities to expand its mission of providing
21 timely, accurate, and reliable news, programming,
22 and content about the United States, including
23 news, culture, and values.

24 (7) The networks and grantees of the United
25 States Agency for Global Media shall continue their

1 mission of providing credible and timely news cov-
2 erage inclusive of the People's Republic of China's
3 activities in Xinjiang, including China's ongoing
4 genocide and crimes against humanity with respect
5 to Uyghurs and other Turkic Muslims, including
6 through strategic amplification of Radio Free Asia's
7 coverage, in its news programming in majority-Mus-
8 lim countries.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated, for each of fiscal years
11 2022 through 2026 for the United States Agency for
12 Global Media, \$100,000,000 for ongoing and new pro-
13 grams to support local media, build independent media,
14 combat Chinese disinformation inside and outside of
15 China, invest in technology to subvert censorship, and
16 monitor and evaluate these programs, of which—

17 (1) not less than \$70,000,000 shall be directed
18 to a grant to Radio Free Asia language services;

19 (2) not less than \$20,000,000 shall be used to
20 serve populations in China through Mandarin, Can-
21 tonese, Uyghur, and Tibetan language services; and

22 (3) not less than \$5,500,000 shall be used for
23 digital media services—

24 (A) to counter propaganda of non-Chinese
25 populations in foreign countries; and

1 (B) to counter propaganda of Chinese pop-
2 ulations in China through “Global Mandarin”
3 programming.

4 (d) REPORTING REQUIREMENT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, and an-
7 nually thereafter for 5 years, the Chief Executive
8 Office of the United States Agency for Global
9 Media, in consultation with the President of the
10 Open Technology Fund, shall submit a report to the
11 appropriate congressional committees that outlines—

12 (A) the amount of funding appropriated
13 pursuant to subsection (c) that was provided to
14 the Open Technology Fund for purposes of cir-
15 cumventing Chinese Communist Party censor-
16 ship of the internet within the borders of the
17 People’s Republic of China;

18 (B) the progress that has been made in de-
19 veloping the technology referred to in subpara-
20 graph (A), including an assessment of whether
21 the funding provided was sufficient to achieve
22 meaningful penetration of People’s Republic of
23 China’s censors; and

24 (C) the impact of Open Technology Fund
25 tools on piercing Chinese Communist Party

1 internet censorship efforts, including the
2 metrics used to measure that impact and the
3 trajectory of that impact over the previous 5
4 years.

5 (2) FORM OF REPORT.—The report required
6 under paragraph (1) shall be submitted in unclassi-
7 fied form, but may include a classified annex.

8 (e) SUPPORT FOR LOCAL MEDIA.—The Secretary of
9 State, acting through the Assistant Secretary of State for
10 Democracy, Human Rights, and Labor and in coordina-
11 tion with the Administrator of the United States Agency
12 for International Development, shall support and train
13 journalists on investigative techniques necessary to ensure
14 public accountability related to the Belt and Road Initia-
15 tive, the PRC's surveillance and digital export of tech-
16 nology, and other influence operations abroad direct or di-
17 rectly supported by the Communist Party or the Chinese
18 government.

19 (f) INTERNET FREEDOM PROGRAMS.—The Bureau
20 of Democracy, Human Rights, and Labor shall continue
21 to support internet freedom programs.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Department of State,
24 for each of fiscal years 2022 through 2026, \$170,000,000

1 for ongoing and new programs in support of press free-
2 dom, training, and protection of journalists.

3 **SEC. 3137. GLOBAL ENGAGEMENT CENTER.**

4 (a) FINDING.—Congress established the Global En-
5 gagement Center to “direct, lead, and coordinate efforts”
6 of the Federal Government to “recognize, understand, ex-
7 pose, and counter foreign state and non-state propaganda
8 and disinformation globally”.

9 (b) EXTENSION.—Section 1287(j) of the National
10 Defense Authorization Act for Fiscal Year 2017 (22
11 U.S.C. 2656 note) is amended by striking “the date that
12 is 8 years after the date of the enactment of this Act”
13 and inserting “December 31, 2027”.

14 (c) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the Global Engagement Center should expand
16 its coordinating capacity through the exchange of liaison
17 officers with Federal departments and agencies that man-
18 age aspects of identifying and countering foreign
19 disinformation, including the National Counterterrorism
20 Center at the Office of the Director of National Intel-
21 ligence and from combatant commands.

22 (d) HIRING AUTHORITY.—Notwithstanding any
23 other provision of law, the Secretary of State, during the
24 five year period beginning on the date of the enactment

1 of this Act and solely to carry out functions of the Global
2 Engagement Center, may—

3 (1) appoint employees without regard to the
4 provisions of title 5, United States Code, regarding
5 appointments in the competitive service; and

6 (2) fix the basic compensation of such employ-
7 ees without regard to chapter 51 and subchapter III
8 of chapter 53 of such title regarding classification
9 and General Schedule pay rates.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$150,000,000 for fiscal year
12 2022 for the Global Engagement Center to counter foreign
13 state and non-state sponsored propaganda and
14 disinformation.

15 **SEC. 3138. REVIEW BY COMMITTEE ON FOREIGN INVEST-**
16 **MENT IN THE UNITED STATES OF CERTAIN**
17 **FOREIGN GIFTS TO AND CONTRACTS WITH**
18 **INSTITUTIONS OF HIGHER EDUCATION.**

19 (a) AMENDMENTS TO DEFENSE PRODUCTION ACT
20 OF 1950.—

21 (1) DEFINITION OF COVERED TRANSACTION.—
22 Subsection (a)(4) of section 721 of the Defense Pro-
23 duction Act of 1950 (50 U.S.C. 4565) is amended—

24 (A) in subparagraph (A)—

1 (i) in clause (i), by striking “; and”
2 and inserting a semicolon;

3 (ii) in clause (ii), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(iii) any transaction described in
8 subparagraph (B)(vi) proposed or pending
9 after the date of the enactment of the
10 China Strategic Competition Act of
11 2021.”;

12 (B) in subparagraph (B), by adding at the
13 end the following:

14 “(vi) Any gift to an institution of
15 higher education from a foreign person, or
16 the entry into a contract by such an insti-
17 tution with a foreign person, if—

18 “(I)(aa) the value of the gift or
19 contract equals or exceeds
20 \$1,000,000; or

21 “(bb) the institution receives, di-
22 rectly or indirectly, more than one gift
23 from or enters into more than one
24 contract, directly or indirectly, with
25 the same foreign person for the same

1 purpose the aggregate value of which,
2 during the period of 2 consecutive cal-
3 endar years, equals or exceeds
4 \$1,000,000; and

5 “(II) the gift or contract—

6 “(aa) relates to research, de-
7 velopment, or production of crit-
8 ical technologies and provides the
9 foreign person potential access to
10 any material nonpublic technical
11 information (as defined in sub-
12 paragraph (D)(ii)) in the posses-
13 sion of the institution; or

14 “(bb) is a restricted or con-
15 ditional gift or contract (as de-
16 fined in section 117(h) of the
17 Higher Education Act of 1965
18 (20 U.S.C. 1011f(h))) that estab-
19 lishes control.”; and

20 (C) by adding at the end the following:

21 “(G) FOREIGN GIFTS TO AND CONTRACTS
22 WITH INSTITUTIONS OF HIGHER EDUCATION.—
23 For purposes of subparagraph (B)(vi):

24 “(i) CONTRACT.—The term ‘contract’
25 means any agreement for the acquisition

1 by purchase, lease, or barter of property or
2 services by a foreign person, for the direct
3 benefit or use of either of the parties.

4 “(ii) GIFT.—The term ‘gift’ means
5 any gift of money or property.

6 “(iii) INSTITUTION OF HIGHER EDU-
7 CATION.—The term ‘institution of higher
8 education’ means any institution, public or
9 private, or, if a multicampus institution,
10 any single campus of such institution, in
11 any State—

12 “(I) that is legally authorized
13 within such State to provide a pro-
14 gram of education beyond secondary
15 school;

16 “(II) that provides a program for
17 which the institution awards a bach-
18 elor’s degree (or provides not less
19 than a 2-year program which is ac-
20 ceptable for full credit toward such a
21 degree) or a more advanced degree;

22 “(III) that is accredited by a na-
23 tionally recognized accrediting agency
24 or association; and

1 “(IV) to which the Federal Gov-
2 ernment extends Federal financial as-
3 sistance (directly or indirectly through
4 another entity or person), or that re-
5 ceives support from the extension of
6 Federal financial assistance to any of
7 the institution’s subunits.”.

8 (2) MANDATORY DECLARATIONS.—Subsection
9 (b)(1)(C)(v)(IV)(aa) of such section is amended by
10 adding at the end the following: “Such regulations
11 shall require a declaration under this subclause with
12 respect to a covered transaction described in sub-
13 section (a)(4)(B)(vi)(II)(aa).”.

14 (3) FACTORS TO BE CONSIDERED.—Subsection
15 (f) of such section is amended—

16 (A) in paragraph (10), by striking “; and”
17 and inserting a semicolon;

18 (B) by redesignating paragraph (11) as
19 paragraph (12); and

20 (C) by inserting after paragraph (10) the
21 following:

22 “(11) as appropriate, and particularly with re-
23 spect to covered transactions described in subsection
24 (a)(4)(B)(vi), the importance of academic freedom at

1 institutions of higher education in the United States;
2 and”.

3 (4) MEMBERSHIP OF CFIUS.—Subsection (k) of
4 such section is amended—

5 (A) in paragraph (2)—

6 (i) by redesignating subparagraphs
7 (H), (I), and (J) as subparagraphs (I),
8 (J), and (K), respectively; and

9 (ii) by inserting after subparagraph
10 (G) the following:

11 “(H) In the case of a covered transaction
12 involving an institution of higher education (as
13 defined in subsection (a)(4)(G)), the Secretary
14 of Education.”; and

15 (B) by adding at the end the following:

16 “(8) INCLUSION OF OTHER AGENCIES ON COM-
17 MITTEE.—In considering including on the Com-
18 mittee under paragraph (2)(K) the heads of other
19 executive departments, agencies, or offices, the
20 President shall give due consideration to the heads
21 of relevant research and science agencies, depart-
22 ments, and offices, including the Secretary of Health
23 and Human Services, the Director of the National
24 Institutes of Health, and the Director of the Na-
25 tional Science Foundation.”.

1 (5) CONTENTS OF ANNUAL REPORT RELATING
2 TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of
3 such section is amended—

4 (A) in subparagraph (B), by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (C), by striking the
7 period at the end and inserting a semicolon;
8 and

9 (C) by adding at the end the following:

10 “(D) an evaluation of whether there are
11 foreign malign influence or espionage activities
12 directed or directly assisted by foreign govern-
13 ments against institutions of higher education
14 (as defined in subsection (a)(4)(G)) aimed at
15 obtaining research and development methods or
16 secrets related to critical technologies; and

17 “(E) an evaluation of, and recommenda-
18 tion for any changes to, reviews conducted
19 under this section that relate to institutions of
20 higher education, based on an analysis of dislo-
21 sure reports submitted to the chairperson under
22 section 117(a) of the Higher Education Act of
23 1965 (20 U.S.C. 1011f(a)).”.

24 (b) INCLUSION OF CFIUS IN REPORTING ON FOR-
25 EIGN GIFTS UNDER HIGHER EDUCATION ACT OF 1965.—

1 Section 117 of the Higher Education Act of 1965 (20
2 U.S.C. 1011f) is amended—

3 (1) in subsection (a), by inserting after “the
4 Secretary” the following: “and the Secretary of the
5 Treasury (in the capacity of the Secretary as the
6 chairperson of the Committee on Foreign Investment
7 in the United States under section 721(k)(3) of the
8 Defense Production Act of 1950 (50 U.S.C.
9 4565(k)(3)))”; and

10 (2) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) by striking “with the Secretary”
13 and inserting “with the Secretary and the
14 Secretary of the Treasury”; and

15 (ii) by striking “to the Secretary” and
16 inserting “to each such Secretary”; and

17 (B) in paragraph (2), by striking “with the
18 Secretary” and inserting “with the Secretary
19 and the Secretary of the Treasury”.

20 (c) EFFECTIVE DATE; APPLICABILITY.—The amend-
21 ments made by subsection (a) shall—

22 (1) take effect on the date of the enactment of
23 this Act, subject to the requirements of subsections
24 (d) and (e); and

1 (2) apply with respect to any covered trans-
2 action the review or investigation of which is initi-
3 ated under section 721 of the Defense Production
4 Act of 1950 on or after the date that is 30 days
5 after the publication in the Federal Register of the
6 notice required under subsection (e)(2).

7 (d) REGULATIONS.—

8 (1) IN GENERAL.—The Committee on Foreign
9 Investment in the United States (in this section re-
10 ferred to as the “Committee”), which shall include
11 the Secretary of Education for purposes of this sub-
12 section, shall prescribe regulations as necessary and
13 appropriate to implement the amendments made by
14 subsection (a).

15 (2) ELEMENTS.—The regulations prescribed
16 under paragraph (1) shall include—

17 (A) regulations accounting for the burden
18 on institutions of higher education likely to re-
19 sult from compliance with the amendments
20 made by subsection (a), including structuring
21 penalties and filing fees to reduce such burdens,
22 shortening timelines for reviews and investiga-
23 tions, allowing for simplified and streamlined
24 declaration and notice requirements, and imple-

1 menting any procedures necessary to protect
2 academic freedom; and

3 (B) guidance with respect to—

4 (i) which gifts and contracts described
5 in described in clause (vi)(II)(aa) of sub-
6 section (a)(4)(B) of section 721 of the De-
7 fense Production Act of 1950, as added by
8 subsection (a)(1), would be subject to filing
9 mandatory declarations under subsection
10 (b)(1)(C)(v)(IV) of that section; and

11 (ii) the meaning of “control”, as de-
12 fined in subsection (a) of that section, as
13 that term applies to covered transactions
14 described in clause (vi) of paragraph
15 (4)(B) of that section, as added by sub-
16 section (a)(1).

17 (3) ISSUANCE OF FINAL RULE.—The Com-
18 mittee shall issue a final rule to carry out the
19 amendments made by subsection (a) after assessing
20 the findings of the pilot program required by sub-
21 section (e).

22 (e) PILOT PROGRAM.—

23 (1) IN GENERAL.—Beginning on the date that
24 is 30 days after the publication in the Federal Reg-
25 ister of the matter required by paragraph (2) and

1 ending on the date that is 570 days thereafter, the
2 Committee shall conduct a pilot program to assess
3 methods for implementing the review of covered
4 transactions described in clause (vi) of section
5 721(a)(4)(B) of the Defense Production Act of
6 1950, as added by subsection (a)(1).

7 (2) PROPOSED DETERMINATION.—Not later
8 than 270 days after the date of the enactment of
9 this Act, the Committee shall, in consultation with
10 the Secretary of Education, publish in the Federal
11 Register—

12 (A) a proposed determination of the scope
13 of and procedures for the pilot program re-
14 quired by paragraph (1);

15 (B) an assessment of the burden on insti-
16 tutions of higher education likely to result from
17 compliance with the pilot program;

18 (C) recommendations for addressing any
19 such burdens, including shortening timelines for
20 reviews and investigations, structuring penalties
21 and filing fees, and simplifying and stream-
22 lining declaration and notice requirements to
23 reduce such burdens; and

1 (D) any procedures necessary to ensure
2 that the pilot program does not infringe upon
3 academic freedom.

4 (3) REPORT ON FINDINGS.—Upon conclusion of
5 the pilot program required by paragraph (1), the
6 Committee shall submit to Congress a report on the
7 findings of that pilot program that includes—

8 (A) a summary of the reviews conducted
9 by the Committee under the pilot program and
10 the outcome of such reviews;

11 (B) an assessment of any additional re-
12 sources required by the Committee to carry out
13 this section or the amendments made by sub-
14 section (a);

15 (C) findings regarding the additional bur-
16 den on institutions of higher education likely to
17 result from compliance with the amendments
18 made by subsection (a) and any additional rec-
19 ommended steps to reduce those burdens; and

20 (D) any recommendations for Congress to
21 consider regarding the scope or procedures de-
22 scribed in this section or the amendments made
23 by subsection (a).

1 **SEC. 3139. POST-EMPLOYMENT RESTRICTIONS ON SENATE-**
2 **CONFIRMED OFFICIALS AT THE DEPART-**
3 **MENT OF STATE.**

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

6 (1) Congress and the executive branch have rec-
7 ognized the importance of preventing and mitigating
8 the potential for conflicts of interest following gov-
9 ernment service, including with respect to senior
10 United States officials working on behalf of foreign
11 governments; and

12 (2) Congress and the executive branch should
13 jointly evaluate the status and scope of post-employ-
14 ment restrictions.

15 (b) RESTRICTIONS.—Section 841 of the State De-
16 partment Basic Authorities Act of 1956 (22 U.S.C.
17 2651a) is amended by adding at the end the following new
18 subsection:

19 “(i) EXTENDED POST-EMPLOYMENT RESTRICTIONS
20 FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

21 “(1) SECRETARY OF STATE AND DEPUTY SEC-
22 RETARY OF STATE.—With respect to a person serv-
23 ing as the Secretary of State or Deputy Secretary of
24 State, the restrictions described in section 207(f)(1)
25 of title 18, United States Code, shall apply to rep-
26 resenting, aiding, or advising a foreign governmental

1 entity before an officer or employee of the executive
2 branch of the United States at any time after the
3 termination of that person’s service as Secretary or
4 Deputy Secretary.

5 “(2) UNDER SECRETARIES, ASSISTANT SECRE-
6 TARIES, AND AMBASSADORS.—With respect to a per-
7 son serving as an Under Secretary, Assistant Sec-
8 retary, or Ambassador at the Department of State
9 or the United States Permanent Representative to
10 the United Nations, the restrictions described in sec-
11 tion 207(f)(1) of title 18, United States Code, shall
12 apply to representing, aiding, or advising a foreign
13 governmental entity before an officer or employee of
14 the executive branch of the United States for 3
15 years after the termination of that person’s service
16 in a position described in this paragraph, or the du-
17 ration of the term or terms of the President who ap-
18 pointed that person to their position, whichever is
19 longer.

20 “(3) PENALTIES AND INJUNCTIONS.—Any vio-
21 lations of the restrictions in paragraphs (1) or (2)
22 shall be subject to the penalties and injunctions pro-
23 vided for under section 216 of title 18, United
24 States Code.

25 “(4) DEFINITIONS.—In this subsection:

1 “(A) The term ‘foreign governmental en-
2 tity’ includes any person employed by—

3 “(i) any department, agency, or other
4 entity of a foreign government at the na-
5 tional, regional, or local level;

6 “(ii) any governing party or coalition
7 of a foreign government at the national,
8 regional, or local level; or

9 “(iii) any entity majority-owned or
10 majority-controlled by a foreign govern-
11 ment at the national, regional, or local
12 level.

13 “(B) The term ‘representation’ does not
14 include representation by an attorney, who is
15 duly licensed and authorized to provide legal
16 advice in a United States jurisdiction, of a per-
17 son or entity in a legal capacity or for the pur-
18 poses of rendering legal advice.

19 “(5) EFFECTIVE DATE.—The restrictions in
20 this subsection shall apply only to persons who are
21 appointed by the President to the positions ref-
22 erenced in this subsection on or after 120 days after
23 the date of the enactment of the Strategic Competi-
24 tion Act of 2021.

1 “(6) NOTICE OF RESTRICTIONS.—Any person
2 subject to the restrictions of this subsection shall be
3 provided notice of these restrictions by the Depart-
4 ment of State upon appointment by the President,
5 and subsequently upon termination of service with
6 the Department of State.”.

7 **SEC. 3140. SENSE OF CONGRESS ON PRIORITIZING NOMINA-**
8 **TION OF QUALIFIED AMBASSADORS TO EN-**
9 **SURE PROPER DIPLOMATIC POSITIONING TO**
10 **COUNTER CHINESE INFLUENCE.**

11 It is the sense of Congress that it is critically impor-
12 tant for the President to nominate qualified ambassadors
13 as quickly as possible, especially for countries in Central
14 and South America, to ensure that the United States is
15 diplomatically positioned to counter Chinese influence ef-
16 forts in foreign countries.

17 **SEC. 3141. CHINA CENSORSHIP MONITOR AND ACTION**
18 **GROUP.**

19 (a) DEFINITIONS.—In this section:

20 (1) QUALIFIED RESEARCH ENTITY.—The term
21 “qualified research entity” means an entity that—
22 (A) is a nonpartisan research organization
23 or a federally funded research and development
24 center;

1 (B) has appropriate expertise and analyt-
2 ical capability to write the report required
3 under subsection (c); and

4 (C) is free from any financial, commercial,
5 or other entanglements, which could undermine
6 the independence of such report or create a
7 conflict of interest or the appearance of a con-
8 flict of interest, with—

9 (i) the Government of the People’s
10 Republic of China;

11 (ii) the Chinese Communist Party;

12 (iii) any company incorporated in the
13 People’s Republic of China or a subsidiary
14 of such company; or

15 (iv) any company or entity incor-
16 porated outside of the People’s Republic of
17 China that is believed to have a substantial
18 financial or commercial interest in the Peo-
19 ple’s Republic of China.

20 (2) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (A) a United States citizen or an alien law-
23 fully admitted for permanent residence to the
24 United States; or

1 (B) an entity organized under the laws of
2 the United States or any jurisdiction within the
3 United States, including a foreign branch of
4 such an entity.

5 (b) CHINA CENSORSHIP MONITOR AND ACTION
6 GROUP.—

7 (1) IN GENERAL.—The President shall establish
8 an interagency task force, which shall be known as
9 the “China Censorship Monitor and Action Group”
10 (referred to in this subsection as the “Task Force”).

11 (2) MEMBERSHIP.—The President shall—

12 (A) appoint the chair of the Task Force
13 from among the staff of the National Security
14 Council;

15 (B) appoint the vice chair of the Task
16 Force from among the staff of the National
17 Economic Council; and

18 (C) direct the head of each of the following
19 executive branch agencies to appoint personnel
20 to participate in the Task Force:

21 (i) The Department of State.

22 (ii) The Department of Commerce.

23 (iii) The Department of the Treasury.

24 (iv) The Department of Justice.

1 (v) The Office of the United States
2 Trade Representative.

3 (vi) The Office of the Director of Na-
4 tional Intelligence, and other appropriate
5 elements of the intelligence community (as
6 defined in section 3 of the National Secu-
7 rity Act of 1947 (50 U.S.C. 3003)).

8 (vii) The Federal Communications
9 Commission.

10 (viii) The United States Agency for
11 Global Media.

12 (ix) Other agencies designated by the
13 President.

14 (3) RESPONSIBILITIES.—The Task Force
15 shall—

16 (A) oversee the development and execution
17 of an integrated Federal Government strategy
18 to monitor and address the impacts of efforts
19 directed, or directly supported, by the Govern-
20 ment of the People’s Republic of China to cen-
21 sor or intimidate, in the United States or in
22 any of its possessions or territories, any United
23 States person, including United States compa-
24 nies that conduct business in the People’s Re-

1 public of China, which are exercising their right
2 to freedom of speech; and

3 (B) submit the strategy developed pursu-
4 ant to subparagraph (A) to the appropriate
5 congressional committees not later than 120
6 days after the date of the enactment of this
7 Act.

8 (4) MEETINGS.—The Task Force shall meet
9 not less frequently than twice per year.

10 (5) CONSULTATIONS.—The Task Force should
11 regularly consult, to the extent necessary and appro-
12 priate, with—

13 (A) Federal agencies that are not rep-
14 resented on the Task Force;

15 (B) independent agencies of the United
16 States Government that are not represented on
17 the Task Force;

18 (C) relevant stakeholders in the private
19 sector and the media; and

20 (D) relevant stakeholders among United
21 States allies and partners facing similar chal-
22 lenges related to censorship or intimidation by
23 the Government of the People's Republic of
24 China.

25 (6) REPORTING REQUIREMENTS.—

1 (A) ANNUAL REPORT.—The Task Force
2 shall submit an annual report to the appro-
3 priate congressional committees that describes,
4 with respect to the reporting period—

5 (i) the strategic objectives and policies
6 pursued by the Task Force to address the
7 challenges of censorship and intimidation
8 of United States persons while in the
9 United States or any of its possessions or
10 territories, which is directed or directly
11 supported by the Government of the Peo-
12 ple’s Republic of China;

13 (ii) the activities conducted by the
14 Task Force in support of the strategic ob-
15 jectives and policies referred to in clause
16 (i); and

17 (iii) the results of the activities re-
18 ferred to in clause (ii) and the impact of
19 such activities on the national interests of
20 the United States.

21 (B) FORM OF REPORT.—Each report sub-
22 mitted pursuant to subparagraph (A) shall be
23 unclassified, but may include a classified annex.

24 (C) CONGRESSIONAL BRIEFINGS.—Not
25 later than 90 days after the date of the enact-

1 ment of this Act, and annually thereafter, the
2 Task Force shall provide briefings to the appro-
3 priate congressional committees regarding the
4 activities of the Task Force to execute the
5 strategy developed pursuant to paragraph
6 (3)(A).

7 (c) REPORT ON CENSORSHIP AND INTIMIDATION OF
8 UNITED STATES PERSONS BY THE GOVERNMENT OF THE
9 PEOPLE'S REPUBLIC OF CHINA.—

10 (1) REPORT.—

11 (A) IN GENERAL.—Not later than 90 days
12 after the date of the enactment of this Act, the
13 Secretary of State shall select and seek to enter
14 into an agreement with a qualified research en-
15 tity that is independent of the Department of
16 State to write a report on censorship and in-
17 timidation in the United States and its posses-
18 sions and territories of United States persons,
19 including United States companies that conduct
20 business in the People's Republic of China,
21 which is directed or directly supported by the
22 Government of the People's Republic of China.

23 (B) MATTERS TO BE INCLUDED.—The re-
24 port required under subparagraph (A) shall—

1 (i) assess major trends, patterns, and
2 methods of the Government of the People's
3 Republic of China's efforts to direct or di-
4 rectly support censorship and intimidation
5 of United States persons, including United
6 States companies that conduct business in
7 the People's Republic of China, which are
8 exercising their right to freedom of speech;

9 (ii) assess, including through the use
10 of illustrative examples, as appropriate, the
11 impact on and consequences for United
12 States persons, including United States
13 companies that conduct business in the
14 People's Republic of China, that criticize—

15 (I) the Chinese Communist
16 Party;

17 (II) the Government of the Peo-
18 ple's Republic of China;

19 (III) the authoritarian model of
20 government of the People's Republic
21 of China; or

22 (IV) a particular policy advanced
23 by the Chinese Communist Party or
24 the Government of the People's Re-
25 public of China;

1 (iii) identify the implications for the
2 United States of the matters described in
3 clauses (i) and (ii);

4 (iv) assess the methods and evaluate
5 the efficacy of the efforts by the Govern-
6 ment of the People's Republic of China to
7 limit freedom of expression in the private
8 sector, including media, social media, film,
9 education, travel, financial services, sports
10 and entertainment, technology, tele-
11 communication, and internet infrastructure
12 interests;

13 (v) include policy recommendations
14 for the United States Government, includ-
15 ing recommendations regarding collabora-
16 tion with United States allies and partners,
17 to address censorship and intimidation by
18 the Government of the People's Republic of
19 China; and

20 (vi) include policy recommendations
21 for United States persons, including
22 United States companies that conduct
23 business in China, to address censorship
24 and intimidation by the Government of the
25 People's Republic of China.

1 (C) APPLICABILITY TO UNITED STATES
2 ALLIES AND PARTNERS.—To the extent prac-
3 ticable, the report required under subparagraph
4 (A) should identify implications and policy rec-
5 ommendations that are relevant to United
6 States allies and partners facing censorship and
7 intimidation directed or directly supported by
8 the Government of the People’s Republic of
9 China.

10 (2) SUBMISSION OF REPORT.—

11 (A) IN GENERAL.—Not later than 1 year
12 after the date of the enactment of this Act, the
13 Secretary of State shall submit the report writ-
14 ten by the qualified research entity selected
15 pursuant to paragraph (1)(A) to the appro-
16 priate congressional committees.

17 (B) PUBLICATION.—The report referred to
18 in subparagraph (A) shall be made accessible to
19 the public online through relevant United
20 States Government websites.

21 (3) FEDERAL GOVERNMENT SUPPORT.—The
22 Secretary of State and other Federal agencies se-
23 lected by the President shall provide the qualified re-
24 search entity selected pursuant to paragraph (1)(A)
25 with timely access to appropriate information, data,

1 resources, and analyses necessary for such entity to
2 write the report described in paragraph (1)(A) in a
3 thorough and independent manner.

4 (d) SUNSET.—This section shall terminate on the
5 date that is 5 years after the date of the enactment of
6 this Act.

7 **TITLE II—INVESTING IN**
8 **ALLIANCES AND PARTNERSHIPS**
9 **Subtitle A—Strategic and**
10 **Diplomatic Matters**

11 **SEC. 3201. APPROPRIATE COMMITTEES OF CONGRESS DE-**
12 **FINED.**

13 In this subtitle, the term “appropriate committees of
14 Congress” means—

15 (1) the Committee on Foreign Relations and
16 the Committee on Appropriations of the Senate; and

17 (2) the Committee on Foreign Affairs and the
18 Committee on Appropriations of the House of Rep-
19 resentatives.

20 **SEC. 3202. UNITED STATES COMMITMENT AND SUPPORT**
21 **FOR ALLIES AND PARTNERS IN THE INDO-PA-**
22 **CIFIC.**

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

1 (1) the United States treaty alliances in the
2 Indo-Pacific provide a unique strategic advantage to
3 the United States and are among the Nation's most
4 precious assets, enabling the United States to ad-
5 vance its vital national interests, defend its territory,
6 expand its economy through international trade and
7 commerce, establish enduring cooperation among
8 like-minded countries, prevent the domination of the
9 Indo-Pacific and its surrounding maritime and air
10 lanes by a hostile power or powers, and deter poten-
11 tial aggressors;

12 (2) the Governments of the United States,
13 Japan, the Republic of Korea, Australia, the Phil-
14ippines, and Thailand are critical allies in advancing
15 a free and open order in the Indo-Pacific region and
16 tackling challenges with unity of purpose, and have
17 collaborated to advance specific efforts of shared in-
18terest in areas such as defense and security, eco-
19 nomic prosperity, infrastructure connectivity, and
20 fundamental freedoms;

21 (3) the United States greatly values other part-
22 nerships in the Indo-Pacific region, including with
23 India, Singapore, Indonesia, Taiwan, New Zealand,
24 and Vietnam as well as regional architecture such as
25 the Quad, the Association of Southeast Asian Na-

1 tions (ASEAN), and the Asia-Pacific Economic
2 Community (APEC), which are essential to further
3 shared interests;

4 (4) the security environment in the Indo-Pacific
5 demands consistent United States and allied com-
6 mitment to strengthening and advancing our alli-
7 ances so that they are postured to meet these chal-
8 lenges, and will require sustained political will, con-
9 crete partnerships, economic, commercial, and tech-
10 nological cooperation, consistent and tangible com-
11 mitments, high-level and extensive consultations on
12 matters of mutual interest, mutual and shared co-
13 operation in the acquisition of key capabilities im-
14 portant to allied defenses, and unified mutual sup-
15 port in the face of political, economic, or military co-
16 ercion;

17 (5) fissures in the United States alliance rela-
18 tionships and partnerships benefit United States ad-
19 versaries and weaken collective ability to advance
20 shared interests;

21 (6) the United States must work with allies to
22 prioritize human rights throughout the Indo-Pacific
23 region;

24 (7) as the report released in August 2020 by
25 the Expert Group of the International Military

1 Council on Climate and Security (IMCCS), titled
2 “Climate and Security in the Indo-Asia Pacific”
3 noted, the Indo-Pacific region is one of the regions
4 most vulnerable to climate impacts and as former
5 Deputy Under Secretary of Defense for Installations
6 and Environment Sherri Goodman, Secretary Gen-
7 eral of IMCCS, noted, climate shocks act as a threat
8 multiplier in the Indo-Pacific region, increasing hu-
9 manitarian response costs and impacting security
10 throughout the region as sea levels rise, fishing pat-
11 terns shift, food insecurity rises, and storms grow
12 stronger and more frequent;

13 (8) the United State should continue to engage
14 on and deepen cooperation with allies and partners
15 of the United States in the Indo-Pacific region, as
16 laid out in the Asia Reassurance Initiative Act (Pub-
17 lic Law 115–409), in the areas of—

18 (A) forecasting environmental challenges;

19 (B) assisting with transnational coopera-
20 tion on sustainable uses of forest and water re-
21 sources with the goal of preserving biodiversity
22 and access to safe drinking water;

23 (C) fisheries and marine resource conserva-
24 tion; and

1 (D) meeting environmental challenges and
2 developing resilience; and

3 (9) the Secretary of State, in coordination with
4 the Secretary of Defense and the Administrator of
5 the United States Agency for International Develop-
6 ment, should facilitate a robust interagency Indo-Pa-
7 cific climate resiliency and adaptation strategy fo-
8 cusing on internal and external actions needed—

9 (A) to facilitate regional early recovery,
10 risk reduction, and resilience to weather-related
11 impacts on strategic interests of the United
12 States and partners and allies of the United
13 States in the region; and

14 (B) to address humanitarian and food se-
15 curity impacts of weather-related changes in the
16 region.

17 (b) STATEMENT OF POLICY.—It shall be the policy
18 of the United States—

19 (1) to deepen diplomatic, economic, and secu-
20 rity cooperation between and among the United
21 States, Japan, the Republic of Korea, Australia, the
22 Philippines, and Thailand, including through diplo-
23 matic engagement, regional development, energy se-
24 curity and development, scientific and health part-
25 nerships, educational and cultural exchanges, missile

1 defense, intelligence-sharing, space, cyber, and other
2 diplomatic and defense-related initiatives;

3 (2) to uphold our multilateral and bilateral
4 treaty obligations, including—

5 (A) defending Japan, including all areas
6 under the administration of Japan, under arti-
7 cle V of the Treaty of Mutual Cooperation and
8 Security Between the United States of America
9 and Japan;

10 (B) defending the Republic of Korea under
11 article III of the Mutual Defense Treaty Be-
12 tween the United States and the Republic of
13 Korea;

14 (C) defending the Philippines under article
15 IV of the Mutual Defense Treaty Between the
16 United States and the Republic of the Phil-
17ippines;

18 (D) defending Thailand under the 1954
19 Manila Pact and the Thanat-Rusk communique
20 of 1962; and

21 (E) defending Australia under article IV of
22 the Australia, New Zealand, United States Se-
23curity Treaty;

1 (3) to strengthen and deepen the United States’
2 bilateral and regional partnerships, including with
3 India, Taiwan, ASEAN, and New Zealand;

4 (4) to cooperate with Japan, the Republic of
5 Korea, Australia, the Philippines, and Thailand to
6 promote human rights bilaterally and through re-
7 gional and multilateral fora and pacts; and

8 (5) to strengthen and advance diplomatic, eco-
9 nomic, and security cooperation with regional part-
10 ners, such as Taiwan, Vietnam, Malaysia, Singapore,
11 Indonesia, and India.

12 **SEC. 3203. SENSE OF CONGRESS ON COOPERATION WITH**
13 **THE QUAD.**

14 It is the sense of Congress that—

15 (1) the United States should reaffirm our com-
16 mitment to quadrilateral cooperation among Aus-
17 tralia, India, Japan, and the United States (the
18 “Quad”) to enhance and implement a shared vision
19 to meet shared regional challenges and to promote
20 a free, open, inclusive, resilient, and healthy Indo-
21 Pacific that is characterized by democracy, rule of
22 law, and market-driven economic growth, and is free
23 from undue influence and coercion;

24 (2) the United States should seek to expand
25 sustained dialogue and cooperation through the

1 Quad with a range of partners to support the rule
2 of law, freedom of navigation and overflight, peace-
3 ful resolution of disputes, democratic values, and
4 territorial integrity, and to uphold peace and pros-
5 perity and strengthen democratic resilience;

6 (3) the United States should seek to expand
7 avenues of cooperation with the Quad, including
8 more regular military-to-military dialogues, joint ex-
9 ercises, and coordinated policies related to shared in-
10 terests such as protecting cyberspace and advancing
11 maritime security;

12 (4) the recent pledge from the first-ever Quad
13 leaders meeting on March 12, 2021, to respond to
14 the economic and health impacts of COVID–19, in-
15 cluding expanding safe, affordable, and effective vac-
16 cine production and equitable access, and to address
17 shared challenges, including in cyberspace, critical
18 technologies, counterterrorism, quality infrastructure
19 investment, and humanitarian assistance and dis-
20 aster relief, as well as maritime domains, further ad-
21 vances the important cooperation among Quad na-
22 tions that is so critical to the Indo-Pacific region;

23 (5) building upon their partnership to help fi-
24 nance 1,000,000,000 or more COVID–19 vaccines
25 by the end of 2022 for use in the Indo-Pacific re-

1 gion, the United States International Development
2 Finance Corporation, the Japan International Co-
3 operation Agency, and the Japan Bank for Inter-
4 national Cooperation, including through partnerships
5 with other multilateral development banks, should
6 also venture to finance development and infrastruc-
7 ture projects in the Indo-Pacific region that are sus-
8 tainable and offer a viable alternative to the invest-
9 ments of the People’s Republic of China in that re-
10 gion under the Belt and Road Initiative;

11 (6) in consultation with other Quad countries,
12 the President should establish clear deliverables for
13 the 3 new Quad Working Groups established on
14 March 12, 2021, which are—

15 (A) the Quad Vaccine Experts Working
16 Group;

17 (B) the Quad Climate Working Group; and

18 (C) the Quad Critical and Emerging Tech-
19 nology Working Group; and

20 (7) the formation of a Quad Intra-Parliamen-
21 tary Working Group could—

22 (A) sustain and deepen engagement be-
23 tween senior officials of the Quad countries on
24 a full spectrum of issues; and

1 (B) be modeled on the successful and long-
2 standing bilateral intra-parliamentary groups
3 between the United States and Mexico, Canada,
4 and the United Kingdom, as well as other for-
5 mal and informal parliamentary exchanges.

6 **SEC. 3204. ESTABLISHMENT OF QUAD INTRA-PARLIAMEN-**
7 **TARY WORKING GROUP.**

8 (a) ESTABLISHMENT.—Not later than 30 days after
9 the date of the enactment of this Act, the Secretary of
10 State shall seek to enter into negotiations with the govern-
11 ments of Japan, Australia, and India (collectively, with the
12 United States, known as the “Quad”) with the goal of
13 reaching a written agreement to establish a Quad Intra-
14 Parliamentary Working Group for the purpose of acting
15 on the recommendations of the Quad Working Groups de-
16 scribed in section 203(6) and to facilitate closer coopera-
17 tion on shared interests and values.

18 (b) UNITED STATES GROUP.—

19 (1) IN GENERAL.—At such time as the govern-
20 ments of the Quad countries enter into a written
21 agreement described in subsection (a), there shall be
22 established a United States Group, which shall rep-
23 resent the United States at the Quad Intra-Par-
24 liamentary Working Group.

25 (2) MEMBERSHIP.—

1 (A) IN GENERAL.—The United States
2 Group shall be comprised of not more than 24
3 Members of Congress.

4 (B) APPOINTMENT.—Of the Members of
5 Congress appointed to the United States Group
6 under subparagraph (A)—

7 (i) half shall be appointed by the
8 Speaker of the House of Representatives
9 from among Members of the House, not
10 less than 4 of whom shall be members of
11 the Committee on Foreign Affairs; and

12 (ii) half shall be appointed by the
13 President Pro Tempore of the Senate,
14 based on recommendations of the majority
15 leader and minority leader of the Senate,
16 from among Members of the Senate, not
17 less than 4 of whom shall be members of
18 the Committee on Foreign Relations (un-
19 less the majority leader and minority lead-
20 er determine otherwise).

21 (3) MEETINGS.—

22 (A) IN GENERAL.—The United States
23 Group shall seek to meet not less frequently
24 than annually with representatives and appro-
25 priate staff of the legislatures of Japan, Aus-

1 tralia, and India, and any other country invited
2 by mutual agreement of the Quad countries.

3 (B) LIMITATION.—A meeting described in
4 subparagraph (A) may be held—

5 (i) in the United States;

6 (ii) in another Quad country during
7 periods when Congress is not in session; or

8 (iii) virtually.

9 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

10 (A) HOUSE DELEGATION.—The Speaker of
11 the House of Representatives shall designate
12 the chairperson or vice chairperson of the dele-
13 gation of the United States Group from the
14 House from among members of the Committee
15 on Foreign Affairs.

16 (B) SENATE DELEGATION.—The President
17 Pro Tempore of the Senate shall designate the
18 chairperson or vice chairperson of the delega-
19 tion of the United States Group from the Sen-
20 ate from among members of the Committee on
21 Foreign Relations.

22 (5) AUTHORIZATION OF APPROPRIATIONS.—

23 (A) IN GENERAL.—There is authorized to
24 be appropriated \$1,000,000 for each of the fis-

1 cal years 2022 through 2025 for the United
2 States Group.

3 (B) DISTRIBUTION OF APPROPRIATIONS.—

4 (i) IN GENERAL.—For each fiscal year
5 for which an appropriation is made for the
6 United States Group, half of the amount
7 appropriated shall be available to the dele-
8 gation from the House of Representatives
9 and half of the amount shall be available
10 to the delegation from the Senate.

11 (ii) METHOD OF DISTRIBUTION.—The
12 amounts available to the delegations of the
13 House of Representatives and the Senate
14 under clause (i) shall be disbursed on
15 vouchers to be approved by the chairperson
16 of the delegation from the House of Rep-
17 resentatives and the chairperson of the del-
18 egation from the Senate, respectively.

19 (6) PRIVATE SOURCES.—The United States
20 Group may accept gifts or donations of services or
21 property, subject to the review and approval, as ap-
22 propriate, of the Committee on Ethics of the House
23 of Representatives and the Committee on Ethics of
24 the Senate.

1 (7) CERTIFICATION OF EXPENDITURES.—The
2 certificate of the chairperson of the delegation from
3 the House of Representatives or the chairperson of
4 the delegation from the Senate of the United States
5 Group shall be final and conclusive upon the ac-
6 counting officers in the auditing of the accounts of
7 the United States Group.

8 (8) ANNUAL REPORT.—The United States
9 Group shall submit to the Committee on Foreign Af-
10 fairs of the House of Representatives and the Com-
11 mittee on Foreign Relations of the Senate a report
12 for each fiscal year for which an appropriation is
13 made for the United States Group, which shall in-
14 clude a description of its expenditures under such
15 appropriation.

16 **SEC. 3205. STATEMENT OF POLICY ON COOPERATION WITH**
17 **ASEAN.**

18 It is the policy of the United States to—

19 (1) stand with the nations of the Association of
20 Southeast Asian Nations (ASEAN) as they respond
21 to COVID–19 and support greater cooperation in
22 building capacity to prepare for and respond to
23 pandemics and other public health challenges;

24 (2) support high-level United States participa-
25 tion in the annual ASEAN Summit held each year;

1 (3) reaffirm the importance of United States-
2 ASEAN economic engagement, including the elimi-
3 nation of barriers to cross-border commerce, and
4 support the ASEAN Economic Community's (AEC)
5 goals, including strong, inclusive, and sustainable
6 long-term economic growth and cooperation with the
7 United States that focuses on innovation and capac-
8 ity-building efforts in technology, education, disaster
9 management, food security, human rights, and trade
10 facilitation, particularly for ASEAN's poorest coun-
11 tries;

12 (4) urge ASEAN to continue its efforts to fos-
13 ter greater integration and unity within the ASEAN
14 community, as well as to foster greater integration
15 and unity with non-ASEAN economic, political, and
16 security partners, including Japan, the Republic of
17 Korea, Australia, the European Union, Taiwan, and
18 India;

19 (5) recognize the value of strategic economic
20 initiatives like United States-ASEAN Connect,
21 which demonstrates a commitment to ASEAN and
22 the AEC and builds upon economic relationships in
23 the region;

24 (6) support ASEAN nations in addressing mar-
25 itime and territorial disputes in a constructive man-

1 ner and in pursuing claims through peaceful, diplo-
2 matic, and, as necessary, legitimate regional and
3 international arbitration mechanisms, consistent
4 with international law, including through the adop-
5 tion of a code of conduct in the South China Sea
6 that represents the interests of all parties and pro-
7 motes peace and stability in the region;

8 (7) urge all parties involved in the maritime
9 and territorial disputes in the Indo-Pacific region,
10 including the Government of the People's Republic
11 of China—

12 (A) to cease any current activities, and
13 avoid undertaking any actions in the future,
14 that undermine stability, or complicate or esca-
15 late disputes through the use of coercion, in-
16 timidation, or military force;

17 (B) to demilitarize islands, reefs, shoals,
18 and other features, and refrain from new ef-
19 forts to militarize, including the construction of
20 new garrisons and facilities and the relocation
21 of additional military personnel, material, or
22 equipment;

23 (C) to oppose actions by any country that
24 prevent other countries from exercising their
25 sovereign rights to the resources in their exclu-

1 sive economic zones and continental shelves by
2 enforcing claims to those areas in the South
3 China Sea that lack support in international
4 law; and

5 (D) to oppose unilateral declarations of ad-
6 ministrative and military districts in contested
7 areas in the South China Sea;

8 (8) urge parties to refrain from unilateral ac-
9 tions that cause permanent physical damage to the
10 marine environment and support the efforts of the
11 National Oceanic and Atmospheric Administration
12 and ASEAN to implement guidelines to address the
13 illegal, unreported, and unregulated fishing in the
14 region;

15 (9) urge ASEAN member states to develop a
16 common approach to reaffirm the decision of the
17 Permanent Court of Arbitration's 2016 ruling in
18 favor of the Republic of the Philippines in the case
19 against the People's Republic of China's excessive
20 maritime claims;

21 (10) reaffirm the commitment of the United
22 States to continue joint efforts with ASEAN to halt
23 human smuggling and trafficking in persons and
24 urge ASEAN to create and strengthen regional

1 mechanisms to provide assistance and support to
2 refugees and migrants;

3 (11) support the Mekong-United States Part-
4 nership;

5 (12) support newly created initiatives with
6 ASEAN countries, including the United States-
7 ASEAN Smart Cities Partnership, the ASEAN Pol-
8 icy Implementation Project, the United States-
9 ASEAN Innovation Circle, and the United States-
10 ASEAN Health Futures;

11 (13) encourage the President to communicate
12 to ASEAN leaders the importance of promoting the
13 rule of law and open and transparent government,
14 strengthening civil society, and protecting human
15 rights, including releasing political prisoners, ceasing
16 politically motivated prosecutions and arbitrary
17 killings, and safeguarding freedom of the press, free-
18 dom of assembly, freedom of religion, and freedom
19 of speech and expression;

20 (14) support efforts by organizations in
21 ASEAN that address corruption in the public and
22 private sectors, enhance anti-bribery compliance, en-
23 force bribery criminalization in the private sector,
24 and build beneficial ownership transparency through
25 the ASEAN-USAID PROSPECT project partnered

1 with the South East Asia Parties Against Corrup-
2 tion (SEA-PAC);

3 (15) support the Young Southeast Asian Lead-
4 ers Initiative as an example of a people-to-people
5 partnership that provides skills, networks, and lead-
6 ership training to a new generation that will create
7 and fill jobs, foster cross-border cooperation and
8 partnerships, and rise to address the regional and
9 global challenges of the future;

10 (16) support the creation of initiatives similar
11 to the Young Southeast Asian Leaders Initiative for
12 other parts of the Indo-Pacific to foster people-to-
13 people partnerships with an emphasis on civil society
14 leaders;

15 (17) acknowledge those ASEAN governments
16 that have fully upheld and implemented all United
17 Nations Security Council resolutions and inter-
18 national agreements with respect to the Democratic
19 People's Republic of Korea's nuclear and ballistic
20 missile programs and encourage all other ASEAN
21 governments to do the same; and

22 (18) allocate appropriate resources across the
23 United States Government to articulate and imple-
24 ment an Indo-Pacific strategy that respects and sup-
25 ports ASEAN centrality and supports ASEAN as a

1 source of well-functioning and problem-solving re-
2 gional architecture in the Indo-Pacific community.

3 **SEC. 3206. SENSE OF CONGRESS ON ENHANCING UNITED**
4 **STATES-ASEAN COOPERATION ON TECH-**
5 **NOLOGY ISSUES WITH RESPECT TO THE PEO-**
6 **PLE'S REPUBLIC OF CHINA.**

7 It is the sense of Congress that—

8 (1) the United States and ASEAN should com-
9 plete a joint analysis on risks of overreliance on Chi-
10 nese equipment critical to strategic technologies and
11 critical infrastructure;

12 (2) the United States and ASEAN should share
13 information about and collaborate on screening Chi-
14 nese investments in strategic technology sectors and
15 critical infrastructure;

16 (3) the United States and ASEAN should work
17 together on appropriate import restriction regimes
18 regarding Chinese exports of surveillance tech-
19 nologies;

20 (4) the United States should urge ASEAN to
21 adopt its March 2019 proposed sanctions regime
22 targeting cyber attacks;

23 (5) the United States should urge ASEAN to
24 commit to the September 2019 principles signed by
25 28 countries regarding “Advancing Responsible

1 State Behavior in Cyberspace”, a set of commit-
2 ments that support the “rules-based international
3 order, affirm the applicability of international law to
4 state-on-state behavior, adherence to voluntary
5 norms of responsible state behavior in peacetime,
6 and the development and implementation of practical
7 confidence building measures to help reduce the risk
8 of conflict stemming from cyber incidents”; and

9 (6) the United States and ASEAN should ex-
10 plore how Chinese investments in critical technology,
11 including artificial intelligence, will impact Indo-Pa-
12 cific security over the coming decades.

13 **SEC. 3207. REPORT ON CHINESE INFLUENCE IN INTER-**
14 **NATIONAL ORGANIZATIONS.**

15 (a) **REPORT REQUIRED.**—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of State, in coordination with the Director of National In-
18 telligence, shall submit to the Committee on Foreign Rela-
19 tions and the Select Committee on Intelligence of the Sen-
20 ate and the Committee on Foreign Affairs and the Perma-
21 nent Select Committee on Intelligence of the House of
22 Representatives a report on the expanded influence of the
23 Government of the People’s Republic of China and the
24 Chinese Communist Party in international organizations.

1 (b) CONTENTS.—The report required by subsection
2 (a) shall include analysis of the following:

3 (1) The influence of the PRC and Chinese
4 Communist Party in international organizations and
5 how that influence has expanded over the last 10
6 years, including—

7 (A) tracking countries' voting patterns
8 that align with Chinese government voting pat-
9 terns;

10 (B) the number of PRC nationals in lead-
11 ership positions at the D–1 level or higher;

12 (C) changes in PRC voluntary and manda-
13 tory funding by organization;

14 (D) adoption of Chinese Communist Party
15 phrases and initiatives in international organi-
16 zation language and programming;

17 (E) efforts by the PRC to secure legit-
18 imacy for its own foreign policy initiatives, in-
19 cluding the Belt and Road Initiative;

20 (F) the number of Junior Professional Of-
21 ficers that the Government of the People's Re-
22 public of China has funded by organization;

23 (G) tactics used by the Government of the
24 People's Republic of China or the CCP to ma-

1 manipulate secret or otherwise non-public voting
2 measures, voting bodies, or votes;

3 (H) the extent to which technology compa-
4 nies incorporated in the PRC, or which have
5 PRC or CCP ownership interests, provide
6 equipment and services to international organi-
7 zations; and

8 (I) efforts by the PRC's United Nations
9 Mission to generate criticism of the United
10 States in the United Nations, including any ef-
11 forts to highlight delayed United States pay-
12 ments or to misrepresent total United States
13 voluntary and assessed financial contributions
14 to the United Nations and its specialized agen-
15 cies and programs.

16 (2) The purpose and ultimate goals of the ex-
17 panded influence of the PRC government and the
18 Chinese Communist Party in international organiza-
19 tions, including an analysis of PRC Government and
20 Chinese Communist Party strategic documents and
21 rhetoric.

22 (3) The tactics and means employed by the
23 PRC government and the Chinese Communist Party
24 to achieve expanded influence in international orga-
25 nizations, including—

1 (A) incentive programs for PRC nationals
2 to join and run for leadership positions in inter-
3 national organizations;

4 (B) coercive economic and other practices
5 against other members in the organization; and

6 (C) economic or other incentives provided
7 to international organizations, including dona-
8 tions of technologies or goods.

9 (4) The successes and failures of the PRC gov-
10 ernment and Chinese Communist Party influence ef-
11 forts in international organizations, especially those
12 related to human rights, “internet sovereignty”, the
13 development of norms on artificial intelligence, labor,
14 international standards setting, and freedom of navi-
15 gation.

16 (c) FORM.—The report submitted under subsection
17 (a) shall be submitted in unclassified form, but may in-
18 clude a classified annex.

19 (d) DEFINITION.—In this section, the term “inter-
20 national organizations” includes the following:

21 (1) The African Development Bank.

22 (2) The Asian Development Bank.

23 (3) The Asia Pacific Economic Cooperation.

24 (4) The Bank of International Settlements.

25 (5) The Caribbean Development Bank.

- 1 (6) The Food and Agriculture Organization.
- 2 (7) The International Atomic Energy Agency.
- 3 (8) The International Bank for Reconstruction
4 and Development.
- 5 (9) The International Bureau of Weights and
6 Measures.
- 7 (10) The International Chamber of Commerce.
- 8 (11) The International Civil Aviation Organiza-
9 tion.
- 10 (12) The International Criminal Police Organi-
11 zation.
- 12 (13) The International Finance Corporation.
- 13 (14) The International Fund for Agricultural
14 Development.
- 15 (15) The International Hydrographic Organiza-
16 tion.
- 17 (16) The International Labor Organization.
- 18 (17) The International Maritime Organization.
- 19 (18) The International Monetary Fund.
- 20 (19) The International Olympic Committee.
- 21 (20) The International Organization for Migra-
22 tion.
- 23 (21) The International Organization for Stand-
24 ardization.

1 (22) The International Renewable Energy
2 Agency.

3 (23) The International Telecommunications
4 Union.

5 (24) The Organization for Economic Coopera-
6 tion and Development.

7 (25) The Organization for the Prohibition of
8 Chemical Weapons.

9 (26) The United Nations.

10 (27) The United Nations Conference on Trade
11 and Development.

12 (28) The United Nations Educational, Sci-
13 entific, and Cultural Organization.

14 (29) The United Nations Industrial Develop-
15 ment Organization.

16 (30) The United Nations Institute for Training
17 and Research.

18 (31) The United Nations Truce Supervision Or-
19 ganization.

20 (32) The Universal Postal Union.

21 (33) The World Customs Organization.

22 (34) The World Health Organization.

23 (35) The World Intellectual Property Organiza-
24 tion.

25 (36) The World Meteorological Organization.

1 (37) The World Organization for Animal
2 Health.

3 (38) The World Tourism Organization.

4 (39) The World Trade Organization.

5 (40) The World Bank Group.

6 **SEC. 3208. REGULATORY EXCHANGES WITH ALLIES AND**
7 **PARTNERS.**

8 (a) IN GENERAL.—The Secretary of State, in coordi-
9 nation with the heads of other participating executive
10 branch agencies, shall establish and develop a program to
11 facilitate and encourage regular dialogues between United
12 States Government regulatory and technical agencies and
13 their counterpart organizations in allied and partner coun-
14 tries, both bilaterally and in relevant multilateral institu-
15 tions and organizations—

16 (1) to promote best practices in regulatory for-
17 mation and implementation;

18 (2) to collaborate to achieve optimal regulatory
19 outcomes based on scientific, technical, and other
20 relevant principles;

21 (3) to seek better harmonization and alignment
22 of regulations and regulatory practices;

23 (4) to build consensus around industry and
24 technical standards in emerging sectors that will

1 drive future global economic growth and commerce;
2 and

3 (5) to promote United States standards regard-
4 ing environmental, labor, and other relevant protec-
5 tions in regulatory formation and implementation, in
6 keeping with the values of free and open societies,
7 including the rule of law.

8 (b) PRIORITIZATION OF ACTIVITIES.—In facilitating
9 expert exchanges under subsection (a), the Secretary shall
10 prioritize—

11 (1) bilateral coordination and collaboration with
12 countries where greater regulatory coherence, har-
13 monization of standards, or communication and dia-
14 logue between technical agencies is achievable and
15 best advances the economic and national security in-
16 terests of the United States;

17 (2) multilateral coordination and collaboration
18 where greater regulatory coherence, harmonization
19 of standards, or dialogue on other relevant regu-
20 latory matters is achievable and best advances the
21 economic and national security interests of the
22 United States, including with—

23 (A) the European Union;

24 (B) the Asia-Pacific Economic Coopera-
25 tion;

1 (C) the Association of Southeast Asian Na-
2 tions (ASEAN);

3 (D) the Organization for Economic Co-
4 operation and Development (OECD); and

5 (E) multilateral development banks; and

6 (3) regulatory practices and standards-setting
7 bodies focused on key economic sectors and emerg-
8 ing technologies.

9 (c) PARTICIPATION BY NON-GOVERNMENTAL ENTI-
10 TIES.—With regard to the program described in sub-
11 section (a), the Secretary of State may facilitate, including
12 through the use of amounts appropriated pursuant to sub-
13 section (e), the participation of private sector representa-
14 tives, and other relevant organizations and individuals
15 with relevant expertise, as appropriate and to the extent
16 that such participation advances the goals of such pro-
17 gram.

18 (d) DELEGATION OF AUTHORITY BY THE SEC-
19 RETARY.—The Secretary of State is authorized to delegate
20 the responsibilities described in this section to the Under
21 Secretary of State for Economic Growth, Energy, and the
22 Environment.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated \$2,500,000 for each of fiscal years
3 2022 through 2026 to carry out this section.

4 (2) USE OF FUNDS.—The Secretary may make
5 available amounts appropriated pursuant to para-
6 graph (1) in a manner that—

7 (A) facilitates participation by representa-
8 tives from technical agencies within the United
9 States Government and their counterparts; and

10 (B) complies with applicable procedural re-
11 quirements under the State Department Basic
12 Authorities Act of 1956 (22 U.S.C. 2651a et
13 seq.) and the Foreign Assistance Act of 1961
14 (22 U.S.C. 2151 et seq.).

15 **SEC. 3209. TECHNOLOGY PARTNERSHIP OFFICE AT THE DE-**
16 **PARTMENT OF STATE.**

17 (a) STATEMENT OF POLICY.—It shall be the policy
18 of the United States to lead new technology policy partner-
19 ships focused on the shared interests of the world’s tech-
20 nology-leading democracies.

21 (b) ESTABLISHMENT.—The Secretary of State shall
22 establish an interagency-staffed Technology Partnership
23 Office (referred to in this section as the “Office”), which
24 shall be housed in the Department of State.

25 (c) LEADERSHIP.—

1 (1) AMBASSADOR-AT-LARGE.—The Office shall
2 be headed by an Ambassador-at-Large for Tech-
3 nology, who shall—

4 (A) be appointed by the President, by and
5 with the advice and consent of the Senate;

6 (B) have the rank and status of ambas-
7 sador; and

8 (C) report to the Secretary of State, unless
9 otherwise directed.

10 (2) OFFICE LIAISONS.—The Secretary of Com-
11 merce and the Secretary of the Treasury shall each
12 appoint, from within their respective departments at
13 the level of GS–14 or higher, liaisons between the
14 Office and the Department of Commerce or the De-
15 partment of the Treasury, as applicable, to perform
16 the following duties:

17 (A) Collaborate with the Department of
18 State on relevant technology initiatives and
19 partnerships.

20 (B) Provide technical and other relevant
21 expertise to the Office, as appropriate.

22 (d) MEMBERSHIP.—In addition to the liaisons re-
23 ferred to in subsection (c), the Office shall include a rep-
24 resentative or expert detailee from key Federal agencies,

1 as determined by the Ambassador-at-Large for Tech-
2 nology.

3 (e) PURPOSES.—The purposes of the Office shall in-
4 clude responsibilities such as—

5 (1) creating, overseeing, and carrying out tech-
6 nology partnerships with countries and relevant po-
7 litical and economic unions that are committed to—

8 (A) the rule of law, freedom of speech, and
9 respect for human rights;

10 (B) the safe and responsible development
11 and use of new and emerging technologies and
12 the establishment of related norms and stand-
13 ards;

14 (C) a secure internet architecture governed
15 by a multi-stakeholder model instead of central-
16 ized government control;

17 (D) robust international cooperation to
18 promote an open internet and interoperable
19 technological products and services that are
20 necessary to freedom, innovation, transparency,
21 and privacy; and

22 (E) multilateral coordination, including
23 through diplomatic initiatives, information shar-
24 ing, and other activities, to defend the prin-
25 ciples described in subparagraphs (A) through

1 (D) against efforts by state and non-state ac-
2 tors to undermine them;

3 (2) harmonizing technology governance regimes
4 with partners, coordinating on basic and pre-com-
5 petitive research and development initiatives, and
6 collaborating to pursue such opportunities in key
7 technologies, including—

8 (A) artificial intelligence and machine
9 learning;

10 (B) 5G telecommunications and other ad-
11 vanced wireless networking technologies;

12 (C) semiconductor manufacturing;

13 (D) biotechnology;

14 (E) quantum computing;

15 (F) surveillance technologies, including fa-
16 cial recognition technologies and censorship
17 software; and

18 (G) fiber optic cables;

19 (3) coordinating with such countries regarding
20 shared technology strategies, including technology
21 controls and standards, as well as strategies with re-
22 spect to the development and acquisition of key tech-
23 nologies to provide alternatives for those countries
24 utilizing systems supported by authoritarian re-
25 gimes;

1 (4) supporting and expanding adherence to
2 international treaties and frameworks governing the
3 responsible use of new and emerging technologies;

4 (5) coordinating the adoption of shared data
5 privacy, data sharing, and data archiving standards
6 among the United States and partner countries and
7 relevant economic and political unions, including
8 complementary data protection regulations;

9 (6) coordinating with other technology partners
10 on export control policies, including as appropriate
11 through the Wassenaar Arrangement On Export
12 Controls for Conventional Arms and Dual-Use
13 Goods and Technologies, done at The Hague Decem-
14 ber 1995, the Nuclear Suppliers Group, the Aus-
15 tralia Group, and the Missile Technology Control
16 Regime; supply chain security; and investment in or
17 licensing of critical infrastructure and dual-use tech-
18 nologies;

19 (7) coordinating with members of technology
20 partnerships on other policies regarding the use and
21 control of emerging and foundational technologies
22 through appropriate restrictions, investment screen-
23 ing, and appropriate measures with respect to tech-
24 nology transfers;

1 (8) coordinating policies, in coordination with
2 the Department of Commerce, around the resiliency
3 of supply chains in critical technology areas, includ-
4 ing possible diversification of supply chain compo-
5 nents to countries involved in technology partner-
6 ships with the United States, while also maintaining
7 transparency surrounding subsidies and product ori-
8 gins;

9 (9) sharing information regarding the tech-
10 nology transfer threat posed by authoritarian gov-
11 ernments and the ways in which autocratic regimes
12 are utilizing technology to erode individual freedoms
13 and other foundations of open, democratic societies;

14 (10) administering the establishment of—

15 (A) the common funding mechanism for
16 development and adoption of measurably secure
17 semiconductors and measurably secure semi-
18 conductors supply chains created in and in ac-
19 cordance with the requirements of section 9905
20 of the William M. (Mac) Thornberry National
21 Defense Authorization Act for Fiscal Year 2021
22 (Public Law 116–283); and

23 (B) the multilateral telecommunications se-
24 curity fund created in and in accordance with

1 the requirements of section 9202 of such Act;
2 and

3 (11) collaborating with private companies, trade
4 associations, and think tanks to realize the purposes
5 of paragraphs (1) through (10).

6 (f) SPECIAL HIRING AUTHORITIES.—The Secretary
7 of State may—

8 (1) appoint employees without regard to the
9 provisions of title 5, United States Code, regarding
10 appointments in the competitive service; and

11 (2) fix the basic compensation of such employ-
12 ees without regard to chapter 51 and subchapter III
13 of chapter 53 of such title regarding classification
14 and General Schedule pay rates.

15 (g) REPORT.—Not later than one year after the date
16 of the enactment of this Act, and annually thereafter for
17 the next 3 years, the Secretary of State, in coordination
18 with the Director for National Intelligence, shall submit
19 an unclassified report to the appropriate congressional
20 committees, with a classified index, if necessary, regard-
21 ing—

22 (1) the activities of the Office, including any co-
23 operative initiatives and partnerships pursued with
24 United States allies and partners, and the results of
25 those activities, initiatives, and partnerships; and

1 (2) the activities of the Government of the Peo-
2 ples' Republic of China, the Chinese Communist
3 Party, and the Russian Federation in key technology
4 sectors and the threats they pose to the United
5 States, including—

6 (A) artificial intelligence and machine
7 learning;

8 (B) 5G telecommunications and other ad-
9 vanced wireless networking technologies;

10 (C) semiconductor manufacturing;

11 (D) biotechnology;

12 (E) quantum computing;

13 (F) surveillance technologies, including fa-
14 cial recognition technologies and censorship
15 software; and

16 (G) fiber optic cables.

17 (h) SENSE OF CONGRESS ON ESTABLISHING INTER-
18 NATIONAL TECHNOLOGY PARTNERSHIP.—It is the sense
19 of Congress that the Ambassador-at-Large for Technology
20 should seek to establish an International Technology Part-
21 nership for the purposes described in this section with for-
22 eign countries that have—

23 (1) a democratic national government and a
24 strong commitment to democratic values, including

1 an adherence to the rule of law, freedom of speech,
2 and respect for and promotion of human rights;

3 (2) an economy with advanced technology sec-
4 tors; and

5 (3) a demonstrated record of trust or an ex-
6 pressed interest in international cooperation and co-
7 ordination with the United States on important de-
8 fense and intelligence issues.

9 **SEC. 3210. UNITED STATES REPRESENTATION IN STAND-**
10 **ARDS-SETTING BODIES.**

11 (a) **SHORT TITLE.**—This section may be cited as the
12 “Promoting United States International Leadership in 5G
13 Act of 2021”.

14 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
15 gress that—

16 (1) the United States and its allies and part-
17 ners should maintain participation and leadership at
18 international standards-setting bodies for 5th and
19 future generation mobile telecommunications sys-
20 tems and infrastructure;

21 (2) the United States should work with its allies
22 and partners to encourage and facilitate the develop-
23 ment of secure supply chains and networks for 5th
24 and future generation mobile telecommunications
25 systems and infrastructure; and

1 (3) the maintenance of a high standard of secu-
2 rity in telecommunications and cyberspace between
3 the United States and its allies and partners is a na-
4 tional security interest of the United States.

5 (c) ENHANCING REPRESENTATION AND LEADERSHIP
6 OF UNITED STATES AT INTERNATIONAL STANDARDS-SET-
7 TING BODIES.—

8 (1) IN GENERAL.—The President shall—

9 (A) establish an interagency working group
10 to provide assistance and technical expertise to
11 enhance the representation and leadership of
12 the United States at international bodies that
13 set standards for equipment, systems, software,
14 and virtually defined networks that support 5th
15 and future generation mobile telecommuni-
16 cations systems and infrastructure, such as the
17 International Telecommunication Union and the
18 3rd Generation Partnership Project; and

19 (B) work with allies, partners, and the pri-
20 vate sector to increase productive engagement.

21 (2) INTERAGENCY WORKING GROUP.—The
22 interagency working group described in paragraph
23 (1)—

1 (A) shall be chaired by the Secretary of
2 State or a designee of the Secretary of State;
3 and

4 (B) shall consist of the head (or designee)
5 of each Federal department or agency the
6 President determines appropriate.

7 (3) BRIEFINGS.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date of the enactment of this
10 Act, and subsequently thereafter as provided
11 under subparagraph (B), the interagency work-
12 ing group described in paragraph (1) shall pro-
13 vide a strategy to the appropriate congressional
14 committees that addresses—

15 (i) promotion of United States leader-
16 ship at international standards-setting bod-
17 ies for equipment, systems, software, and
18 virtually defined networks relevant to 5th
19 and future generation mobile telecommuni-
20 cations systems and infrastructure, taking
21 into account the different processes fol-
22 lowed by the various international stand-
23 ard-setting bodies;

24 (ii) diplomatic engagement with allies
25 and partners to share security risk infor-

1 telecommunications systems and infra-
2 structure.

3 (B) SUBSEQUENT BRIEFINGS.—Upon re-
4 ceiving a request from the appropriate congres-
5 sional committees, or as determined appropriate
6 by the chair of the interagency working group
7 established pursuant to paragraph (1), the
8 interagency working group shall provide such
9 committees an updated briefing that covers the
10 matters described in clauses (i) through (iv) of
11 subparagraph (A).

12 **SEC. 3211. SENSE OF CONGRESS ON CENTRALITY OF SANC-**
13 **TIONS AND OTHER RESTRICTIONS TO STRA-**
14 **TEGIC COMPETITION WITH CHINA.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) Sanctions and other restrictions, when used
18 as part of a coordinated and comprehensive strategy,
19 are a powerful tool to advance United States foreign
20 policy and national security interests.

21 (2) Congress has authorized and mandated a
22 broad range of sanctions and other restrictions to
23 address malign behavior and incentivize behavior
24 change by individuals and entities in the PRC.

1 (3) The sanctions and other restrictions author-
2 ized and mandated by Congress address a range of
3 malign PRC behavior, including—

4 (A) intellectual property theft;

5 (B) cyber-related economic espionage;

6 (C) repression of ethnic minorities;

7 (D) other human rights abuses;

8 (E) abuses of the international trading sys-
9 tem;

10 (F) illicit assistance to and trade with the
11 Government of the Democratic People’s Repub-
12 lic of Korea; and

13 (G) drug trafficking, including trafficking
14 in fentanyl and other opioids;

15 (4) The sanctions and other restrictions de-
16 scribed in this section include the following:

17 (A) The Global Magnitsky Human Rights
18 Accountability Act (subtitle F of title XII of
19 Public Law 114–328; 22 U.S.C. 2656 note).

20 (B) Section 1637 of the Carl Levin and
21 Howard P. “Buck” McKeon National Defense
22 Authorization Act for Fiscal Year 2015 (50
23 U.S.C. 1708).

24 (C) The Fentanyl Sanctions Act (21
25 U.S.C. 2301 et seq.).

1 (D) The Hong Kong Autonomy Act (Pub-
2 lic Law 116–149; 22 U.S.C. 5701 note).

3 (E) Section 7 of the Hong Kong Human
4 Rights and Democracy Act of 2019 (Public
5 Law 116–76; 22 U.S.C. 5701 note).

6 (F) Section 6 of the Uyghur Human
7 Rights Policy Act of 2020 (Public Law 116–
8 145; 22 U.S.C. 6901 note).

9 (G) The Export Control Reform Act of
10 2018 (50 U.S.C. 4801 et seq.).

11 (H) Export control measures required to
12 be maintained with respect to entities in the
13 telecommunications sector of the People’s Re-
14 public of China, including under section 1260I
15 of the National Defense Authorization Act for
16 Fiscal Year 2020 (Public Law 116–92).

17 (I) Section 311 of the Countering Amer-
18 ica’s Adversaries Through Sanctions Act of
19 2018 (Public Law 115–44; 131 Stat. 942).

20 (J) The prohibition on the export of cov-
21 ered munitions and crime control items to the
22 Hong Kong Police Force under the Act entitled
23 “An Act to prohibit the commercial export of
24 covered munitions and crime control items to
25 the Hong Kong Police Force”, approved No-

1 vember 27, 2019 (Public Law 116–77; 133
2 Stat. 1173), as amended by section 1252 of the
3 William M. (Mac) Thornberry National Defense
4 Authorization Act for Fiscal Year 2021 (Public
5 Law 116–283).

6 (5) Full implementation of the authorities de-
7 scribed in paragraph (4) is required under the re-
8 spective laws described therein and pursuant to the
9 Take Care Clause of the Constitution (article II, sec-
10 tion 3).

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) the executive branch has not fully imple-
14 mented the sanctions and other restrictions de-
15 scribed in subsection (a)(4) despite the statutory
16 and constitutional requirements to do so; and

17 (2) the President’s full implementation and exe-
18 cution of the those authorities is a necessary and es-
19 sential component to the success of the United
20 States in the strategic competition with China.

21 **SEC. 3212. SENSE OF CONGRESS ON NEGOTIATIONS WITH**
22 **G7 AND G20 COUNTRIES.**

23 (a) IN GENERAL.—It is the sense of Congress that
24 the President, acting through the Secretary of State,
25 should initiate an agenda with G7 and G20 countries on

1 matters relevant to economic and democratic freedoms, in-
2 cluding the following:

3 (1) Trade and investment issues and enforce-
4 ment.

5 (2) Building support for international infra-
6 structure standards, including those agreed to at the
7 G20 summit in Osaka in 2018.

8 (3) The erosion of democracy and human
9 rights.

10 (4) The security of 5G telecommunications.

11 (5) Anti-competitive behavior, such as intellec-
12 tual property theft, massive subsidization of compa-
13 nies, and other policies and practices.

14 (6) Predatory international sovereign lending
15 that is inconsistent with Organisation for Economic
16 Cooperation and Development (OECD) and Paris
17 Club principles.

18 (7) International influence campaigns.

19 (8) Environmental standards.

20 (9) Coordination with like-minded regional part-
21 ners that are not in the G7 and G20.

22 **SEC. 3213. ENHANCING THE UNITED STATES-TAIWAN PART-**
23 **NERSHIP.**

24 (a) STATEMENT OF POLICY.—It is the policy of the
25 United States—

1 (1) to recognize Taiwan as a vital part of the
2 United States Indo-Pacific strategy;

3 (2) to advance the security of Taiwan and its
4 democracy as key elements for the continued peace
5 and stability of the greater Indo-Pacific region, and
6 a vital national security interest of the United
7 States;

8 (3) to reinforce its commitments to Taiwan
9 under the Taiwan Relations Act (Public Law 96–8)
10 and the “Six Assurances”;

11 (4) to support Taiwan’s implementation of its
12 asymmetric defense strategy, including the priorities
13 identified in Taiwan’s Overall Defense Concept;

14 (5) to urge Taiwan to increase its defense
15 spending in order to fully resource its defense strat-
16 egy;

17 (6) to conduct regular transfers of defense arti-
18 cles to Taiwan in order to enhance Taiwan’s self-de-
19 fense capabilities, particularly its efforts to develop
20 and integrate asymmetric capabilities, including
21 anti-ship, coastal defense, anti-armor, air defense,
22 undersea warfare, advanced command, control, com-
23 munications, computers, intelligence, surveillance,
24 and reconnaissance, and resilient command and con-
25 trol capabilities, into its military forces;

1 (7) to advocate and actively advance Taiwan's
2 meaningful participation in the United Nations, the
3 World Health Assembly, the International Civil
4 Aviation Organization, the International Criminal
5 Police Organization, and other international bodies
6 as appropriate;

7 (8) to advocate for information sharing with
8 Taiwan in the International Agency for Research on
9 Cancer;

10 (9) to promote meaningful cooperation among
11 the United States, Taiwan, and other like-minded
12 partners;

13 (10) to enhance bilateral trade, including poten-
14 tially through new agreements or resumption of
15 talks related to a possible Trade and Investment
16 Framework Agreement;

17 (11) to actively engage in trade talks in pursu-
18 ance of a bilateral free trade agreement;

19 (12) to expand bilateral economic and techno-
20 logical cooperation, including improving supply chain
21 security;

22 (13) to support United States educational and
23 exchange programs with Taiwan, including by pro-
24 moting the study of Chinese language, culture, his-
25 tory, and politics in Taiwan; and

1 (14) to expand people-to-people exchanges be-
2 tween the United States and Taiwan.

3 (b) SUPPORTING UNITED STATES EDUCATIONAL
4 AND EXCHANGE PROGRAMS WITH TAIWAN.—

5 (1) ESTABLISHMENT OF THE UNITED STATES-
6 TAIWAN CULTURAL EXCHANGE FOUNDATION.—The
7 Secretary of State should consider establishing an
8 independent nonprofit that—

9 (A) is dedicated to deepening ties between
10 the future leaders of Taiwan and the United
11 States; and

12 (B) works with State and local school dis-
13 tricts and educational institutions to send high
14 school and university students to Taiwan to
15 study the Chinese language, culture, history,
16 politics, and other relevant subjects.

17 (2) PARTNER.—State and local school districts
18 and educational institutions, including public univer-
19 sities, are encouraged to partner with the Taipei
20 Economic and Cultural Representative Office in the
21 United States to establish programs to promote an
22 increase in educational and cultural exchanges.

23 **SEC. 3214. TAIWAN FELLOWSHIP PROGRAM.**

24 (a) SHORT TITLE.—This section may be cited as the
25 “Taiwan Fellowship Act”.

1 (b) FINDINGS.—Congress finds the following:

2 (1) The Taiwan Relations Act (Public Law 96–
3 8; 22 U.S.C. 3301 et seq.) affirmed United States
4 policy “to preserve and promote extensive, close, and
5 friendly commercial, cultural, and other relations be-
6 tween the people of the United States and the people
7 on Taiwan, as well as the people on the China main-
8 land and all other peoples of the Western Pacific
9 area”.

10 (2) Consistent with the Asia Reassurance Ini-
11 tiative Act of 2018 (Public Law 115–409), the
12 United States has grown its strategic partnership
13 with Taiwan’s vibrant democracy of 23,000,000 peo-
14 ple.

15 (3) Despite a concerted campaign by the Peo-
16 ple’s Republic of China to isolate Taiwan from its
17 diplomatic partners and from international organiza-
18 tions, including the World Health Organization, Tai-
19 wan has emerged as a global leader in the
20 coronavirus global pandemic response, including by
21 donating more than 2,000,000 surgical masks and
22 other medical equipment to the United States.

23 (4) The creation of a United States fellowship
24 program with Taiwan would support—

1 (A) a key priority of expanding people-to-
2 people exchanges, which was outlined in Presi-
3 dent Donald J. Trump’s 2017 National Secu-
4 rity Strategy;

5 (B) President Joseph R. Biden’s commit-
6 ment to Taiwan, “a leading democracy and a
7 critical economic and security partner,” as ex-
8 pressed in his March 2021 Interim National Se-
9 curity Strategic Guidance; and

10 (C) April 2021 guidance from the Depart-
11 ment of State based on a review required under
12 the Taiwan Assurance Act of 2020 (subtitle B
13 of title III of division FF of Public Law 116–
14 260) to “encourage U.S. government engage-
15 ment with Taiwan that reflects our deepening
16 unofficial relationship”.

17 (c) PURPOSES.—The purposes of this section are—

18 (1) to further strengthen the United States-Tai-
19 wan strategic partnership and broaden under-
20 standing of the Indo-Pacific region by temporarily
21 assigning officials of agencies of the United States
22 Government to Taiwan for intensive study in Man-
23 darin and placement as Fellows with the governing
24 authorities on Taiwan or a Taiwanese civic institu-
25 tion;

1 (2) to provide for eligible United States per-
2 sonnel to learn or strengthen Mandarin Chinese lan-
3 guage skills and to expand their understanding of
4 the political economy of Taiwan and the Indo-Pacific
5 region; and

6 (3) to better position the United States to ad-
7 vance its economic, security, and human rights in-
8 terests and values in the Indo-Pacific region.

9 (d) DEFINITIONS.—In this section:

10 (1) AGENCY HEAD.—The term “agency head”
11 means in the case of the executive branch of United
12 States Government, or a legislative branch agency
13 described in paragraph (2), the head of the respec-
14 tive agency.

15 (2) AGENCY OF THE UNITED STATES GOVERN-
16 MENT.—The term “agency of the United States
17 Government” includes the Government Account-
18 ability Office, Congressional Budget Office, or the
19 Congressional Research Service of the legislative
20 branch as well as any agency of the executive
21 branch.

22 (3) APPROPRIATE COMMITTEES OF CON-
23 GRESS.—The term “appropriate committees of Con-
24 gress” means—

1 (A) the Committee on Appropriations of
2 the Senate;

3 (B) the Committee on Foreign Relations of
4 the Senate;

5 (C) the Committee on Appropriations of
6 the House of Representatives; and

7 (D) the Committee on Foreign Affairs of
8 the House of Representatives.

9 (4) DETAILEE.—The term “detailee”—

10 (A) means an employee of a branch of the
11 United States Government on loan to the Amer-
12 ican Institute in Taiwan, without a change of
13 position from the agency at which he or she is
14 employed; and

15 (B) a legislative branch employee from the
16 Government Accountability Office, Congres-
17 sional Budget Office, or the Congressional Re-
18 search Service.

19 (5) IMPLEMENTING PARTNER.—The term “im-
20 plementing partner” means any United States orga-
21 nization described in 501(c)(3) of the Internal Rev-
22 enue Code of 1986 that—

23 (A) performs logistical, administrative, and
24 other functions, as determined by the Depart-
25 ment of State and the American Institute of

1 Taiwan in support of the Taiwan Fellowship
2 Program; and

3 (B) enters into a cooperative agreement
4 with the American Institute in Taiwan to ad-
5 minister the Taiwan Fellowship Program.

6 (e) ESTABLISHMENT OF TAIWAN FELLOWSHIP PRO-
7 GRAM.—

8 (1) ESTABLISHMENT.—The Secretary of State
9 shall establish the “Taiwan Fellowship Program”
10 (referred to in this subsection as the “Program”) to
11 provide a fellowship opportunity in Taiwan of up to
12 2 years for eligible United States citizens. The De-
13 partment of State, in consultation with the Amer-
14 ican Institute in Taiwan and the implementing part-
15 ner, may modify the name of the Program.

16 (2) COOPERATIVE AGREEMENT.—

17 (A) IN GENERAL.—The American Institute
18 in Taiwan should use amounts appropriated
19 pursuant to subsection (h)(1) to enter into an
20 annual or multi-year cooperative agreement
21 with an appropriate implementing partner.

22 (B) FELLOWSHIPS.—The Department of
23 State, in consultation with the American Insti-
24 tute in Taiwan and, as appropriate, the imple-
25 menting partner, should award to eligible

1 United States citizens, subject to available
2 funding—

3 (i) approximately 5 fellowships during
4 the first 2 years of the Program; and

5 (ii) approximately 10 fellowships dur-
6 ing each of the remaining years of the Pro-
7 gram.

8 (3) INTERNATIONAL AGREEMENT; IMPL-
9 MENTING PARTNER.—Not later than 30 days after
10 the date of the enactment of this Act, the American
11 Institute in Taiwan, in consultation with the Depart-
12 ment of State, should—

13 (A) begin negotiations with the Taipei
14 Economic and Cultural Representative Office,
15 or with another appropriate entity, for the pur-
16 pose of entering into an agreement to facilitate
17 the placement of fellows in an agency of the
18 governing authorities on Taiwan; and

19 (B) begin the process of selecting an im-
20 plementing partner, which—

21 (i) shall agree to meet all of the legal
22 requirements required to operate in Tai-
23 wan; and

24 (ii) shall be composed of staff who
25 demonstrate significant experience man-

1 aging exchange programs in the Indo-Pa-
2 cific region.

3 (4) CURRICULUM.—

4 (A) FIRST YEAR.—During the first year of
5 each fellowship under this subsection, each fel-
6 low should study—

7 (i) the Mandarin Chinese language;

8 (ii) the people, history, and political
9 climate on Taiwan; and

10 (iii) the issues affecting the relation-
11 ship between the United States and the
12 Indo-Pacific region.

13 (B) SECOND YEAR.—During the second
14 year of each fellowship under this subsection,
15 each fellow, subject to the approval of the De-
16 partment of State, the American Institute in
17 Taiwan, and the implementing partner, and in
18 accordance with the purposes of this section,
19 should work in—

20 (i) a parliamentary office, ministry, or
21 other agency of the governing authorities
22 on Taiwan; or

23 (ii) an organization outside of the gov-
24 erning authorities on Taiwan, whose inter-
25 ests are associated with the interests of the

1 fellow and the agency of the United States
2 Government from which the fellow had
3 been employed.

4 (5) FLEXIBLE FELLOWSHIP DURATION.—Not-
5 withstanding any requirement under this subsection,
6 the Secretary of State, in consultation with the
7 American Institute in Taiwan and, as appropriate,
8 the implementing partner, may award fellowships
9 that have a duration of less than two years, and may
10 alter the curriculum requirements under paragraph
11 (4) for such purposes.

12 (6) SUNSET.—The fellowship program under
13 this subsection shall terminate 7 years after the date
14 of the enactment of this Act.

15 (f) PROGRAM REQUIREMENTS.—

16 (1) ELIGIBILITY REQUIREMENTS.—A United
17 States citizen is eligible for a fellowship under sub-
18 section (e) if he or she—

19 (A) is an employee of the United States
20 Government;

21 (B) has received at least one exemplary
22 performance review in his or her current United
23 States Government role within at least the last
24 three years prior to beginning the fellowship;

1 (C) has at least 2 years of experience in
2 any branch of the United States Government;

3 (D) has a demonstrated professional or
4 educational background in the relationship be-
5 tween the United States and countries in the
6 Indo-Pacific region; and

7 (E) has demonstrated his or her commit-
8 ment to further service in the United States
9 Government.

10 (2) RESPONSIBILITIES OF FELLOWS.—Each re-
11 cipient of a fellowship under subsection (e) shall
12 agree, as a condition of such fellowship—

13 (A) to maintain satisfactory progress in
14 language training and appropriate behavior in
15 Taiwan, as determined by the Department of
16 State, the American Institute in Taiwan and, as
17 appropriate, its implementing partner;

18 (B) to refrain from engaging in any intel-
19 ligence or intelligence-related activity on behalf
20 of the United States Government; and

21 (C) to continue Federal Government em-
22 ployment for a period of not less than 4 years
23 after the conclusion of the fellowship or for not
24 less than 2 years for a fellowship that is 1 year
25 or shorter.

1 (3) RESPONSIBILITIES OF IMPLEMENTING
2 PARTNER.—

3 (A) SELECTION OF FELLOWS.—The imple-
4 menting partner, in close coordination with the
5 Department of State and the American Insti-
6 tute in Taiwan, shall—

7 (i) make efforts to recruit fellowship
8 candidates who reflect the diversity of the
9 United States;

10 (ii) select fellows for the Taiwan Fel-
11 lowship Program based solely on merit,
12 with appropriate supervision from the De-
13 partment of State and the American Insti-
14 tute in Taiwan; and

15 (iii) prioritize the selection of can-
16 didates willing to serve a fellowship lasting
17 1 year or longer.

18 (B) FIRST YEAR.—The implementing part-
19 ner should provide each fellow in the first year
20 (or shorter duration, as jointly determined by
21 the Department of State and the American In-
22 stitute in Taiwan for those who are not serving
23 a 2-year fellowship) with—

24 (i) intensive Mandarin Chinese lan-
25 guage training; and

1 (ii) courses in the political economy of
2 Taiwan, China, and the broader Indo-Pa-
3 cific.

4 (C) WAIVER OF REQUIRED TRAINING.—
5 The Department of State, in coordination with
6 the American Institute in Taiwan and, as ap-
7 propriate, the implementing partner, may waive
8 any of the training required under subpara-
9 graph (B) to the extent that a fellow has Man-
10 darin language skills, knowledge of the topic de-
11 scribed in subparagraph (B)(ii), or for other re-
12 lated reasons approved by the Department of
13 State and the American Institute in Taiwan. If
14 any of the training requirements are waived for
15 a fellow serving a 2-year fellowship, the training
16 portion of his or her fellowship may be short-
17 ened to the extent appropriate.

18 (D) OFFICE; STAFFING.—The imple-
19 menting partner, in consultation with the De-
20 partment of State and the American Institute
21 in Taiwan, may maintain an office and at least
22 1 full-time staff member in Taiwan—

23 (i) to liaise with the American Insti-
24 tute in Taiwan and the governing authori-
25 ties on Taiwan; and

1 (ii) to serve as the primary in-country
2 point of contact for the recipients of fellow-
3 ships under this section and their depend-
4 ents.

5 (E) OTHER FUNCTIONS.—The imple-
6 menting partner may perform other functions
7 in association in support of the Taiwan Fellow-
8 ship Program, including logistical and adminis-
9 trative functions, as prescribed by the Depart-
10 ment of State and the American Institute in
11 Taiwan.

12 (4) NONCOMPLIANCE.—

13 (A) IN GENERAL.—Any fellow who fails to
14 comply with the requirements under this sub-
15 section shall reimburse the American Institute
16 in Taiwan for—

17 (i) the Federal funds expended for the
18 fellow's participation in the fellowship, as
19 set forth in subparagraphs (B) and (C);
20 and

21 (ii) interest accrued on such funds
22 (calculated at the prevailing rate).

23 (B) FULL REIMBURSEMENT.—Any fellow
24 who violates subparagraph (A) or (B) of para-
25 graph (2) shall reimburse the American Insti-

1 (5) ANNUAL REPORT.—Not later than 90 days
2 after the selection of the first class of fellows under
3 this section, and annually thereafter for 7 years, the
4 Department of State shall offer to brief the appro-
5 priate committees of Congress regarding the fol-
6 lowing issues:

7 (A) An assessment of the performance of
8 the implementing partner in fulfilling the pur-
9 poses of this section.

10 (B) The names and sponsoring agencies of
11 the fellows selected by the implementing part-
12 ner and the extent to which such fellows rep-
13 resent the diversity of the United States.

14 (C) The names of the parliamentary of-
15 fices, ministries, other agencies of the governing
16 authorities on Taiwan, and nongovernmental in-
17 stitutions to which each fellow was assigned
18 during the second year of the fellowship.

19 (D) Any recommendations, as appropriate,
20 to improve the implementation of the Taiwan
21 Fellowship Program, including added flexibili-
22 ties in the administration of the program.

23 (E) An assessment of the Taiwan Fellow-
24 ship Program's value upon the relationship be-

1 tween the United States and Taiwan or the
2 United States and Asian countries.

3 (6) ANNUAL FINANCIAL AUDIT.—

4 (A) IN GENERAL.—The financial records
5 of any implementing partner shall be audited
6 annually in accordance with generally accepted
7 auditing standards by independent certified
8 public accountants or independent licensed pub-
9 lic accountants who are certified or licensed by
10 a regulatory authority of a State or another po-
11 litical subdivision of the United States.

12 (B) LOCATION.—Each audit under sub-
13 paragraph (A) shall be conducted at the place
14 or places where the financial records of the im-
15 plementing partner are normally kept.

16 (C) ACCESS TO DOCUMENTS.—The imple-
17 menting partner shall make available to the ac-
18 countants conducting an audit under subpara-
19 graph (A)—

20 (i) all books, financial records, files,
21 other papers, things, and property belong-
22 ing to, or in use by, the implementing
23 partner that are necessary to facilitate the
24 audit; and

1 (ii) full facilities for verifying trans-
2 actions with the balances or securities held
3 by depositories, fiscal agents, and
4 custodians.

5 (D) REPORT.—

6 (i) IN GENERAL.—Not later than 6
7 months after the end of each fiscal year,
8 the implementing partner shall provide a
9 report of the audit conducted for such fis-
10 cal year under subparagraph (A) to the
11 Department of State and the American In-
12 stitute in Taiwan.

13 (ii) CONTENTS.—Each audit report
14 shall—

15 (I) set forth the scope of the
16 audit;

17 (II) include such statements,
18 along with the auditor's opinion of
19 those statements, as may be necessary
20 to present fairly the implementing
21 partner's assets and liabilities, surplus
22 or deficit, with reasonable detail;

23 (III) include a statement of the
24 implementing partner's income and
25 expenses during the year; and

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1 (IV) include a schedule of—

2 (aa) all contracts and coop-
3 erative agreements requiring pay-
4 ments greater than \$5,000; and

5 (bb) any payments of com-
6 pensation, salaries, or fees at a
7 rate greater than \$5,000 per
8 year.

9 (iii) COPIES.—Each audit report shall
10 be produced in sufficient copies for dis-
11 tribution to the public.

12 (g) TAIWAN FELLOWS ON DETAIL FROM GOVERN-
13 MENT SERVICE.—

14 (1) IN GENERAL.—

15 (A) DETAIL AUTHORIZED.—With the ap-
16 proval of the Secretary of State, an agency
17 head may detail, for a period of not more than
18 2 years, an employee of the agency of the
19 United States Government who has been award-
20 ed a fellowship under this section, to the Amer-
21 ican Institute in Taiwan for the purpose of as-
22 signment to the governing authorities on Tai-
23 wan or an organization described in subsection
24 (e)(4)(B)(ii).

1 (B) AGREEMENT.—Each detailee shall
2 enter into a written agreement with the Federal
3 Government before receiving a fellowship, in
4 which the fellow shall agree—

5 (i) to continue in the service of the
6 sponsoring agency at the end of fellowship
7 for a period of at least 4 years (or at least
8 2 years if the fellowship duration is 1 year
9 or shorter) unless the detailee is involun-
10 tarily separated from the service of such
11 agency; and

12 (ii) to pay to the American Institute
13 in Taiwan any additional expenses incurred
14 by the Federal Government in connection
15 with the fellowship if the detailee volun-
16 tarily separates from service with the spon-
17 soring agency before the end of the period
18 for which the detailee has agreed to con-
19 tinue in the service of such agency.

20 (C) EXCEPTION.—The payment agreed to
21 under subparagraph (B)(ii) may not be re-
22 quired of a detailee who leaves the service of
23 the sponsoring agency to enter into the service
24 of another agency of the United States Govern-
25 ment unless the head of the sponsoring agency

1 notifies the detailee before the effective date of
2 entry into the service of the other agency that
3 payment will be required under this subsection.

4 (2) STATUS AS GOVERNMENT EMPLOYEE.—A
5 detailee—

6 (A) is deemed, for the purpose of pre-
7 serving allowances, privileges, rights, seniority,
8 and other benefits, to be an employee of the
9 sponsoring agency;

10 (B) is entitled to pay, allowances, and ben-
11 efits from funds available to such agency, which
12 is deemed to comply with section 5536 of title
13 5, United States Code; and

14 (C) may be assigned to a position with an
15 entity described in section (f)(4)(B)(i) if accept-
16 ance of such position does not involve—

17 (i) the taking of an oath of allegiance
18 to another government; or

19 (ii) the acceptance of compensation or
20 other benefits from any foreign govern-
21 ment by such detailee.

22 (3) RESPONSIBILITIES OF SPONSORING AGEN-
23 CY.—

24 (A) IN GENERAL.—The Federal agency
25 from which a detailee is detailed should provide

1 the fellow allowances and benefits that are con-
2 sistent with Department of State Standardized
3 Regulations or other applicable rules and regu-
4 lations, including—

5 (i) a living quarters allowance to cover
6 the cost of housing in Taiwan;

7 (ii) a cost of living allowance to cover
8 any possible higher costs of living in Tai-
9 wan;

10 (iii) a temporary quarters subsistence
11 allowance for up to 7 days if the fellow is
12 unable to find housing immediately upon
13 arriving in Taiwan;

14 (iv) an education allowance to assist
15 parents in providing the fellow's minor
16 children with educational services ordi-
17 narily provided without charge by public
18 schools in the United States;

19 (v) moving expenses to transport per-
20 sonal belongings of the fellow and his or
21 her family in their move to Taiwan, which
22 is comparable to the allowance given for
23 American Institute in Taiwan employees
24 assigned to Taiwan; and

1 (vi) an economy-class airline ticket to
2 and from Taiwan for each fellow and the
3 fellow's immediate family.

4 (B) MODIFICATION OF BENEFITS.—The
5 American Institute in Taiwan and its imple-
6 menting partner, with the approval of the De-
7 partment of State, may modify the benefits set
8 forth in subparagraph (A) if such modification
9 is warranted by fiscal circumstances.

10 (4) NO FINANCIAL LIABILITY.—The American
11 Institute in Taiwan, the implementing partner, and
12 any governing authorities on Taiwan or nongovern-
13 mental entities in Taiwan at which a fellow is de-
14 tailed during the second year of the fellowship may
15 not be held responsible for the pay, allowances, or
16 any other benefit normally provided to the detailee.

17 (5) REIMBURSEMENT.—Fellows may be de-
18 tailed under paragraph (1)(A) without reimburse-
19 ment to the United States by the American Institute
20 in Taiwan.

21 (6) ALLOWANCES AND BENEFITS.—Detailees
22 may be paid by the American Institute in Taiwan
23 for the allowances and benefits listed in paragraph
24 (3).

25 (h) FUNDING.—

1 (2) PRIVATE SOURCES.—The implementing
2 partner selected to implement the Taiwan Fellowship
3 Program may accept, use, and dispose of gifts or do-
4 nations of services or property in carrying out such
5 program, subject to the review and approval of the
6 American Institute in Taiwan.

7 (i) STUDY AND REPORT.—Not later than one year
8 prior to the sunset of the fellowship program under sub-
9 section (e), the Comptroller General of the United States
10 shall conduct a study and submit to the Committee on
11 Foreign Relations of the Senate and the Committee on
12 Foreign Affairs of the House a report that includes—

13

14 (A) an analysis of the United States Gov-
15 ernment participants in this program, including
16 the number of applicants and the number of fel-
17 lowships undertaken, the place of employment,
18 and as assessment of the costs and benefits for
19 participants and for the United States Govern-
20 ment of such fellowships;

21 (B) an analysis of the financial impact of
22 the fellowship on United States Government of-
23 fices which have provided Fellows to participate
24 in the program; and

1 (C) recommendations, if any, on how to
2 improve the fellowship program.

3 **SEC. 3215. TREATMENT OF TAIWAN GOVERNMENT.**

4 (a) IN GENERAL.—The Department of State and
5 other United States Government departments and agen-
6 cies shall engage with the democratically elected govern-
7 ment of Taiwan as the legitimate representative of the
8 people of Taiwan and end the outdated practice of refer-
9 ring to the government in Taiwan as the “Taiwan authori-
10 ties”. Notwithstanding the continued supporting role of
11 the American Institute in Taiwan in carrying out United
12 States foreign policy and protecting United States inter-
13 ests in Taiwan, the United States Government shall not
14 place any restrictions on the ability of officials of the De-
15 partment of State and other United States Government
16 departments and agencies to interact directly and rou-
17 tinely with counterparts in the Taiwan government.

18 (b) RULE OF CONSTRUCTION.—Nothing in this para-
19 graph shall be construed as entailing restoration of diplo-
20 matic relations with the Republic of China (Taiwan) or
21 altering the United States Government’s position on Tai-
22 wan’s international status.

23 **SEC. 3216. TAIWAN SYMBOLS OF SOVEREIGNTY.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary of State

1 shall rescind any contact guideline, internal restriction,
2 section of the Foreign Affairs Manual or Foreign Affairs
3 Handbook, related guidance, or related policies that, ex-
4 plicitly or implicitly, including through restrictions or limi-
5 tations on activities of United States personnel, limits the
6 ability of members of the armed forces of the Republic
7 of China (Taiwan) and government representatives from
8 the Taipei Economic and Cultural Representative Office
9 (TECRO) to display for official purposes symbols of Re-
10 public of China sovereignty, including—

11 (1) the flag of the Republic of China (Taiwan);

12 and

13 (2) the corresponding emblems or insignia of
14 military units.

15 (b) OFFICIAL PURPOSES DEFINED.—In this section,
16 the term “official purposes” means—

17 (1) the wearing of official uniforms;

18 (2) conducting government-hosted ceremonies
19 or functions; and

20 (3) appearances on Department of State social
21 media accounts promoting engagements with Tai-
22 wan.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed as entailing restoration of diplo-
25 matic relations with the Republic of China (Taiwan) or

1 altering the United States Government’s position on Tai-
2 wan’s international status.

3 **SEC. 3217. REPORT ON ORIGINS OF THE COVID-19 PAN-**
4 **DEMIC.**

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

7 (1) it is critical to understand the origins of the
8 COVID-19 pandemic so the United States can bet-
9 ter prepare, prevent, and respond to pandemic
10 health threats in the future;

11 (2) given the impact of the COVID-19 pan-
12 demic on all Americans, the American people deserve
13 to know what information the United States Govern-
14 ment possesses about the origins of COVID-19, as
15 appropriate;

16 (3) Congress shares the concerns expressed by
17 the United States Government and 13 other foreign
18 governments that the international team of experts
19 dispatched to the People’s Republic of China by the
20 World Health Organization (WHO) to study the ori-
21 gins of the SARS-CoV-2 virus was “significantly
22 delayed and lacked access to complete, original data
23 and samples”;

24 (4) the March 30, 2021, statement by the Di-
25 rector-General of the WHO, Dr. Tedros Adhanom

1 Ghebreyesus, further affirms that the investigative
2 team had encountered “difficulties” in accessing
3 necessary raw data, that “we have not yet found the
4 source of the virus,” and that “all hypotheses re-
5 main on the table”; and

6 (5) it is critical for independent experts to have
7 full access to all pertinent human, animal, and envi-
8 ronmental data, live virus samples, research, and
9 personnel involved in the early stages of the out-
10 break relevant to determining how this pandemic
11 emerged.

12 (b) REPORT REQUIRED.—Not later than 180 days
13 after enactment of this Act, the Director of National Intel-
14 ligence, in coordination with the Secretary of State, the
15 Secretary of Health and Human Services, the Secretary
16 of Energy, and other relevant executive departments, shall
17 submit to the appropriate committees of Congress a report
18 consisting of—

19 (1) an assessment of the most likely source or
20 origin of the SARS-CoV-2 virus, including a de-
21 tailed review of all information the United States
22 possesses that it has identified as potentially rel-
23 evant to the source or origin of the SARS-CoV-2
24 virus, including zoonotic transmission and spillover,
25 the Wuhan Institute of Virology (WIV), or other

1 sources of origin, transmission, or spillover, based on
2 the information the United States Government has
3 to date;

4 (2) an identification of the leading credible
5 theories of the etiology of the SARS-CoV-2 virus by
6 the United States Government, the steps the United
7 States has taken to validate those theories, and any
8 variance in assessment or dissent among or between
9 United States intelligence agencies, executive agen-
10 cies, and executive offices of the most likely source
11 or origin of the SARS-CoV-2 virus, and the basis
12 for such variance or dissent;

13 (3) a description of all steps the United States
14 Government has taken to identify and investigate
15 the source of the SARS-CoV-2 virus, including a
16 timeline of such efforts;

17 (4) a detailed description of the data to which
18 the United States and the WHO have requested and
19 have access to in order to determine the origin of
20 the source of the SARS-CoV-2 virus;

21 (5) an account of efforts by the PRC to cooper-
22 ate with, impede, or obstruct any inquiry or inves-
23 tigation to determine the source and transmission of
24 SARS-CoV-2 virus, including into a possible lab
25 leak, or to create or spread misinformation or

1 disinformation regarding the source and trans-
2 mission of SARS–CoV–2 virus by the PRC or CCP,
3 including by national and local governmental and
4 health entities;

5 (6) a detailed account of information known to
6 the United States Government regarding the WIV
7 and associated facilities, including research activities
8 on coronaviruses and gain-of-function research, any
9 reported illnesses of persons associated with the lab-
10 oratory with symptoms consistent with COVID–19
11 and the ultimate diagnosis, and a timeline of re-
12 search relevant to coronaviruses;

13 (7) a list of any known obligations on the PRC
14 that require disclosure and cooperation in the event
15 of a viral outbreak like SARS–CoV–2; and

16 (8) an overview of United States engagement
17 with the PRC with respect to coronaviruses that in-
18 cludes—

19 (A) a detailed accounting of United States
20 engagement with the WIV and similar labs in
21 the PRC specific to coronaviruses, including a
22 detailed accounting of United States Govern-
23 ment-sponsored research and funding and diplo-
24 matic engagements such as “track 1.5” and
25 “track 2” engagements; and

1 (B) an assessment of any additional scru-
2 tinity of United States Government funding to
3 support gain-of-function research in the PRC
4 after the moratorium on such funding was lift-
5 ed in 2017, and whether United States Govern-
6 ment funding was used to support gain-of-func-
7 tion research in the PRC, during the morato-
8 rium on gain-of-function research (2014–2017).

9 (c) FORM.—The report required by subsection (b)
10 shall be submitted in unclassified form but may include
11 a classified annex.

12 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Foreign Relations of the
16 Senate;

17 (2) the Select Committee on Intelligence of the
18 Senate;

19 (3) the Committee on Health, Education,
20 Labor, and Pensions of the Senate;

21 (4) the Committee on Energy and Natural Re-
22 sources of the Senate;

23 (5) the Committee on Foreign Affairs of the
24 House of Representatives;

1 (6) the Permanent Select Committee on Intel-
2 ligence of the House of Representatives; and

3 (8) the Committee on Energy and Commerce of
4 the House of Representatives.

5 **SEC. 3218. ENHANCEMENT OF DIPLOMATIC SUPPORT AND**
6 **ECONOMIC ENGAGEMENT WITH PACIFIC IS-**
7 **LAND COUNTRIES.**

8 (a) **AUTHORITY.**—The Secretary of State and Sec-
9 retary of Commerce are authorized to hire Locally Em-
10 ployed Staff in Pacific island countries for the purpose of
11 providing increased diplomatic support and promoting in-
12 creased economic and commercial engagement between the
13 United States and Pacific Island countries.

14 (b) **AVAILABILITY OF FUNDS.**—

15 (1) **IN GENERAL.**—Of the amounts authorized
16 to be appropriated or otherwise made available to
17 the Department of State and the Department of
18 Commerce for fiscal year 2022, not more than
19 \$10,000,000, respectively, shall be available to carry
20 out the purposes of this section.

21 (2) **TERMINATION.**—The availability of funds in
22 paragraph (1) shall expire on October 1, 2026.

23 (c) **REPORT.**—Not later than one year after the date
24 of the enactment of this Act, and annually thereafter for
25 5 years, the Secretary of State and the Secretary of Com-

1 merce shall provide to the appropriate committees of Con-
2 gress a report on the activities of the Department of State
3 and Department of Commerce Locally Employed Staff in
4 Pacific island countries, which shall include—

5 (1) a detailed description of the additional dip-
6 lomatic, economic, and commercial engagement and
7 activities in the Pacific island countries provided by
8 Locally Employed Staff; and

9 (2) an assessment of the impact of the activities
10 with respect to the diplomatic, economic, and secu-
11 rity interests of the United States.

12 (d) EXCEPTION FOR AMERICAN SAMOA.—The Sec-
13 retary of State may, as appropriate, treat the territory of
14 American Samoa as a foreign country for purposes of car-
15 rying out this section.

16 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
17 FINED.—In this section, the term “appropriate commit-
18 tees of Congress” means—

19 (1) the Committee on Foreign Relations, the
20 Committee on Commerce, Science, and Transpor-
21 tation, the Committee on Energy and Natural Re-
22 sources, and the Committee on Appropriations of the
23 Senate; and

24 (2) the Committee on Foreign Affairs, the
25 Committee on Energy and Commerce, the Com-

1 mittee on Natural Resources, and the Committee on
2 Appropriations of the House of Representatives.

3 **SEC. 3219. INCREASING DEPARTMENT OF STATE PER-**
4 **SONNEL AND RESOURCES DEVOTED TO THE**
5 **INDO-PACIFIC.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) In fiscal year 2020, the Department of
9 State allocated \$1,500,000,000 to the Indo-Pacific
10 region in bilateral and regional foreign assistance
11 (FA) resources, including as authorized by section
12 201(b) of the Asia Reassurance Initiative Act of
13 2018 (Public Law 115–409; 132 Stat. 5391), and
14 \$798,000,000 in the fiscal year 2020 diplomatic en-
15 gagement (DE) budget. These amounts represent
16 only 5 percent of the DE budget and only 4 percent
17 of the total Department of State-USAID budget.

18 (2) Over the last 5 years the DE budget and
19 personnel levels in the Indo-Pacific averaged only 5
20 percent of the total, while FA resources averaged
21 only 4 percent of the total.

22 (3) In 2020, the Department of State began a
23 process to realign certain positions at posts to en-
24 sure that its personnel footprint matches the de-

1 mands of great-power competition, including in the
2 Indo-Pacific.

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

5 (1) the size of the United States diplomatic
6 corps must be sufficient to meet the current and
7 emerging challenges of the 21st century, including
8 those posed by the PRC in the Indo-Pacific region
9 and elsewhere;

10 (2) the increase must be designed to meet the
11 objectives of an Indo-Pacific strategy focused on
12 strengthening the good governance and sovereignty
13 of states that adhere to and uphold the rules-based
14 international order; and

15 (3) the increase must be implemented with a
16 focus on increased numbers of economic, political,
17 and public diplomacy officers, representing a cumu-
18 lative increase of at least 200 foreign service officer
19 generalists, to—

20 (A) advance free, fair, and reciprocal trade
21 and open investment environments for United
22 States companies, and engaged in increased
23 commercial diplomacy in key markets;

24 (B) better articulate and explain United
25 States policies, strengthen civil society and

1 democratic principles, enhance reporting on
2 Chinese the PRC's global activities, promote
3 people-to-people exchanges, and advance United
4 States influence; and

5 (C) increase capacity at small- and me-
6 dium-sized embassies and consulates in the
7 Indo-Pacific and other regions around the
8 world, as necessary.

9 (c) STATEMENT OF POLICY.—

10 (1) It shall be the policy of the United States
11 to ensure Department of State funding levels and
12 personnel footprint in the Indo-Pacific reflect the re-
13 gion's high degree of importance and significance to
14 United States political, economic, and security inter-
15 ests.

16 (2) It shall be the policy of the United States
17 to increase DE and FA funding and the quantity of
18 personnel dedicated to the Indo-Pacific region re-
19 spective to the Department of State's total budget.

20 (3) It shall be the policy of the United States
21 to increase the number of resident Defense attachés
22 in the Indo-Pacific region, particularly in locations
23 where the People's Republic of China has a resident
24 military attaché but the United States does not, to
25 assure coverage of all appropriate posts.

1 (d) ACTION PLAN.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary of
3 State shall provide to the appropriate committees of Con-
4 gress an action plan with the following elements:

5 (1) Identification of requirements to advance
6 United States strategic objectives in the Indo-Pacific
7 and the personnel and budgetary resources needed
8 to meet them, assuming an unconstrained resource
9 environment.

10 (2) A plan to increase the portion of the De-
11 partment’s budget dedicated to the Indo-Pacific in
12 terms of DE and FA focused on development, eco-
13 nomic, and security assistance.

14 (3) A plan to increase the number of positions
15 at posts in the Indo-Pacific region and bureaus with
16 responsibility for the Indo-Pacific region, including a
17 description of increases at each post or bureau, a
18 breakdown of increases by cone, and a description of
19 how such increases in personnel will advance United
20 States strategic objectives in the Indo-Pacific region.

21 (4) Defined concrete and annual benchmarks
22 that the Department will meet in implementing the
23 action plan.

24 (5) A description of any barriers to imple-
25 menting the action plan.

1 (e) UPDATES TO REPORT AND BRIEFING.—Every 90
2 days after the submission of the action plan described in
3 subsection (c) until September 30, 2030, the Secretary
4 shall submit an update and brief the appropriate commit-
5 tees of Congress on the implementation of such action
6 plan, with supporting data and including a detailed assess-
7 ment of benchmarks reached.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated, for fiscal year 2022,
10 \$2,000,000,000 in bilateral and regional foreign assist-
11 ance resources to carry out the purposes of part 1 and
12 chapter 4 of part II of the Foreign Assistance Act of 1961
13 (22 U.S.C. 2151 et seq., 2346 et seq.) to the Indo-Pacific
14 region and \$1,250,000,000 in diplomatic engagement re-
15 sources to the Indo-Pacific region.

16 (g) INCLUSION OF AMOUNTS APPROPRIATED PURSU-
17 ANT TO ASIA REASSURANCE INITIATIVE ACT OF 2018.—
18 Amounts authorized to be appropriated under subsection
19 (f) include funds authorized to be appropriated pursuant
20 to section 201(b) of the Asia Reassurance Initiative Act
21 of 2018 (Public Law 115–409).

22 (h) SECRETARY OF STATE CERTIFICATION.—Not
23 later than 2 years after the date of the enactment of this
24 Act, the Secretary of State shall certify, to the appropriate
25 committees of Congress, whether or not the benchmarks

1 described in the action plan in subsection (c) have been
2 met. This certification is non-delegable.

3 **SEC. 3219A. ADVANCING UNITED STATES LEADERSHIP IN**
4 **THE UNITED NATIONS SYSTEM.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary of State shall
7 establish, within the Bureau of International Organi-
8 zation Affairs of the Department of State, a Special
9 Representative for Advancing United States Leader-
10 ship in the United Nations (referred to in this sec-
11 tion as the “Special Representative”). The Special
12 Representative shall serve concurrently as a Deputy
13 Assistant Secretary in the Bureau of International
14 Organization Affairs of the Department of State.
15 The Special Representative shall report directly to
16 the Assistant Secretary for the Bureau of Inter-
17 national Organization Affairs, in coordination and
18 consultation with the Representative of the United
19 States to the United Nations.

20 (b) RESPONSIBILITIES.—The Special Representative
21 shall assume responsibility for—

22 (1) promoting United States leadership and
23 participation in the United Nations system, with a
24 focus on issue areas where authoritarian nations are

1 exercising increased influence in and determining the
2 agenda of the United Nations system;

3 (2) highlighting how investments in the United
4 Nations advance United States interests and enable
5 stronger coalitions to hold authoritarian regimes to
6 account;

7 (3) ensuring United States emphasis on the
8 need for United Nations employees to uphold the
9 principals of impartiality enshrined in the United
10 Nations charter, rules, and regulations;

11 (4) monitoring and developing and imple-
12 menting plans to counter undue influence, especially
13 by authoritarian nations, within the United Nations
14 system;

15 (5) assessing how United States decisions to
16 withdraw from United Nations bodies impacts
17 United States influence at the United Nations and
18 multilateral global initiatives;

19 (6) promoting the participation and inclusion of
20 Taiwan in the United Nations system;

21 (7) monitoring the pipeline of United Nations
22 jobs and identifying qualified Americans and other
23 qualified nationals to promote for these positions;

24 (8) tracking leadership changes in United Na-
25 tions secretariat, funds, programs and agencies, and

1 developing strategies to ensure that coalitions of
2 like-minded states are assembled to ensure leader-
3 ship races are not won by countries that do not
4 share United States interests;

5 (9) advancing other priorities deemed relevant
6 by the Secretary of State to ensuring the integrity
7 of the United Nations system;

8 (10) eliminating current barriers to the employ-
9 ment of United States nationals in the United Na-
10 tions Secretariat, funds, programs, and agencies;
11 and

12 (11) increasing the number of qualified United
13 States candidates for leadership and oversight posi-
14 tions at the United Nations Secretariat, funds, pro-
15 grams, agencies, and at other international organiza-
16 tions.

17 (c) SUPPORT.—The Secretary of State shall make
18 any necessary adjustments to the current structure of the
19 Bureau of International Organization Affairs, including
20 the respective roles and responsibilities of offices in that
21 Bureau, to ensure appropriate support for the mission and
22 work of the Special Representative.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$5,000,000 for fiscal years

1 2022 through 2026 to carry out the responsibilities under
2 subsection (b).

3 **SEC. 3219B. ASIA REASSURANCE INITIATIVE ACT OF 2018.**

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

6 (1) the Indo-Pacific region is home to many of
7 the world’s most dynamic democracies, economic op-
8 portunities, as well as many challenges to United
9 States interests and values as a result of the growth
10 in authoritarian governance in the region and by
11 broad challenges posed by nuclear proliferation, the
12 changing environment, and deteriorating adherence
13 to human rights principles and obligations;

14 (2) the People’s Republic of China poses a par-
15 ticular threat as it repeatedly violates internationally
16 recognized human rights, engages in unfair economic
17 and trade practices, disregards international laws
18 and norms, coerces its neighbors, engages in malign
19 influence operations, and enables global digital
20 authoritarianism;

21 (3) the Asia Reassurance Initiative Act of 2018
22 (referred to in this section as “ARIA”) enhances the
23 United States’ commitment in the Indo-Pacific re-
24 gion by—

1 (A) expanding its defense cooperation with
2 its allies and partners;

3 (B) investing in democracy and the protec-
4 tion of human rights;

5 (C) engaging in cybersecurity initiatives;
6 and

7 (D) supporting people-to-people engage-
8 ment and other shared priorities; and

9 (4) the 2019 Department of Defense Indo-Pa-
10 cific Strategy Report concludes that ARIA “en-
11 shrines a generational whole-of-government policy
12 framework that demonstrates U.S. commitment to a
13 free and open Indo-Pacific region”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—The
15 Asia Reassurance Initiative Act of 2018 (Public Law 115–
16 409) is amended—

17 (1) in section 201(b), by striking
18 “\$1,500,000,000 for each of the fiscal years 2019
19 through 2023” and inserting “\$2,000,000,000 for
20 each of the fiscal years 2022 through 2026”;

21 (2) in section 215(b), by striking “2023” and
22 inserting “2026”;

23 (3) in section 306(a)—

24 (A) in paragraph (1), by striking “5
25 years” and inserting “8 years”; and

1 (B) in paragraph (2), by striking “2023”
2 and inserting “2026”;

3 (4) in section 409(a)(1), by striking “2023”
4 and inserting “2026”;

5 (5) in section 410—

6 (A) in subsection (c), by striking “2023”
7 and inserting “2026”; and

8 (B) in subsection (d), in the matter pre-
9 ceding paragraph (1), by striking “2023” and
10 inserting “2026”; and

11 (6) in section 411, by striking “2023” and in-
12 serting “2026”.

13 **SEC. 3219C. STATEMENT OF POLICY ON NEED FOR RECI-**
14 **PROCITY IN THE RELATIONSHIP BETWEEN**
15 **THE UNITED STATES AND THE PEOPLE’S RE-**
16 **PUBLIC OF CHINA.**

17 (a) STATEMENT OF POLICY.—It is the policy of the
18 United States—

19 (1) to clearly differentiate, in official state-
20 ments, media communications, and messaging, be-
21 tween the people of China and the Communist Party
22 of China;

23 (2) that any negotiations toward a trade agree-
24 ment with the People’s Republic of China should be

1 concluded in a manner that addresses unfair trading
2 practices by the People’s Republic of China;

3 (3) that such an agreement should, to the ex-
4 tent possible—

5 (A) ensure that the People’s Republic of
6 China commits to structural changes in its
7 trade and economic policies;

8 (B) hold the People’s Republic of China
9 accountable to those commitments; and

10 (C) promote access to reciprocal direct in-
11 vestment; and

12 (4) to seek and develop a relationship with the
13 People’s Republic of China that is founded on the
14 principles of basic reciprocity across sectors, includ-
15 ing economic, diplomatic, educational, and commu-
16 nications sectors.

17 (b) REPORT REQUIRED.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary of State, in consultation with other relevant
21 Federal departments and agencies, shall submit to
22 the appropriate congressional committees a report
23 on the manner in which the Government of the Peo-
24 ple’s Republic of China creates barriers to the work
25 of United States diplomats and other officials, jour-

1 nalists, and businesses, and nongovernmental orga-
2 nizations based in the United States, in the People's
3 Republic of China.

4 (2) ELEMENTS.—The report required by para-
5 graph (1) shall include the following:

6 (A) A summary of obstacles that United
7 States diplomats and other officials, journalists,
8 and businesses encounter in carrying out their
9 work in the People's Republic of China.

10 (B) A summary of the obstacles Chinese
11 diplomats and other officials, journalists, and
12 businesses encounter while working in the
13 United States.

14 (C) A description of the efforts that offi-
15 cials of the United States have made to rectify
16 any differences in the treatment of diplomats
17 and other officials, journalists, and businesses
18 by the United States and by the People's Re-
19 public of China, and the results of those efforts.

20 (D) An assessment of the adherence of the
21 Government of the People's Republic of China,
22 in its treatment of United States citizens, to
23 the requirements of—

24 (i) the Convention on Consular Rela-
25 tions, done at Vienna April 24, 1963, and

1 entered into force March 19, 1967 (21
2 U.S.T. 77); and

3 (ii) the Consular Convention, signed
4 at Washington September 17, 1980, and
5 entered into force February 19, 1982, be-
6 tween the United States and the People's
7 Republic of China.

8 (E) An assessment of any impacts of the
9 People's Republic of China's internet restric-
10 tions on reciprocity between the United States
11 and the People's Republic of China.

12 (F) A summary of other notable areas
13 where the Government of the People's Republic
14 of China or entities affiliated with that Govern-
15 ment are able to conduct activities or invest-
16 ments in the United States but that are denied
17 to United States entities in the People's Repub-
18 lic of China.

19 (G) Recommendations on efforts that the
20 Government of the United States could under-
21 take to improve reciprocity in the relationship
22 between the United States and the People's Re-
23 public of China.

24 (3) FORM OF REPORT; AVAILABILITY.—

1 (A) FORM.—The report required by para-
2 graph (1) shall be submitted in unclassified
3 form, but may include a classified index.

4 (B) AVAILABILITY.—The unclassified por-
5 tion of the report required by paragraph (1)
6 shall be posted on a publicly available internet
7 website of the Department of State.

8 (4) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES DEFINED.—In this subsection, the term “ap-
10 propriate congressional committees” means the
11 Committee on Foreign Relations of the Senate and
12 the Committee on Foreign Affairs of the House of
13 Representatives.

14 (c) RECIPROCITY DEFINED.—In this section, the
15 term “reciprocity” means the mutual and equitable ex-
16 change of privileges between governments, countries, busi-
17 nesses, or individuals.

18 **SEC. 3219D. OPPOSITION TO PROVISION OF ASSISTANCE TO**
19 **PEOPLE’S REPUBLIC OF CHINA BY ASIAN DE-**
20 **VELOPMENT BANK.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Through the Asian Development Bank,
24 countries are eligible to borrow from the Bank until
25 they can manage long-term development and access

1 to capital markets without financial resources from
2 the Bank.

3 (2) The Bank uses the gross national income
4 per capita benchmark used by the International
5 Bank for Reconstruction and Development to trigger
6 the graduation process. For fiscal year 2021, the
7 graduation discussion income is a gross national in-
8 come per capita exceeding \$7,065.

9 (3) The People's Republic of China exceeded
10 the graduation discussion income threshold in 2016.

11 (4) Since 2016, the Asian Development Bank
12 has continued to approve loans and technical assist-
13 ance to the People's Republic of China totaling
14 \$7,600,000,000. The Bank has also approved non-
15 sovereign commitments in the People's Republic of
16 China totaling \$1,800,000,000 since 2016.

17 (5) The World Bank calculates the People's Re-
18 public of China's most recent year (2019) gross na-
19 tional income per capita as \$10,390.

20 (b) STATEMENT OF POLICY.—It is the policy of the
21 United States to oppose any additional lending from the
22 Asian Development Bank to the People's Republic of
23 China as a result of the People's Republic of China's suc-
24 cessful graduation from the eligibility requirements for as-
25 sistance from the Bank.

1 (c) OPPOSITION TO LENDING TO PEOPLE’S REPUB-
2 LIC OF CHINA.—The Secretary of the Treasury shall in-
3 struct the United States Executive Director of the Asian
4 Development Bank to use the voice, vote, and influence
5 of the United States to oppose any loan or extension of
6 financial or technical assistance by the Asian Development
7 Bank to the People’s Republic of China.

8 **SEC. 219E. OPPOSITION TO PROVISION OF ASSISTANCE TO**
9 **PEOPLE’S REPUBLIC OF CHINA BY INTER-**
10 **NATIONAL BANK FOR RECONSTRUCTION AND**
11 **DEVELOPMENT.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The People’s Republic of China is the
15 world’s second largest economy and a major global
16 lender.

17 (2) In February 2021, the People’s Republic of
18 China’s foreign exchange reserves totaled more than
19 \$3,200,000,000,000.

20 (3) The World Bank classifies the People’s Re-
21 public of China as having an upper-middle-income
22 economy.

23 (4) On February 25, 2021, President Xi
24 Jinping announced “complete victory” over extreme
25 poverty in the People’s Republic of China.

1 (5) The Government of the People's Republic of
2 China utilizes state resources to create and promote
3 the Asian Infrastructure Investment Bank, the New
4 Development Bank, and the Belt and Road Initia-
5 tive.

6 (6) The People's Republic of China is the
7 world's largest official creditor.

8 (7) Through the International Bank for Recon-
9 struction and Development, countries are eligible to
10 borrow from the Bank until they can manage long-
11 term development and access to capital markets
12 without financial resources from the Bank.

13 (8) The World Bank reviews the graduation of
14 a country from eligibility to borrow from the Inter-
15 national Bank for Reconstruction and Development
16 once the country reaches the graduation discussion
17 income, which is equivalent to the gross national in-
18 come. For fiscal year 2021, the graduation discus-
19 sion income is a gross national income per capita ex-
20 ceeding \$7,065.

21 (9) The People's Republic of China exceeded
22 the graduation discussion income threshold in 2016.

23 (10) Since 2016, the International Bank for
24 Reconstruction and Development has approved

1 projects totaling \$8,930,000,000 to the People's Re-
2 public of China.

3 (11) The World Bank calculates the People's
4 Republic of China's most recent year (2019) gross
5 national income per capita as \$10,390.

6 (b) STATEMENT OF POLICY.—It is the policy of the
7 United States to oppose any additional lending from the
8 International Bank for Reconstruction and Development
9 to the People's Republic of China as a result of the Peo-
10 ple's Republic of China's successful graduation from the
11 eligibility requirements for assistance from the Bank.

12 (c) OPPOSITION TO LENDING TO PEOPLE'S REPUB-
13 LIC OF CHINA.—The Secretary of the Treasury shall in-
14 struct the United States Executive Director of the Inter-
15 national Bank for Reconstruction and Development to use
16 the voice, vote, and influence of the United States—

17 (1) to oppose any loan or extension of financial
18 or technical assistance by the International Bank for
19 Reconstruction and Development to the People's Re-
20 public of China; and

21 (2) to end lending and assistance to countries
22 that exceed the graduation discussion income of the
23 Bank.

24 (d) REPORT REQUIRED.—Not later than one year
25 after the date of the enactment of this Act, and annually

1 thereafter, the Secretary of the Treasury shall submit to
2 the Committee on Foreign Relations of the Senate and
3 the Committee on Financial Services and the Committee
4 on Foreign Affairs of the House of Representatives a re-
5 port that includes—

6 (1) an assessment of the status of borrowing by
7 the People’s Republic of China from the World
8 Bank;

9 (2) a list of countries that have exceeded the
10 graduation discussion income at the International
11 Bank for Reconstruction and Development;

12 (3) a list of countries that have graduated from
13 eligibility for assistance from the Bank; and

14 (4) a description of the efforts taken by the
15 United States to graduate countries from such eligi-
16 bility once they exceed the graduation discussion in-
17 come.

18 **SEC. 3219F. UNITED STATES POLICY ON CHINESE AND RUS-**
19 **SIAN GOVERNMENT EFFORTS TO UNDER-**
20 **MINE THE UNITED NATIONS SECURITY COUN-**
21 **CIL ACTION ON HUMAN RIGHTS.**

22 (a) SENSE OF CONGRESS.—Congress—

23 (1) notes with growing concern that the Peo-
24 ple’s Republic of China and Russia have, at the
25 United Nations, aligned with one another in blocking

1 Security Council action on Syria, Myanmar,
2 Zimbabwe, Venezuela, and other countries credibly
3 accused of committing human rights abuses;

4 (2) recognizes that it is not only the use of the
5 veto on the United Nations Security Council, but
6 also the threat of the use of a veto, that can prevent
7 the Security Council from taking actions aimed at
8 protecting human rights;

9 (3) condemns efforts by China and Russia to
10 undermine United Nations Security Council actions
11 aimed at censuring governments credibly accused of
12 committing or permitting the commission of human
13 rights violations; and

14 (4) denounces the tactical alignment between
15 the People's Republic of China and Russia within
16 the United Nations Security Council to challenge the
17 protection of human rights and the guarantee of hu-
18 manitarian access.

19 (b) STATEMENT OF POLICY.—It shall be the policy
20 of the United States to—

21 (1) reaffirm its commitment to maintain inter-
22 national peace and security, develop friendly rela-
23 tions among nations, and cooperate in solving inter-
24 national problems and promoting respect for human
25 rights;

1 (2) highlight efforts by the People’s Republic of
2 China and Russia to undermine international peace
3 and security, protect human rights, and guarantee
4 humanitarian access to those in need;

5 (3) increase the role and presence of the United
6 States at the United Nations and its constituent
7 bodies to advance United States interests, including
8 by counteracting malign Chinese and Russian influ-
9 ence; and

10 (4) urge allies and like-minded partners to work
11 together with the United States to overcome Chinese
12 and Russian efforts to weaken the United Nations
13 Security Council by preventing it from carrying out
14 its core mandate.

15 **SEC. 3219G. DETERRING PRC USE OF FORCE AGAINST TAI-**
16 **WAN.**

17 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
18 FINED.—In this section, the term “appropriate commit-
19 tees of Congress” means—

20 (1) the Committee on Foreign Relations, the
21 Committee on Armed Services, the Committee on
22 Banking, Housing, and Urban Affairs, the Com-
23 mittee on Commerce, Science, and Transportation,
24 and the Select Committee on Intelligence of the Sen-
25 ate; and

1 (2) the Committee on Foreign Affairs, the
2 Committee on Armed Services, the Committee on Fi-
3 nancial Services, the Committee on Energy and
4 Commerce, and the Permanent Select Committee on
5 Intelligence of the House of Representatives.

6 (b) STATEMENT OF POLICY.—It shall be the policy
7 of the United States—

8 (1) to strenuously oppose any action by the
9 People’s Republic of China to use force to change
10 the status quo of Taiwan; and

11 (2) that, in order to deter the use of force by
12 the People’s Republic of China to change the status
13 quo of Taiwan, the United States should coordinate
14 with allies and partners to identify and develop sig-
15 nificant economic, diplomatic, and other measures to
16 deter and impose costs on any such action by the
17 People’s Republic of China, and to bolster deterrence
18 by articulating such policies publicly, as appropriate
19 and in alignment with United States interests.

20 (c) WHOLE-OF-GOVERNMENT REVIEW.—Not later
21 than 14 days after the date of the enactment of this Act,
22 the President shall convene the heads of all relevant Fed-
23 eral departments and agencies to conduct a whole-of-gov-
24 ernment review of all available economic, diplomatic, and

1 other measures to deter the use of force by the People's
2 Republic of China to change the status quo of Taiwan.

3 (d) BRIEFING REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, and every 90
5 days thereafter for 5 years, the Secretary of State, the
6 Secretary of the Treasury, the Secretary of Defense, the
7 Secretary of Commerce, the Director of National Intel-
8 ligence, and any other relevant heads of Federal depart-
9 ments and agencies shall brief the appropriate committees
10 of Congress on all available economic, diplomatic, and
11 other strategic measures to deter PRC use of force to
12 change the status quo of Taiwan and provide a detailed
13 description and review of—

14 (1) efforts to date by the United States Govern-
15 ment to deter the use of force by the People's Re-
16 public of China to change the status quo of Taiwan;
17 and

18 (2) progress to date of all coordination efforts
19 between the United States Government and its allies
20 and partners with respect to deterring the use of
21 force to change the status quo of Taiwan.

22 (e) COORDINATED CONSEQUENCES WITH ALLIES
23 AND PARTNERS.—The Secretary of State shall coordinate
24 with United States allies and partners to identify and de-
25 velop significant economic, diplomatic, and other measures

- 1 to deter the use of force by the People's Republic of China
- 2 to change the status quo of Taiwan.

3 **SEC. 3219H. STRATEGY TO RESPOND TO SHARP POWER OP-**
4 **ERATIONS TARGETING TAIWAN.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of State
7 shall develop and implement a strategy to respond to
8 sharp power operations and the united front campaign
9 supported by the Government of the People's Republic of
10 China and the Chinese Communist Party that are directed
11 toward persons or entities in Taiwan.

12 (b) ELEMENTS.—The strategy required under sub-
13 section (a) shall include the following elements:

14 (1) Development of a response to PRC propa-
15 ganda and disinformation campaigns and cyber-in-
16 trusions targeting Taiwan, including—

17 (A) assistance in building the capacity of
18 the Taiwan government and private-sector enti-
19 ties to document and expose propaganda and
20 disinformation supported by the Government of
21 the People's Republic of China, the Chinese
22 Communist Party, or affiliated entities;

23 (B) assistance to enhance the Taiwan gov-
24 ernment's ability to develop a whole-of-govern-

1 ment strategy to respond to sharp power oper-
2 ations, including election interference; and

3 (C) media training for Taiwan officials and
4 other Taiwan entities targeted by
5 disinformation campaigns.

6 (2) Development of a response to political influ-
7 ence operations that includes an assessment of the
8 extent of influence exerted by the Government of the
9 People's Republic of China and the Chinese Com-
10 munist Party in Taiwan on local political parties, fi-
11 nancial institutions, media organizations, and other
12 entities.

13 (3) Support for exchanges and other technical
14 assistance to strengthen the Taiwan legal system's
15 ability to respond to sharp power operations.

16 (4) Establishment of a coordinated partnership,
17 through the Global Cooperation and Training
18 Framework, with like-minded governments to share
19 data and best practices with the Government of Tai-
20 wan on ways to address sharp power operations sup-
21 ported by the Government of the People's Republic
22 of China and the Chinese Communist Party.

1 **SEC. 3219I. STUDY AND REPORT ON BILATERAL EFFORTS**
2 **TO ADDRESS CHINESE FENTANYL TRAF-**
3 **FICKING.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) In January 2020, the DEA named China as
6 the primary source of United States-bound illicit
7 fentanyl and synthetic opioids.

8 (2) While in 2019 China instituted domestic
9 controls on the production and exportation of
10 fentanyl, some of its variants, and two precursors
11 known as NPP and 4–ANPP, China has not yet ex-
12 panded its class scheduling to include many fentanyl
13 precursors such as 4–AP, which continue to be traf-
14 ficked to second countries in which they are used in
15 the final production of United States-bound fentanyl
16 and other synthetic opioids.

17 (3) The DEA currently maintains a presence in
18 Beijing but continues to seek Chinese approval to
19 open offices in the major shipping hubs of
20 Guangzhou and Shanghai.

21 (b) DEFINITIONS.—In this section:

22 (1) APPROPRIATE COMMITTEES OF CON-
23 GRESS.—The term “appropriate committees of Con-
24 gress” means—

25 (A) the Committee on the Judiciary of the
26 Senate;

1 (B) the Committee on Foreign Relations of
2 the Senate;

3 (C) the Committee on the Judiciary of the
4 House of Representative; and

5 (D) the Committee on Foreign Affairs of
6 the House of Representatives.

7 (2) CHINA.—The term “China” means the Peo-
8 ple’s Republic of China.

9 (3) DEA.—The term “DEA” means the Drug
10 Enforcement Administration.

11 (4) PRECURSORS.—The term “precursors”
12 means chemicals used in the illicit production of
13 fentanyl and related synthetic opioid variants.

14 (c) CHINA’S CLASS SCHEDULING OF FENTANYL AND
15 SYNTHETIC OPIOID PRECURSORS.—Not later than 180
16 days after the date of the enactment of this Act, the Sec-
17 retary of State and Attorney General shall submit to the
18 appropriate committees of Congress a written report—

19 (1) detailing a description of United States
20 Government efforts to gain a commitment from the
21 Chinese Government to submit unregulated fentanyl
22 precursors such as 4-AP to controls; and

23 (2) a plan for future steps the United States
24 Government will take to urge China to combat illicit

1 fentanyl production and trafficking originating in
2 China.

3 (d) ESTABLISHMENT OF DEA OFFICES IN CHINA.—

4 Not later than 180 days after enactment of this Act, the
5 Secretary of State and Attorney General shall provide to
6 the appropriate committees of Congress a classified brief-
7 ing on—

8 (1) outreach and negotiations undertaken by
9 the United States Government with the Chinese
10 Government aimed at securing its approval for the
11 establishment of DEA offices in Shanghai and
12 Guangzhou, China; and

13 (2) additional efforts to establish new partner-
14 ships with provincial-level authorities to counter the
15 illicit trafficking of fentanyl, fentanyl analogues, and
16 their precursors.

17 (e) FORM OF REPORT.—The report required under
18 subsection (c) shall be unclassified with a classified annex.

19 **SEC. 3219J. INVESTMENT, TRADE, AND DEVELOPMENT IN**
20 **AFRICA AND LATIN AMERICA AND THE CAR-**
21 **IBBEAN.**

22 (a) STRATEGY REQUIRED.—

23 (1) IN GENERAL.—The President shall establish
24 a comprehensive United States strategy for public

1 and private investment, trade, and development in
2 Africa and Latin America and the Caribbean.

3 (2) FOCUS OF STRATEGY.—The strategy re-
4 quired by paragraph (1) shall focus on increasing ex-
5 ports of United States goods and services to Africa
6 and Latin America and the Caribbean by 200 per-
7 cent in real dollar value by the date that is 10 years
8 after the date of the enactment of this Act.

9 (3) CONSULTATIONS.—In developing the strat-
10 egy required by paragraph (1), the President shall
11 consult with—

12 (A) Congress;

13 (B) each agency that is a member of the
14 Trade Promotion Coordinating Committee;

15 (C) the relevant multilateral development
16 banks, in coordination with the Secretary of the
17 Treasury and the respective United States Ex-
18 ecutive Directors of such banks;

19 (D) each agency that participates in the
20 Trade Policy Staff Committee established;

21 (E) the President's Export Council;

22 (F) each of the development agencies;

23 (G) any other Federal agencies with re-
24 sponsibility for export promotion or financing
25 and development; and

1 (H) the private sector, including busi-
2 nesses, nongovernmental organizations, and Af-
3 rican and Latin American and Caribbean dias-
4 pora groups.

5 (4) SUBMISSION TO CONGRESS.—

6 (A) STRATEGY.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 President shall submit to Congress the strategy
9 required by subsection (a).

10 (B) PROGRESS REPORT.—Not later than 3
11 years after the date of the enactment of this
12 Act, the President shall submit to Congress a
13 report on the implementation of the strategy re-
14 quired by paragraph (1).

15 (b) SPECIAL AFRICA AND LATIN AMERICA AND THE
16 CARIBBEAN EXPORT STRATEGY COORDINATORS.—The
17 President shall designate an individual to serve as Special
18 Africa Export Strategy Coordinator and an individual to
19 serve as Special Latin America and the Caribbean Export
20 Strategy Coordinator—

21 (1) to oversee the development and implementa-
22 tion of the strategy required by subsection (a); and

23 (2) to coordinate developing and implementing
24 the strategy with—

1 (A) the Trade Promotion Coordinating
2 Committee;

3 (B) the Assistant United States Trade
4 Representative for African Affairs or the Assist-
5 ant United States Trade Representative for the
6 Western Hemisphere, as appropriate;

7 (C) the Assistant Secretary of State for
8 African Affairs or the Assistant Secretary of
9 State for Western Hemisphere Affairs, as ap-
10 propriate;

11 (D) the Export-Import Bank of the United
12 States;

13 (E) the United States International Devel-
14 opment Finance Corporation; and

15 (F) the development agencies.

16 (c) TRADE MISSIONS TO AFRICA AND LATIN AMER-
17 ICA AND THE CARIBBEAN.—It is the sense of Congress
18 that, not later than one year after the date of the enact-
19 ment of this Act, the Secretary of Commerce and other
20 high-level officials of the United States Government with
21 responsibility for export promotion, financing, and devel-
22 opment should conduct joint trade missions to Africa and
23 to Latin America and the Caribbean.

24 (d) TRAINING.—The President shall develop a plan—

1 (1) to standardize the training received by
2 United States and Foreign Commercial Service offi-
3 cers, economic officers of the Department of State,
4 and economic officers of the United States Agency
5 for International Development with respect to the
6 programs and procedures of the Export-Import
7 Bank of the United States, the United States Inter-
8 national Development Finance Corporation, the
9 Small Business Administration, and the United
10 States Trade and Development Agency; and

11 (2) to ensure that, not later than one year after
12 the date of the enactment of this Act—

13 (A) all United States and Foreign Com-
14 mercial Service officers that are stationed over-
15 seas receive the training described in paragraph
16 (1); and

17 (B) in the case of a country to which no
18 United States and Foreign Commercial Service
19 officer is assigned, any economic officer of the
20 Department of State stationed in that country
21 receives that training.

22 (e) DEFINITIONS.—In this section:

23 (1) DEVELOPMENT AGENCIES.—The term “de-
24 velopment agencies” means the United States De-
25 partment of State, the United States Agency for

1 International Development, the Millennium Chal-
2 lenge Corporation, the United States International
3 Development Finance Corporation, the United
4 States Trade and Development Agency, the United
5 States Department of Agriculture, and relevant mul-
6 tilateral development banks.

7 (2) MULTILATERAL DEVELOPMENT BANKS.—
8 The term “multilateral development banks” has the
9 meaning given that term in section 1701(c)(4) of the
10 International Financial Institutions Act (22 U.S.C.
11 262r(c)(4)) and includes the African Development
12 Foundation.

13 (3) TRADE POLICY STAFF COMMITTEE.—The
14 term “Trade Policy Staff Committee” means the
15 Trade Policy Staff Committee established pursuant
16 to section 2002.2 of title 15, Code of Federal Regu-
17 lations.

18 (4) TRADE PROMOTION COORDINATING COM-
19 MITTEE.—The term “Trade Promotion Coordinating
20 Committee” means the Trade Promotion Coordi-
21 nating Committee established under section 2312 of
22 the Export Enhancement Act of 1988 (15 U.S.C.
23 4727).

24 (5) UNITED STATES AND FOREIGN COMMER-
25 CIAL SERVICE.—The term “United States and For-

1 eign Commercial Service” means the United States
 2 and Foreign Commercial Service established by sec-
 3 tion 2301 of the Export Enhancement Act of 1988
 4 (15 U.S.C. 4721).

5 **SEC. 3219K. FACILITATION OF INCREASED EQUITY INVEST-**
 6 **MENTS UNDER THE BETTER UTILIZATION OF**
 7 **INVESTMENTS LEADING TO DEVELOPMENT**
 8 **ACT OF 2018.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
 10 gress that support provided under section 1421(c)(1) of
 11 the Better Utilization of Investments Leading to Develop-
 12 ment Act of 2018 (22 U.S.C. 9621(c)(1)) should be con-
 13 sidered to be a Federal credit program that is subject to
 14 the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et
 15 seq.) for purposes of applying the requirements of such
 16 Act to such support.

17 (b) MAXIMUM CONTINGENT LIABILITY.—Section
 18 1433 of the Better Utilization of Investments Leading to
 19 Development Act of 2018 (22 U.S.C. 9633) is amended
 20 by striking “\$60,000,000,000” and inserting
 21 “\$100,000,000,000”.

22 **Subtitle B—International Security**
 23 **Matters**

24 **SEC. 3221. DEFINITIONS.**

25 In this subtitle:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Foreign Relations,
5 the Committee on Armed Services, and the
6 Committee on Appropriations of the Senate;
7 and

8 (B) the Committee on Foreign Affairs, the
9 Committee on Armed Services, and the Com-
10 mittee on Appropriations of the House of Rep-
11 resentatives.

12 (2) COMPANY.—The term “company” means
13 any corporation, company, limited liability company,
14 limited partnership, business trust, business associa-
15 tion, or other similar entity.

16 (3) OTHER SECURITY FORCES.—The term
17 “other security forces”—

18 (A) includes national security forces that
19 conduct maritime security; and

20 (B) does not include self-described militias
21 or paramilitary organizations.

22 **SEC. 3222. FINDINGS.**

23 Congress makes the following findings:

24 (1) The People’s Republic of China aims to use
25 its growing military might in concert with other in-

1 struments of its national power to displace the
2 United States in the Indo-Pacific and establish he-
3 gemony over the region.

4 (2) The military balance of power in the Indo-
5 Pacific region is growing increasingly unfavorable to
6 the United States because—

7 (A) the PRC is rapidly modernizing and
8 expanding the capabilities of the PLA to project
9 power and create contested areas across the en-
10 tire Indo-Pacific region;

11 (B) PLA modernization has largely fo-
12 cused on areas where it possesses operational
13 advantages and can exploit weaknesses in the
14 United States suite of capabilities; and

15 (C) current United States force structure
16 and presence do not sufficiently counter threats
17 in the Indo-Pacific, as United States allies,
18 bases, and forces at sea in the Indo-Pacific re-
19 gion are concentrated in large bases that are
20 highly vulnerable to the PRC's strike capabili-
21 ties.

22 (3) This shift in the regional military balance
23 and erosion of conventional and strategic deterrence
24 in the Indo-Pacific region—

1 (A) presents a substantial and imminent
2 risk to the security of the United States; and

3 (B) left unchecked, could—

4 (i) embolden the PRC to take actions,
5 including the use of military force, to
6 change the status quo before the United
7 States can mount an effective response;
8 and

9 (ii) alter the nuclear balance in the
10 Indo-Pacific.

11 (4) The PRC sees an opportunity to diminish
12 confidence among United States allies and partners
13 in the strength of United States commitments, even
14 to the extent that these nations feel compelled to
15 bandwagon with the PRC to protect their interests.
16 The PRC is closely monitoring the United States re-
17 action to PRC pressure and coercion of United
18 States allies, searching for indicators of United
19 States resolve.

20 (5) Achieving so-called “reunification” of Tai-
21 wan to mainland China is a key step for the PRC
22 to achieve its regional hegemonic ambitions. The
23 PRC has increased the frequency and scope of its
24 exercises and operations targeting Taiwan, such as
25 amphibious assault and live-fire exercises in the Tai-

1 wan Strait, PLA Air Force flights that encircle Tai-
2 wan, and flights across the unofficial median line in
3 the Taiwan Strait. The Government of the PRC's
4 full submission of Hong Kong potentially accelerates
5 the timeline of a Taiwan scenario, and makes the
6 defense of Taiwan an even more urgent priority.

7 (6) The defense of Taiwan is critical to—

8 (A) defending the people of Taiwan;

9 (B) limiting the PLA's ability to project
10 power beyond the First Island Chain, including
11 to United States territory, such as Guam and
12 Hawaii;

13 (C) defending the territorial integrity of
14 Japan;

15 (D) preventing the PLA from diverting
16 military planning, resources, and personnel to
17 broader military ambitions; and

18 (E) retaining the United States credibility
19 as a defender of the democratic values and free-
20 market principles embodied by Taiwan's people
21 and government;

22 (7) The PRC capitalized on the world's atten-
23 tion to COVID-19 to advance its military objectives
24 in the South China Sea, intensifying and accel-
25 erating trends already underway. The PRC has sent

1 militarized survey vessels into the Malaysian Exclu-
2 sive Economic Zone, announced the establishment of
3 an administrative district in the Spratly and Paracel
4 Islands under the Chinese local government of
5 Sansha, aimed a fire control radar at a Philippine
6 navy ship, encroached on Indonesia's fishing
7 grounds, sunk a Vietnamese fishing boat, announced
8 new "research stations" on Fiery Cross Reef and
9 Subi Reef, landed special military aircraft on Fiery
10 Cross Reef to routinize such deployments, and sent
11 a flotilla of over 200 militia vessels to Whitsun Reef,
12 a feature within the exclusive economic zone of the
13 Philippines.

14 (8) On July 13, 2020, the Department of State
15 clarified United States policy on the South China
16 Sea and stated that "Beijing's claims to offshore re-
17 sources across most of the South China Sea are
18 completely unlawful".

19 (9) These actions in the South China Sea en-
20 able the PLA to exert influence and project power
21 deeper into Oceania and the Indian Ocean. As Admi-
22 ral Phil Davidson, Commander of Indo-Pacific Com-
23 mand, testified in 2019, "In short, China is now ca-
24 pable of controlling the South China Sea in all sce-
25 narios short of war with the United States."

1 (10) The PLA also continues to advance its
2 claims in the East China Sea, including through a
3 high number of surface combatant patrols and fre-
4 quent entry into the territorial waters of the
5 Senkaku Islands, over which the United States rec-
6 ognizes Japan’s administrative control. In April
7 2014, President Barack Obama stated, “Our com-
8 mitment to Japan’s security is absolute and article
9 five of the U.S.-Japan security treaty covers all ter-
10 ritory under Japan’s administration, including the
11 Senkaku islands.”.

12 (11) On March 1, 2019, Secretary of State Mi-
13 chael R. Pompeo stated, “As the South China Sea
14 is part of the Pacific, any armed attack on Phil-
15 ippine forces, aircraft, or public vessels in the South
16 China Sea will trigger mutual defense obligations
17 under Article 4 of our Mutual Defense Treaty.”.

18 (12) The PLA also continues to advance its in-
19 fluence over the Korean Peninsula, including
20 through a series of joint air exercises with the Rus-
21 sian Federation in the Republic of Korea’s Air De-
22 fense Identification Zone.

23 (13) The PLA is modernizing and gaining crit-
24 ical capability in every branch and every domain, in-
25 cluding—

1 (A) positioning the PLA Navy to become a
2 great maritime power or “blue-water” navy that
3 can completely control all activity within the
4 First Island Chain and project power beyond it
5 with a fleet of 425 battle force ships by 2030;

6 (B) increasing the size and range of its
7 strike capabilities, including approximately
8 1,900 ground-launched short- and intermediate-
9 range missiles capable of targeting United
10 States allies and partners in the First and Sec-
11 ond Island chains, United States bases in the
12 Indo-Pacific, and United States forces at sea;

13 (C) boosting capabilities for air warfare,
14 including with Russian-origin Su-35 fighters
15 and S-400 air defense systems, new J-20 5th
16 generation stealth fighters, advanced H-6
17 bomber variants, a long-range stealth bomber,
18 and Y-20 heavy lift aircraft;

19 (D) making critical investments in new do-
20 mains of warfare, such as cyber warfare, elec-
21 tronic warfare, and space warfare; and

22 (E) increasing the size of its nuclear stock-
23 pile and delivery systems.

24 (14) The PRC is pursuing this modernization
25 through all means at its disposal, including its Mili-

1 tary-Civil Fusion initiative, which enlists the whole
2 of PRC society in developing and acquiring tech-
3 nology with military applications to pursue techno-
4 logical advantage over the United States in artificial
5 intelligence, hypersonic glide vehicles, directed en-
6 ergy weapons, electromagnetic railguns, counter-
7 space weapons, and other emerging capabilities.

8 (15) The United States lead in the development
9 of science and technology relevant to defense is erod-
10 ing in the face of competition from the PRC. United
11 States research and development spending on de-
12 fense capabilities has declined sharply as a share of
13 global research and development. The commercial
14 sector's leading role in innovation presents certain
15 unique challenges to the Department of Defense's
16 reliance on technology for battlefield advantage.

17 (16) The PRC has vastly increased domestic re-
18 search and development expenditures, supported the
19 growth of new cutting-edge industries and tapped
20 into a large workforce to invest in fostering science
21 and engineering talent.

22 (17) The PRC is increasing exports of defense
23 and security capabilities to build its defense tech-
24 nology and industrial base and improve its own mili-
25 tary capabilities, as well as its influence with coun-

1 tries that purchase and become dependent on its
2 military systems.

3 **SEC. 3223. SENSE OF CONGRESS REGARDING BOLSTERING**
4 **SECURITY PARTNERSHIPS IN THE INDO-PA-**
5 **CIFIC.**

6 It is the sense of Congress that steps to bolster
7 United States security partnerships in the Indo-Pacific
8 must include—

9 (1) supporting Japan in its development of
10 long-range precision fires, munitions, air and missile
11 defense capacity, interoperability across all domains,
12 maritime security, and intelligence, surveillance, and
13 reconnaissance capabilities;

14 (2) launching a United States-Japan national
15 security innovation fund to solicit and support pri-
16 vate sector cooperation for new technologies that
17 could benefit the United States and Japan's mutual
18 security objectives;

19 (3) promoting a deeper defense relationship be-
20 tween Japan and Australia, including supporting re-
21 ciprocal access agreements and trilateral United
22 States-Japan-Australia intelligence sharing;

23 (4) encouraging and facilitating Taiwan's accel-
24 erated acquisition of asymmetric defense capabilities,
25 which are crucial to defending the islands of Taiwan

1 from invasion, including long-range precision fires,
2 munitions, anti-ship missiles, coastal defense, anti-
3 armor, air defense, undersea warfare, advanced com-
4 mand, control, communications, computers, intel-
5 ligence, surveillance and reconnaissance (C4ISR),
6 and resilient command and control capabilities, and
7 increasing the conduct of relevant and practical
8 training and exercises with Taiwan's defense forces;
9 and

10 (5) prioritizing building the capacity of United
11 States allies and partners to protect defense tech-
12 nology.

13 **SEC. 3224. STATEMENT OF POLICY.**

14 It shall be the policy of the United States to—

15 (1) prioritize the Indo-Pacific region in United
16 States foreign policy, and prioritize resources for
17 achieving United States political and military objec-
18 tives in the region;

19 (2) exercise freedom of operations in the inter-
20 national waters and airspace in the Indo-Pacific
21 maritime domains, which are critical to the pros-
22 perity, stability, and security of the Indo-Pacific re-
23 gion;

24 (3) maintain forward-deployed forces in the
25 Indo-Pacific region, including a rotational bomber

1 presence, integrated missile defense capabilities,
2 long-range precision fires, undersea warfare capabili-
3 ties, and diversified and resilient basing and rota-
4 tional presence, including support for pre-positioning
5 strategies;

6 (4) strengthen and deepen the alliances and
7 partnerships of the United States to build capacity
8 and capabilities, increase multilateral partnerships,
9 modernize communications architecture, address
10 anti-access and area denial challenges, and increase
11 joint exercises and security cooperation efforts;

12 (5) reaffirm the commitment and support of the
13 United States for allies and partners in the Indo-Pa-
14 cific region, including longstanding United States
15 policy regarding—

16 (A) Article V of the Treaty of Mutual Co-
17 operation and Security between the United
18 States and Japan, signed at Washington Janu-
19 ary 19, 1960;

20 (B) Article III of the Mutual Defense
21 Treaty between the United States and the Re-
22 public of Korea, signed at Washington October
23 1, 1953;

24 (C) Article IV of the Mutual Defense Trea-
25 ty between the United States and the Republic

1 of the Philippines, signed at Washington Au-
2 gust 30, 1951, including that, as the South
3 China Sea is part of the Pacific, any armed at-
4 tack on Philippine forces, aircraft or public ves-
5 sels in the South China Sea will trigger mutual
6 defense obligations under Article IV of our mu-
7 tual defense treaty;

8 (D) Article IV of the Australia, New Zea-
9 land, United States Security Treaty, done at
10 San Francisco September 1, 1951; and

11 (E) the Southeast Asia Collective Defense
12 Treaty, done at Manila September 8, 1954, to-
13 gether with the Thanat-Rusk Communique of
14 1962;

15 (6) collaborate with United States treaty allies
16 in the Indo-Pacific to foster greater multilateral se-
17 curity and defense cooperation with other regional
18 partners;

19 (7) ensure the continuity of operations by the
20 United States Armed Forces in the Indo-Pacific re-
21 gion, including, as appropriate, in cooperation with
22 partners and allies, in order to reaffirm the principle
23 of freedom of operations in international waters and
24 airspace in accordance with established principles
25 and practices of international law;

1 (8) sustain the Taiwan Relations Act (Public
2 Law 96–8; 22 U.S.C. 3301 et seq.) and the “Six As-
3 surances” provided by the United States to Taiwan
4 in July 1982 as the foundations for United States-
5 Taiwan relations, and to deepen, to the fullest extent
6 possible, the extensive, close, and friendly relations
7 of the United States and Taiwan, including coopera-
8 tion to support the development of capable, ready,
9 and modern forces necessary for the defense of Tai-
10 wan;

11 (9) enhance security partnerships with India,
12 across Southeast Asia, and with other nations of the
13 Indo-Pacific;

14 (10) deter acts of aggression or coercion by the
15 PRC against United States and allies’ interests, es-
16 pecially along the First Island Chain and in the
17 Western Pacific, by showing PRC leaders that the
18 United States can and is willing to deny them the
19 ability to achieve their objectives, including by—

20 (A) consistently demonstrating the political
21 will of the United States to deepening existing
22 treaty alliances and growing new partnerships
23 as a durable, asymmetric, and unmatched stra-
24 tegic advantage to the PRC’s growing military
25 capabilities and reach;

1 (B) maintaining a system of forward-de-
2 ployed bases in the Indo-Pacific region as the
3 most visible sign of United States resolve and
4 commitment to the region, and as platforms to
5 ensure United States operational readiness and
6 advance interoperability with allies and part-
7 ners;

8 (C) adopting a more dispersed force pos-
9 ture throughout the region, particularly the
10 Western Pacific, and pursuing maximum access
11 for United States mobile and relocatable
12 launchers for long-range cruise, ballistic, and
13 hypersonic weapons throughout the Indo-Pacific
14 region;

15 (D) fielding long-range, precision-strike
16 networks to United States and allied forces, in-
17 cluding ground-launched cruise missiles, under-
18 sea and naval capabilities, and integrated air
19 and missile defense in the First Island Chain
20 and the Second Island Chain, in order to deter
21 and prevent PRC coercion and aggression, and
22 to maximize the United States ability to oper-
23 ate;

24 (E) strengthening extended deterrence to
25 ensure that escalation against key United

1 States interests would be costly, risky, and self-
2 defeating; and

3 (F) collaborating with allies and partners
4 to accelerate their roles in more equitably shar-
5 ing the burdens of mutual defense, including
6 through the acquisition and fielding of advanced
7 capabilities and training that will better enable
8 them to repel PRC aggression or coercion; and

9 (11) maintain the capacity of the United States
10 to impose prohibitive diplomatic, economic, financial,
11 reputational, and military costs on the PRC for acts
12 of coercion or aggression, including to defend itself
13 and its allies regardless of the point of origin of at-
14 tacks against them.

15 **SEC. 3225. FOREIGN MILITARY FINANCING IN THE INDO-PA-**
16 **CIFIC AND AUTHORIZATION OF APPROPRIA-**
17 **TIONS FOR SOUTHEAST ASIA MARITIME SE-**
18 **CURITY PROGRAMS AND DIPLOMATIC OUT-**
19 **REACH ACTIVITIES.**

20 (a) FOREIGN MILITARY FINANCING FUNDING.—In
21 addition to any amount appropriated pursuant to section
22 23 of the Arms Export Control Act (22 U.S.C. 2763) (re-
23 lating to foreign military financing assistance), there is
24 authorized to be appropriated for each of fiscal years 2022

1 through fiscal year 2026 for activities in the Indo-Pacific
2 region in accordance with this section—

3 (1) \$110,000,000 for fiscal year 2022;

4 (2) \$125,000,000 for fiscal year 2023;

5 (3) \$130,000,000 for fiscal year 2024;

6 (4) \$140,000,000 for fiscal year 2025; and

7 (5) \$150,000,000 for fiscal year 2026.

8 (b) SOUTHEAST MARITIME LAW ENFORCEMENT INI-
9 TIATIVE.—There is authorized to be appropriated
10 \$10,000,000 for each of fiscal years 2022 through 2026
11 for the Department of State for International Narcotics
12 Control and Law Enforcement (INCLE) for the support
13 of the Southeast Asia Maritime Law Enforcement Initia-
14 tive.

15 (c) DIPLOMATIC OUTREACH ACTIVITIES.—There is
16 authorized to be appropriated to the Department of State
17 \$1,000,000 for each of fiscal years 2022 through 2026,
18 which shall be used—

19 (1) to conduct, in coordination with the Depart-
20 ment of Defense, outreach activities, including con-
21 ferences and symposia, to familiarize partner coun-
22 tries, particularly in the Indo-Pacific region, with
23 the United States' interpretation of international law
24 relating to freedom of the seas; and

1 (2) to work with allies and partners in the
2 Indo-Pacific region to better align respective inter-
3 pretations of international law relating to freedom of
4 the seas, including on the matters of operations by
5 military ships in exclusive economic zones, innocent
6 passage through territorial seas, and transits
7 through international straits.

8 (d) PROGRAM AUTHORIZATION AND PURPOSE.—

9 Using amounts appropriated pursuant to subsection (a),
10 the Secretary of State, in coordination with the Secretary
11 of Defense, is authorized to provide assistance for the pur-
12 pose of increasing maritime security and domain aware-
13 ness for countries in the Indo-Pacific region—

14 (1) to provide assistance to national military or
15 other security forces of such countries that have
16 maritime security missions among their functional
17 responsibilities;

18 (2) to provide training to ministry, agency, and
19 headquarters level organizations for such forces; and

20 (3) to provide assistance and training to other
21 relevant foreign affairs, maritime, or security-related
22 ministries, agencies, departments, or offices that
23 manage and oversee maritime activities and policy
24 that the Secretary of State may so designate.

1 (e) DESIGNATION OF ASSISTANCE.—Assistance pro-
2 vided by the Secretary of State under subsection (g) shall
3 be known as the “Indo-Pacific Maritime Security Initia-
4 tive” (in this section referred to as the “Initiative”).

5 (f) PROGRAM OBJECTIVES.—Assistance provided
6 through the Initiative may be used to accomplish the fol-
7 lowing objectives:

8 (1) Retaining unhindered access to and use of
9 international waterways in the Indo-Pacific region
10 that are critical to ensuring the security and free
11 flow of commerce and to achieving United States na-
12 tional security objectives.

13 (2) Improving maritime domain awareness in
14 the Indo-Pacific region.

15 (3) Countering piracy in the Indo-Pacific re-
16 gion.

17 (4) Disrupting illicit maritime trafficking activi-
18 ties and other forms of maritime trafficking activity
19 in the Indo-Pacific that directly benefit organiza-
20 tions that have been determined to be a security
21 threat to the United States.

22 (5) Enhancing the maritime capabilities of a
23 country or regional organization to respond to
24 emerging threats to maritime security in the Indo-
25 Pacific region.

1 (6) Strengthening United States alliances and
2 partnerships in Southeast Asia and other parts of
3 the Indo-Pacific region.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—Of the amount appropriated
6 pursuant to subsection (a) (relating to foreign mili-
7 tary financing assistance), there is authorized to be
8 appropriated to the Department of State for the
9 Indo-Pacific Maritime Security Initiative and other
10 related regional programs exactly—

11 (A) \$70,000,000 for fiscal year 2022;

12 (B) \$80,000,000 for fiscal year 2023;

13 (C) \$90,000,000 for fiscal year 2024;

14 (D) \$100,000,000 for fiscal year 2025;

15 and

16 (E) \$110,000,000 for fiscal year 2026.

17 (2) RULE OF CONSTRUCTION.—The “Indo-Pa-
18 cific Maritime Security Initiative” and funds author-
19 ized for the Initiative shall include existing regional
20 programs carried out by the Department of State re-
21 lated to maritime security, including the Southeast
22 Asia Maritime Security Initiative.

23 (h) ELIGIBILITY AND PRIORITIES FOR ASSIST-
24 ANCE.—

1 (1) IN GENERAL.—The Secretary of State shall
2 use the following considerations when selecting
3 which countries in the Indo-Pacific region should re-
4 ceive assistance pursuant to the Initiative:

5 (A) Assistance may be provided to a coun-
6 try in the Indo-Pacific region to enhance the ca-
7 pabilities of that country according to the objec-
8 tives outlined in (f), or of a regional organiza-
9 tion that includes that country, to conduct—

10 (i) maritime intelligence, surveillance,
11 and reconnaissance;

12 (ii) littoral and port security;

13 (iii) Coast Guard operations;

14 (iv) command and control; and

15 (v) management and oversight of mar-
16 itime activities.

17 (B) Priority shall be placed on assistance
18 to enhance the maritime security capabilities of
19 the military or security forces of countries in
20 the Indo-Pacific region that have maritime mis-
21 sions and the government agencies responsible
22 for such forces.

23 (2) TYPES OF ASSISTANCE AND TRAINING.—

24 (A) AUTHORIZED ELEMENTS OF ASSIST-
25 ANCE.—Assistance provided under paragraph

1 (1)(A) may include the provision of equipment,
2 training, and small-scale military construction.

3 (B) REQUIRED ELEMENTS OF ASSISTANCE
4 AND TRAINING.—Assistance and training pro-
5 vided under subparagraph (A) shall include ele-
6 ments that promote—

7 (i) the observance of and respect for
8 human rights; and

9 (ii) respect for legitimate civilian au-
10 thority within the country to which the as-
11 sistance is provided.

12 **SEC. 3226. FOREIGN MILITARY FINANCING COMPACT PILOT**
13 **PROGRAM IN THE INDO-PACIFIC.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated \$20,000,000 for each of fis-
16 cal years 2022 and 2023 for the creation of a pilot pro-
17 gram for foreign military financing (FMF) compacts.

18 (b) ASSISTANCE.—

19 (1) IN GENERAL.—The Secretary of State is
20 authorized to create a pilot program, for a duration
21 of two years, with an assessment for any additional
22 or permanent programming, to provide assistance
23 under this section for each country that enters into
24 an FMF Challenge Compact with the United States
25 pursuant to subsection (d) to support policies and

1 programs that advance the progress of the country
2 in achieving lasting security and civilian-military
3 governance through respect for human rights, good
4 governance (including transparency and free and
5 fair elections), and cooperation with United States
6 and international counter-terrorism, anti-trafficking,
7 and counter-crime efforts and programs.

8 (2) FORM OF ASSISTANCE.—Assistance under
9 this subsection may be provided in the form of
10 grants, cooperative agreements, contracts, or no-in-
11 terest loans to the government of an eligible country
12 described in subsection (c).

13 (c) ELIGIBLE COUNTRIES.—

14 (1) IN GENERAL.—A country shall be a can-
15 didate country for purposes of eligibility for assist-
16 ance for fiscal years 2022 and 2023 if—

17 (A) the country is classified as a lower
18 middle income country in the then-most recent
19 edition of the World Development Report for
20 Reconstruction and Development published by
21 the International Bank for Reconstruction and
22 Development and has an income greater than
23 the historical ceiling for International Develop-
24 ment Association eligibility for the fiscal year
25 involved; and

1 (B) the Secretary of State determines that
2 the country is committed to seeking just and
3 democratic governance, including with a dem-
4 onstrated commitment to—

5 (i) the promotion of political plu-
6 ralism, equality, and the rule of law;

7 (ii) respect for human and civil rights;

8 (iii) protection of private property
9 rights;

10 (iv) transparency and accountability
11 of government;

12 (v) anti-corruption; and

13 (vi) the institution of effective civilian
14 control, professionalization, and respect for
15 human rights by and the accountability of
16 the armed forces.

17 (2) IDENTIFICATION OF ELIGIBLE COUN-
18 TRIES.—Not later than 90 days prior to the date on
19 which the Secretary of State determines eligible
20 countries for an FMF Challenge Compact, the Sec-
21 retary—

22 (A) shall prepare and submit to the appro-
23 priate congressional committees a report that
24 contains a list of all eligible countries identified

1 that have met the requirements under para-
2 graph (1) for the fiscal year; and

3 (B) shall consult with the appropriate con-
4 gressional committees on the extent to which
5 such countries meet the criteria described in
6 paragraph (1).

7 (d) FMF CHALLENGE COMPACT.—

8 (1) COMPACT.—The Secretary of State may
9 provide assistance for an eligible country only if the
10 country enters into an agreement with the United
11 States, to be known as an “FMF Challenge Com-
12 pact” (in this subsection referred to as a “Com-
13 pact”) that establishes a multi-year plan for achiev-
14 ing shared security objectives in furtherance of the
15 purposes of this title.

16 (2) ELEMENTS.—The elements of the Compact
17 shall be those listed in subsection (c)(1)(B) for de-
18 termining eligibility, and be designed to significantly
19 advance the performance of those commitments dur-
20 ing the period of the Compact.

21 (3) IN GENERAL.—The Compact should take
22 into account the national strategy of the eligible
23 country and shall include—

24 (A) the specific objectives that the country
25 and the United States expect to achieve during

1 the term of the Compact, including both how
2 the foreign military financing under the Com-
3 pact will advance shared security interests and
4 advance partner capacity building efforts as
5 well as to advance national efforts towards just
6 and democratic governance;

7 (B) the responsibilities of the country and
8 the United States in the achievement of such
9 objectives;

10 (C) regular benchmarks to measure, where
11 appropriate, progress toward achieving such ob-
12 jectives; and

13 (D) the strategy of the eligible country to
14 sustain progress made toward achieving such
15 objectives after expiration of the Compact.

16 (e) CONGRESSIONAL CONSULTATION PRIOR TO COM-
17 PACT NEGOTIATIONS.—Not later than 15 days before
18 commencing negotiations of a Compact with an eligible
19 country, the Secretary of State shall consult with the ap-
20 propriate congressional committees with respect to the
21 proposed Compact negotiation and shall identify the objec-
22 tives and mechanisms to be used for the negotiation of
23 the Compact.

24 (f) ASSESSMENT OF PILOT PROGRAM AND REC-
25 OMMENDATIONS.—Not later than 90 days after the con-

1 clusion of the pilot program, the Secretary of State shall
2 provide a report to the appropriate congressional commit-
3 tees with respect to the pilot program, including an assess-
4 ment of the success and utility of the pilot program estab-
5 lished under this subsection in meeting United States ob-
6 jectives and a recommendation with respect to whether to
7 continue a further foreign military financing compact pro-
8 gram on a pilot or permanent basis.

9 **SEC. 3227. ADDITIONAL FUNDING FOR INTERNATIONAL**
10 **MILITARY EDUCATION AND TRAINING IN THE**
11 **INDO-PACIFIC.**

12 There is authorized to be appropriated for each of
13 fiscal years 2022 through fiscal year 2026 for the Depart-
14 ment of State, out of amounts appropriated or otherwise
15 made available for assistance under chapter 5 of part II
16 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347
17 et seq.) (relating to international military education and
18 training (IMET) assistance), \$45,000,000 for activities in
19 the Indo-Pacific region in accordance with this division.

20 **SEC. 3228. PRIORITIZING EXCESS DEFENSE ARTICLE**
21 **TRANSFERS FOR THE INDO-PACIFIC.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the United States Government should prioritize
24 the review of excess defense article transfers to Indo-Pa-
25 cific partners.

1 (b) FIVE-YEAR PLAN.—Not later than 90 days after
2 the date of the enactment of this Act, the President shall
3 develop a five-year plan to prioritize excess defense article
4 transfers to the Indo-Pacific and provide a report describ-
5 ing such plan to the appropriate committees of Congress.

6 (c) TRANSFER AUTHORITY.—Section 516(c)(2) of
7 the Foreign Assistance Act of 1961 (22 U.S.C.
8 2321j(e)(2)) is amended by inserting “, Thailand, Indo-
9 nesia, Vietnam, and Malaysia” after “and to the Phil-
10ippines”.

11 (d) REQUIRED COORDINATION.—The United States
12 Government shall coordinate and align excess defense arti-
13 cle transfers with capacity building efforts of regional al-
14 lies and partners.

15 (e) TAIWAN.—Taiwan shall receive the same benefits
16 conferred for the purposes of transfers pursuant to section
17 516(c)(2) of the Foreign Assistance Act of 1961 (22
18 U.S.C. 2321j(e)(2)).

19 **SEC. 3229. PRIORITIZING EXCESS NAVAL VESSEL TRANS-**
20 **FERS FOR THE INDO-PACIFIC.**

21 (a) AUTHORITY.—The President is authorized to
22 transfer to a government of a country listed pursuant to
23 the amendment made under section 3228(c) two OLIVER
24 HAZARD PERRY class guided missile frigates on a grant

1 basis under section 516 of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2321j).

3 (b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
4 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
5 of a vessel transferred to another country on a grant basis
6 pursuant to authority provided by this section shall not
7 be counted against the aggregate value of excess defense
8 articles transferred in any fiscal year under section 516
9 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

10 (c) COSTS OF TRANSFERS.—Any expense incurred by
11 the United States in connection with a transfer authorized
12 by this section shall be charged to the recipient notwith-
13 standing section 516(e) of the Foreign Assistance Act of
14 1961 (22 U.S.C. 2321j(e)).

15 (d) REPAIR AND REFURBISHMENT IN UNITED
16 STATES SHIPYARDS.—To the maximum extent prac-
17 ticable, the President shall require, as a condition of the
18 transfer of a vessel under this subsection, that the recipi-
19 ent to which the vessel is transferred have such repair or
20 refurbishment of the vessel as is needed, before the vessel
21 joins the naval forces of that recipient, performed at a
22 shipyard located in the United States.

23 (e) EXPIRATION OF AUTHORITY.—The authority to
24 transfer a vessel under this section shall expire at the end

1 of the 3-year period beginning on the date of the enact-
2 ment of this Act.

3 **SEC. 3230. STATEMENT OF POLICY ON MARITIME FREEDOM**
4 **OF OPERATIONS IN INTERNATIONAL WATER-**
5 **WAYS AND AIRSPACE OF THE INDO-PACIFIC**
6 **AND ON ARTIFICIAL LAND FEATURES IN THE**
7 **SOUTH CHINA SEA.**

8 (a) SENSE OF CONGRESS.—Congress—

9 (1) condemns coercive and threatening actions
10 or the use of force to impede freedom of operations
11 in international airspace by military or civilian air-
12 craft, to alter the status quo, or to destabilize the
13 Indo-Pacific region;

14 (2) urges the Government of the People's Re-
15 public of China to refrain from implementing the de-
16 clared East China Sea Air Defense Identification
17 Zone (ADIZ), or an ADIZ in the South China Sea,
18 which is contrary to freedom of overflight in inter-
19 national airspace, and to refrain from taking similar
20 provocative actions elsewhere in the Indo-Pacific re-
21 gion;

22 (3) reaffirms that the 2016 Permanent Court
23 of Arbitration decision is final and legally binding on
24 both parties and that the People's Republic of Chi-

1 na's claims to offshore resources across most of the
2 South China Sea are unlawful; and

3 (4) condemns the People's Republic of China
4 for failing to abide by the 2016 Permanent Court of
5 Arbitration ruling, despite the PRC's obligations as
6 a state party to the United Nations Convention on
7 the Law of the Sea.

8 (b) STATEMENT OF POLICY.—It shall be the policy
9 of the United States to—

10 (1) reaffirm its commitment and support for al-
11 lies and partners in the Indo-Pacific region, includ-
12 ing longstanding United States policy regarding Ar-
13 ticle V of the United States-Philippines Mutual De-
14 fense Treaty and reaffirm its position that Article V
15 of the United States-Japan Mutual Defense Treaty
16 applies to the Japanese-administered Senkaku Is-
17 lands;

18 (2) oppose claims that impinge on the rights,
19 freedoms, and lawful use of the sea, or the airspace
20 above it, that belong to all nations, and oppose the
21 militarization of new and reclaimed land features in
22 the South China Sea;

23 (3) continue certain policies with respect to the
24 PRC claims in the South China Sea, namely—

1 (A) that PRC claims in the South China
2 Sea, including to offshore resources across most
3 of the South China Sea, are unlawful;

4 (B) that the PRC cannot lawfully assert a
5 maritime claim vis-à-vis the Philippines in areas
6 that the Permanent Court of Arbitration found
7 to be in the Philippines' Exclusive Economic
8 Zone (EEZ) or on its continental shelf;

9 (C) to reject any PRC claim to waters be-
10 yond a 12 nautical mile territorial sea derived
11 from islands it claims in the Spratly Islands;
12 and

13 (D) that the PRC has no lawful territorial
14 or maritime claim to James Shoal;

15 (4) urge all parties to refrain from engaging in
16 destabilizing activities, including illegal occupation
17 or efforts to unlawfully assert administration over
18 disputed claims;

19 (5) ensure that disputes are managed without
20 intimidation, coercion, or force;

21 (6) call on all claimants to clarify or adjust
22 claims in accordance with international law;

23 (7) uphold the principle that territorial and
24 maritime claims, including territorial waters or terri-

1 torial seas, must be derived from land features and
2 otherwise comport with international law;

3 (8) oppose the imposition of new fishing regula-
4 tions covering disputed areas in the South China
5 Sea, regulations which have raised tensions in the
6 region;

7 (9) support an effective Code of Conduct, if
8 that Code of Conduct reflects the interests of South-
9 east Asian claimant states and does not serve as a
10 vehicle for the People's Republic of China to advance
11 its unlawful maritime claims;

12 (10) reaffirm that an existing body of inter-
13 national rules and guidelines, including the Inter-
14 national Regulations for Preventing Collisions at
15 Sea, done at London October 12, 1972 (COLREGs),
16 is sufficient to ensure the safety of navigation be-
17 tween the United States Armed Forces and the
18 forces of other countries, including the People's Re-
19 public of China;

20 (11) support the development of regional insti-
21 tutions and bodies, including the ASEAN Regional
22 Forum, the ASEAN Defense Minister's Meeting
23 Plus, the East Asia Summit, and the expanded
24 ASEAN Maritime Forum, to build practical coopera-

1 tion in the region and reinforce the role of inter-
2 national law;

3 (12) encourage the deepening of partnerships
4 with other countries in the region for maritime do-
5 main awareness and capacity building, as well as ef-
6 forts by the United States Government to explore
7 the development of appropriate multilateral mecha-
8 nisms for a “common operating picture” in the
9 South China Sea among Southeast Asian countries
10 that would serve to help countries avoid destabilizing
11 behavior and deter risky and dangerous activities;

12 (13) oppose actions by any country to prevent
13 any other country from exercising its sovereign
14 rights to the resources of the exclusive economic
15 zone (EEZ) and continental shelf by making claims
16 to those areas in the South China Sea that have no
17 support in international law; and

18 (14) assure the continuity of operations by the
19 United States in the Indo-Pacific region, including,
20 when appropriate, in cooperation with partners and
21 allies, to reaffirm the principle of freedom of oper-
22 ations in international waters and airspace in ac-
23 cordance with established principles and practices of
24 international law.

1 **SEC. 3231. REPORT ON CAPABILITY DEVELOPMENT OF**
2 **INDO-PACIFIC ALLIES AND PARTNERS.**

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

5 (1) the Secretary of State should expand and
6 strengthen existing measures under the United
7 States Conventional Arms Transfer Policy to provide
8 capabilities to allies and partners consistent with
9 agreed-on division of responsibility for alliance roles,
10 missions and capabilities, prioritizing allies and part-
11 ners in the Indo-Pacific region in accordance with
12 United States strategic imperatives;

13 (2) the United States should design for export
14 to Indo-Pacific allies and partners capabilities crit-
15 ical to maintaining a favorable military balance in
16 the region, including long-range precision fires, air
17 and missile defense systems, anti-ship cruise mis-
18 siles, land attack cruise missiles, conventional
19 hypersonic systems, intelligence, surveillance, and re-
20 connaissance capabilities, and command and control
21 systems;

22 (3) the United States should pursue, to the
23 maximum extent possible, anticipatory technology
24 security and foreign disclosure policy on the systems
25 described in paragraph (2); and

1 (4) the Secretary of State, in coordination with
2 the Secretary of Defense, should—

3 (A) urge allies and partners to invest in
4 sufficient quantities of munitions to meet con-
5 tingency requirements and avoid the need for
6 accessing United States stocks in wartime; and

7 (B) cooperate with allies to deliver such
8 munitions, or when necessary, to increase allies'
9 capacity to produce such munitions.

10 (b) APPROPRIATE COMMITTEES OF CONGRESS.—In
11 this section, the term “appropriate committees of Con-
12 gress” means—

13 (1) the Committee on Foreign Relations and
14 the Committee on Appropriations of the Senate; and

15 (2) the Committee on Foreign Affairs and the
16 Committee on Appropriations of the House of Rep-
17 resentatives.

18 (c) REPORT.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of the enactment of this Act, the Secretary
21 of State, in coordination with the Secretary of De-
22 fense, shall submit to the appropriate committees of
23 Congress a report that describes United States pri-
24 orities for building more capable security partners in
25 the Indo-Pacific region.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required under paragraph (1) shall—

3 (A) provide a priority list of defense and
4 military capabilities that Indo-Pacific allies and
5 partners must possess for the United States to
6 be able to achieve its military objectives in the
7 Indo-Pacific region;

8 (B) identify, from the list referred to in
9 subparagraph (A), the capabilities that are best
10 provided, or can only be provided, by the
11 United States;

12 (C) identify—

13 (i) actions required to prioritize
14 United States Government resources and
15 personnel to expedite fielding the capabili-
16 ties identified in subparagraph (B); and

17 (ii) steps needed to fully account for
18 and a plan to integrate all means of
19 United States foreign military sales, direct
20 commercial sales, security assistance, and
21 all applicable authorities of the Depart-
22 ment of State and the Department of De-
23 fense;

24 (D) assess the requirements for United
25 States security assistance, including Inter-

1 national Military Education and Training, in
2 the Indo-Pacific region, as a part of the means
3 to deliver critical partner capability require-
4 ments identified in subparagraph (B);

5 (E) assess the resources necessary to meet
6 the requirements for United States security as-
7 sistance, and identify resource gaps;

8 (F) assess the major obstacles to fulfilling
9 requirements for United States security assist-
10 ance in the Indo-Pacific region, including re-
11 sources and personnel limits, foreign legislative
12 and policy barriers, and factors related to spe-
13 cific partner countries;

14 (G) identify limitations on the ability of
15 the United States to provide such capabilities,
16 including those identified under subparagraph
17 (B), because of existing United States treaty
18 obligations, United States policies, or other reg-
19 ulations;

20 (H) recommend improvements to the proc-
21 ess for developing requirements for United
22 States partner capabilities; and

23 (I) identify required jointly agreed rec-
24 ommendations for infrastructure and posture,
25 based on any ongoing mutual dialogues.

1 (3) FORM.—The report required under this
2 subsection shall be unclassified, but may include a
3 classified annex.

4 **SEC. 3232. REPORT ON NATIONAL TECHNOLOGY AND IN-**
5 **DUSTRIAL BASE.**

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

8 (1) a more streamlined, shared, and coordinated
9 approach, which leverages economies of scale with
10 major allies, is necessary for the United States to re-
11 tain its lead in defense technology;

12 (2) allowing for the export, re-export, or trans-
13 fer of defense-related technologies and services to
14 members of the national technology and industrial
15 base (as defined in section 2500 of title 10, United
16 States Code) would advance United States security
17 interests by helping to leverage the defense-related
18 technologies and skilled workforces of trusted allies
19 to reduce the dependence on other countries, includ-
20 ing countries that pose challenges to United States
21 interests around the world, for defense-related inno-
22 vation and investment; and

23 (3) it is in the interest of the United States to
24 continue to increase cooperation with Australia,
25 Canada, and the United Kingdom of Great Britain

1 and Northern Ireland to protect critical defense-re-
2 lated technology and services and leverage the in-
3 vestments of like-minded, major ally nations in order
4 to maximize the strategic edge afforded by defense
5 technology innovation.

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of the enactment of this Act, the Secretary
9 of State shall submit a report to the appropriate
10 congressional committees that—

11 (A) describes the Department of State's ef-
12 forts to facilitate access among the national
13 technology and industrial base to defense arti-
14 cles and services subject to the United States
15 Munitions List under section 38(a)(1) of the
16 Arms Export Control Act (22 U.S.C.
17 2778(a)(1)); and

18 (B) identifies foreign legal and regulatory
19 challenges, as well as foreign policy or other
20 challenges or considerations that prevent or
21 frustrate these efforts, to include any gaps in
22 the respective export control regimes imple-
23 mented by United Kingdom of Great Britain
24 and Northern Ireland, Australia, or Canada.

1 (2) FORM.—This report required under para-
2 graph (1) shall be unclassified, but may include a
3 classified annex.

4 **SEC. 3233. REPORT ON DIPLOMATIC OUTREACH WITH RE-**
5 **SPECT TO CHINESE MILITARY INSTALLA-**
6 **TIONS OVERSEAS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of State,
9 in consultation with the Secretary of Defense, shall submit
10 a report to the appropriate committees of Congress re-
11 garding United States diplomatic engagement with other
12 nations that host or are considering hosting any military
13 installation of the Government of the People’s Republic
14 of China.

15 (b) MATTERS TO BE INCLUDED.—The report re-
16 quired under subsection (a) shall include—

17 (1) a list of countries that currently host or are
18 considering hosting any military installation of the
19 Government of the People’s Republic of China;

20 (2) a detailed description of United States dip-
21 lomatic and related efforts to engage countries that
22 are considering hosting a military installation of the
23 Government of the People’s Republic of China, and
24 the results of such efforts;

1 (3) an assessment of the adverse impact on
2 United States interests of the Government of the
3 People's Republic of China successfully establishing
4 a military installation at any of the locations it is
5 currently considering;

6 (4) a description and list of any commercial
7 ports outside of the People's Republic of China that
8 the United States Government assesses could be
9 used by the Government of the People's Republic of
10 China for military purposes, and any diplomatic ef-
11 forts to engage the governments of the countries
12 where such ports are located;

13 (5) the impact of the military installations of
14 the Government of the People's Republic of China
15 on United States interests; and

16 (6) lessons learned from the diplomatic experi-
17 ence of addressing the PRC's first overseas base in
18 Djibouti.

19 (c) FORM OF REPORT.—The report required under
20 subsection (a) shall be classified, but may include a un-
21 classified summary.

1 **SEC. 3234. STATEMENT OF POLICY REGARDING UNIVERSAL**
2 **IMPLEMENTATION OF UNITED NATIONS**
3 **SANCTIONS ON NORTH KOREA.**

4 It is the policy of the United States to sustain max-
5 imum economic pressure on the Government of the Demo-
6 cratic People's Republic of Korea (referred to in this sec-
7 tion as the "DPRK") until the regime undertakes com-
8 plete, verifiable, and irreversible actions toward
9 denuclearization, including by—

10 (1) pressing all nations, including the PRC, to
11 implement and enforce existing United Nations
12 sanctions with regard to the DPRK;

13 (2) pressing all nations, including the PRC, and
14 in accordance with United Nations Security Council
15 resolutions, to end the practice of hosting DPRK
16 citizens as guest workers, recognizing that such
17 workers are demonstrated to constitute an illicit
18 source of revenue for the DPRK regime and its nu-
19 clear ambitions;

20 (3) pressing all nations, including the PRC, to
21 pursue rigorous interdiction of shipments to and
22 from the DPRK, including ship-to-ship transfers,
23 consistent with United Nations Security Council res-
24 olutions;

25 (4) pressing the PRC and PRC entities—

1 (A) to cease business activities with United
2 Nations-designated entities and their affiliates
3 in the DPRK; and

4 (B) to expel from the PRC individuals who
5 enable the DPRK to acquire materials for its
6 nuclear and ballistic missile programs; and

7 (5) enforcing United Nations Security Council
8 resolutions with respect to the DPRK and United
9 States sanctions, including those pursuant to the
10 North Korea Sanctions and Policy Enhancement Act
11 of 2016 (Public Law 114–122), the Countering
12 America’s Adversaries Through Sanctions Act (Pub-
13 lic Law 115–44), the Otto Warmbier North Korea
14 Nuclear Sanctions and Enforcement Act of 2019
15 (title LXXI of division F of Public Law 116–92),
16 and relevant United States executive orders.

17 **SEC. 3235. LIMITATION ON ASSISTANCE TO COUNTRIES**

18 **HOSTING CHINESE MILITARY INSTALLA-**

19 **TIONS.**

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

22 (1) although it casts the Belt and Road Initia-
23 tive (BRI) as a development initiative, the People’s
24 Republic of China is also utilizing the BRI to ad-
25 vance its own security interests, including to expand

1 its power projection capabilities and facilitate great-
2 er access for the People's Liberation Army through
3 overseas military installations; and

4 (2) the expansion of the People's Liberation
5 Army globally through overseas military installations
6 will undermine the medium- and long-term security
7 of the United States and the security and develop-
8 ment of strategic partners in critical regions around
9 the world, which is at odds with United States goals
10 to promote peace, prosperity, and self-reliance
11 among partner nations, including through the Mil-
12 lennium Challenge Corporation.

13 (b) LIMITATION ON ASSISTANCE.—Except as pro-
14 vided in subsection (c), for fiscal years 2022 through
15 2031, the government of a country that is hosting on its
16 territory a military installation of the Government of the
17 People's Republic of China or facilitates the expansion of
18 the presence of the People's Liberation Army for purposes
19 other than participating in United Nations peacekeeping
20 operations or for temporary humanitarian, medical, and
21 disaster relief operations in such country shall not be eligi-
22 ble for assistance under sections 609 or 616 of the Millen-
23 nium Challenge Act of 2003 (22 U.S.C. 7708, 7715).

24 (c) NATIONAL INTEREST WAIVER.—The President
25 may, on a case by case basis, waive the limitation in sub-

1 section (b) if the President submits to the appropriate con-
2 gressional committees—

3 (1) a written determination that the waiver is
4 important to the national interests of the United
5 States; and

6 (2) a detailed explanation of how the waiver is
7 important to those interests.

8 **Subtitle C—Regional Strategies to**
9 **Counter the People’s Republic**
10 **of China**

11 **SEC. 3241. STATEMENT OF POLICY ON COOPERATION WITH**
12 **ALLIES AND PARTNERS AROUND THE WORLD**
13 **WITH RESPECT TO THE PEOPLE’S REPUBLIC**
14 **OF CHINA.**

15 It is the policy of the United States—

16 (1) to strengthen alliances and partnerships in
17 Europe and with like-minded countries around the
18 globe to effectively compete with the People’s Repub-
19 lic of China; and

20 (2) to work in collaboration with such allies and
21 partners—

22 (A) to address significant diplomatic, eco-
23 nomic, and military challenges posed by the
24 People’s Republic of China;

1 (B) to deter the People's Republic of
2 China from pursuing military aggression;

3 (C) to promote the peaceful resolution of
4 territorial disputes in accordance with inter-
5 national law;

6 (D) to promote private sector-led long-term
7 economic development while countering efforts
8 by the Government of the People's Republic of
9 China to leverage predatory economic practices
10 as a means of political and economic coercion in
11 the Indo-Pacific region and beyond;

12 (E) to promote the values of democracy
13 and human rights, including through efforts to
14 end the repression by the Chinese Communist
15 Party of political dissidents, Uyghurs, and other
16 ethnic Muslim minorities, Tibetan Buddhists,
17 Christians, and other minorities;

18 (F) to respond to the crackdown by the
19 Chinese Communist Party, in contravention of
20 the commitments made under the Sino-British
21 Joint Declaration of 1984 and the Basic Law
22 of Hong Kong, on the legitimate aspirations of
23 the people of Hong Kong; and

24 (G) to counter the Chinese Communist
25 Party's efforts to spread disinformation in the

1 People’s Republic of China and beyond with re-
2 spect to the response of the Chinese Communist
3 Party to COVID–19.

4 **PART I—WESTERN HEMISPHERE**

5 **SEC. 3245. SENSE OF CONGRESS REGARDING UNITED**
6 **STATES-CANADA RELATIONS.**

7 It is the sense of Congress that—

8 (1) the United States and Canada have a
9 unique relationship based on shared geography, ex-
10 tensive personal connections, deep economic ties,
11 mutual defense commitments, and a shared vision to
12 uphold democracy, human rights, and the rules
13 based international order established after World
14 War II;

15 (2) the United States and Canada can better
16 address the People’s Republic of China’s economic,
17 political, and security influence through closer co-
18 operation on counternarcotics, environmental stew-
19 ardship, transparent practices in public procurement
20 and infrastructure planning, the Arctic, energy and
21 connectivity issues, trade and commercial relations,
22 bilateral legal matters, and support for democracy,
23 good governance, and human rights;

24 (3) amidst the COVID–19 pandemic, the
25 United States and Canada should maintain joint ini-

1 tiatives to address border management, commercial
2 and trade relations and infrastructure, a shared ap-
3 proach with respect to the People’s Republic of
4 China, and transnational challenges, including
5 pandemics, energy security, and environmental stew-
6 ardship;

7 (4) the United States and Canada should en-
8 hance cooperation to counter Chinese disinformation,
9 influence operations, economic espionage, and propa-
10 ganda efforts;

11 (5) the People’s Republic of China’s infrastruc-
12 ture investments, particularly in 5G telecommuni-
13 cations technology, extraction of natural resources,
14 and port infrastructure, pose national security risks
15 for the United States and Canada;

16 (6) the United States should share, as appro-
17 priate, intelligence gathered regarding—

18 (A) Huawei’s 5G capabilities; and

19 (B) the PRC government’s intentions with
20 respect to 5G expansion;

21 (7) the United States and Canada should con-
22 tinue to advance collaborative initiatives to imple-
23 ment the January 9, 2020, United States-Canada
24 Joint Action Plan on Critical Minerals Development
25 Collaboration; and

1 (8) the United States and Canada must
2 prioritize cooperation on continental defense and in
3 the Arctic, including by modernizing the North
4 American Aerospace Defense Command (NORAD)
5 to effectively defend the Northern Hemisphere
6 against the range of threats by peer competitors, in-
7 cluding long-range missiles and high-precision weap-
8 ons.

9 **SEC. 3246. SENSE OF CONGRESS REGARDING THE GOVERN-**
10 **MENT OF THE PEOPLE’S REPUBLIC OF CHI-**
11 **NA’S ARBITRARY IMPRISONMENT OF CANA-**
12 **DIAN CITIZENS.**

13 It is the sense of Congress that—

14 (1) the Government of the People’s Republic of
15 China’s apparent arbitrary detention and abusive
16 treatment of Canadian nationals Michael Spavor and
17 Michael Kovrig in apparent retaliation for the Gov-
18 ernment of Canada’s arrest of Meng Wanzhou is
19 deeply concerning;

20 (2) the Government of Canada has shown inter-
21 national leadership by—

22 (A) upholding the rule of law and com-
23 plying with its international legal obligations,
24 including those pursuant to the Extradition
25 Treaty Between the United States of America

1 and Canada, signed at Washington December
2 3, 1971; and

3 (B) launching the Declaration Against Ar-
4 bitrary Detention in State-to-State Relations,
5 which has been endorsed by 57 countries and
6 the European Union, and reaffirms well-estab-
7 lished prohibitions under international human
8 rights conventions against the arbitrary deten-
9 tion of foreign nationals to be used as leverage
10 in state-to-state relations; and

11 (3) the United States continues to join the Gov-
12 ernment of Canada in calling for the immediate re-
13 lease of Michael Spavor and Michael Kovrig and for
14 due process for Canadian national Robert
15 Schellenberg.

16 **SEC. 3247. STRATEGY TO ENHANCE COOPERATION WITH**
17 **CANADA.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of the enactment of this Act, the President shall sub-
20 mit a strategy to the appropriate congressional committees
21 that describes how the United States will enhance coopera-
22 tion with the Government of Canada in managing rela-
23 tions with the PRC government.

24 (b) ELEMENTS.—The strategy required under sub-
25 section (a) shall—

1 (1) identify key policy points of convergence
2 and divergence between the United States and Can-
3 ada in managing relations with the People’s Repub-
4 lic of China in the areas of technology, trade, eco-
5 nomic practices, cyber security, secure supply chains
6 and critical minerals, and illicit narcotics;

7 (2) include a description of United States devel-
8 opment and coordination efforts with Canadian
9 counterparts to enhance the cooperation between the
10 United States and Canada with respect to—

11 (A) managing economic relations with the
12 People’s Republic of China;

13 (B) democracy and human rights in the
14 People’s Republic of China;

15 (C) technology issues involving the Peo-
16 ple’s Republic of China;

17 (D) defense issues involving the People’s
18 Republic of China; and

19 (E) international law enforcement and
20 transnational organized crime issues.

21 (3) detail diplomatic efforts and future plans to
22 work with Canada to counter the PRC’s projection
23 of an authoritarian governing model around the
24 world;

1 (4) detail diplomatic, defense, and intelligence
2 cooperation to date and future plans to support Ca-
3 nadian efforts to identify cost-effective alternatives
4 to Huawei's 5G technology;

5 (5) detail diplomatic and defense collabora-
6 tion—

7 (A) to advance joint United States-Cana-
8 dian priorities for responsible stewardship in
9 the Arctic Region; and

10 (B) to counter the PRC's efforts to project
11 political, economic, and military influence into
12 the Arctic Region; and

13 (6) detail diplomatic efforts to work with Can-
14 ada to track and counter the PRC's attempts to
15 exert influence across the multilateral system, in-
16 cluding at the World Health Organization.

17 (c) FORM.—The strategy required under this section
18 shall be submitted in an unclassified form that can be
19 made available to the public, but may include a classified
20 annex, if necessary.

21 (d) CONSULTATION.—Not later than 90 days after
22 the date of the enactment of this Act, and not less fre-
23 quently than every 180 days thereafter for 5 years, the
24 Secretary of State shall consult with the appropriate con-

1 gressional committees regarding the development and im-
2 plementation of the strategy required under this section.

3 **SEC. 3248. STRATEGY TO STRENGTHEN ECONOMIC COM-**
4 **PETITIVENESS, GOVERNANCE, HUMAN**
5 **RIGHTS, AND THE RULE OF LAW IN LATIN**
6 **AMERICA AND THE CARIBBEAN.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of State,
9 in consultation with the Secretary of the Treasury, the
10 Secretary of Commerce, the Attorney General, the United
11 States Trade Representative, and the Chief Executive Of-
12 ficer of the United States International Development Fi-
13 nance Corporation, shall submit a multi-year strategy for
14 increasing United States economic competitiveness and
15 promoting good governance, human rights, and the rule
16 of law in Latin American and Caribbean countries, par-
17 ticularly in the areas of investment, equitable and sustain-
18 able development, commercial relations, anti-corruption
19 activities, and infrastructure projects, to—

20 (1) the Committee on Foreign Relations of the
21 Senate;

22 (2) the Committee on Finance of the Senate;

23 (3) the Committee on Appropriations of the
24 Senate;

1 (4) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (5) the Committee on Ways and Means of the
4 House of Representatives; and

5 (6) the Committee on Appropriations of the
6 House of Representatives.

7 (b) ADDITIONAL ELEMENTS.—The strategy required
8 under subsection (a) shall include a plan of action, includ-
9 ing benchmarks to achieve measurable progress, to—

10 (1) enhance the technical capacity of countries
11 in the region to advance the sustainable development
12 of equitable economies;

13 (2) reduce trade and non-tariff barriers between
14 the countries of the Americas;

15 (3) facilitate a more open, transparent, and
16 competitive environment for United States busi-
17 nesses in the region;

18 (4) establish frameworks or mechanisms to re-
19 view long term financial sustainability and security
20 implications of foreign investments in strategic sec-
21 tors or services, including transportation, commu-
22 nications, natural resources, and energy;

23 (5) establish competitive and transparent infra-
24 structure project selection and procurement proc-
25 esses that promote transparency, open competition,

1 financial sustainability, adherence to robust global
2 standards, and the employment of the local work-
3 force;

4 (6) strengthen legal structures critical to robust
5 democratic governance, fair competition, combatting
6 corruption, and ending impunity;

7 (7) identify and mitigate obstacles to private
8 sector-led economic growth in Latin America and
9 the Caribbean; and

10 (8) maintain transparent and affordable access
11 to the internet and digital infrastructure in the
12 Western Hemisphere.

13 (c) BRIEFING REQUIREMENT.—Not later than 1 year
14 after the date of the enactment of this Act, and annually
15 thereafter for 5 years, the Secretary of State, after con-
16 sultation with the Secretary of the Treasury, the Secretary
17 of Commerce, the Attorney General, the United States
18 Trade Representative, and the leadership of the United
19 States International Development Finance Corporation,
20 shall brief the congressional committees listed in sub-
21 section (a) regarding the implementation of this part, in-
22 cluding examples of successes and challenges.

1 **SEC. 3249. ENGAGEMENT IN INTERNATIONAL ORGANIZA-**
2 **TIONS AND THE DEFENSE SECTOR IN LATIN**
3 **AMERICA AND THE CARIBBEAN.**

4 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
5 FINED.—In this section, the term “appropriate commit-
6 tees of Congress” means—

7 (1) the Committee on Foreign Relations of the
8 Senate;

9 (2) the Select Committee on Intelligence of the
10 Senate;

11 (3) the Committee on Appropriations of the
12 Senate;

13 (4) the Committee on Foreign Affairs of the
14 House of Representatives;

15 (5) the Permanent Select Committee on Intel-
16 ligence of the House of Representatives; and

17 (6) the Committee on Appropriations of the
18 House of Representatives.

19 (b) REPORTING REQUIREMENT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary
22 of State, working through the Assistant Secretary of
23 State for Intelligence and Research, and in coordina-
24 tion with the Director of National Intelligence and
25 the Director of the Central Intelligence Agency, shall
26 submit a report to the appropriate congressional

1 committees that assesses the nature, intent, and im-
2 pact to United States strategic interests of Chinese
3 diplomatic activity aimed at influencing the deci-
4 sions, procedures, and programs of multilateral or-
5 ganizations in Latin America and the Caribbean, in-
6 cluding the World Bank, International Monetary
7 Fund, Organization of American States, and Inter-
8 American Development Bank.

9 (2) DEFENSE SECTOR.—The report required
10 under paragraph (1) shall include an assessment of
11 the nature, intent, and impact on United States
12 strategic interests of Chinese military activity in
13 Latin America and the Caribbean, including military
14 education and training programs, weapons sales, and
15 space-related activities in the military or civilian
16 spheres, such as—

17 (A) the satellite and space control station
18 the People's Republic of China constructed in
19 Argentina; and

20 (B) defense and security cooperation car-
21 ried out by the People's Republic of China in
22 Latin America and the Caribbean, including
23 sales of surveillance and monitoring technology
24 to governments in the region such as Venezuela,
25 Cuba, Ecuador, and Colombia, and the poten-

1 tial use of such technologies as tools of Chinese
2 intelligence services.

3 (3) FORM.—The report required under para-
4 graph (1) shall be submitted in unclassified form
5 and shall include classified annexes.

6 **SEC. 3250. ADDRESSING CHINA'S SOVEREIGN LENDING**
7 **PRACTICES IN LATIN AMERICA AND THE CAR-**
8 **IBBEAN.**

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

11 (1) since 2005, the Government of the People's
12 Republic of China has expanded sovereign lending to
13 governments in Latin America and the Caribbean
14 with loans that are repaid or collateralized with nat-
15 ural resources or commodities;

16 (2) several countries in Latin American and the
17 Caribbean that have received a significant amount of
18 sovereign lending from the Government of the Peo-
19 ple's Republic of China face challenges in repaying
20 such loans;

21 (3) the Government of the People's Republic of
22 China's predatory economic practices and sovereign
23 lending practices in Latin America and the Carib-
24 bean negatively influence United States national in-
25 terests in the Western Hemisphere;

1 (4) the Inter-American Development Bank, the
2 premier multilateral development bank dedicated to
3 the Western Hemisphere, should play a significant
4 role supporting the countries of Latin America and
5 the Caribbean in achieving sustainable and service-
6 able debt structures; and

7 (5) a tenth general capital increase for the
8 Inter-American Development Bank would strengthen
9 the Bank's ability to help the countries of Latin
10 America and the Caribbean achieve sustainable and
11 serviceable debt structures.

12 (b) **SUPPORT FOR A GENERAL CAPITAL INCREASE.**—
13 The President shall take steps to support a tenth general
14 capital increase for the Inter-American Development
15 Bank, including advancing diplomatic engagement to build
16 support among member countries of the Bank for a tenth
17 general capital increase for the Bank.

18 (c) **TENTH CAPITAL INCREASE.**—The Inter-Amer-
19 ican Development Bank Act (22 U.S.C. 283 et seq.) is
20 amended by adding at the end the following:

21 **“SEC. 42. TENTH CAPITAL INCREASE.**

22 “(a) **VOTE AUTHORIZED.**—The United States Gov-
23 ernor of the Bank is authorized to vote in favor of a reso-
24 lution to increase the capital stock of the Bank by
25 \$80,000,000,000 over a period not to exceed 5 years.

1 “(b) SUBSCRIPTION AUTHORIZED.—

2 “(1) IN GENERAL.—The United States Gov-
3 ernor of the Bank may subscribe on behalf of the
4 United States to 1,990,714 additional shares of the
5 capital stock of the Bank.

6 “(2) LIMITATION.—Any subscription by the
7 United States to the capital stock of the Bank shall
8 be effective only to such extent and in such amounts
9 as are provided in advance in appropriations Acts.

10 “(c) LIMITATIONS ON AUTHORIZATION OF APPRO-
11 PRIATIONS.—

12 “(1) IN GENERAL.—In order to pay for the in-
13 crease in the United States subscription to the Bank
14 under subsection (b), there is authorized to be ap-
15 propriated \$24,014,857,191 for payment by the Sec-
16 retary of the Treasury.

17 “(2) ALLOCATION OF FUNDS.—Of the amount
18 authorized to be appropriated under paragraph
19 (1)—

20 “(A) \$600,371,430 shall be for paid in
21 shares of the Bank; and

22 “(B) \$23,414,485,761 shall be for callable
23 shares of the Bank.”

24 (d) ADDRESSING CHINA’S SOVEREIGN LENDING IN
25 THE AMERICAS.—The Secretary of the Treasury and the

1 United States Executive Director to the Inter-American
2 Development Bank shall use the voice, vote, and influence
3 of the United States—

4 (1) to advance efforts by the Bank to help
5 countries restructure debt resulting from sovereign
6 lending by the Government of the People’s Republic
7 of China in order to achieve sustainable and service-
8 able debt structures; and

9 (2) to establish appropriate safeguards and
10 transparency and conditionality measures to protect
11 debt-vulnerable member countries of the Inter-Amer-
12 ican Development Bank that borrow from the Bank
13 for the purposes of restructuring Chinese bilateral
14 debt held by such countries and preventing such
15 countries from incurring subsequent Chinese bilat-
16 eral debt.

17 (e) BRIEFINGS.—

18 (1) IMPLEMENTATION.—Not later than 90 days
19 after the date of the enactment of this Act, and
20 every 90 days thereafter for 6 years, the President
21 shall provide to the Committee on Foreign Relations
22 of the Senate, the Committee on Finance of the Sen-
23 ate, the Committee on Foreign Affairs of the House
24 of Representatives, and the Committee on Financial
25 Services of the House of Representatives a briefing

1 detailing efforts to carry out subsection (b) and (d)
2 and the amendment made by subsection (c).

3 (2) PROGRESS IN ACHIEVING SUSTAINABLE
4 AND SERVICEABLE DEBT STRUCTURES.—Not later
5 than 180 days after the successful completion of a
6 tenth general capital increase for the Inter-American
7 Development Bank, and every 180 days thereafter
8 for a period of 3 years, the President shall provide
9 to the Committee on Foreign Relations of the Sen-
10 ate, the Committee on Finance of the Senate, the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives, and the Committee on Financial Serv-
13 ices of the House of Representatives a briefing on
14 efforts by the Bank to support countries in Latin
15 American and the Caribbean in their efforts to
16 achieve sustainable and serviceable debt structures.

17 **SEC. 3251. DEFENSE COOPERATION IN LATIN AMERICA AND**
18 **THE CARIBBEAN.**

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated to the Department of State \$12,000,000 for the
21 International Military Education and Training Program
22 for Latin America and the Caribbean for each of fiscal
23 years 2022 through 2026.

24 (b) MODERNIZATION.—The Secretary of State shall
25 take steps to modernize and strengthen the programs re-

1 ceiving funding under subsection (a) to ensure that such
2 programs are vigorous, substantive, and the preeminent
3 choice for international military education and training for
4 Latin American and Caribbean partners.

5 (c) REQUIRED ELEMENTS.—The programs referred
6 to in subsection (a) shall—

7 (1) provide training and capacity-building op-
8 portunities to Latin American and Caribbean secu-
9 rity services;

10 (2) provide practical skills and frameworks
11 for—

12 (A) improving the functioning and organi-
13 zation of security services in Latin America and
14 the Caribbean;

15 (B) creating a better understanding of the
16 United States and its values; and

17 (C) using technology for maximum effi-
18 ciency and organization; and

19 (3) promote and ensure that security services in
20 Latin America and the Caribbean respect civilian
21 authority and operate in compliance with inter-
22 national norms, standards, and rules of engagement,
23 including a respect for human rights.

24 (d) LIMITATION.—Security assistance under this sec-
25 tion is subject to limitations as enshrined in the require-

1 ments of section 620M of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2378d).

3 **SEC. 3252. ENGAGEMENT WITH CIVIL SOCIETY IN LATIN**
4 **AMERICA AND THE CARIBBEAN REGARDING**
5 **ACCOUNTABILITY, HUMAN RIGHTS, AND THE**
6 **RISKS OF PERVASIVE SURVEILLANCE TECH-**
7 **NOLOGIES.**

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

10 (1) the Government of the People’s Republic of
11 China is exporting its model for internal security
12 and state control of society through advanced tech-
13 nology and artificial intelligence; and

14 (2) the inclusion of communication networks
15 and communications supply chains with equipment
16 and services from companies with close ties to or
17 that are susceptible to pressure from governments or
18 security services without reliable legal checks on gov-
19 ernmental powers can lead to breaches of citizens’
20 private information, increased censorship, violations
21 of human rights, and harassment of political oppo-
22 nents.

23 (b) DIPLOMATIC ENGAGEMENT.—The Secretary of
24 State shall conduct diplomatic engagement with govern-

1 ments and civil society organizations in Latin America and
2 the Caribbean to—

3 (1) help identify and mitigate the risks to civil
4 liberties posed by technologies and services described
5 in subsection (a); and

6 (2) offer recommendations on ways to mitigate
7 such risks.

8 (c) INTERNET FREEDOM PROGRAMS.—The Chief Ex-
9 ecutive Officer of the United States Agency for Global
10 Media, working through the Open Technology Fund, and
11 the Secretary of State, working through the Bureau of De-
12 mocracy, Human Rights, and Labor’s Internet Freedom
13 and Business and Human Rights Section, shall expand
14 and prioritize efforts to provide anti-censorship technology
15 and services to journalists in Latin America and the Car-
16 ibbean, in order to enhance their ability to safely access
17 or share digital news and information.

18 (d) SUPPORT FOR CIVIL SOCIETY.—The Secretary of
19 State, through the Assistant Secretary of State for De-
20 mocracy, Human Rights, and Labor, and in coordination
21 with the Administrator of the United States Agency for
22 International Development, shall work through nongovern-
23 mental organizations to—

1 (1) support and promote programs that support
2 internet freedom and the free flow of information
3 online in Latin America and the Caribbean;

4 (2) protect open, interoperable, secure, and reli-
5 able access to internet in Latin America and the
6 Caribbean;

7 (3) provide integrated support to civil society
8 for technology, digital safety, policy and advocacy,
9 and applied research programs in Latin America
10 and the Caribbean;

11 (4) train journalists and civil society leaders in
12 Latin America and the Caribbean on investigative
13 techniques necessary to ensure public accountability
14 and prevent government overreach in the digital
15 sphere;

16 (5) assist independent media outlets and jour-
17 nalists in Latin America and the Caribbean to build
18 their own capacity and develop high-impact, in-depth
19 news reports covering governance and human rights
20 topics;

21 (6) provide training for journalists and civil so-
22 ciety leaders on investigative techniques necessary to
23 improve transparency and accountability in govern-
24 ment and the private sector;

1 (7) provide training on investigative reporting
2 of incidents of corruption and unfair trade, business
3 and commercial practices related to the People's Re-
4 public of China, including the role of the Govern-
5 ment of the People's Republic of China in such prac-
6 tices;

7 (8) assist nongovernmental organizations to
8 strengthen their capacity to monitor the activities
9 described in paragraph (7); and

10 (9) identify local resources to support the pre-
11 ponderance of activities that would be carried out
12 under this subsection.

13 (e) BRIEFING REQUIREMENT.—Not more than 180
14 days after the date of the enactment of this Act, and every
15 180 days thereafter for 5 years, the Secretary of State,
16 the Administrator of the United States Agency for Inter-
17 national Development, and the Chief Executive Officer of
18 the United States Agency for Global Media shall provide
19 a briefing regarding the efforts described in subsections
20 (c), (d), and (e) to—

21 (1) the Committee on Foreign Relations of the
22 Senate;

23 (2) the Committee on Appropriations of the
24 Senate;

1 (3) the Committee on Foreign Affairs of the
2 House of Representatives; and

3 (4) the Committee on Appropriations of the
4 House of Representatives.

5 **PART II—TRANSATLANTIC ALLIANCE**

6 **SEC. 3255. SENSE OF CONGRESS ON THE TRANSATLANTIC**
7 **ALLIANCE.**

8 It is the sense of Congress that—

9 (1) the United States, European Union, and
10 European countries are close partners, sharing val-
11 ues grounded in democracy, human rights, trans-
12 parency, and the rules-based international order es-
13 tablished after World War II;

14 (2) without a common approach by the United
15 States, European Union, and European countries on
16 connectivity, trade, transnational problems, and sup-
17 port for democracy and human rights, the People’s
18 Republic of China will continue to increase its eco-
19 nomic, political, and security leverage in Europe;

20 (3) the People’s Republic of China’s deployment
21 of assistance to European countries following the
22 COVID–19 outbreak showcased a coercive approach
23 to aid, but it also highlighted Europe’s deep eco-
24 nomic ties to the People’s Republic of China;

1 (4) as European states seek to recover from the
2 economic toll of the COVID–19 outbreak, the United
3 States must stand in partnership with Europe to
4 support our collective economic recovery, reinforce
5 our collective national security, and defend shared
6 values;

7 (5) the United States, European Union, and
8 European countries should coordinate on joint strat-
9 egies to diversify reliance on supply chains away
10 from the People’s Republic of China, especially in
11 the medical and pharmaceutical sectors;

12 (6) the United States, European Union, and
13 European countries should leverage their respective
14 economic innovation capabilities to support the glob-
15 al economic recovery from the COVID–19 recession
16 and draw a contrast with the centralized economy of
17 the People’s Republic of China;

18 (7) the United States, United Kingdom, and
19 European Union should accelerate efforts to de-esca-
20 late their trade disputes, including negotiating a
21 United States-European Union trade agreement that
22 benefits workers and the broader economy in both
23 the United States and European Union;

24 (8) the United States, European Union, and
25 Japan should continue trilateral efforts to address

1 economic challenges posed by the People’s Republic
2 of China;

3 (9) the United States, European Union, and
4 countries of Europe should enhance cooperation to
5 counter PRC disinformation, influence operations,
6 and propaganda efforts;

7 (10) the United States and European nations
8 share serious concerns with the repressions being
9 supported and executed by the Government of the
10 People’s Republic of China, and should continue im-
11 plementing measures to address the Government of
12 the People’s Republic of China’s specific abuses in
13 Tibet, Hong Kong, and Xinjiang, and should build
14 joint mechanisms and programs to prevent the ex-
15 port of China’s authoritarian governance model to
16 countries around the world;

17 (11) the United States and European nations
18 should remain united in their shared values against
19 attempts by the Government of the People’s Repub-
20 lic of China at the United Nations and other multi-
21 lateral organizations to promote efforts that erode
22 the Universal Declaration of Human Rights, like the
23 “community of a shared future for mankind” and
24 “democratization of international relations”;

1 (12) the People’s Republic of China’s infra-
2 structure investments around the world, particularly
3 in 5G telecommunications technology and port infra-
4 structure, could threaten democracy across Europe
5 and the national security of key countries;

6 (13) as appropriate, the United States should
7 share intelligence with European allies and partners
8 on Huawei’s 5G capabilities and the intentions of
9 the Government of the People’s Republic of China
10 with respect to 5G expansion in Europe;

11 (14) the European Union’s Investment Screen-
12 ing Regulation, which came into force in October
13 2020, is a welcome development, and member states
14 should closely scrutinize PRC investments in their
15 countries through their own national investment
16 screening measures;

17 (15) the President should actively engage the
18 European Union on the implementation of the Ex-
19 port Control Reform Act regulations and to better
20 harmonize United States and European Union poli-
21 cies with respect to export controls;

22 (16) the President should strongly advocate for
23 the listing of more items and technologies to restrict
24 dual use exports controlled at the National Security

1 and above level to the People’s Republic of China
2 under the Wassenaar Arrangement;

3 (17) the United States should explore the value
4 of establishing a body akin to the Coordinating
5 Committee for Multilateral Export Controls
6 (CoCom) that would specifically coordinate United
7 States and European Union export control policies
8 with respect to limiting exports of sensitive tech-
9 nologies to the People’s Republic of China; and

10 (18) the United States should work with coun-
11 terparts in Europe to—

12 (A) evaluate United States and European
13 overreliance on goods originating in the Peo-
14 ple’s Republic of China, including in the med-
15 ical and pharmaceutical sectors, and develop
16 joint strategies to diversify supply chains;

17 (B) counter PRC efforts to use COVID-
18 19-related assistance as a coercive tool to pres-
19 sure developing countries by offering relevant
20 United States and European expertise and as-
21 sistance; and

22 (C) leverage the United States and Euro-
23 pean private sectors to advance the post-
24 COVID-19 economic recovery.

1 **SEC. 3256. STRATEGY TO ENHANCE TRANSATLANTIC CO-**
2 **OPERATION WITH RESPECT TO THE PEO-**
3 **PLE'S REPUBLIC OF CHINA.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the President shall brief
6 the Committee on Foreign Relations and the Committee
7 on Armed Services of the Senate and the Committee on
8 Foreign Affairs and the Committee on Armed Services of
9 the House of Representatives on a strategy for how the
10 United States will enhance cooperation with the European
11 Union, NATO, and European partner countries with re-
12 spect to the People's Republic of China.

13 (b) ELEMENTS.—The briefing required by subsection
14 (a) shall do the following:

15 (1) Identify the senior Senate-confirmed De-
16 partment of State official that leads United States
17 efforts to cooperate with the European Union,
18 NATO, and European partner countries to advance
19 a shared approach with respect to the People's Re-
20 public of China.

21 (2) Identify key policy points of convergence
22 and divergence between the United States and Euro-
23 pean partners with respect to the People's Republic
24 of China in the areas of technology, trade, and eco-
25 nomic practices.

1 (3) Describe efforts to advance shared interests
2 with European counterparts on—

3 (A) economic challenges with respect to the
4 People’s Republic of China;

5 (B) democracy and human rights chal-
6 lenges with respect to the People’s Republic of
7 China;

8 (C) technology issues with respect to the
9 People’s Republic of China;

10 (D) defense issues with respect to the Peo-
11 ple’s Republic of China; and

12 (E) developing a comprehensive strategy to
13 respond to the Belt and Road Initiative (BRI)
14 established by the Government of the People’s
15 Republic of China.

16 (4) Describe the coordination mechanisms
17 among key regional and functional bureaus within
18 the Department of State and Department of Defense
19 tasked with engaging with European partners on the
20 People’s Republic of China.

21 (5) Detail diplomatic efforts up to the date of
22 the briefing and future plans to work with European
23 partners to counter the Government of the People’s
24 Republic of China’s advancement of an authoritarian
25 governance model around the world.

1 (6) Detail the diplomatic efforts made up to the
2 date of the briefing and future plans to support Eu-
3 ropean efforts to identify cost-effective alternatives
4 to Huawei's 5G technology.

5 (7) Detail how United States public diplomacy
6 tools, including the Global Engagement Center of
7 the Department of State, will coordinate efforts with
8 counterpart entities within the European Union to
9 counter Chinese propaganda.

10 (8) Describe the staffing and budget resources
11 the Department of State dedicates to engagement
12 between the United States and the European Union
13 on the People's Republic of China and provide an
14 assessment of out-year resource needs to execute the
15 strategy.

16 (9) Detail diplomatic efforts to work with Euro-
17 pean partners to track and counter Chinese attempts
18 to exert influence across multilateral fora, including
19 at the World Health Organization.

20 (c) FORM.—The briefing required by section (a) shall
21 be classified.

22 (d) CONSULTATION.—Not later than 90 days after
23 the date of the enactment of this Act, and every 180 days
24 thereafter for 5 years, the Secretary of State shall consult
25 with the appropriate congressional committees regarding

1 the development and implementation of the elements de-
2 scribed in subsection (b).

3 **SEC. 3257. ENHANCING TRANSATLANTIC COOPERATION ON**
4 **PROMOTING PRIVATE SECTOR FINANCE.**

5 (a) IN GENERAL.—The President should work with
6 transatlantic partners to build on the agreement among
7 the Development Finance Corporation, FinDev Canada,
8 and the European Development Finance Institutions
9 (called the DFI Alliance) to enhance coordination on
10 shared objectives to foster private sector-led development
11 and provide market-based alternatives to state-directed fi-
12 nancing in emerging markets, particularly as related to
13 the People’s Republic of China’s Belt and Road Initiative
14 (BRI), including by integrating efforts such as—

15 (1) the European Union Strategy on Con-
16 necting Europe and Asia;

17 (2) the Three Seas Initiative and Three Seas
18 Initiative Fund;

19 (3) the Blue Dot Network among the United
20 States, Japan, and Australia; and

21 (4) a European Union-Japan initiative that has
22 leveraged \$65,000,000,000 for infrastructure
23 projects and emphasizes transparency standards.

24 (b) COOPERATION AT THE UNITED NATIONS.—The
25 United States, European Union, and European countries

1 should coordinate efforts to address the Government of the
2 People’s Republic of China’s use of the United Nations
3 to advance and legitimize BRI as a global good, including
4 the proliferation of memoranda of understanding between
5 the People’s Republic of China and United Nations funds
6 and programs on BRI implementation.

7 (c) STANDARDS.—The United States and the Euro-
8 pean Union should coordinate and develop a strategy to
9 enhance transatlantic cooperation with the OECD and the
10 Paris Club on ensuring the highest possible standards for
11 Belt and Road Initiative contracts and terms with devel-
12 oping countries.

13 **SEC. 3258. REPORT AND BRIEFING ON COOPERATION BE-**
14 **TWEEN CHINA AND IRAN AND BETWEEN**
15 **CHINA AND RUSSIA.**

16 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
17 FINED.—In this section, the term “appropriate commit-
18 tees of Congress” means—

19 (1) the Committee on Foreign Relations, the
20 Select Committee on Intelligence, the Committee on
21 Armed Services, the Committee on Commerce,
22 Science, and Transportation, the Committee on En-
23 ergy and Natural Resources, the Committee on
24 Banking, Housing, and Urban Affairs, the Com-

1 committee on Finance, and the Committee on Appro-
2 priations of the Senate; and

3 (2) the Committee on Foreign Affairs, the Per-
4 manent Select Committee on Intelligence, the Com-
5 mittee on Armed Services, the Committee on Energy
6 and Commerce, the Committee on Financial Serv-
7 ices, the Committee on Ways and Means, and the
8 Committee on Appropriations of the House of Rep-
9 resentatives.

10 (b) REPORT AND BRIEFING REQUIRED.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Di-
13 rector of National Intelligence shall, in coordination
14 with the Secretary of State, the Secretary of De-
15 fense, the Secretary of Commerce, the Secretary of
16 Energy, the Secretary of the Treasury, and such
17 other heads of Federal agencies as the Director con-
18 siders appropriate, submit to the appropriate com-
19 mittees of Congress a report and brief the appro-
20 priate committees of Congress on cooperation be-
21 tween the People’s Republic of China and the Is-
22 lamic Republic of Iran and between the People’s Re-
23 public of China and the Russian Federation.

24 (2) CONTENTS.—The report submitted under
25 paragraph (1) shall include the following elements:

1 (A) An identification of major areas of dip-
2 lomatic, energy, infrastructure, banking, finan-
3 cial, economic, military, and space coopera-
4 tion—

5 (i) between the People’s Republic of
6 China and the Islamic Republic of Iran;
7 and

8 (ii) between the People’s Republic of
9 China and the Russian Federation.

10 (B) An assessment of the effect of the
11 COVID–19 pandemic on such cooperation.

12 (C) An assessment of the effect that
13 United States compliance with the Joint Com-
14 prehensive Plan of Action (JCPOA) starting in
15 January 14, 2016, and United States with-
16 drawal from the JCPOA on May 8, 2018, had
17 on the cooperation described in subparagraph
18 (A)(i).

19 (D) An assessment of the effect on the co-
20 operation described in subparagraph (A)(i) that
21 would be had by the United States reentering
22 compliance with the JCPOA or a successor
23 agreement and the effect of the United States
24 not reentering compliance with the JCPOA or
25 reaching a successor agreement.

1 (3) FORM.—The report submitted under para-
2 graph (1) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (c) SENSE OF CONGRESS ON SHARING WITH ALLIES
5 AND PARTNERS.—It is the sense of Congress that the Di-
6 rector of National Intelligence and the heads of other ap-
7 propriate Federal departments and agencies should share
8 the findings of the report submitted under subsection (b)
9 with important allies and partners of the United States,
10 as appropriate.

11 **SEC. 3259. PROMOTING RESPONSIBLE DEVELOPMENT AL-**
12 **TERNATIVES TO THE BELT AND ROAD INITIA-**
13 **TIVE.**

14 (a) IN GENERAL.—The President should seek oppor-
15 tunities to partner with multilateral development finance
16 institutions to develop financing tools based on shared de-
17 velopment finance criteria and mechanisms to support in-
18 vestments in developing countries that—

19 (1) support low carbon economic development;
20 and

21 (2) promote resiliency and adaptation to envi-
22 ronmental changes.

23 (b) PARTNERSHIP AGREEMENT.—The Chief Execu-
24 tive Officer of the United States International Develop-
25 ment Finance Corporation should seek to partner with

1 other multilateral development finance institutions and de-
2 velopment finance institutions to leverage the respective
3 available funds to support low carbon economic develop-
4 ment, which may include nuclear energy projects, environ-
5 mental adaptation, and resilience activities in developing
6 countries.

7 (c) ALTERNATIVES TO THE PEOPLE'S REPUBLIC OF
8 CHINA'S BELT AND ROAD INITIATIVE.—The President
9 shall work with European counterparts to establish a for-
10 mal United States-European Commission Working Group
11 to develop a comprehensive strategy to develop alternatives
12 to the Government of the People's Republic of China's
13 Belt and Road Initiative for development finance. United
14 States participants in the working group shall seek to inte-
15 grate existing efforts into the strategy, including efforts
16 to address the Government of the People's Republic of
17 China's use of the United Nations to advance the Belt
18 and Road Initiative, including the proliferation of memo-
19 randa of understanding between the People's Republic of
20 China and United Nations funds and programs regarding
21 the implementation of the Belt and Road Initiative.

22 (d) CO-FINANCING OF INFRASTRUCTURE
23 PROJECTS.—

24 (1) AUTHORIZATION.—Subject to paragraph
25 (2), the Secretary of State, the Administrator of the

1 United States Development Agency, and other rel-
2 evant agency heads are authorized to co-finance in-
3 frastructure projects that advance the development
4 objectives of the United States overseas and provide
5 viable alternatives to projects that would otherwise
6 be included within the People's Republic of China's
7 Belt and Road Initiative.

8 (2) CONDITIONS.—Co-financing arrangements
9 authorized pursuant to paragraph (1) may not be
10 approved unless—

11 (A) the projects to be financed—

12 (i) promote the public good;

13 (ii) promote low carbon emissions,
14 which may include nuclear energy projects;
15 and

16 (iii) will have substantially lower envi-
17 ronmental impact than the proposed Belt
18 and Road Initiative alternative; and

19 (B) the Committee on Foreign Relations of
20 the Senate and the Committee on Foreign Af-
21 fairs of the House of Representatives are noti-
22 fied not later than 15 days in advance of enter-
23 ing into such co-financing arrangements.

1 **PART III—SOUTH AND CENTRAL ASIA**

2 **SEC. 3261. SENSE OF CONGRESS ON SOUTH AND CENTRAL**
3 **ASIA.**

4 It is the sense of Congress that—

5 (1) the United States should continue to stand
6 with friends and partners in South and Central Asia
7 as they contend with efforts by the Government of
8 the People’s Republic of China to interfere in their
9 respective political systems and encroach upon their
10 sovereign territory; and

11 (2) the United States should reaffirm its com-
12 mitment to the Comprehensive Global Strategic
13 Partnership with India and further deepen bilateral
14 defense consultations and collaboration with India
15 commensurate with its status as a major defense
16 partner.

17 **SEC. 3262. STRATEGY TO ENHANCE COOPERATION WITH**
18 **SOUTH AND CENTRAL ASIA.**

19 (a) **IN GENERAL.**—Not later than 90 days after the
20 date of the enactment of this Act, the President shall sub-
21 mit to the Committee on Foreign Relations and the Com-
22 mittee on Armed Services of the Senate and the Com-
23 mittee on Foreign Affairs and the Committee on Armed
24 Services of the House of Representatives a strategy for
25 how the United States will engage with the countries of
26 South and Central Asia, including through the C5+1

1 mechanism, with respect to the People's Republic of
2 China.

3 (b) ELEMENTS.—The strategy required under sub-
4 section (a) shall include the following elements:

5 (1) A detailed description of the security and
6 economic challenges that the People's Republic of
7 China poses to the countries of South and Central
8 Asia, including border disputes with South and Cen-
9 tral Asian countries that border the People's Repub-
10 lic of China, PRC investments in land and sea ports,
11 transportation infrastructure, and energy projects
12 across the region.

13 (2) A detailed description of United States ef-
14 forts to provide alternatives to PRC investment in
15 infrastructure and other sectors in South and Cen-
16 tral Asia.

17 (3) A detailed description of bilateral and re-
18 gional efforts to work with countries in South Asia
19 on strategies to build resilience against PRC efforts
20 to interfere in their political systems and economies.

21 (4) A detailed description of United States dip-
22 lomatic efforts to work with the Government of Af-
23 ghanistan on addressing the challenges posed by
24 PRC investment in the Afghan mineral sector.

1 (5) A detailed description of United States dip-
2 lomatic efforts with the Government of Pakistan
3 with respect to matters relevant to the People's Re-
4 public of China, including investments by the Peo-
5 ple's Republic of China in Pakistan through the Belt
6 and Road Initiative.

7 (6) In close consultation with the Government
8 of India, identification of areas where the United
9 States Government can provide diplomatic and other
10 support as appropriate for India's efforts to address
11 economic and security challenges posed by the Peo-
12 ple's Republic of China in the region.

13 (7) A description of the coordination mecha-
14 nisms among key regional and functional bureaus
15 within the Department of State and Department of
16 Defense tasked with engaging with the countries of
17 South and Central Asia on issues relating to the
18 People's Republic of China.

19 (8) A description of the efforts being made by
20 Federal departments agencies, including the Depart-
21 ment of State, the United States Agency for Inter-
22 national Development, the Department of Com-
23 merce, the Department of Energy, and the Office of
24 the United States Trade Representative, to help the
25 nations of South and Central Asia develop trade and

1 commerce links that will help those nations diversify
2 their trade away from the People's Republic of
3 China.

4 (9) A detailed description of United States dip-
5 lomatic efforts with Central Asian countries, Turkey,
6 and any other countries with significant populations
7 of Uyghurs and other ethnic minorities fleeing perse-
8 cution in the People's Republic of China to press
9 those countries to refrain from deporting ethnic mi-
10 norities to the People's Republic of China, protect
11 ethnic minorities from intimidation by Chinese gov-
12 ernment authorities, and protect the right to the
13 freedoms of assembly and expression.

14 (c) FORM.—The strategy required under section (a)
15 shall be submitted in an unclassified form that can be
16 made available to the public, but may include a classified
17 annex as necessary.

18 (d) CONSULTATION.—Not later than 120 days after
19 the date of the enactment of this Act, and not less than
20 annually thereafter for 5 years, the Secretary of State
21 shall consult with the Committee on Foreign Relations
22 and the Committee on Appropriations of the Senate and
23 the Committee of Foreign Affairs and the Committee on
24 Appropriations of the House of Representatives regarding

1 the development and implementation of the strategy re-
2 quired under subsection (a).

3 **PART IV—AFRICA**

4 **SEC. 3271. ASSESSMENT OF POLITICAL, ECONOMIC, AND SE-**
5 **CURITY ACTIVITY OF THE PEOPLE’S REPUB-**
6 **LIC OF CHINA IN AFRICA.**

7 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—In this section, the term “appropriate commit-
9 tees of Congress” means—

10 (1) the Committee on Foreign Relations, the
11 Committee on Armed Services, and the Select Com-
12 mittee on Intelligence of the Senate; and

13 (2) the Committee on Foreign Affairs, the
14 Committee on Armed Services, and the Permanent
15 Select Committee on Intelligence of the House of
16 Representatives.

17 (b) INTELLIGENCE ASSESSMENT.—Not later than
18 180 days after the date of the enactment of this Act, the
19 Secretary of State shall, in coordination with the Director
20 of National Intelligence, submit to the appropriate com-
21 mittees of Congress a report that assesses the nature and
22 impact of the People’s Republic of China’s political, eco-
23 nomic, and security sector activity in Africa, and its im-
24 pact on United States strategic interests, including—

1 (1) the amount and impact of direct invest-
2 ment, loans, development financing, oil-for-loans
3 deals, and other preferential trading arrangements;

4 (2) the involvement of PRC state-owned enter-
5 prises in Africa;

6 (3) the amount of African debt held by the Peo-
7 ple's Republic of China;

8 (4) the involvement of PRC private security,
9 technology and media companies in Africa;

10 (5) the scale and impact of PRC arms sales to
11 African countries;

12 (6) the scope of Chinese investment in and con-
13 trol of African energy resources and minerals critical
14 for emerging and foundational technologies;

15 (7) an analysis of the linkages between Bei-
16 jing's aid and assistance to African countries and
17 African countries supporting PRC geopolitical goals
18 in international fora;

19 (8) the methods, tools, and tactics used to fa-
20 cilitate illegal and corrupt activity, including trade in
21 counterfeit and illicit goods, to include smuggled ex-
22 tractive resources and wildlife products, from Africa
23 to the People's Republic of China;

24 (9) the methods and techniques that the Peo-
25 ple's Republic of China uses to exert undue influence

1 on African governments and facilitate corrupt activ-
2 ity in Africa, including through the CCP's party-to-
3 party training program, and to influence African
4 multilateral organizations; and

5 (10) an analysis of the soft power, cultural and
6 educational activities undertaken by the PRC and
7 CCP to seek to expand their influence in Africa.

8 **SEC. 3272. INCREASING THE COMPETITIVENESS OF THE**
9 **UNITED STATES IN AFRICA.**

10 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
11 FINED.—In this section, the term “appropriate commit-
12 tees of Congress” means—

13 (1) the Committee on Foreign Relations, the
14 Committee on Appropriations, and the Committee on
15 Finance of the Senate; and

16 (2) the Committee on Foreign Affairs, the
17 Committee on Appropriations, and the Committee on
18 Ways and Means of the House of Representatives.

19 (b) STRATEGY REQUIREMENT.—Not later than 180
20 days after the date of the enactment of this Act, the Sec-
21 retary of State shall, in consultation with the Secretary
22 of the Treasury, the Secretary of Commerce, the Attorney
23 General, the United States Trade Representative, the Ad-
24 ministrator of the United States Agency for International
25 Development, and the leadership of the United States

1 International Development Finance Corporation, submit
2 to the appropriate committees of Congress a report setting
3 forth a multi-year strategy for increasing United States
4 economic competitiveness and promoting improvements in
5 the investment climate in Africa, including through sup-
6 port for democratic institutions, the rule of law, including
7 property rights, and for improved transparency, anti-cor-
8 ruption and governance.

9 (c) ELEMENTS.—The strategy submitted pursuant to
10 subsection (a) shall include—

11 (1) a description and assessment of barriers to
12 United States investment in Africa for United States
13 businesses, including a clear identification of the dif-
14 ferent barriers facing small-sized and medium-sized
15 businesses, and an assessment of whether existing
16 programs effectively address such barriers;

17 (2) a description and assessment of barriers to
18 African diaspora investment in Africa, and rec-
19 ommendations to overcome such barriers;

20 (3) an identification of the economic sectors in
21 the United States that have a comparative advan-
22 tage in African markets;

23 (4) a determination of priority African coun-
24 tries for promoting two-way trade and investment
25 and an assessment of additional foreign assistance

1 needs, including democracy and governance and rule
2 of law support, to promote a conducive operating en-
3 vironment in priority countries;

4 (5) an identification of opportunities for stra-
5 tegic cooperation with European allies on trade and
6 investment in Africa, and for establishing a dialogue
7 on trade, security, development, and environmental
8 issues of mutual interest; and

9 (6) a plan to regularly host a United States-Af-
10 rica Leaders Summit to promote two-way trade and
11 investment, strategic engagement, and security in
12 Africa

13 (d) ASSESSMENT OF UNITED STATES GOVERNMENT
14 HUMAN RESOURCES CAPACITY.—The Comptroller Gen-
15 eral of the United States shall—

16 (1) conduct a review of the number of Foreign
17 Commercial Service Officers and Department of
18 State Economic Officers at United States embassies
19 in sub-Saharan Africa; and

20 (2) develop and submit to the appropriate con-
21 gressional committees an assessment of whether
22 human resource capacity in such embassies is ade-
23 quate to meet the goals of the various trade and eco-
24 nomic programs and initiatives in Africa, including

1 the African Growth and Opportunity Act and Pros-
2 per Africa.

3 **SEC. 3273. DIGITAL SECURITY COOPERATION WITH RE-**
4 **SPECT TO AFRICA.**

5 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
6 FINED.—In this section, the term “appropriate commit-
7 tees of Congress” means—

8 (1) the Committee on Foreign Relations, the
9 Committee on Armed Services, and the Select Com-
10 mittee on Intelligence of the Senate; and

11 (2) the Committee on Foreign Affairs, the
12 Committee on Armed Services, and the Permanent
13 Select Committee on Intelligence of the House of
14 Representatives.

15 (b) INTERAGENCY WORKING GROUP TO COUNTER
16 PRC CYBER AGGRESSION IN AFRICA.—

17 (1) IN GENERAL.—The President shall establish
18 an interagency Working Group, which shall include
19 representatives of the Department of State, the De-
20 partment of Defense, the Office of the Director of
21 National Intelligence, and such other agencies of the
22 United States Government as the President con-
23 siders appropriate, on means to counter PRC cyber
24 aggression with respect to Africa.

1 (2) DUTIES.—The Working Group established
2 pursuant to this subsection shall develop and submit
3 to the appropriate congressional committees a set of
4 recommendations for—

5 (A) bolstering the capacity of governments
6 in Africa to ensure the integrity of their data
7 networks and critical infrastructure where ap-
8 plicable;

9 (B) providing alternatives to Huawei;

10 (C) an action plan for United States em-
11 bassies in Africa to offer to provide assistance
12 to host-country governments with respect to
13 protecting their vital digital networks and infra-
14 structure from PRC espionage, including an as-
15 sessment of staffing resources needed to imple-
16 ment the action plan in embassies in Africa;

17 (D) utilizing interagency resources to
18 counter PRC disinformation and propaganda in
19 traditional and digital media targeted to Afri-
20 can audiences; and

21 (E) helping civil society in Africa counter
22 digital authoritarianism and identifying tools
23 and assistance to enhance and promote digital
24 democracy.

1 **SEC. 3274. INCREASING PERSONNEL IN UNITED STATES EM-**
2 **BASSIES IN SUB-SAHARAN AFRICA FOCUSED**
3 **ON THE PEOPLE'S REPUBLIC OF CHINA.**

4 The Secretary of State may station on a permanent
5 basis Department of State personnel at such United
6 States embassies in sub-Saharan Africa as the Secretary
7 considers appropriate focused on the activities, policies
8 and investments of the People's Republic of China in Afri-
9 ca.

10 **SEC. 3275. SUPPORT FOR YOUNG AFRICAN LEADERS INITIA-**
11 **TIVE.**

12 (a) FINDING.—Congress finds that youth in Africa
13 can have a positive impact on efforts to foster economic
14 growth, improve public sector transparency and govern-
15 ance, and counter extremism, and should be an area of
16 focus for United States outreach on the continent.

17 (b) POLICY.—It is the policy of the United States,
18 in cooperation and collaboration with private sector com-
19 panies, civic organizations, nongovernmental organiza-
20 tions, and national and regional public sector entities, to
21 commit resources to enhancing the entrepreneurship and
22 leadership skills of African youth with the objective of en-
23 hancing their ability to serve as leaders in the public and
24 private sectors in order to help them spur growth and
25 prosperity, strengthen democratic governance, and en-

1 hance peace and security in their respective countries of
2 origin and across Africa.

3 (c) YOUNG AFRICAN LEADERS INITIATIVE.—

4 (1) IN GENERAL.—There is hereby established
5 the Young African Leaders Initiative, to be carried
6 out by the Secretary of State.

7 (2) FELLOWSHIPS.—The Secretary is author-
8 ized to support the participation in the Initiative es-
9 tablished under this paragraph, in the United
10 States, of fellows from Africa each year for such
11 education and training in leadership and profes-
12 sional development through the Department of State
13 as the Secretary of State considers appropriate. The
14 Secretary shall establish and publish criteria for eli-
15 gibility for participation as such a fellow, and for se-
16 lection of fellows among eligible applicants for a fel-
17 lowship.

18 (3) RECIPROCAL EXCHANGES.—Under the Ini-
19 tiative, United States citizens may engage in such
20 reciprocal exchanges in connection with and collabo-
21 ration on projects with fellows under paragraph (1)
22 as the Secretary considers appropriate.

23 (4) REGIONAL CENTERS AND NETWORKS.—The
24 Administrator of the United States Agency for

1 International Development shall establish each of
2 the following:

3 (A) Not fewer than four regional centers in
4 Africa to provide in-person and online training
5 throughout the year in business and entrepre-
6 neurship, civic leadership, and public manage-
7 ment.

8 (B) An online network that provides infor-
9 mation and online courses on, and connections
10 with leaders in, the private and public sectors
11 in Africa.

12 (d) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Secretary of State should increase the num-
14 ber of fellows from Africa participating in the Mandela
15 Washington Fellowship above the current 700 projected
16 for fiscal year 2021.

17 **SEC. 3276. AFRICA BROADCASTING NETWORKS.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the CEO of the United States Agency
20 for Global Media shall submit to the appropriate congres-
21 sional committees a report on the resources and timeline
22 needed to establish within the Agency an organization
23 whose mission shall be to promote democratic values and
24 institutions in Africa by providing objective, accurate, and
25 relevant news and information to the people of Africa and

1 counter disinformation from malign actors, especially in
2 countries where a free press is banned by the government
3 or not fully established, about the region, the world, and
4 the United States through uncensored news, responsible
5 discussion, and open debate.

6 **PART V—MIDDLE EAST AND NORTH AFRICA**

7 **SEC. 3281. STRATEGY TO COUNTER CHINESE INFLUENCE**
8 **IN, AND ACCESS TO, THE MIDDLE EAST AND**
9 **NORTH AFRICA.**

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

12 (1) the economic influence of the People’s Re-
13 public of China through its oil and gas imports from
14 the Middle East, infrastructure investments, tech-
15 nology transfer, and arms sales provides influence
16 and leverage that runs counter to United States in-
17 terests in the region;

18 (2) the People’s Republic of China seeks to
19 erode United States influence in the Middle East
20 and North Africa through the sale of Chinese arms,
21 associated weapons technology, and joint weapons
22 research and development initiatives;

23 (3) the People’s Republic of China seeks to es-
24 tablish military or dual use facilities in geographi-
25 cally strategic locations in the Middle East and

1 North Africa to further the Chinese Communist Par-
2 ty's Belt and Road Initiative at the expense of
3 United States national security interests; and

4 (4) the export of certain communications infra-
5 structure from the People's Republic of China de-
6 grades the security of partner networks, exposes in-
7 tellectual property to theft, threatens the ability of
8 the United States to conduct security cooperation
9 with compromised regional partners, and furthers
10 China's authoritarian surveillance model.

11 (b) STRATEGY REQUIRED.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, the Secretary
14 of State, in consultation with the Administrator of
15 the United States Agency for International Develop-
16 ment and the heads of other appropriate Federal
17 agencies, shall jointly develop and submit to the ap-
18 propriate congressional committees a strategy for
19 countering and limiting Chinese influence in, and ac-
20 cess to, the Middle East and North Africa.

21 (2) ELEMENTS.—The strategy required under
22 paragraph (1) shall include—

23 (A) an assessment of the People's Republic
24 of China's intent with regards to increased co-
25 operation with Middle East and North African

1 countries and how these activities fit into its
2 broader global strategic objectives;

3 (B) an assessment of how governments
4 across the region are responding to the People's
5 Republic of China's efforts to increase its mili-
6 tary presence in their countries;

7 (C) efforts to improve regional cooperation
8 through foreign military sales, financing, and
9 efforts to build partner capacity and increase
10 interoperability with the United States;

11 (D) an assessment of the People's Republic
12 of China's joint research and development with
13 the Middle East and North Africa, impacts on
14 the United States' national security interests,
15 and recommended steps to mitigate the People's
16 Republic of China's influence in this area;

17 (E) an assessment of arms sales and weap-
18 ons technology transfers from the People's Re-
19 public of China to the Middle East and North
20 Africa, impacts on United States' national secu-
21 rity interests, and recommended steps to miti-
22 gate the People's Republic of China's influence
23 in this area;

1 (F) an assessment of the People's Republic
2 of China's military sales to the region including
3 lethal and non-lethal unmanned aerial systems;

4 (G) an assessment of People's Republic of
5 China military basing and dual-use facility ini-
6 tiatives across the Middle East and North Afri-
7 ca, impacts on United States' national security
8 interests, and recommended steps to mitigate
9 the People's Republic of China's influence in
10 this area;

11 (H) efforts to improve regional security co-
12 operation with United States allies and partners
13 with a focus on—

14 (i) maritime security in the Arabian
15 Gulf, the Red Sea, and the Eastern Medi-
16 terranean;

17 (ii) integrated air and missile defense;

18 (iii) cyber security;

19 (iv) border security; and

20 (v) critical infrastructure security, to
21 include energy security;

22 (I) increased support for government-to-
23 government engagement on critical infrastruc-
24 ture development projects including ports and
25 water infrastructure;

1 (J) efforts to encourage United States pri-
2 vate sector and public-private partnerships in
3 healthcare technology and foreign direct invest-
4 ment in non-energy sectors;

5 (K) efforts to expand youth engagement
6 and professional education exchanges with key
7 partner countries;

8 (L) specific steps to counter increased in-
9 vestment from the People's Republic of China
10 in telecommunications infrastructure and diplo-
11 matic efforts to stress the political, economic,
12 and social benefits of a free and open internet;

13 (M) efforts to promote United States pri-
14 vate sector engagement in and public-private
15 partnerships on renewable energy development;

16 (N) the expansion of public-private part-
17 nership efforts on water, desalination, and irri-
18 gation projects; and

19 (O) efforts to warn United States partners
20 in the Middle East and North Africa of the
21 risks associated with the People's Republic of
22 China's telecommunications infrastructure and
23 provide alternative "clean paths" to the Peo-
24 ple's Republic of China's technology.

1 **SEC. 3282. SENSE OF CONGRESS ON MIDDLE EAST AND**
2 **NORTH AFRICA ENGAGEMENT.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The United States and the international
6 community have long-term interests in the stability,
7 security, and prosperity of the people of the Middle
8 East and North Africa.

9 (2) In addition to and apart from military and
10 security efforts, the United States should harness a
11 whole of government approach, including bilateral
12 and multilateral statecraft, economic lines of effort,
13 and public diplomacy to compete with and counter
14 Chinese Communist Party influence.

15 (3) A clearly articulated positive narrative of
16 United States engagement, transparent governance
17 structures, and active civil society engagement help
18 counter predatory foreign investment and influence
19 efforts.

20 (b) STATEMENT OF POLICY.—It is the policy of the
21 United States that the United States and the international
22 community should continue diplomatic and economic ef-
23 forts throughout the Middle East and North Africa that
24 support reform efforts to—

25 (1) promote greater economic opportunity;

26 (2) foster private sector development;

1 and highly sensitive species found in the Arc-
2 tic's marine and terrestrial ecosystems; and

3 (2) the United States should reduce the con-
4 sequences outlined in paragraph (1) by—

5 (A) carefully evaluating the wide variety
6 and dynamic set of security and safety risks un-
7 folding in the Arctic;

8 (B) developing policies and making prep-
9 arations to mitigate and respond to threats and
10 risks in the Arctic, including by continuing to
11 work with allies and partners in the Arctic re-
12 gion to deter potential aggressive activities and
13 build Arctic competencies;

14 (C) adequately funding the National Earth
15 System Prediction Capability to substantively
16 improve weather, ocean, and ice predictions on
17 the time scales necessary to ensure regional se-
18 curity and trans-Arctic shipping;

19 (D) investing in resources, including a sig-
20 nificantly expanded icebreaker fleet, to ensure
21 that the United States has adequate capacity to
22 prevent and respond to security threats in the
23 Arctic region;

24 (E) pursuing diplomatic engagements with
25 all nations in the Arctic region for—

1 (i) maintaining peace and stability in
2 the Arctic region;

3 (ii) fostering cooperation on steward-
4 ship and safety initiatives in the Arctic re-
5 gion;

6 (iii) ensuring safe and efficient man-
7 agement of commercial maritime traffic in
8 the Arctic;

9 (iv) promoting responsible natural re-
10 source management and economic develop-
11 ment; and

12 (v) countering China's Polar Silk
13 Road initiative; and

14 (F) examining the possibility of recon-
15 vening the Arctic Chiefs of Defense Forum.

16 (b) STATEMENT OF POLICY.—It is the policy of the
17 United States—

18 (1) to recognize only the nations enumerated in
19 subsection (c)(1) as Arctic nations, and to reject all
20 other claims to this status; and

21 (2) that the militarization of the Arctic poses a
22 serious threat to Arctic peace and stability, and the
23 interests of United States allies and partners.

24 (c) DEFINITIONS.—In this section:

1 (1) ARCTIC NATIONS.—The term “Arctic na-
2 tions” means the 8 nations with territory or exclu-
3 sive economic zones that extend north of the
4 66.56083 parallel latitude north of the equator,
5 namely Russia, Canada, the United States, Norway,
6 Denmark (including Greenland), Finland, Sweden,
7 and Iceland.

8 (2) ARCTIC REGION.—The term “Arctic Re-
9 gion” means the geographic region north of the
10 66.56083 parallel latitude north of the equator.

11 (d) DESIGNATION.—The Assistant Secretary of State
12 for Oceans and International Environmental and Sci-
13 entific Affairs (OES) shall designate a deputy assistant
14 secretary serving within the Bureau of Oceans and Inter-
15 national Environmental and Scientific Affairs as “Deputy
16 Assistant Secretary for Arctic Affairs”, who shall be re-
17 sponsible for OES affairs in the Arctic Region.

18 (e) DUTIES.—The Deputy Assistant Secretary for
19 Arctic Affairs shall—

20 (1) facilitate the development and coordination
21 of United States foreign policy in the Arctic Region
22 relating to—

23 (A) strengthening institutions for coopera-
24 tion among the Arctic nations;

1 (B) enhancing scientific monitoring and re-
2 search on local, regional, and global environ-
3 mental issues;

4 (C) protecting the Arctic environment and
5 conserving its biological resources;

6 (D) promoting responsible natural resource
7 management and economic development; and

8 (E) involving Arctic indigenous people in
9 decisions that affect them.

10 (2) coordinate the diplomatic objectives with re-
11 spect to the activities described in paragraph (1),
12 and, as appropriate, represent the United States
13 within multilateral fora that address international
14 cooperation and foreign policy matters in the Arctic
15 Region;

16 (3) help inform, in coordination with the Bu-
17 reau of Economic and Business Affairs,
18 transnational commerce and commercial maritime
19 transit in the Arctic Region;

20 (4) coordinate the integration of scientific data
21 on the current and projected effects of emerging en-
22 vironmental changes on the Arctic Region and en-
23 sure that such data is applied to the development of
24 security strategies for the Arctic Region;

1 (5) make available the methods and approaches
2 on the integration of environmental science and data
3 to other regional security planning programs in the
4 Department of State to better ensure that broader
5 decision making processes may more adequately ac-
6 count for the changing environment;

7 (6) assist with the development of, and facili-
8 tate the implementation of, an Arctic Region Secu-
9 rity Policy in accordance with subsection (f);

10 (7) use the voice, vote, and influence of the
11 United States to encourage other countries and
12 international multilateral organizations to support
13 the principles of the Arctic Region Security Policy
14 implemented pursuant to subsection (f); and

15 (8) perform such other duties and exercise such
16 powers as the Assistant Secretary of State for
17 Oceans and International Environmental and Sci-
18 entific Affairs shall prescribe.

19 (f) RANK AND STATUS.—The President shall appoint
20 the Deputy Assistant Secretary for Arctic Affairs des-
21 ignated under subsection (d) to Special Representative or
22 Special Envoy with the rank of Ambassador by and with
23 the consent of the Senate.

24 (g) ARCTIC REGION SECURITY POLICY.—The Bu-
25 reau of European and Eurasian Affairs shall be the lead

1 bureau for developing and implementing the United
2 States' Arctic Region Security Policy, in coordination with
3 the Bureau of Oceans and International Environmental
4 and Scientific Affairs, the Bureau of Political-Military Af-
5 fairs, embassies, other regional bureaus, and relevant of-
6 fices to advance United States national security interests,
7 including through conflict prevention efforts, security as-
8 sistance, humanitarian disaster response and prevention,
9 and economic and other relevant assistance programs. The
10 Arctic Region Security Policy shall assess, develop, budget
11 for, and implement plans, policies, and actions—

12 (1) to bolster the diplomatic presence of the
13 United States in Arctic nations, including through
14 enhancements to diplomatic missions and facilities,
15 participation in regional and bilateral dialogues re-
16 lated to Arctic security, and coordination of United
17 States initiatives and assistance programs across
18 agencies to protect the national security of the
19 United States and its allies and partners;

20 (2) to enhance the resilience capacities of Arctic
21 nations to the effects of environmental change and
22 increased civilian and military activity by Arctic na-
23 tions and other nations that may result from in-
24 creased accessibility of the Arctic Region;

1 (3) to assess specific added risks to the Arctic
2 Region and Arctic nations that—

3 (A) are vulnerable to the changing Arctic
4 environment; and

5 (B) are strategically significant to the
6 United States;

7 (4) to coordinate the integration of environ-
8 mental change and national security risk and vulner-
9 ability assessments into the decision making process
10 on foreign assistance awards to Greenland;

11 (5) to advance principles of good governance by
12 encouraging and cooperating with Arctic nations on
13 collaborative approaches—

14 (A) to responsibly manage natural re-
15 sources in the Arctic Region;

16 (B) to share the burden of ensuring mari-
17 time safety in the Arctic Region;

18 (C) to prevent the escalation of security
19 tensions by mitigating against the militarization
20 of the Arctic Region;

21 (D) to develop mutually agreed upon mul-
22 tilateral policies among Arctic nations on the
23 management of maritime transit routes through
24 the Arctic Region and work cooperatively on the

1 transit policies for access to and transit in the
2 Arctic Region by non-Arctic nations; and

3 (E) to facilitate the development of Arctic
4 Region Security Action Plans to ensure stability
5 and public safety in disaster situations in a hu-
6 mane and responsible fashion; and

7 (6) to evaluate the vulnerability, security, sur-
8 vivability, and resiliency of United States interests
9 and non-defense assets in the Arctic Region.

10 **PART VII—OCEANIA**

11 **SEC. 3291. STATEMENT OF POLICY ON UNITED STATES EN-**
12 **GAGEMENT IN OCEANIA.**

13 It shall be the policy of the United States—

14 (1) to elevate the countries of Oceania as a
15 strategic national security and economic priority of
16 the United States Government;

17 (2) to promote civil society, the rule of law, and
18 democratic governance across Oceania as part of a
19 free and open Indo-Pacific region;

20 (3) to broaden and deepen relationships with
21 the Freely Associated States of the Republic of
22 Palau, the Republic of the Marshall Islands, and the
23 Federated States of Micronesia through robust de-
24 fense, diplomatic, economic, and development ex-

1 changes that promote the goals of individual states
2 and the entire region;

3 (4) to work with the governments of Australia,
4 New Zealand, and Japan to advance shared alliance
5 goals of the Oceania region concerning health, envi-
6 ronmental protection, disaster resilience and pre-
7 paredness, illegal, unreported and unregulated fish-
8 ing, maritime security, and economic development;

9 (5) to participate, wherever possible and appro-
10 priate, in existing regional organizations and inter-
11 national structures to promote the national security
12 and economic goals of the United States and coun-
13 tries of the Oceania region;

14 (6) to invest in a whole-of-government United
15 States strategy that will enhance youth engagement
16 and advance long-term growth and development
17 throughout the region, especially as it relates to pro-
18 tecting marine resources that are critical to liveli-
19 hoods and strengthening the resilience of the coun-
20 tries of the Oceania region against current and fu-
21 ture threats resulting from extreme weather and se-
22 vere changes in the environment;

23 (7) to deter and combat acts of malign foreign
24 influence and corruption aimed at undermining the
25 political, environmental, social, and economic sta-

1 bility of the people and governments of the countries
2 of Oceania;

3 (8) to improve the local capacity of the coun-
4 tries of Oceania to address public health challenges
5 and improve global health security;

6 (9) to help the countries of Oceania access mar-
7 ket-based private sector investments that adhere to
8 best practices regarding transparency, debt sustain-
9 ability, and environmental and social safeguards as
10 an alternative to state-directed investments by au-
11 thoritarian governments;

12 (10) to ensure the people and communities of
13 Oceania remain safe from the risks of old and de-
14 grading munitions hazards and other debris that
15 threaten health and livelihoods;

16 (11) to cooperate with Taiwan by offering
17 United States support for maintaining Taiwan's dip-
18 lomatic partners in Oceania; and

19 (12) to work cooperatively with all governments
20 in Oceania to promote the dignified return of the re-
21 mains of members of the United States Armed
22 Forces that are missing in action from previous con-
23 flicts in the Indo-Pacific region.

1 **SEC. 3292. OCEANIA STRATEGIC ROADMAP.**

2 (a) OCEANIA STRATEGIC ROADMAP.—Not later than
3 180 days after the date of the enactment of this Act, the
4 Secretary of State shall submit to the appropriate congres-
5 sional committees a strategic roadmap for strengthening
6 United States engagement with the countries of Oceania,
7 including an analysis of opportunities to cooperate with
8 Australia, New Zealand, and Japan, to address shared
9 concerns and promote shared goals in pursuit of security
10 and resiliency in the countries of Oceania.

11 (b) ELEMENTS.—The strategic roadmap required by
12 subsection (a) shall include the following:

13 (1) A description of United States regional
14 goals and concerns with respect to Oceania and in-
15 creasing engagement with the countries of Oceania.

16 (2) An assessment, based on paragraph (1), of
17 United States regional goals and concerns that are
18 shared by Australia, New Zealand, and Japan, in-
19 cluding a review of issues related to anticorruption,
20 maritime and other security issues, environmental
21 protection, fisheries management, economic growth
22 and development, and disaster resilience and pre-
23 paredness.

24 (3) A review of ongoing programs and initia-
25 tives by the governments of the United States, Aus-
26 tralia, New Zealand, and Japan in pursuit of those

1 shared regional goals and concerns, including with
2 respect to the issues described in paragraph (1).

3 (4) A review of ongoing programs and initia-
4 tives by regional organizations and other related
5 intergovernmental structures aimed at addressing
6 the issues described in paragraph (1).

7 (5) A plan for aligning United States programs
8 and resources in pursuit of those shared regional
9 goals and concerns, as appropriate.

10 (6) Recommendations for additional United
11 States authorities, personnel, programs, or resources
12 necessary to execute the strategic roadmap.

13 (7) Any other elements the Secretary considers
14 appropriate.

15 **SEC. 3293. REVIEW OF USAID PROGRAMMING IN OCEANIA.**

16 (a) IN GENERAL.—The Secretary of State, in coordi-
17 nation with the Administrator of the United States Agen-
18 cy for International Development (in this section referred
19 to as “USAID”), should include the Indo-Pacific countries
20 of Oceania in existing strategic planning and multi-sector
21 program evaluation processes, including the Department
22 of State’s Integrated Country Strategies and USAID’s
23 Country Development Cooperation Strategies, the Joint
24 Strategic Plan, and the Journey to Self-Reliance Country
25 Roadmaps.

1 (b) PROGRAMMATIC CONSIDERATIONS.—Evaluations
2 and considerations for Indo-Pacific countries of Oceania
3 in the program planning and strategic development proc-
4 esses under subsection (a) should include—

5 (1) descriptions of the diplomatic and develop-
6 ment challenges of the Indo-Pacific countries of Ocea-
7 nia as those challenges relate to the strategic, eco-
8 nomic, and humanitarian interests of the United
9 States;

10 (2) reviews of existing Department of State and
11 USAID programs to address the diplomatic and de-
12 velopment challenges of those countries evaluated
13 under paragraph (1);

14 (3) descriptions of the barriers, if any, to in-
15 creasing Department of State and USAID program-
16 ming to Indo-Pacific countries of Oceania, includ-
17 ing—

18 (A) the relative income level of the Indo-
19 Pacific countries of Oceania relative to other re-
20 gions where there is high demand for United
21 States foreign assistance to support develop-
22 ment needs;

23 (B) the relative capacity of the Indo-Pa-
24 cific countries of Oceania to absorb United
25 States foreign assistance for diplomatic and de-

1 velopment needs through partner governments
2 and civil society institutions; and

3 (C) any other factor that the Secretary or
4 Administrator determines may constitute a bar-
5 rier to deploying or increasing United States
6 foreign assistance to the Indo-Pacific countries
7 of Oceania;

8 (4) assessments of the presence of, degree of
9 international development by, partner country in-
10 debtedness to, and political influence of malign for-
11 eign governments, such as the Government of the
12 People's Republic of China, and non-state actors;

13 (5) assessments of new foreign economic assist-
14 ance modalities that could assist in strengthening
15 United States foreign assistance in the Indo-Pacific
16 countries of Oceania, including the deployment of
17 technical assistance and asset recovery tools to part-
18 ner governments and civil society institutions to help
19 develop the capacity and expertise necessary to
20 achieve self-sufficiency;

21 (6) an evaluation of the existing budget and re-
22 source management processes for the Department of
23 State's and USAID's mission and work with respect
24 to its programming in the Indo-Pacific countries of
25 Oceania;

1 (7) an explanation of how the Secretary and the
2 Administrator will use existing programming proc-
3 esses, including those with respect to development of
4 an Integrated Country Strategy, Country Develop-
5 ment Cooperation Strategy, the Joint Strategic
6 Plan, and the Journey to Self-Reliance Country
7 Roadmaps, to advance the long-term growth, govern-
8 ance, economic development, and resilience of the
9 Indo-Pacific countries of Oceania; and

10 (8) any recommendations about appropriate
11 budgetary, resource management, and programmatic
12 changes necessary to assist in strengthening United
13 States foreign assistance programming in the Indo-
14 Pacific countries of Oceania.

15 **SEC. 3294. OCEANIA SECURITY DIALOGUE.**

16 (a) IN GENERAL.—Not later than one year after the
17 date of the enactment of this Act, the Secretary of State
18 shall brief the appropriate committees of Congress on the
19 feasibility and advisability of establishing a United States-
20 based public-private sponsored security dialogue (to be
21 known as the “Oceania Security Dialogue”) among the
22 countries of Oceania for the purposes of jointly exploring
23 and discussing issues affecting the economic, diplomatic,
24 and national security of the Indo-Pacific countries of Oce-
25 ania.

1 (b) REPORT REQUIRED.—The briefing required by
2 subsection (a) shall, at a minimum, include the following:

3 (1) A review of the ability of the Department
4 of State to participate in a public-private sponsored
5 security dialogue.

6 (2) An assessment of the potential locations for
7 conducting an Oceania Security Dialogue in the ju-
8 risdiction of the United States.

9 (3) Consideration of dates for conducting an
10 Oceania Security Dialogue that would maximize par-
11 ticipation of representatives from the Indo-Pacific
12 countries of Oceania.

13 (4) A review of the funding modalities available
14 to the Department of State to help finance an Oce-
15 ania Security Dialogue, including grant-making au-
16 thorities available to the Department of State.

17 (5) An assessment of any administrative, statu-
18 tory, or other legal limitations that would prevent
19 the establishment of an Oceania Security Dialogue
20 with participation and support of the Department of
21 State as described in subsection (a).

22 (6) An analysis of how an Oceania Security
23 Dialogue could help to advance the Boe Declaration
24 on Regional Security, including its emphasis on the

1 changing environment as the greatest existential
2 threat to countries of Oceania.

3 (7) An evaluation of how an Oceania Security
4 Dialogue could help amplify the issues and work of
5 existing regional structures and organizations dedi-
6 cated to the security of the Oceania region, such as
7 the Pacific Island Forum and Pacific Environmental
8 Security Forum.

9 (8) An analysis of how an Oceania Security
10 Dialogue would help with implementation of the
11 strategic roadmap required by section 292 and ad-
12 vance the National Security Strategy of the United
13 States.

14 (c) INTERAGENCY CONSULTATION.—To the extent
15 practicable, the Secretary of State may consult with the
16 Secretary of Defense and, where appropriate, evaluate the
17 lessons learned of the Regional Centers for Security Stud-
18 ies of the Department of Defense to determine the feasi-
19 bility and advisability of establishing the Oceania Security
20 Dialogue.

21 **SEC. 3295. REPORT ON COUNTERING ILLEGAL, UNRE-**
22 **PORTED, AND UNREGULATED FISHING IN**
23 **OCEANIA.**

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

1 (1) many countries of the Oceania region de-
2 pend on commercial tuna fisheries as a critical com-
3 ponent of their economies;

4 (2) the Government of the People's Republic of
5 China has used its licensed fishing fleet to exert
6 greater influence in Oceania, but at the same time,
7 its licensed fishing fleet is also a major contributor
8 to illegal, unreported, and unregulated fishing (in
9 this section referred to as "IUU fishing") activities;

10 (3) the sustainability of Oceania's fisheries is
11 threatened by IUU fishing, which depletes both com-
12 mercially important fish stocks and non-targeted
13 species that help maintain the integrity of the ocean
14 ecosystem;

15 (4) in addition, IUU fishing puts pressure on
16 protected species of marine mammals, sea turtles,
17 and sea birds, which also jeopardizes the integrity of
18 the ocean ecosystem;

19 (5) further, because IUU fishing goes unre-
20 corded, the loss of biomass compromises scientists'
21 work to assess and model fishery stocks and advise
22 managers on sustainable catch levels;

23 (6) beyond the damage to living marine re-
24 sources, IUU fishing also contributes directly to ille-

1 gal activity in the Oceania region, such as food
2 fraud, smuggling, and human trafficking;

3 (7) current approaches to IUU fishing enforce-
4 ment rely on established methods, such as vessel
5 monitoring systems, logbooks maintained by govern-
6 ment fisheries enforcement authorities to record the
7 catches landed by fishing vessels, and corroborating
8 data on catches hand-collected by human observer
9 programs;

10 (8) such established methods are imperfect be-
11 cause—

12 (A) vessels can turn off monitoring sys-
13 tems and unlicensed vessels do not use them;
14 and

15 (B) observer coverage is thin and subject
16 to human error and corruption;

17 (9) maritime domain awareness technology so-
18 lutions for vessel monitoring have gained credibility
19 in recent years and include systems such as observ-
20 ing instruments deployed on satellites, crewed and
21 uncrewed air and surface systems, aircraft, and sur-
22 face vessels, as well as electronic monitoring systems
23 on fishing vessels;

1 (10) maritime domain awareness technologies
2 hold the promise of significantly augmenting the
3 current IUU fishing enforcement capacities; and

4 (11) maritime domain awareness technologies
5 offer an avenue for addressing key United States na-
6 tional interests, including those interests related
7 to—

8 (A) increasing bilateral diplomatic ties with
9 key allies and partners in the Oceania region;

10 (B) countering illicit trafficking in arms,
11 narcotics, and human beings associated with
12 IUU fishing;

13 (C) advancing security, long-term growth,
14 and development in the Oceania region;

15 (D) supporting ocean conservation objec-
16 tives;

17 (E) reducing food insecurity; and

18 (F) countering attempts by the Govern-
19 ment of the People’s Republic of China to grow
20 its influence in the Oceania region.

21 (b) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of State, in consultation with the Adminis-
25 trator of the National Oceanic and Atmospheric Ad-

1 ministration, the Commandant of the Coast Guard,
2 and the Secretary of Defense, shall submit to the
3 appropriate congressional committees a report as-
4 sessing the use of advanced maritime domain aware-
5 ness technology systems to combat IUU fishing in
6 Oceania.

7 (2) ELEMENTS.—The report required by para-
8 graph (1) shall include—

9 (A) a review of the effectiveness of existing
10 monitoring technologies, including electronic
11 monitoring systems, to combat IUU fishing;

12 (B) recommendations for effectively inte-
13 grating effective monitoring technologies into a
14 Oceania-wide strategy for IUU fishing enforce-
15 ment;

16 (C) an assessment and recommendations
17 for the secure and reliable processing of data
18 from such monitoring technologies, including
19 the security and verification issues;

20 (D) the technical and financial capacity of
21 countries of the Oceania region to deploy and
22 maintain large-scale use of maritime domain
23 awareness technological systems for the pur-
24 poses of combating IUU fishing and supporting
25 fisheries resource management;

1 (E) a review of the technical and financial
2 capacity of regional organizations and inter-
3 national structures to support countries of the
4 Oceania region in the deployment and mainte-
5 nance of large-scale use of maritime domain
6 awareness technology systems for the purposes
7 of combating IUU fishing and supporting fish-
8 eries resource management;

9 (F) an evaluation of the utility of using
10 foreign assistance, security assistance, and de-
11 velopment assistance provided by the United
12 States to countries of the Oceania region to
13 support the large-scale deployment and oper-
14 ations of maritime domain awareness systems
15 to increase maritime security across the region;
16 and

17 (G) an assessment of the role of large-scale
18 deployment and operations of maritime domain
19 awareness systems throughout Oceania to sup-
20 porting United States economic and national se-
21 curity interests in the Oceania region, including
22 efforts related to countering IUU fishing, im-
23 proving maritime security, and countering ma-
24 lign foreign influence.

1 **SEC. 3296. OCEANIA PEACE CORPS PARTNERSHIPS.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Director of the
4 Peace Corps shall submit to Congress a report on strate-
5 gies to reasonably and safely expand the number of Peace
6 Corps volunteers in Oceania, with the goals of—

7 (1) expanding the presence of the Peace Corps
8 to all currently feasible locations in Oceania; and

9 (2) working with regional and international
10 partners of the United States to expand the presence
11 of Peace Corps volunteers in low-income Oceania
12 communities in support of climate resilience initia-
13 tives.

14 (b) ELEMENTS.—The report required by subsection
15 (a) shall—

16 (1) assess the factors contributing to the cur-
17 rent absence of the Peace Corps and its volunteers
18 in Oceania;

19 (2) examine potential remedies that include
20 working with United States Government agencies
21 and regional governments, including governments of
22 United States allies—

23 (A) to increase the health infrastructure
24 and medical evacuation capabilities of the coun-
25 tries of Oceania to better support the safety of
26 Peace Corps volunteers while in those countries;

1 (B) to address physical safety concerns
2 that have decreased the ability of the Peace
3 Corps to operate in Oceania; and

4 (C) to increase transportation infrastruc-
5 ture in the countries of Oceania to better sup-
6 port the travel of Peace Corps volunteers and
7 their access to necessary facilities;

8 (3) evaluate the potential to expand the deploy-
9 ment of Peace Corps Response volunteers to help the
10 countries of Oceania address social, economic, and
11 development needs of their communities that require
12 specific professional expertise; and

13 (4) explore potential new operational models to
14 address safety and security needs of Peace Corps
15 volunteers in the countries of Oceania, including—

16 (A) changes to volunteer deployment dura-
17 tions; and

18 (B) scheduled redeployment of volunteers
19 to regional or United States-based healthcare
20 facilities for routine physical and behavioral
21 health evaluation.

22 (c) VOLUNTEERS IN LOW-INCOME OCEANIA COMMU-
23 NITIES.—

24 (1) IN GENERAL.—In examining the potential
25 to expand the presence of Peace Corps volunteers in

1 low-income Oceania communities under subsection
2 (a)(2), the Director of the Peace Corps shall con-
3 sider the development of initiatives described in
4 paragraph (2).

5 (2) INITIATIVES DESCRIBED.—Initiatives de-
6 scribed in this paragraph are volunteer initiatives
7 that help the countries of Oceania address social,
8 economic, and development needs of their commu-
9 nities, including by—

10 (A) addressing, through appropriate resil-
11 ience-based interventions, the vulnerability that
12 communities in Oceania face as result of ex-
13 treme weather, severe environmental change,
14 and other climate related trends; and

15 (B) improving, through smart infrastruc-
16 ture principles, access to transportation and
17 connectivity infrastructure that will help ad-
18 dress the economic and social challenges that
19 communities in Oceania confront as a result of
20 poor or nonexistent infrastructure.

21 (d) OCEANIA DEFINED.—In this section, the term
22 “Oceania” includes the following:

- 23 (1) Easter Island of Chile.
24 (2) Fiji.
25 (3) French Polynesia of France.

- 1 (4) Kiribati.
- 2 (5) New Caledonia of France.
- 3 (6) Nieu of New Zealand.
- 4 (7) Papua New Guinea.
- 5 (8) Samoa.
- 6 (9) Vanuatu.
- 7 (10) The Ashmore and Cartier Islands of Aus-
- 8 tralia.
- 9 (11) The Cook Islands of New Zealand.
- 10 (12) The Coral Islands of Australia.
- 11 (13) The Federated States of Micronesia.
- 12 (14) The Norfolk Island of Australia.
- 13 (15) The Pitcairn Islands of the United King-
- 14 dom.
- 15 (16) The Republic of the Marshal Islands.
- 16 (17) The Republic of Palau.
- 17 (18) The Solomon Islands.
- 18 (19) Tokelau of New Zealand.
- 19 (20) Tonga.
- 20 (21) Tuvalu.
- 21 (22) Wallis and Futuna of France.

1 “(E) Serious human rights abuses in con-
2 nection with forced labor.”.

3 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
4 ment made by subsection (a)—

5 (1) takes effect on the date of the enactment of
6 this Act; and

7 (2) applies with respect to the first report re-
8 quired by section 6(a)(1) of the Uyghur Human
9 Rights Policy Act of 2020 submitted after such date
10 of enactment.

11 **SEC. 3303. IMPOSITION OF SANCTIONS WITH RESPECT TO**
12 **SYSTEMATIC RAPE, COERCIVE ABORTION,**
13 **FORCED STERILIZATION, OR INVOLUNTARY**
14 **CONTRACEPTIVE IMPLANTATION IN THE**
15 **XINJIANG UYGHUR AUTONOMOUS REGION.**

16 (a) IN GENERAL.—Section 6(a)(1) of the Uyghur
17 Human Rights Policy Act of 2020 (Public Law 116–145;
18 22 U.S.C. 6901 note), as amended by section 302, is fur-
19 ther amended—

20 (1) by redesignating subparagraphs (F) as sub-
21 paragraph (G); and

22 (2) by inserting after subparagraph (E) the fol-
23 lowing:

1 “(F) Systematic rape, coercive abortion,
2 forced sterilization, or involuntary contraceptive
3 implantation policies and practices.”.

4 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
5 ment made by subsection (a)—

6 (1) takes effect on the date of the enactment of
7 this Act; and

8 (2) applies with respect to the first report re-
9 quired by section 6(a)(1) of the Uyghur Human
10 Rights Policy Act of 2020 submitted after such date
11 of enactment.

12 **SEC. 3304. REPORT ON CORRUPT ACTIVITIES OF SENIOR**
13 **OFFICIALS OF GOVERNMENT OF THE PEO-**
14 **PLE’S REPUBLIC OF CHINA.**

15 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term “appropriate commit-
17 tees of Congress” means—

18 (1) the Committee on Foreign Relations, the
19 Committee on Banking, Housing, and Urban Af-
20 fairs, and the Select Committee on Intelligence of
21 the Senate; and

22 (2) the Committee on Foreign Affairs, the
23 Committee on Financial Services, and the Perma-
24 nent Select Committee on Intelligence of the House
25 of Representatives.

1 (b) ANNUAL REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, and an-
4 nually thereafter through 2026, the Director of the
5 Central Intelligence Agency, in coordination with the
6 Secretary of State, the Secretary of Treasury, and
7 any other relevant United States Government offi-
8 cial, shall submit to the appropriate committees of
9 Congress a report on the corruption and corrupt ac-
10 tivities of senior officials of the Government of the
11 People’s Republic of China.

12 (2) ELEMENTS.—

13 (A) IN GENERAL.—Each report under
14 paragraph (1) shall include the following ele-
15 ments:

16 (i) A description of the wealth and
17 sources of wealth of senior officials of the
18 Government of the People’s Republic of
19 China.

20 (ii) A description of corrupt activities,
21 including activities taking place outside of
22 China, engaged in by senior officials of the
23 Government of the People’s Republic of
24 China.

1 (iii) A description of any gaps in the
2 ability of the intelligence community to col-
3 lect information covered in clauses (i) and
4 (ii).

5 (B) SCOPE OF REPORTS.—The first report
6 under paragraph (1) shall include comprehen-
7 sive information on the matters described in
8 subparagraph (A). Any succeeding report under
9 paragraph (1) may consist of an update or sup-
10 plement to the preceding report under that sub-
11 section.

12 (3) FORM.—Each report under paragraph (1)
13 shall include an unclassified executive summary of
14 the elements described in clauses (i) and (ii) of para-
15 graph (2)(A), and may include a classified annex.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the United States should undertake every effort
18 and pursue every opportunity to expose the corruption and
19 related practices of senior officials of the Government of
20 the People’s Republic of China, including President Xi
21 Jinping.

1 **SEC. 3305. REMOVAL OF MEMBERS OF THE UNITED NA-**
2 **TIONS HUMAN RIGHTS COUNCIL THAT COM-**
3 **MIT HUMAN RIGHTS ABUSES.**

4 The President shall direct the Permanent Represent-
5 ative of the United States to the United Nations to use
6 the voice, vote, and influence of the United States to—

7 (1) reform the process for removing members of
8 the United Nations Human Rights Council that
9 commit gross and systemic violations of human
10 rights, including—

11 (A) lowering the threshold vote at the
12 United Nations General Assembly for removal
13 to a simple majority;

14 (B) ensuring information detailing the
15 member country's human rights record is pub-
16 licly available before the vote on removal; and

17 (C) making the vote of each country on the
18 removal from the United Nations Human
19 Rights Council publicly available;

20 (2) reform the rules on electing members to the
21 United Nations Human Rights Council to ensure
22 United Nations members that have committed gross
23 and systemic violations of human rights are not
24 elected to the Human Rights Council; and

25 (3) oppose the election to the Human Rights
26 Council of any United Nations member—

1 (A) currently designated as a country en-
2 gaged in a consistent pattern of gross violations
3 of internationally recognized human rights pur-
4 suant to section 116 or section 502B of the
5 Foreign Assistance Act of 1961 (22 U.S.C.
6 2151n, 2304);

7 (B) currently designated as a state sponsor
8 of terrorism;

9 (C) currently designated as a Tier 3 coun-
10 try under the Trafficking Victims Protection
11 Act of 2000 (22 U.S.C. 7101 et seq.);

12 (D) the government of which is identified
13 on the list published by the Secretary of State
14 pursuant to section 404(b) of the Child Soldiers
15 Prevention Act of 2008 (22 U.S.C. 2370c–1(b))
16 as a government that recruits and uses child
17 soldiers; or

18 (E) the government of which the United
19 States determines to have committed genocide
20 or crimes against humanity.

21 **SEC. 3306. POLICY WITH RESPECT TO TIBET.**

22 (a) RANK OF UNITED STATES SPECIAL COORDI-
23 NATOR FOR TIBETAN ISSUES.—Section 621 of the Ti-
24 betan Policy Act of 2002 (22 U.S.C. 6901 note) is amend-
25 ed—

1 (1) by redesignating subsections (b), (c), and
2 (d), as subsections (c), (d), and (e), respectively; and

3 (2) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) RANK.—The Special Coordinator shall either be
6 appointed by the President, with the advice and consent
7 of the Senate, or shall be an individual holding the rank
8 of Under Secretary of State or higher.”.

9 (b) TIBET UNIT AT UNITED STATES EMBASSY IN
10 BEIJING.—

11 (1) IN GENERAL.—The Secretary of State shall
12 establish a Tibet Unit in the Political Section of the
13 United States Embassy in Beijing, People’s Republic
14 of China.

15 (2) OPERATION.—The Tibet Unit established
16 under paragraph (1) shall operate until such time as
17 the Government of the People’s Republic of China
18 permits—

19 (A) the United States Consulate General
20 in Chengdu, People’s Republic of China, to re-
21 open; or

22 (B) a United States Consulate General in
23 Lhasa, Tibet, to open.

24 (3) STAFF.—

25 (A) IN GENERAL.—The Secretary shall—

1 (i) assign not fewer than 2 United
2 States direct-hire personnel to the Tibet
3 Unit established under paragraph (1); and

4 (ii) hire not fewer than 1 locally en-
5 gaged staff member for such unit.

6 (B) LANGUAGE TRAINING.—The Secretary
7 shall make Tibetan language training available
8 to the personnel assigned under subparagraph
9 (A), consistent with the Tibetan Policy Act of
10 2002 (22 U.S.C. 6901 note).

11 **SEC. 3307. UNITED STATES POLICY AND INTERNATIONAL**
12 **ENGAGEMENT ON THE SUCCESSION OR REIN-**
13 **CARNATION OF THE DALAI LAMA AND RELI-**
14 **GIOUS FREEDOM OF TIBETAN BUDDHISTS.**

15 (a) REAFFIRMATION OF POLICY.—It is the policy of
16 the United States, as provided under section 342(b) of di-
17 vision FF of the Consolidated Appropriations Act, 2021
18 (Public Law 116–260), that any “interference by the Gov-
19 ernment of the People’s Republic of China or any other
20 government in the process of recognizing a successor or
21 reincarnation of the 14th Dalai Lama and any future
22 Dalai Lamas would represent a clear abuse of the right
23 to religious freedom of Tibetan Buddhists and the Tibetan
24 people”.

1 (b) INTERNATIONAL EFFORTS TO PROTECT RELI-
2 GIOUS FREEDOM OF TIBETAN BUDDHISTS.—The Sec-
3 retary of State should engage with United States allies
4 and partners to—

5 (1) support Tibetan Buddhist religious leaders'
6 sole religious authority to identify and install the
7 15th Dalai Lama;

8 (2) oppose claims by the Government of the
9 People's Republic of China that the PRC has the
10 authority to decide for Tibetan Buddhists the 15th
11 Dalai Lama; and

12 (3) reject interference by the Government of the
13 People's Republic of China in the religious freedom
14 of Tibetan Buddhists.

15 **SEC. 3308. SENSE OF CONGRESS ON TREATMENT OF**
16 **UYGHURS AND OTHER ETHNIC MINORITIES**
17 **IN THE XINJIANG UYGHUR AUTONOMOUS RE-**
18 **GION.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) The Uyghurs are one of several predomi-
22 nantly Muslim Turkic groups living in the Xinjiang
23 Uyghur Autonomous Region (XUAR) in the north-
24 west of the People's Republic of China (PRC).

1 (2) Following Uyghur demonstrations and un-
2 rest in 2009 and clashes with government security
3 personnel and other violent incidents in subsequent
4 years, PRC leaders sought to “stabilize” the XUAR
5 through large-scale arrests and extreme security
6 measures, under the pretext of combatting alleged
7 terrorism, religious extremism, and ethnic sepa-
8 ratism.

9 (3) In May 2014, the PRC launched its “Strike
10 Hard Against Violent Extremism” campaign, which
11 placed further restrictions on and facilitated addi-
12 tional human rights violations against minorities in
13 the XUAR under the pretext of fighting terrorism.

14 (4) In August 2016, Chinese Communist Party
15 (CCP) Politburo member Chen Quanguo, former
16 Tibet Autonomous Region (TAR) Party Secretary,
17 known for overseeing intensifying security operations
18 and human rights abuses in the TAR, was appointed
19 as Party Secretary of the XUAR.

20 (5) Beginning in 2017, XUAR authorities have
21 sought to forcibly “assimilate” Uyghurs and other
22 Turkic minorities into Chinese society through a pol-
23 icy of cultural erasure known as “Sinicization”.

24 (6) Since 2018, credible reporting including
25 from the BBC, France24, and the New York Times

1 has shown that the Government of the PRC has
2 built mass internment camps in the XUAR, which it
3 calls “vocational training” centers, and detained
4 Uyghurs and other groups in them and other facili-
5 ties.

6 (7) Since 2015, XUAR authorities have arbi-
7 trarily detained an estimated 1,500,000 Uyghurs—
8 12.5 percent of the XUAR’s official Uyghur popu-
9 lation of 12,000,000—and a smaller number of
10 other ethnic minorities in the “vocational training”
11 centers and other detention and pre-detention facili-
12 ties.

13 (8) In 2017, the XUAR accounted for less than
14 two percent of the PRC’s total population but 21
15 percent of all arrests in China.

16 (9) The Atlantic, Radio Free Asia, and other
17 sources have revealed that detainees are forced to re-
18 nounce many of their Islamic beliefs and customs
19 and repudiate Uyghur culture, language, and iden-
20 tity.

21 (10) Investigations by Human Rights Watch
22 and other human rights organizations have docu-
23 mented how detainees are subject to political indoc-
24 trination, forced labor, crowded and unsanitary con-
25 ditions, involuntary biometric data collection, both

1 medical neglect and intrusive medical interventions,
2 food and water deprivation, beatings, sexual violence,
3 and torture.

4 (11) Research by the Australian Strategic Pol-
5 icy Institute suggests that, since late 2019, many
6 detainees have been placed in higher security facili-
7 ties and convicted of formal crimes.

8 (12) Human Rights Watch has reported that
9 the PRC uses data collection programs, including fa-
10 cial recognition technology, to surveil Uyghurs in the
11 XUAR and to identify individuals whom authorities
12 may detain.

13 (13) PRC authorities have placed countless
14 children whose parents are detained or in exile in
15 state-run institutions and boarding schools without
16 the consent of their parents.

17 (14) New York Times reporting revealed that
18 numerous local PRC officials who did not agree with
19 the policies carried out in XUAR have been fired
20 and imprisoned.

21 (15) Associated Press reporting documented
22 widespread and systemic efforts by PRC authorities
23 to force Uyghur women to take contraceptives or to
24 subject them to sterilization or abortion, threatening
25 to detain those who do not comply.

1 (16) PRC authorities prohibit family members
2 and advocates inside and outside China from having
3 regular communications with relatives and friends
4 imprisoned in the XUAR, such as journalist and en-
5 trepreneur Ekpar Asat.

6 (17) PRC authorities have imposed pervasive
7 restrictions on the peaceful practice of Islam in the
8 XUAR, to the extent that Human Rights Watch as-
9 serts the PRC “has effectively outlawed the practice
10 of Islam”.

11 (18) Individuals who are not detained in camps
12 have been forced to attend political indoctrination
13 sessions, subjected to movement restrictions, mass
14 surveillance systems, involuntary biometric data col-
15 lection, and other human rights abuses.

16 (19) International media, nongovernmental or-
17 ganizations, scholars, families, and survivors have
18 reported on the systemic nature of many of these
19 abuses.

20 (20) On June 26, 2020, a group of 50 inde-
21 pendent United Nations experts jointly expressed
22 alarm over China’s deteriorating human rights
23 record, including its repression in Xinjiang, and
24 called on the international community “to act collec-

1 tively and decisively to ensure China respects human
2 rights and abides by its international obligations”.

3 (21) On October 6, 2020, 39 United Nations
4 member countries issued a public statement con-
5 demning human rights violations by PRC authorities
6 and calling on the PRC to allow the United Nations
7 High Commissioner for Human Rights unfettered
8 access to Xinjiang.

9 (22) The United States Congress passed the
10 Uyghur Human Rights Policy Act of 2020 (Public
11 Law 116–145).

12 (23) The United States Congress passed the
13 Global Magnitsky Human Rights Accountability Act
14 (subtitle F of title XII of Public Law 114–328; 22
15 U.S.C. 2656 note), which has been used to sanction
16 PRC officials and entities for their activities in the
17 XUAR.

18 (24) The United States Government has imple-
19 mented additional targeted restrictions on trade with
20 Xinjiang and imposed visa and economic sanctions
21 on PRC officials and entities for their activities in
22 the XUAR.

23 (25) The United States Government has docu-
24 mented human rights abuses and violations of indi-
25 vidual freedoms in the XUAR, including in the 2019

1 Department of State Report on International Reli-
2 gious Freedom.

3 (26) On January 19, 2021, then-Secretary of
4 State Michael Pompeo “determined that the PRC,
5 under the direction and control of the CCP, has
6 committed genocide against the predominantly Mus-
7 lim Uyghurs and other ethnic and religious minority
8 groups in Xinjiang”.

9 (27) On January 19, 2021, during his con-
10 firmation hearing, Secretary of State Antony
11 Blinken testified that “forcing men, women, and
12 children into concentration camps, trying to in effect
13 reeducate them to be adherents to the Chinese Com-
14 munist Party—all of that speaks to an effort to
15 commit genocide”.

16 (28) On January 19, 2021, Secretary of the
17 Treasury Janet L. Yellen, during her confirmation
18 hearing, publicly stated that China is guilty of “hor-
19 rendous human rights abuses”.

20 (29) On January 27, 2021, in response to a
21 question from the press regarding the Uyghurs, Sec-
22 retary Blinken stated that his “judgement remains
23 that genocide was committed against the Uyghurs”.

24 (30) On March 10, 2021, in response to a ques-
25 tion on Xinjiang during his testimony before the

1 Committee on Foreign Affairs of the House of Rep-
2 resentatives, Secretary Blinken reiterated, “We’ve
3 been clear, and I’ve been clear, that I see it as geno-
4 cide, other egregious abuses of human rights, and
5 we’ll continue to make that clear.”.

6 (31) The 2020 Department of State Country
7 Reports on Human Rights Practices: China states
8 that “[g]enocide and crimes against humanity oc-
9 curred during the year against the predominantly
10 Muslim Uyghurs and other ethnic and religious mi-
11 nority groups in Xinjiang”.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) the atrocities committed by the CCP
15 against Uyghurs and other predominantly Muslim
16 Turkic groups in Xinjiang, including forced labor,
17 sexual violence, the internment of over 1,000,000 in-
18 dividuals, and other horrific abuses must be con-
19 demned;

20 (2) the President, the Secretary of State, and
21 the United States Ambassador to the United Na-
22 tions should speak publicly about the ongoing
23 human rights abuses in the XUAR, including in for-
24 mal speeches at the United Nations and other inter-
25 national fora;

1 (3) the President, the Secretary of State, and
2 the United States Ambassador to the United Na-
3 tions should appeal to the United Nations Secretary-
4 General to take a more proactive and public stance
5 on the situation in the XUAR, including by sup-
6 porting calls for an investigation and accountability
7 for individuals and entities involved in abuses
8 against the people of the XUAR;

9 (4) the United States should continue to use
10 targeted sanctions and all diplomatic tools available
11 to hold those responsible for the atrocities in
12 Xinjiang to account;

13 (5) United States agencies engaged with China
14 on trade, climate, defense, or other bilateral issues
15 should include human rights abuses in the XUAR as
16 a consideration in developing United States policy;

17 (6) the United States supports Radio Free Asia
18 Uyghur, the only Uyghur-language news service in
19 the world independent of Chinese government influ-
20 ence; and

21 (7) the United States recognizes the repeated
22 requests from the United Nations High Commis-
23 sioner for Human Rights for unfettered access to
24 the XUAR and the PRC's refusal to comply, and
25 therefore—

1 (A) PRC authorities must allow unfettered
2 access by the United Nations Office of the High
3 Commissioner for Human Rights to the XUAR;

4 (B) the United States should urge collabo-
5 rative action between the United States Govern-
6 ment and international partners to pressure
7 PRC authorities to allow unfettered access to
8 the XUAR;

9 (C) the President, the Secretary of State,
10 and the United States Ambassador to the
11 United Nations should simultaneously outline a
12 strategy to investigate the human rights abuses
13 and crimes that have taken place in the XUAR,
14 collect evidence, and transfer the evidence to a
15 competent court; and

16 (D) United States partners and allies
17 should undertake similar strategies in an effort
18 to build an international investigation outside of
19 the PRC if PRC authorities do not comply with
20 a United Nations investigation in the XUAR.

1 **SEC. 3309. DEVELOPMENT AND DEPLOYMENT OF INTERNET**
2 **FREEDOM AND GREAT FIREWALL CIR-**
3 **CUMVENTION TOOLS FOR THE PEOPLE OF**
4 **HONG KONG.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The People’s Republic of China has repeat-
8 edly violated its obligations under the Joint Declara-
9 tion by suppressing the basic rights and freedoms of
10 Hong Kongers.

11 (2) On June 30, 2020, the National People’s
12 Congress passed a “National Security Law” that
13 further erodes Hong Kong’s autonomy and enables
14 authorities to suppress dissent.

15 (3) The Government of the People’s Republic of
16 China continues to utilize the National Security Law
17 to undermine the fundamental rights of the people
18 of Hong Kong through suppression of the freedom
19 of speech, assembly, religion, and the press.

20 (4) Article 9 of the National Security Law au-
21 thORIZES unprecedented regulation and supervision of
22 internet activity in Hong Kong, including expanded
23 police powers to force internet service providers to
24 censor content, hand over user information, and
25 block access to platforms.

1 (5) On January 13, 2021, the Hong Kong
2 Broadband Network blocked public access to HK
3 Chronicles, a website promoting pro-democracy view-
4 points, under the authorities of the National Secu-
5 rity Law.

6 (6) On February 12, 2021, internet service pro-
7 viders blocked access to the Taiwan Transitional
8 Justice Commission website in Hong Kong.

9 (7) Major tech companies including Facebook,
10 Twitter, WhatsApp and Google have stopped review-
11 ing requests for user data from Hong Kong authori-
12 ties.

13 (8) On February 28, 2021, 47 pro-democracy
14 activists in Hong Kong were arrested and charged
15 under the National Security Law on the charge of
16 “conspiracy to commit subversion”.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the United States should—

19 (1) support the ability of the people of Hong
20 Kong to maintain their freedom to access informa-
21 tion online; and

22 (2) focus on investments in technologies that
23 facilitate the unhindered exchange of information in
24 Hong Kong in advance of any future efforts by the
25 Chinese Communist Party—

- 1 (A) to suppress internet access;
2 (B) to increase online censorship; or
3 (C) to inhibit online communication and
4 content-sharing by the people of Hong Kong.

5 (c) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Foreign Relations of
10 the Senate;

11 (B) the Committee on Appropriations of
12 the Senate;

13 (C) the Select Committee on Intelligence of
14 the Senate;

15 (D) the Committee on Foreign Affairs of
16 the House of Representatives;

17 (E) the Committee on Appropriations of
18 the House of Representatives; and

19 (F) the Permanent Select Committee on
20 Intelligence of the House of Representatives.

21 (2) WORKING GROUP.—The term “working
22 group” means—

23 (A) the Under Secretary of State for Civil-
24 ian Security, Democracy, and Human Rights;

1 (B) the Assistant Secretary of State for
2 East Asian and Pacific Affairs;

3 (C) the Chief Executive Officer of the
4 United States Agency for Global Media and the
5 President of the Open Technology Fund; and

6 (D) the Administrator of the United States
7 Agency for International Development.

8 (3) JOINT DECLARATION.—The term “Joint
9 Declaration” means the Joint Declaration of the
10 Government of the United Kingdom of Great Britain
11 and Northern Ireland and the Government of the
12 People’s Republic of China on the Question of Hong
13 Kong, done at Beijing on December 19, 1984.

14 (d) HONG KONG INTERNET FREEDOM PROGRAM.—

15 (1) IN GENERAL.—The Secretary of State is
16 authorized to establish a working group to develop
17 a strategy to bolster internet resiliency and online
18 access in Hong Kong. The Secretary shall establish
19 a Hong Kong Internet Freedom Program in the Bu-
20 reau of Democracy, Human Rights, and Labor at
21 the Department of State. Additionally, the President
22 of the Technology Fund is authorized to establish a
23 Hong Kong Internet Freedom Program. These pro-
24 grams shall operate independently, but in strategic
25 coordination with other entities in the working

1 group. The Open Technology Fund shall remain
2 independent from Department of State direction in
3 its implementation of this, and any other Internet
4 Freedom Programs.

5 (2) INDEPENDENCE.—During the period begin-
6 ning on the date of the enactment of this Act and
7 ending on September 30, 2023, the Program shall
8 be carried out independent from the mainland China
9 internet freedom portfolios in order to focus on sup-
10 porting liberties presently enjoyed by the people of
11 Hong Kong.

12 (3) CONSOLIDATION OF DEPARTMENT OF
13 STATE PROGRAM.—Beginning on October 1, 2023,
14 the Secretary of State may—

15 (A) consolidate the Program with the
16 mainland China initiatives in the Bureau of De-
17 mocracy, Human Rights, and Labor; or

18 (B) continue to carry out the Program in
19 accordance with paragraph (2).

20 (4) CONSOLIDATION OF OPEN TECHNOLOGY
21 FUND PROGRAM.—Beginning on October 1, 2023,
22 the President of the Open Technology Fund may—

23 (A) consolidate the Program with the
24 mainland China initiatives in the Open Tech-
25 nology Fund; or

1 (B) continue to carry out the Program in
2 accordance with paragraph (2).

3 (e) SUPPORT FOR INTERNET FREEDOM TECH-
4 NOLOGY PROGRAMS.—

5 (1) GRANTS AUTHORIZED.—

6 (A) IN GENERAL.—The Secretary of State,
7 working through the Bureau of Democracy,
8 Human Rights, and Labor, and the Open Tech-
9 nology Fund, separately and independently
10 from the Secretary of State, are authorized to
11 award grants and contracts to private organiza-
12 tions to support and develop programs in Hong
13 Kong that promote or expand—

14 (i) open, interoperable, reliable and
15 secure internet; and

16 (ii) the online exercise of human
17 rights and fundamental freedoms of indi-
18 vidual citizens, activists, human rights de-
19 fenders, independent journalists, civil soci-
20 ety organizations, and marginalized popu-
21 lations in Hong Kong.

22 (B) GOALS.—The goals of the programs
23 developed with grants authorized under sub-
24 paragraph (A) should be—

1 (i) to make the internet available in
2 Hong Kong;

3 (ii) to increase the number of the
4 tools in the technology portfolio;

5 (iii) to promote the availability of such
6 technologies and tools in Hong Kong;

7 (iv) to encourage the adoption of such
8 technologies and tools by the people of
9 Hong Kong;

10 (v) to scale up the distribution of such
11 technologies and tools throughout Hong
12 Kong;

13 (vi) to prioritize the development of
14 tools, components, code, and technologies
15 that are fully open-source, to the extent
16 practicable;

17 (vii) to conduct research on repressive
18 tactics that undermine internet freedom in
19 Hong Kong;

20 (viii) to ensure digital safety guidance
21 and support is available to repressed indi-
22 vidual citizens, human rights defenders,
23 independent journalists, civil society orga-
24 nizations and marginalized populations in
25 Hong Kong; and

1 (ix) to engage American private indus-
2 try, including e-commerce firms and social
3 networking companies, on the importance
4 of preserving internet access in Hong
5 Kong.

6 (C) GRANT RECIPIENTS.—Grants author-
7 ized under this paragraph shall be distributed
8 to multiple vendors and suppliers through an
9 open, fair, competitive, and evidence-based deci-
10 sion process—

11 (i) to diversify the technical base; and
12 (ii) to reduce the risk of misuse by
13 bad actors.

14 (D) SECURITY AUDITS.—New technologies
15 developed using grants from this paragraph
16 shall undergo comprehensive security audits to
17 ensure that such technologies are secure and
18 have not been compromised in a manner detri-
19 mental to the interests of the United States or
20 to individuals or organizations benefitting from
21 programs supported by the Open Technology
22 Fund.

23 (2) FUNDING SOURCE.—The Secretary of State
24 is authorized to expend funds from the Human
25 Rights and Democracy Fund of the Bureau of De-

1 mocracy, Human Rights, and Labor of the Depart-
2 ment of State during fiscal year 2020 for grants au-
3 thorized under paragraph (1) at any entity in the
4 working group.

5 (3) AUTHORIZATION OF APPROPRIATIONS.—

6 (A) OPEN TECHNOLOGY FUND.—In addi-
7 tion to the funds authorized to be expended
8 pursuant to paragraph (2), there are authorized
9 to be appropriated to the Open Technology
10 Fund \$5,000,000 for each of fiscal years 2022
11 and 2023 to carry out this subsection. This
12 funding is in addition to the funds authorized
13 for the Open Technology Fund through the Na-
14 tional Defense Authorization Act for Fiscal
15 Year 2021 (Public Law 116–92).

16 (B) BUREAU OF DEMOCRACY, HUMAN
17 RIGHTS, AND LABOR.—In addition to the funds
18 authorized to be expended pursuant to para-
19 graph (2), there are authorized to be appro-
20 priated to the Office of Internet Freedom Pro-
21 grams in the Bureau of Democracy, Human
22 Rights, and Labor of the Department of State
23 \$10,000,000 for each of fiscal years 2022 and
24 2023 to carry out this section.

1 (C) AVAILABILITY.—Amounts appro-
2 priated pursuant to subparagraphs (A) and (B)
3 shall remain available until expended.

4 (f) STRATEGIC PLANNING REPORT.—Not later than
5 120 days after the date of the enactment of this Act, the
6 Secretary of State and the working group shall submit a
7 classified report to the appropriate committees of Con-
8 gress that—

9 (1) describes the Federal Government’s plan to
10 bolster and increase the availability of Great Fire-
11 wall circumvention and internet freedom technology
12 in Hong Kong during fiscal year 2022;

13 (2) outlines a plan for—

14 (A) supporting the preservation of an
15 open, interoperable, reliable, and secure internet
16 in Hong Kong;

17 (B) increasing the supply of the technology
18 referred to in paragraph (1);

19 (C) accelerating the dissemination of such
20 technology;

21 (D) promoting the availability of internet
22 freedom in Hong Kong;

23 (E) utilizing presently-available tools in the
24 existing relevant portfolios for further use in
25 the unique context of Hong Kong;

1 (F) expanding the portfolio of tools in
2 order to diversify and strengthen the effective-
3 ness and resiliency of the circumvention efforts;

4 (G) providing training for high-risk groups
5 and individuals in Hong Kong; and

6 (H) detecting analyzing, and responding to
7 new and evolving censorship threats;

8 (3) includes a detailed description of the tech-
9 nical and fiscal steps necessary to safely implement
10 the plans referred to in paragraphs (1) and (2), in-
11 cluding an analysis of the market conditions in
12 Hong Kong;

13 (4) describes the Federal Government's plans
14 for awarding grants to private organizations for the
15 purposes described in subsection (e)(1)(A);

16 (5) outlines the working group's consultations
17 regarding the implementation of this section to en-
18 sure that all Federal efforts are aligned and well co-
19 ordinated; and

20 (6) outlines the Department of State's strategy
21 to influence global internet legal standards at inter-
22 national organizations and multilateral fora.

1 **SEC. 3310. ENHANCING TRANSPARENCY ON INTER-**
2 **NATIONAL AGREEMENTS AND NON-BINDING**
3 **INSTRUMENTS.**

4 (a) IN GENERAL.—Section 112b of title 1, United
5 States Code, is amended—

6 (1) in the section heading, by striking “**trans-**
7 **mission to Congress**” and inserting “**trans-**
8 **parency provisions**”;

9 (2) in subsection (a)—

10 (A) by striking “The Secretary” and all
11 that follows through “notice from the Presi-
12 dent.”; and

13 (B) by striking “any international agree-
14 ment on behalf of the United States shall trans-
15 mit” and all that follows through the period at
16 the end and inserting the following: “any inter-
17 national agreement or qualifying non-binding
18 instrument on behalf of itself or the United
19 States shall—

20 “(1) provide to the Secretary the text of each
21 international agreement not later than 30 calendar
22 days after the date on which such agreement is
23 signed;

24 “(2) provide to the Secretary the text of each
25 qualifying non-binding instrument not later than 30

1 calendar days after the date of the written commu-
2 nication described in subsection (m)(3)(A)(ii); and

3 “(3) on an ongoing basis, provide any imple-
4 menting material to the Secretary for transmittal to
5 the appropriate congressional committees as needed
6 to satisfy the requirements described in subsection
7 (c).”;

8 (3) by striking subsection (b);

9 (4) by redesignating subsections (a), (c), (d),
10 (f), and (g) as subsections (d), (g), (j), (k), and (l),
11 respectively;

12 (5) by inserting before subsection (d), as reded-
13 icated by paragraph (4), the following:

14 “(a)(1) Not less frequently than once each month, the
15 Secretary, through the Legal Adviser of the Department
16 of State, shall provide to the appropriate congressional
17 committees the following:

18 “(A)(i) A list of all international agreements
19 and qualifying non-binding instruments approved for
20 negotiation by the Secretary or another Department
21 of State officer at the Assistant Secretary level or
22 higher during the prior month.

23 “(ii) A description of the intended subject mat-
24 ter and parties to or participants for each inter-

1 national agreement and qualifying non-binding in-
2 strument listed pursuant to clause (i).

3 “(B)(i) A list of all international agreements and
4 qualifying non-binding instruments signed, concluded, or
5 otherwise finalized with a foreign party or participant dur-
6 ing the prior month.

7 “(ii) The text of all international agreements and
8 qualifying non-binding instruments described in clause (i).

9 “(iii) A description of the primary legal authority
10 that, in the view of the Secretary, provides authorization
11 for all international agreements and qualifying non-bind-
12 ing instruments provided under clause (ii) to become oper-
13 ative. If multiple authorities are relied upon, the Secretary
14 shall cite all such authorities and identify a primary au-
15 thority. All citations to a treaty or statute shall include
16 the specific article or section and subsection reference
17 whenever available and, if not available, shall be as specific
18 as possible. If the primary authority relied upon is article
19 II of the Constitution of the United States, the Secretary
20 shall explain the basis for that reliance.

21 “(C)(i) A list of all international agreements that en-
22 tered into force and qualifying non-binding instruments
23 that became operative for the United States during the
24 prior month.

1 “(ii) The text of all international agreements and
2 qualifying non-binding instruments described in clause (i).

3 “(iii) A statement describing any new or amended
4 statutory or regulatory authority anticipated to be re-
5 quired to fully implement each proposed international
6 agreement and qualifying non-binding instrument included
7 in the list described in clause (i).

8 “(iv) A statement of whether there were any opportu-
9 nities for public comment on the international agreement
10 or qualifying non-binding instrument prior to the conclu-
11 sion of such agreement or instrument.

12 “(2) The Secretary may provide any of the informa-
13 tion or texts of international agreements and qualifying
14 non-binding instruments required under paragraph (1) in
15 classified form if providing such information in unclassi-
16 fied form could reasonably be expected to cause damage
17 to the foreign relations or foreign activities of the United
18 States.

19 “(3) In the case of a general authorization issued for
20 the negotiation or conclusion of a series of agreements of
21 the same general type, the requirements of this subsection
22 may be satisfied by the provision of—

23 “(A) a single notification containing all the in-
24 formation required by this subsection; and

1 “(B) a list, to the extent described in such gen-
2 eral authorization, of the countries with which such
3 agreements are contemplated.

4 “(4)(A) The President may, on a case-by-case basis,
5 waive the requirements of this subsection with respect to
6 a specific international agreement or qualifying non-bind-
7 ing instrument if the President certifies to the appropriate
8 congressional committees that—

9 “(i) exercising the waiver authority is vital to
10 the negotiation of a particular international agree-
11 ment or qualifying non-binding instrument that is
12 itself vital to the national security interests of the
13 United States; and

14 “(ii) not later than 60 calendar days after the
15 date on which the President exercises the waiver au-
16 thority, the President or the President’s designee
17 will brief the Majority Leader and the Minority
18 Leader of the Senate, the Speaker and the Minority
19 Leader of the House of Representatives, and the
20 Chairs and Ranking Members of the appropriate
21 congressional committees on the scope and status of
22 the negotiation that is the subject of the waiver.

23 “(B) Not later than 60 calendar days after the date
24 on which the President exercises the waiver authority
25 under subparagraph (A), the President or the President’s

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1 designee shall brief the Majority Leader and the Minority
2 Leader of the Senate, the Speaker and the Minority Lead-
3 er of the House of Representatives, and the Chairs and
4 Ranking Members of the appropriate congressional com-
5 mittees on the scope and status of the negotiation that
6 is the subject of the waiver.

7 “(C) The certification required by subparagraph (A)
8 may be provided in classified form.

9 “(D) The President shall not delegate the waiver au-
10 thority or certification requirements under subparagraph
11 (A).

12 “(b)(1) Not less frequently than once each month, the
13 Secretary shall make the text of all international agree-
14 ments that entered into force and qualifying non-binding
15 instruments that became operative during the prior
16 month, and the information required by subparagraphs
17 (B)(iii) and clauses (iii) and (iv) of subsection (a)(1)(C),
18 available to the public on the website of the Department
19 of State.

20 “(2) The requirement under paragraph (1)—

21 “(A) shall not apply to any information, includ-
22 ing the text of an international agreement or quali-
23 fying non-binding instrument, that is classified; and

24 “(B) shall apply to any information, including
25 the text of an international agreement or qualifying

1 non-binding instrument, that is unclassified, except
2 that the information required by subparagraphs
3 (B)(iii) and clauses (iii) and (iv) of subsection
4 (a)(1)(C) shall not be subject to the requirement
5 under paragraph (1) if the international agreement
6 or qualifying non-binding instrument to which it re-
7 lates is classified.

8 “(3)(A) Not less frequently than once every 3
9 months, for all non-binding instruments that become oper-
10 ative and in which Department of State personnel or re-
11 sources, including personnel or resources subject to chief
12 of mission authority, were involved in the negotiation of
13 such instruments, the Secretary shall—

14 “(i) make the text of all such unclassified non-
15 binding instruments available to the public on the
16 website of the Department of State; and

17 “(ii) transmit the text of all such classified non-
18 binding instruments to the appropriate congressional
19 committees.

20 “(B) The requirements under subparagraph (A) shall
21 not apply to a non-binding instrument if the Secretary de-
22 termines that such instrument is a minor undertaking.
23 The Secretary shall submit any such determination to the
24 appropriate congressional committees not later than 30
25 calendar days after the date on which such instrument is

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1 signed or approved and provide in such submission the
2 name of the instrument and a description of the instru-
3 ment's scope, substance, and participants. The Secretary
4 may provide such determination in classified form if pro-
5 viding such information in unclassified form could reason-
6 ably be expected to cause damage to the foreign relations
7 or foreign activities of the United States.

8 “(C) The requirements under subparagraph (A) shall
9 not apply to any non-binding instruments that become op-
10 erative pursuant to the authorities provided in title 10 or
11 the authorities provided to the agencies described in sec-
12 tion 3(4) of the National Security Act of 1947 (50 U.S.C.
13 3003(4)).

14 “(c) For any international agreement or qualifying
15 non-binding arrangement, not later than 30 calendar days
16 after the date on which the Secretary receives a written
17 communication from the Chair or Ranking Member of ei-
18 ther of the appropriate congressional committees request-
19 ing copies of any implementing agreements or arrange-
20 ments, whether binding or non-binding, the Secretary shall
21 submit such implementing agreements or arrangements to
22 the appropriate congressional committees.”;

23 (6) by striking subsection (e) and inserting the
24 following:

1 “(e)(1) Each department or agency of the United
2 States Government that enters into any international
3 agreement or qualifying non-binding instrument on behalf
4 of itself or the United States shall designate a Chief Inter-
5 national Agreements Officer, who shall—

6 “(A) be selected from among employees of such
7 department or agency;

8 “(B) serve concurrently as the Chief Inter-
9 national Agreements Officer; and

10 “(C) subject to the authority of the head of
11 such department or agency, have department- or
12 agency-wide responsibility for efficient and appro-
13 priate compliance with this section.

14 “(2) The Chief International Agreements Officer of
15 the Department of State shall serve in the Office of the
16 Legal Adviser with the title of International Agreements
17 Compliance Officer.

18 “(f) Texts of oral international agreements and quali-
19 fying non-binding instruments shall be reduced to writing
20 and subject to the requirements of subsection (a).”;

21 (7) in subsection (g), as redesignated by para-
22 graph (4), by striking “of State”;

23 (8) by inserting after subsection (g), as so re-
24 designated, the following:

1 “(h)(1) Notwithstanding any other provision of law,
2 no amounts appropriated to the Department of State
3 under any law shall be available for obligation or expendi-
4 ture to conclude or implement or to support the conclusion
5 or implementation of (including through the use of per-
6 sonnel or resources subject to the authority of a chief of
7 mission) a particular international agreement, other than
8 to facilitate compliance with this section, until the Sec-
9 retary satisfies the substantive requirements in subsection
10 (a) with respect to that particular international agree-
11 ment.

12 “(2) Paragraph (1) shall take effect on October 1,
13 2022.

14 “(i)(1) Not later than 3 years after the date of the
15 enactment of this Act, and not less frequently than once
16 every 2 years thereafter, the Comptroller General of the
17 United States shall conduct an audit of the compliance
18 of the Secretary with the requirements of this section.

19 “(2) In any instance in which a failure by the Sec-
20 retary to comply with such requirements is determined by
21 the Comptroller General to have been due to the failure
22 or refusal of another agency to provide information or ma-
23 terial to the Department of State, or the failure to do so
24 in a timely manner, the Comptroller General shall engage
25 such other agency to determine—

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1 “(A) the cause and scope of such failure or re-
2 fusal;

3 “(B) the specific office or offices responsible for
4 such failure or refusal; and

5 “(C) penalties or other recommendations for
6 measures to ensure compliance with statutory re-
7 quirements.

8 “(3) The Comptroller General shall submit to the ap-
9 propriate congressional committees the results of each
10 audit required by paragraph (1).

11 “(4) The Comptroller General and the Secretary shall
12 make the results of each audit required by paragraph (1)
13 publicly available on the websites of the Government Ac-
14 countability Office and the Department of State, respec-
15 tively.”;

16 (9) in subsection (j), as redesignated by para-
17 graph (4)—

18 (A) in paragraph (1)—

19 (i) by striking “The Secretary of
20 State shall annually submit to Congress”
21 and inserting “Not later than February 1
22 of each year, the Secretary shall submit to
23 the appropriate congressional committees”;
24 and

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1 (ii) by striking “an index of” and all
2 that follows through the period at the end
3 and inserting the following: “a list of—

4 “(A) all international agreements and quali-
5 fying non-binding instruments that were signed or
6 otherwise concluded, entered into force or otherwise
7 became operative, or that were modified or otherwise
8 amended during the preceding calendar year; and

9 “(B) for each agreement and instrument in-
10 cluded in the list under subparagraph (A)—

11 “(i) the dates of any action described in
12 such subparagraph;

13 “(ii) the title of the agreement or instru-
14 ment; and

15 “(iii) a summary of the agreement or in-
16 strument (including a description of the dura-
17 tion of activities under the agreement or instru-
18 ment and a description of the agreement or in-
19 strument).”;

20 (B) in paragraph (2), by striking “may be
21 submitted in classified form” and inserting
22 “shall be submitted in unclassified form, but
23 may include a classified annex”; and

24 (C) by adding at the end the following:

1 “(3)(A) The Secretary should make the report, except
2 for any classified annex, available to the public on the
3 website of the Department of State.

4 “(B) Not later than February 1 of each year, the Sec-
5 retary shall make available to the public on the website
6 of the Department of State each part of the report involv-
7 ing an international agreement or qualifying non-binding
8 instrument that entered into force or became operative
9 during the preceding calendar year, except for any classi-
10 fied annex or information contained therein.

11 “(4) Not less frequently than once every 3 months,
12 the Secretary shall brief the appropriate congressional
13 committees on developments with regard to non-binding
14 instruments that have an important effect on the foreign
15 relations of the United States.”; and

16 (10) in subsection (l), as redesignated by para-
17 graph (4)—

18 (A) by striking “or executive agreement”
19 and inserting “, executive agreement”; and

20 (B) by inserting “, or non-binding instru-
21 ment” after “agreement”; and

22 (11) by adding after subsection (l), as redesign-
23 dated by paragraph (4), the following:

24 “(m) In this section:

1 “(1) The term ‘appropriate congressional com-
2 mittees’ means—

3 “(A) the Committee on Foreign Relations
4 of the Senate; and

5 “(B) the Committee on Foreign Affairs of
6 the House of Representatives.

7 “(2) The term ‘international agreement’ in-
8 cludes—

9 “(A) treaties that require the advice and
10 consent of the Senate, pursuant to article II of
11 the Constitution of the United States; and

12 “(B) other international agreements to
13 which the United States is a party and which
14 are not subject to the advice and consent of the
15 Senate.

16 “(3)(A) The term ‘qualifying non-binding in-
17 strument’ means a non-binding instrument that—

18 “(i) is signed or otherwise becomes opera-
19 tive with one or more foreign governments,
20 international organizations, or foreign entities,
21 including non-state actors; and

22 “(ii) is the subject of a written communica-
23 tion from the Chair or Ranking Member of ei-
24 ther of the appropriate congressional commit-
25 tees to the Secretary.

1 “(B) The term ‘qualifying non-binding instru-
2 ment’ does not include any non-binding instrument
3 that is signed or otherwise becomes operative pursu-
4 ant to the authorities provided in title 10 or the au-
5 thorities provided to the agencies described in sec-
6 tion 3(4) of the National Security Act of 1947 (50
7 U.S.C. 3003(4)).

8 “(4) The term ‘Secretary’ means the Secretary
9 of State.

10 “(5)(A) The term ‘text of the international
11 agreement or qualifying non-binding instrument’ in-
12 cludes—

13 “(i) any annex, appendix, codicil, side
14 agreement, side letter, or any document of simi-
15 lar purpose or function to the aforementioned
16 regardless of the title of the document; or

17 “(ii) any related agreement or non-binding
18 instrument, including implementing agreements
19 and arrangements, whether entered into con-
20 temporaneously and in conjunction with the
21 international agreement or qualifying non-bind-
22 ing instrument.

23 “(B) Under subparagraph (A)(ii), the term
24 ‘contemporaneously and in conjunction with’ shall be

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1 construed liberally and shall not be interpreted to
2 mean simultaneously or on the same day.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 2 of title 1, United States
5 Code, is amended by striking the item relating to section
6 112b and inserting the following:

“112b. United States international agreements; transparency provisions.”.

7 (c) CONFORMING AMENDMENT.—Section 317(h)(2)
8 of the Homeland Security Act of 2002 (6 U.S.C.
9 195c(h)(2)) is amended by striking “Section 112b(c)” and
10 inserting “Section 112b(g)”.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Department of State
13 \$1,000,000 for each of fiscal years 2022 through 2026
14 for purposes of implementing the requirements of section
15 112b of title 1, United States Code, as amended by this
16 section.

17 (e) RULES AND REGULATIONS.—Not later than six
18 months from the date of the enactment of this Act, the
19 President shall, through the Secretary of State, promul-
20 gate such rules and regulations as may be necessary to
21 carry section 112b of title 1, United States Code, as
22 amended by this section.

1 **SEC. 3311. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
2 **TECTING HUMAN RIGHTS IN THE PEOPLE'S**
3 **REPUBLIC OF CHINA.**

4 (a) IN GENERAL.—Amounts authorized to be appro-
5 priated or otherwise made available to carry out section
6 409 of the Asia Reassurance Initiative (Public Law 115–
7 409) include programs that prioritize the protection and
8 advancement of the freedoms of association, assembly, re-
9 ligious, and expression for women, human rights activists,
10 and ethnic and religious minorities in the People's Repub-
11 lic of China.

12 (b) USE OF FUNDS.—Amounts appropriated pursu-
13 ant to subsection (a) may be used to fund nongovern-
14 mental agencies within the Indo-Pacific region that are fo-
15 cused on the issues described in subsection (a).

16 (c) CONSULTATION REQUIREMENT.—In carrying out
17 this section, the Assistant Secretary of Democracy,
18 Human Rights and Labor shall consult with the appro-
19 priate congressional committees and representatives of
20 civil society regarding—

21 (1) strengthening the capacity of the organiza-
22 tions referred to in subsection (b);

23 (2) protecting members of the groups referred
24 to in subsection (a) who have been targeted for ar-
25 rest, harassment, forced sterilizations, coercive abor-
26 tions, forced labor, or intimidation, including mem-

1 bers residing outside of the People’s Republic of
2 China; and

3 (3) messaging efforts to reach the broadest possible
4 audiences within the People’s Republic of
5 China about United States Government efforts to
6 protect freedom of association, expression, assembly,
7 and the rights of ethnic minorities.

8 **SEC. 3312. DIPLOMATIC BOYCOTT OF THE XXIV OLYMPIC**
9 **WINTER GAMES AND THE XIII PARALYMPIC**
10 **WINTER GAMES.**

11 (a) STATEMENT OF POLICY.—It shall be the policy
12 of the United States—

13 (1) to implement a diplomatic boycott of the
14 XXIV Olympic Winter Games and the XIII
15 Paralympic Winter Games in the PRC; and

16 (2) to call for an end to the Chinese Communist
17 Party’s ongoing human rights abuses, including the
18 Uyghur genocide.

19 (b) FUNDING PROHIBITION.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law, the Secretary of State may not obli-
22 gate or expend any Federal funds to support or fa-
23 cilitate the attendance of the XXIV Olympic Winter
24 Games or the XIII Paralympic Winter Games by
25 any employee of the United States Government.

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1 (2) EXCEPTION.—Paragraph (1) shall not
2 apply to the obligation or expenditure of Federal
3 funds necessary—

4 (A) to support—

5 (i) the United States Olympic and
6 Paralympic Committee;

7 (ii) the national governing bodies of
8 amateur sports; or

9 (iii) athletes, employees, or contrac-
10 tors of the Olympic and Paralympic Com-
11 mittee or such national governing bodies;
12 or

13 (B) to provide consular services or security
14 to, or otherwise protect the health, safety, and
15 welfare of, United States persons, employees,
16 contractors, and their families.

17 (3) WAIVER.—The Secretary of State may
18 waive the applicability of paragraph (1) in a cir-
19 cumstance in which the Secretary determines a waiv-
20 er is the national interest.

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1 **SEC. 3313. REPEAL OF SUNSET APPLICABLE TO AUTHORITY**
2 **UNDER GLOBAL MAGNITSKY HUMAN RIGHTS**
3 **ACCOUNTABILITY ACT.**

4 Section 1265 of the Global Magnitsky Human Rights
5 Accountability Act (Subtitle F of title XII of Public Law
6 114–328; 22 U.S.C. 2656 note) is repealed.

7 **TITLE IV—INVESTING IN OUR**
8 **ECONOMIC STATECRAFT**

9 **SEC. 3401. FINDINGS AND SENSE OF CONGRESS REGARD-**
10 **ING THE PRC’S INDUSTRIAL POLICY.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) The People’s Republic of China, at the di-
14 rection of the Chinese Communist Party, is advanc-
15 ing an ecosystem of anticompetitive economic and
16 industrial policies that—

17 (A) distort global markets;

18 (B) limit innovation;

19 (C) unfairly advantage PRC firms at the
20 expense of the United States and other foreign
21 firms; and

22 (D) unfairly and harmfully prejudice con-
23 sumer choice.

24 (2) Of the extensive and systemic economic and
25 industrial policies pursued by the PRC, the mass
26 subsidization of PRC firms, intellectual property

1 theft, and forced technology transfer are among the
2 most damaging to the global economy.

3 (3) Through regulatory interventions and direct
4 financial subsidies, the CCP, for the purposes of ad-
5 vancing national political and economic objectives,
6 directs, coerces, and influences in anti-competitive
7 ways the commercial activities of firms that are di-
8 rected, financed, influenced, or otherwise controlled
9 by the state, including state-owned enterprises, and
10 ostensibly independent and private Chinese compa-
11 nies, such as technology firms in strategic sectors.

12 (4) The PRC Government, at the national and
13 subnational levels, grants special privileges or status
14 to certain PRC firms in key sectors designated as
15 strategic, such as telecommunications, oil, power,
16 aviation, banking, and semiconductors. Enterprises
17 receive special state preferences in the form of favor-
18 able loans, tax exemptions, and preferential land ac-
19 cess from the CCP.

20 (5) The subsidization of PRC companies, as de-
21 scribed in paragraphs (3) and (4)—

22 (A) enables these companies to sell goods
23 below market prices, allowing them to outbid
24 and crowd out market-based competitors and
25 thereby pursue global dominance of key sectors;

1 (B) distorts the global market economy by
2 undermining longstanding and generally accept-
3 ed market-based principles of fair competition,
4 leading to barriers to entry and forced exit from
5 the market for foreign or private firms, not only
6 in the PRC, but in markets around the world;

7 (C) creates government-sponsored or sup-
8 ported de facto monopolies, cartels, and other
9 anti-market arrangements in key sectors, lim-
10 iting or removing opportunities for other firms;
11 and

12 (D) leads to, as a result of the issues de-
13 scribed in paragraphs (A) through (C), declines
14 in profits and revenue needed by foreign and
15 private firms for research and development.

16 (6) The CCP incentivizes and empowers PRC
17 actors to steal critical technologies and trade secrets
18 from private and foreign competitors operating in
19 the PRC and around the world, particularly in areas
20 that the CCP has identified as critical to advancing
21 PRC objectives. The PRC, as directed by the CCP,
22 also continues to implement anti-competitive regula-
23 tions, policies, and practices that coerce the
24 handover of technology and other propriety or sen-

1 sitive data from foreign enterprises to domestic
2 firms in exchange for access to the PRC market.

3 (7) Companies in the United States and in for-
4 foreign countries compete with state-subsidized PRC
5 companies that enjoy the protection and power of
6 the state in third-country markets around the world.
7 The advantages granted to PRC firms, combined
8 with significant restrictions to accessing the PRC
9 market itself, severely hamper the ability of United
10 States and foreign firms to compete, innovate, and
11 pursue the provision of best value to customers. The
12 result is an unbalanced playing field. Such an
13 unsustainable course, if not checked, will over time
14 lead to depressed competition around the world, re-
15 duced opportunity, and harm to both producers and
16 consumers.

17 (8) As stated in the United States Trade Rep-
18 resentative's investigation of the PRC's trade prac-
19 tices under section 301 of the Trade Act of 1974
20 (19 U.S.C. 2411), conducted in March 2018, "When
21 U.S. companies are deprived of fair returns on their
22 investment in IP, they are unable to achieve the
23 growth necessary to reinvest in innovation. In this
24 sense, China's technology transfer regime directly
25 burdens the innovation ecosystem that is an engine

1 of economic growth in the United States and simi-
2 larly-situated economies.”.

3 (9) In addition to forced technology transfers
4 described in this subsection, the United States
5 Trade Representative’s investigation of the PRC
6 under section 301 of the Trade Act of 1974 (19
7 U.S.C. 2411) also identified requirements that for-
8 eign firms license products at less than market
9 value, government-directed and government-sub-
10 sidized acquisition of sensitive technology for stra-
11 tegic purposes, and cyber theft as other key PRC
12 technology and industrial policies that are unreason-
13 able and discriminatory. These policies place at risk
14 United States intellectual property rights, innovation
15 and technological development, and jobs in dozens of
16 industries.

17 (10) Other elements of the PRC’s ecosystem of
18 industrial policies that harm innovation and distort
19 global markets include—

20 (A) advancement of policies that encourage
21 local production over imports;

22 (B) continuation of policies that favor
23 unique technical standards in use by PRC firms
24 rather than globally accepted standards, which

1 often force foreign firms to alter their products
2 and manufacturing chains to compete;

3 (C) requirements that foreign companies
4 disclose proprietary information to qualify for
5 the adoption of their standards for use in the
6 PRC domestic market; and

7 (D) maintenance of closed procurement
8 processes, which limit participation by foreign
9 firms, including by setting terms that require
10 such firms to use domestic suppliers, transfer
11 know-how to firms in the PRC, and disclose
12 proprietary information.

13 (11) The Belt and Road Initiative (BRI) and
14 associated industry-specific efforts under this initia-
15 tive, such as the Digital Silk Road, are key vectors
16 to advance the PRC's mercantilist policies and prac-
17 tices globally. The resulting challenges do not only
18 affect United States firms. As the European Cham-
19 ber of Commerce reported in a January 2020 report,
20 the combination of concessional lending to PRC
21 state-owned enterprises, nontransparent procure-
22 ment and bidding processes, closed digital standards,
23 and other factors severely limit European and other
24 participation in BRI and make "competition [with
25 PRC companies] in third-country markets extremely

1 challenging”. This underscores a key objective of
2 BRI, which is to ensure the reliance of infrastruc-
3 ture, digital technologies, and other important goods
4 on PRC supply chains and technical standards.

5 (12) On January 9, 2021, the Ministry of Com-
6 merce of the PRC issued Order No. 1 of 2021, enti-
7 tled “Rules on Counteracting Unjustified
8 Extraterritorial Application of Foreign Legislation
9 and other Measures”, which establishes a blocking
10 regime in response to foreign sanctions on Chinese
11 individuals and entities. That order allows the Gov-
12 ernment of the PRC to designate specific foreign
13 laws as “unjustified extraterritorial application of
14 foreign legislation” and to prohibit compliance with
15 such foreign laws.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the challenges presented by a nonmarket
19 economy like the PRC’s economy, which has cap-
20 tured such a large share of global economic ex-
21 change, are in many ways unprecedented and re-
22 quire sufficiently elevated and sustained long-term
23 focus and engagement;

24 (2) in order to truly address the most detri-
25 mental aspects of CCP-directed mercantilist eco-

1 nomic strategy, the United States must adopt poli-
2 cies that—

3 (A) expose the full scope and scale of intel-
4 lectual property theft and mass subsidization of
5 Chinese firms, and the resulting harm to the
6 United States, foreign markets, and the global
7 economy;

8 (B) ensure that PRC companies face costs
9 and consequences for anticompetitive behavior;

10 (C) provide options for affected United
11 States persons to address and respond to un-
12 reasonable and discriminatory CCP-directed in-
13 dustrial policies; and

14 (D) strengthen the protection of critical
15 technology and sensitive data, while still fos-
16 tering an environment that provides incentives
17 for innovation and competition;

18 (3) the United States must work with its allies
19 and partners through the Organization for Economic
20 Cooperation and Development (OECD), the World
21 Trade Organization, and other venues and fora—

22 (A) to reinforce long-standing generally ac-
23 cepted principles of fair competition and market
24 behavior and address the PRC's anticompetitive

1 economic and industrial policies that undermine
2 decades of global growth and innovation;

3 (B) to ensure that the PRC is not granted
4 the same treatment as that of a free-market
5 economy until it ceases the implementation of
6 laws, regulations, policies, and practices that
7 provide unfair advantage to PRC firms in fur-
8 therance of national objectives and impose un-
9 reasonable, discriminatory, and illegal burdens
10 on market-based international commerce; and

11 (C) to align policies with respect to curbing
12 state-directed subsidization of the private sec-
13 tor, such as advocating for global rules related
14 to transparency and adherence to notification
15 requirements, including through the efforts cur-
16 rently being advanced by the United States,
17 Japan, and the European Union;

18 (4) the United States and its allies and part-
19 ners must collaborate to provide incentives to their
20 respective companies to cooperate in areas such as—

21 (A) advocating for protection of intellectual
22 property rights in markets around the world;

23 (B) fostering open technical standards;
24 and

1 (C) increasing joint investments in over-
2 seas markets; and

3 (5) the United States should develop policies
4 that—

5 (A) insulate United States entities from
6 PRC pressure against complying with United
7 States laws;

8 (B) counter the potential impact of the
9 blocking regime of the PRC described in sub-
10 section (a)(12), including by working with allies
11 and partners of the United States and multilat-
12 eral institutions; and

13 (C) plan for future actions that the Gov-
14 ernment of the PRC may take to undermine the
15 lawful application of United States legal au-
16 thorities, including with respect to the use of
17 sanctions.

18 **SEC. 3402. INTELLECTUAL PROPERTY VIOLATORS LIST.**

19 (a) IN GENERAL.—Not later than one year after the
20 date of the enactment of this Act, and not less frequently
21 than annually thereafter for 5 years, the Secretary of
22 State, in coordination with the Secretary of Commerce,
23 the Attorney General, the United States Trade Represent-
24 ative, and the Director of National Intelligence, shall cre-

1 ate a list (referred to in this section as the “intellectual
2 property violators list”) that identifies—

3 (1) all centrally administered state-owned enter-
4 prises incorporated in the People’s Republic of
5 China that have benefitted from—

6 (A) a significant act or series of acts of in-
7 tellectual property theft that subjected a United
8 States economic sector or particular company
9 incorporated in the United States to harm; or

10 (B) an act or government policy of involun-
11 tary or coerced technology transfer of intellec-
12 tual property ultimately owned by a company
13 incorporated in the United States; and

14 (2) any corporate officer of, or principal share-
15 holder with controlling interests in, an entity de-
16 scribed in paragraph (1).

17 (b) RULES FOR IDENTIFICATION.—To determine
18 whether there is a credible basis for determining that a
19 company should be included on the intellectual property
20 violators list, the Secretary of State, in coordination with
21 the Secretary of Commerce, the United States Trade Rep-
22 resentative, and the Director of National Intelligence,
23 shall consider—

24 (1) any finding by a United States court that
25 the company has violated relevant United States

1 laws intended to protect intellectual property rights;
2 or

3 (2) substantial and credible information re-
4 ceived from any entity described in subsection (c) or
5 other interested persons.

6 (c) CONSULTATION.—In carrying out this section, the
7 Secretary of State, in coordination with the Secretary of
8 Commerce, the United States Trade Representative, and
9 the Director of National Intelligence, may consult, as nec-
10 essary and appropriate, with—

11 (1) other Federal agencies, including inde-
12 pendent agencies;

13 (2) the private sector;

14 (3) civil society organizations with relevant ex-
15 pertise; and

16 (4) the Governments of Australia, Canada, the
17 European Union, Japan, New Zealand, South
18 Korea, and the United Kingdom.

19 (d) REPORT.—

20 (1) IN GENERAL.—The Secretary of State shall
21 publish, in the Federal Register, an annual report
22 that—

23 (A) lists the companies engaged in the ac-
24 tivities described in subsection (a)(1); and

1 (B) describes the circumstances sur-
2 rounding actions described in subsection (a)(2),
3 including any role of the PRC government;

4 (C) assesses, to the extent practicable, the
5 economic advantage derived by the companies
6 engaged in the activities described in subsection
7 (a)(1); and

8 (D) assesses whether each company en-
9 gaged in the activities described in subsection
10 (a)(1) is using or has used the stolen intellec-
11 tual property in commercial activity in Aus-
12 tralia, Canada, the European Union, Japan,
13 New Zealand, South Korea, the United King-
14 dom, or the United States.

15 (2) FORM.—The report published under para-
16 graph (1) shall be unclassified, but may include a
17 classified annex.

18 (e) DECLASSIFICATION AND RELEASE.—The Direc-
19 tor of National Intelligence may authorize the declassifica-
20 tion of information, as appropriate, to inform the contents
21 of the report published pursuant to subsection (d).

22 (f) REQUIREMENT TO PROTECT BUSINESS-CON-
23 FIDENTIAL INFORMATION.—

24 (1) IN GENERAL.—The Secretary of State and
25 the heads of all other Federal agencies involved in

1 the production of the intellectual property violators
2 list shall protect from disclosure any proprietary in-
3 formation submitted by a private sector participant
4 and marked as business-confidential information,
5 unless the party submitting the confidential business
6 information—

7 (A) had notice, at the time of submission,
8 that such information would be released by the
9 Secretary; or

10 (B) subsequently consents to the release of
11 such information.

12 (2) NONCONFIDENTIAL VERSION OF REPORT.—
13 If confidential business information is provided by a
14 private sector participant, a nonconfidential version
15 of the report under subsection (d) shall be published
16 in the Federal Register that summarizes or deletes,
17 if necessary, the confidential business information.

18 (3) TREATMENT AS TRADE SECRETS.—Propri-
19 etary information submitted by a private party
20 under this section—

21 (A) shall be considered to be trade secrets
22 and commercial or financial information (as de-
23 fined under section 552(b)(4) of title 5, United
24 States Code); and

1 (B) shall be exempt from disclosure with-
2 out the express approval of the private party.

3 **SEC. 3403. GOVERNMENT OF THE PEOPLE'S REPUBLIC OF**
4 **CHINA SUBSIDIES LIST.**

5 (a) REPORT.—Not later than one year after the date
6 of the enactment of this Act, and annually thereafter for
7 5 years, the Secretary of State, in coordination with the
8 United States Trade Representative and the Secretary of
9 Commerce, shall publish an unclassified report in the Fed-
10 eral Register that identifies—

11 (1) subsidies provided by the PRC government
12 to enterprises in the PRC; and

13 (2) discriminatory treatment favoring enter-
14 prises in the PRC over foreign market participants.

15 (b) SUBSIDIES AND DISCRIMINATORY TREATMENT
16 DESCRIBED.—In compiling the report under subsection
17 (a), the Secretary of State shall consider—

18 (1) regulatory and other policies enacted or pro-
19 moted by the PRC government that—

20 (A) discriminate in favor of enterprises in
21 the PRC at the expense of foreign market par-
22 ticipants;

23 (B) shield centrally administered, state-
24 owned enterprises from competition; or

1 (C) otherwise suppress market-based com-
2 petition;

3 (2) financial subsidies, including favorable lend-
4 ing terms, from or promoted by the PRC govern-
5 ment or centrally administered, state-owned enter-
6 prises that materially benefit PRC enterprises over
7 foreign market participants in contravention of gen-
8 erally accepted market principles; and

9 (3) any subsidy that meets the definition of
10 subsidy under article 1 of the Agreement on Sub-
11 sidies and Countervailing Measures referred to in
12 section 101(d)(12) of the Uruguay Round Agree-
13 ments Act (19 U.S.C. 3511(d)(12)).

14 (c) CONSULTATION.—The Secretary of State, in co-
15 ordination with the Secretary of Commerce and the United
16 States Trade Representative, may, as necessary and ap-
17 propriate, consult with—

18 (1) other Federal agencies, including inde-
19 pendent agencies;

20 (2) the private sector; and

21 (3) civil society organizations with relevant ex-
22 pertise.

23 **SEC. 3404. COUNTERING FOREIGN CORRUPT PRACTICES.**

24 (a) IN GENERAL.—The Secretary of State, in coordi-
25 nation with the Attorney General, shall offer to provide

1 technical assistance to establish legislative and regulatory
2 frameworks to combat the bribery of foreign public offi-
3 cials consistent with the principles of the OECD Conven-
4 tion on Combating Bribery of Foreign Public Officials in
5 International Business Transactions to the governments
6 of countries—

7 (1) that are partners of the United States;

8 (2) that have demonstrated a will to combat
9 foreign corrupt practices responsibly; and

10 (3) for which technical assistance will have the
11 greatest opportunity to achieve measurable results.

12 (b) STRATEGY REQUIREMENT.—Not later than 90
13 days after the date of enactment of this Act, the Secretary
14 of State shall submit a strategy for carrying out the activi-
15 ties described in subsections (a) to the appropriate con-
16 gressional committees.

17 (c) COORDINATION.—In formulating the strategy de-
18 scribed in subsection (b), the Secretary of State shall co-
19 ordinate with the Attorney General.

20 (d) SEMIANNUAL BRIEFING REQUIREMENT.—Not
21 later than 180 days after the date of enactment of this
22 Act, and every 180 days thereafter for five years, the Sec-
23 retary of State shall provide a briefing regarding the ac-
24 tivities described in subsection (a) and the strategy sub-

1 mitted under subsection (b) to the appropriate congres-
2 sional committees.

3 **SEC. 3405. DEBT RELIEF FOR COUNTRIES ELIGIBLE FOR**
4 **ASSISTANCE FROM THE INTERNATIONAL DE-**
5 **VELOPMENT ASSOCIATION.**

6 (a) **POLICY STATEMENT.**—It is the policy of the
7 United States to coordinate with the international commu-
8 nity to provide debt relief for debt that is held by countries
9 eligible for assistance from the International Development
10 Association that request forbearance to respond to the
11 COVID–19 pandemic.

12 (b) **DEBT RELIEF.**—The Secretary of the Treasury,
13 in consultation with the Secretary of State, shall engage
14 with international financial institutions and other bilateral
15 official creditors to advance policy discussions on restruc-
16 turing, rescheduling, or canceling the sovereign debt of
17 countries eligible for assistance from the International De-
18 velopment Association, as necessary, to respond to the
19 COVID–19 pandemic.

20 (c) **REPORTING REQUIREMENT.**—Not later than 45
21 days after the date of the enactment of this Act, and every
22 90 days thereafter until the end of the COVID–19 pan-
23 demic, as determined by the World Health Organization,
24 or until two years after the date of the enactment of this
25 Act, whichever is earlier, the Secretary of the Treasury,

1 in coordination with the Secretary of State, shall submit
2 to the committees specified in subsection (d) a report that
3 describes—

4 (1) actions that have been taken to advance
5 debt relief for countries eligible for assistance from
6 the International Development Association that re-
7 quest forbearance to respond to the COVID–19 pan-
8 demic in coordination with international financial in-
9 stitutions, the Group of 7 (G7), the Group of 20
10 (G20), Paris Club members, and the Institute of
11 International Finance;

12 (2) mechanisms that have been utilized and
13 mechanisms that are under consideration to provide
14 the debt relief described in paragraph (1);

15 (3) any United States policy concerns regarding
16 debt relief to specific countries;

17 (4) the balance and status of repayments on all
18 loans from the People’s Republic of China to coun-
19 tries eligible for assistance from the International
20 Development Association, including—

21 (A) loans provided as part of the Belt and
22 Road Initiative of the People’s Republic of
23 China;

24 (B) loans made by the Export-Import
25 Bank of China;

1 (C) loans made by the China Development
2 Bank; and

3 (D) loans made by the Asian Infrastruc-
4 ture Investment Bank; and

5 (5) the transparency measures established or
6 proposed to ensure that funds saved through the
7 debt relief described in paragraph (1) will be used
8 for activities—

9 (A) that respond to the health, economic,
10 and social consequences of the COVID–19 pan-
11 demic; and

12 (B) that are consistent with the interests
13 and values of the United States.

14 (d) COMMITTEES SPECIFIED.—The committees spec-
15 ified in this subsection are—

16 (1) the Committee on Foreign Relations, the
17 Committee on Appropriations, and the Committee on
18 Banking, Housing, and Urban Affairs of the Senate;
19 and

20 (2) the Committee on Foreign Affairs, the
21 Committee on Appropriations, and the Committee on
22 Financial Services of the House of Representatives.

1 **SEC. 3406. REPORT ON MANNER AND EXTENT TO WHICH**
2 **THE GOVERNMENT OF THE PEOPLE’S REPUB-**
3 **LIC OF CHINA EXPLOITS HONG KONG TO CIR-**
4 **CUMVENT UNITED STATES LAWS AND PRO-**
5 **TECTIONS.**

6 Title III of the United States-Hong Kong Policy Act
7 of 1992 (22 U.S.C. 5731 et seq.) is amended by adding
8 at the end the following:

9 **“SEC. 303. REPORT ON MANNER AND EXTENT TO WHICH**
10 **THE GOVERNMENT OF THE PEOPLE’S REPUB-**
11 **LIC OF CHINA EXPLOITS HONG KONG TO CIR-**
12 **CUMVENT UNITED STATES LAWS AND PRO-**
13 **TECTIONS.**

14 “(a) IN GENERAL.—Not later than 180 days after
15 the date of the enactment of this section, the Secretary
16 of State shall submit to the appropriate congressional
17 committees a report on the manner and extent to which
18 the Government of the People’s Republic of China uses
19 the status of Hong Kong to circumvent the laws and pro-
20 tections of the United States.

21 “(b) ELEMENTS.—The report required by subsection
22 (a) shall include the following:

23 “(1) In consultation with the Secretary of Com-
24 merce, the Secretary of Homeland Security, and the
25 Director of National Intelligence—

1 “(A) an assessment of how the Govern-
2 ment of the People’s Republic of China uses
3 Hong Kong to circumvent United States export
4 controls; and

5 “(B) a list of all significant incidents in
6 which the Government of the People’s Republic
7 of China used Hong Kong to circumvent such
8 controls during the reporting period.

9 “(2) In consultation with the Secretary of the
10 Treasury and the Secretary of Commerce—

11 “(A) an assessment of how the Govern-
12 ment of the People’s Republic of China uses
13 Hong Kong to circumvent duties on merchan-
14 dise exported to the United States from the
15 People’s Republic of China; and

16 “(B) a list of all significant incidents in
17 which the Government of the People’s Republic
18 of China used Hong Kong to circumvent such
19 duties during the reporting period.

20 “(3) In consultation with the Secretary of the
21 Treasury, the Secretary of Homeland Security, and
22 the Director of National Intelligence—

23 “(A) an assessment of how the Govern-
24 ment of the People’s Republic of China uses
25 Hong Kong to circumvent sanctions imposed by

1 the United States or pursuant to multilateral
2 regimes; and

3 “(B) a list of all significant incidents in
4 which the Government of the People’s Republic
5 of China used Hong Kong to circumvent such
6 sanctions during the reporting period.

7 “(4) In consultation with the Secretary of
8 Homeland Security and the Director of National In-
9 telligence, an assessment of how the Government of
10 the People’s Republic of China uses formal or infor-
11 mal means to extradite or coercively move individ-
12 uals, including United States persons, from Hong
13 Kong to the People’s Republic of China.

14 “(5) In consultation with the Secretary of De-
15 fense, the Director of National Intelligence, and the
16 Director of Homeland Security—

17 “(A) an assessment of how the intelligence,
18 security, and law enforcement agencies of the
19 Government of the People’s Republic of China,
20 including the Ministry of State Security, the
21 Ministry of Public Security, and the People’s
22 Armed Police, use the Hong Kong Security Bu-
23 reau and other security agencies in Hong Kong
24 to conduct espionage on foreign nationals, in-
25 cluding United States persons, conduct influ-

1 ence operations, or violate civil liberties guaran-
2 teed under the laws of Hong Kong; and

3 “(B) a list of all significant incidents of
4 such espionage, influence operations, or viola-
5 tions of civil liberties during the reporting pe-
6 riod.

7 “(c) FORM OF REPORT; AVAILABILITY.—

8 “(1) FORM.—The report required by subsection
9 (a) shall be submitted in unclassified form, but may
10 include a classified index.

11 “(2) AVAILABILITY.—The unclassified portion
12 of the report required by subsection (a) shall be
13 posted on a publicly available internet website of the
14 Department of State.

15 “(d) DEFINITIONS.—In this section:

16 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term ‘appropriate congressional com-
18 mittees’ means—

19 “(A) the Committee on Foreign Relations,
20 the Committee on Banking, Housing, and
21 Urban Affairs, the Committee on Finance, and
22 the Select Committee on Intelligence of the
23 Senate; and

24 “(B) the Committee on Foreign Affairs,
25 the Committee on Financial Services, the Per-

1 manent Select Committee on Intelligence, and
2 the Committee on Ways and Means of the
3 House of Representatives.

4 “(2) FOREIGN NATIONAL.—The term ‘foreign
5 national’ means a person that is neither—

6 “(A) an individual who is a citizen or na-
7 tional of the People’s Republic of China; or

8 “(B) an entity organized under the laws of
9 the People’s Republic of China or of a jurisdic-
10 tion within the People’s Republic of China.

11 “(3) REPORTING PERIOD.—The term ‘reporting
12 period’ means the 5-year period preceding submis-
13 sion of the report required by subsection (a).

14 “(4) UNITED STATES PERSON.—The term
15 ‘United States person’ means—

16 “(A) a United States citizen or an alien
17 lawfully admitted for permanent residence to
18 the United States; or

19 “(B) an entity organized under the laws of
20 the United States or of any jurisdiction within
21 the United States, including a foreign branch of
22 such an entity.”.

1 **SEC. 3407. ANNUAL REVIEW ON THE PRESENCE OF CHI-**
2 **NESE COMPANIES IN UNITED STATES CAP-**
3 **ITAL MARKETS.**

4 (a) APPROPRIATE COMMITTEES OF CONGRESS.—In
5 this section, the term “appropriate committees of Con-
6 gress” means—

7 (1) the Committee on Foreign Relations of the
8 Senate;

9 (2) the Select Committee on Intelligence of the
10 Senate;

11 (3) the Committee on Banking, Housing, and
12 Urban Affairs of the Senate;

13 (4) the Committee on Foreign Affairs of the
14 House of Representatives;

15 (5) the Permanent Select Committee on Intel-
16 ligence of the House of Representatives; and

17 (6) the Committee on Financial Services of the
18 House of Representatives.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, and an-
22 nually thereafter for the following 5 years, the Sec-
23 retary of State, in consultation with the Director of
24 National Intelligence and the Secretary of the Treas-
25 ury, shall submit an unclassified report to the appro-
26 priate committees of Congress that describes the

1 risks posed to the United States by the presence in
2 United States capital markets of companies incor-
3 porated in the PRC.

4 (2) MATTERS TO BE INCLUDED.—The report
5 required under paragraph (1) shall—

6 (A) identify companies incorporated in the
7 PRC that—

8 (i) are listed or traded on one or sev-
9 eral stock exchanges within the United
10 States, including over-the-counter market
11 and “A Shares” added to indexes and ex-
12 change-traded funds out of mainland ex-
13 changes in the PRC; and

14 (ii) based on the factors for consider-
15 ation described in paragraph (3), have
16 knowingly and materially contributed to—

17 (I) activities that undermine
18 United States national security;

19 (II) serious abuses of internation-
20 ally recognized human rights; or

21 (III) a substantially increased fi-
22 nancial risk exposure for United
23 States-based investors;

1 (B) describe the activities of the companies
2 identified pursuant to subparagraph (A), and
3 their implications for the United States; and

4 (C) develop policy recommendations for the
5 United States Government, State governments,
6 United States financial institutions, United
7 States equity and debt exchanges, and other
8 relevant stakeholders to address the risks posed
9 by the presence in United States capital mar-
10 kets of the companies identified pursuant to
11 subparagraph (A).

12 (3) FACTORS FOR CONSIDERATION.—In com-
13 pleting the report under paragraph (1), the Presi-
14 dent shall consider whether a company identified
15 pursuant to paragraph (2)(A)—

16 (A) has materially contributed to the devel-
17 opment or manufacture, or sold or facilitated
18 procurement by the PLA, of lethal military
19 equipment or component parts of such equip-
20 ment;

21 (B) has contributed to the construction
22 and militarization of features in the South
23 China Sea;

1 (C) has been sanctioned by the United
2 States or has been determined to have con-
3 ducted business with sanctioned entities;

4 (D) has engaged in an act or a series of
5 acts of intellectual property theft;

6 (E) has engaged in corporate or economic
7 espionage;

8 (F) has contributed to the proliferation of
9 nuclear or missile technology in violation of
10 United Nations Security Council resolutions or
11 United States sanctions;

12 (G) has contributed to the repression of re-
13 ligious and ethnic minorities within the PRC,
14 including in Xinjiang Uyghur Autonomous Re-
15 gion or Tibet Autonomous Region;

16 (H) has contributed to the development of
17 technologies that enable censorship directed or
18 directly supported by the PRC government;

19 (I) has failed to comply fully with Federal
20 securities laws (including required audits by the
21 Public Company Accounting Oversight Board)
22 and “material risk” disclosure requirements of
23 the Securities and Exchange Commission; or

1 (J) has contributed to other activities or
2 behavior determined to be relevant by the Presi-
3 dent.

4 (c) REPORT FORM.—The report required under sub-
5 section (b)(1) shall be submitted in unclassified form, but
6 may include a classified annex.

7 (d) PUBLICATION.—The unclassified portion of the
8 report under subsection (b)(1) shall be made accessible to
9 the public online through relevant United States Govern-
10 ment websites.

11 **SEC. 3408. ECONOMIC DEFENSE RESPONSE TEAMS.**

12 (a) PILOT PROGRAM.—Not later than 180 days after
13 the date of the enactment of this Act, the President, act-
14 ing through the Secretary of State, shall develop and im-
15 plement a pilot program for the creation of deployable eco-
16 nomic defense response teams to help provide emergency
17 technical assistance and support to a country subjected
18 to the threat or use of coercive economic measures and
19 to play a liaison role between the legitimate government
20 of that country and the United States Government. Such
21 assistance and support may include the following activi-
22 ties:

23 (1) Reducing the partner country's vulnerability
24 to coercive economic measures.

1 (2) Minimizing the damage that such measures
2 by an adversary could cause to that country.

3 (3) Implementing any bilateral or multilateral
4 contingency plans that may exist for responding to
5 the threat or use of such measures.

6 (4) In coordination with the partner country,
7 developing or improving plans and strategies by the
8 country for reducing vulnerabilities and improving
9 responses to such measures in the future.

10 (5) Assisting the partner country in dealing
11 with foreign sovereign investment in infrastructure
12 or related projects that may undermine the partner
13 country's sovereignty.

14 (6) Assisting the partner country in responding
15 to specific efforts from an adversary attempting to
16 employ economic coercion that undermines the part-
17 ner country's sovereignty, including efforts in the
18 cyber domain, such as efforts that undermine cyber-
19 security or digital security of the partner country or
20 initiatives that introduce digital technologies in a
21 manner that undermines freedom, security, and sov-
22 ereignty of the partner country.

23 (7) Otherwise providing direct and relevant
24 short-to-medium term economic or other assistance
25 from the United States and marshalling other re-

1 sources in support of effective responses to such
2 measures.

3 (b) INSTITUTIONAL SUPPORT.—The pilot program
4 required by subsection (a) should include the following ele-
5 ments:

6 (1) Identification and designation of relevant
7 personnel within the United States Government with
8 expertise relevant to the objectives specified in sub-
9 section (a), including personnel in—

10 (A) the Department of State, for over-
11 seeing the economic defense response team’s ac-
12 tivities, engaging with the partner country gov-
13 ernment and other stakeholders, and other pur-
14 poses relevant to advancing the success of the
15 mission of the economic defense response team;

16 (B) the United States Agency for Inter-
17 national Development, for the purposes of pro-
18 viding technical, humanitarian, and other as-
19 sistance, generally;

20 (C) the Department of the Treasury, for
21 the purposes of providing advisory support and
22 assistance on all financial matters and fiscal
23 implications of the crisis at hand;

24 (D) the Department of Commerce, for the
25 purposes of providing economic analysis and as-

1 sistance in market development relevant to the
2 partner country's response to the crisis at hand,
3 technology security as appropriate, and other
4 matters that may be relevant;

5 (E) the Department of Energy, for the
6 purposes of providing advisory services and
7 technical assistance with respect to energy
8 needs as affected by the crisis at hand;

9 (F) the Department of Homeland Security,
10 for the purposes of providing assistance with re-
11 spect to digital and cybersecurity matters, and
12 assisting in the development of any contingency
13 plans referred to in paragraphs (3) and (6) of
14 subsection (a) as appropriate;

15 (G) the Department of Agriculture, for
16 providing advisory and other assistance with re-
17 spect to responding to coercive measures such
18 as arbitrary market closures that affect the
19 partner country's agricultural sector;

20 (H) the Office of the United States Trade
21 Representative with respect to providing sup-
22 port and guidance on trade and investment
23 matters; and

24 (I) other Federal departments and agen-
25 cies as determined by the President.

1 (2) Negotiation of memoranda of under-
2 standing, where appropriate, with other United
3 States Government components for the provision of
4 any relevant participating or detailed non-Depart-
5 ment of State personnel identified under paragraph
6 (1).

7 (3) Negotiation of contracts, as appropriate,
8 with private sector representatives or other individ-
9 uals with relevant expertise to advance the objectives
10 specified in subsection (a).

11 (4) Development within the United States Gov-
12 ernment of—

13 (A) appropriate training curricula for rel-
14 evant experts identified under paragraph (1)
15 and for United States diplomatic personnel in a
16 country actually or potentially threatened by co-
17 ercive economic measures;

18 (B) operational procedures and appropriate
19 protocols for the rapid assembly of such experts
20 into one or more teams for deployment to a
21 country actually or potentially threatened by co-
22 ercive economic measures; and

23 (C) procedures for ensuring appropriate
24 support for such teams when serving in a coun-
25 try actually or potentially threatened by coer-

1 cive economic measures, including, as applica-
2 ble, logistical assistance, office space, informa-
3 tion support, and communications.

4 (5) Negotiation with relevant potential host
5 countries of procedures and methods for ensuring
6 the rapid and effective deployment of such teams,
7 and the establishment of appropriate liaison relation-
8 ships with local public and private sector officials
9 and entities.

10 (c) REPORTS REQUIRED .—

11 (1) REPORT ON ESTABLISHMENT.—Upon estab-
12 lishment of the pilot program required by subsection
13 (a), the Secretary of State shall provide the appro-
14 priate committees of Congress with a detailed report
15 and briefing describing the pilot program, the major
16 elements of the program, the personnel and institu-
17 tions involved, and the degree to which the program
18 incorporates the elements described in subsection
19 (a).

20 (2) FOLLOW-UP REPORT.—Not later than one
21 year after the report required by paragraph (1), the
22 Secretary of State shall provide the appropriate com-
23 mittees of Congress with a detailed report and brief-
24 ing describing the operations over the previous year
25 of the pilot program established pursuant to sub-

1 section (a), as well as the Secretary's assessment of
2 its performance and suitability for becoming a per-
3 manent program.

4 (3) FORM.—Each report required under this
5 subsection shall be submitted in unclassified form,
6 but may include a classified annex.

7 (d) DECLARATION OF AN ECONOMIC CRISIS RE-
8 QUIRED.—

9 (1) NOTIFICATION.—The President may acti-
10 vate an economic defense response team for a period
11 of 180 days under the authorities of this section to
12 assist a partner country in responding to an unusual
13 and extraordinary economic coercive threat by an
14 adversary of the United States upon the declaration
15 of a coercive economic emergency, together with no-
16 tification to the Committee on Foreign Relations of
17 the Senate and the Committee on Foreign Affairs of
18 the House of Representatives.

19 (2) EXTENSION AUTHORITY.—The President
20 may activate the response team for an additional
21 180 days upon the submission of a detailed analysis
22 to the committees described in paragraph (1) justi-
23 fying why the continued deployment of the economic
24 defense response team in response to the economic

1 emergency is in the national security interest of the
2 United States.

3 (e) SUNSET.—The authorities provided under this
4 section shall expire on December 31, 2026.

5 (f) RULE OF CONSTRUCTION.—Neither the authority
6 to declare an economic crisis provided for in subsection
7 (d), nor the declaration of an economic crisis pursuant to
8 subsection (d), shall confer or be construed to confer any
9 authority, power, duty, or responsibility to the President
10 other than the authority to activate an economic defense
11 response team as described in this section.

12 (g) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Foreign Relations, the
16 Committee on Banking, Housing, and Urban Af-
17 fairs, the Committee on Commerce, Science, and
18 Transportation, the Committee on Energy and Nat-
19 ural Resources, the Committee on Agriculture, Nu-
20 trition, and Forestry, and the Committee on Finance
21 of the Senate; and

22 (2) the Committee on Foreign Affairs, the
23 Committee on Financial Services, the Committee on
24 Energy and Commerce, the Committee on Agri-

1 culture, and the Committee on Ways and Means of
2 the House of Representatives.

3 **TITLE V—ENSURING STRATEGIC**
4 **SECURITY**

5 **SEC. 3501. FINDINGS ON STRATEGIC SECURITY AND ARMS**
6 **CONTROL.**

7 Congress makes the following findings:

8 (1) The United States and the PRC have both
9 made commitments to advancing strategic security
10 through enforceable arms control and non-prolifera-
11 tion agreements as states parties to the Treaty on
12 the Non-Proliferation of Nuclear Weapons, done at
13 Washington, London, and Moscow July 1, 1968.

14 (2) The United States has long taken tangible
15 steps to seek effective, verifiable, and enforceable
16 arms control and non-proliferation agreements that
17 support United States and allied security by—

18 (A) controlling the spread of nuclear mate-
19 rials and technology;

20 (B) placing limits on the production, stock-
21 piling, and deployment of nuclear weapons;

22 (C) decreasing misperception and mis-
23 calculation; and

24 (D) avoiding destabilizing nuclear arms
25 competition.

1 (3) In May 2019, Director of the Defense Intel-
2 ligence Agency Lieutenant General Robert Ashley
3 stated, “China is likely to at least double the size of
4 its nuclear stockpile in the course of implementing
5 the most rapid expansion and diversification of its
6 nuclear arsenal in China’s history.”. The PLA is
7 building a full triad of modernized fixed and mobile
8 ground-based launchers and new capabilities for nu-
9 clear-armed bombers and submarine-launched bal-
10 listic missiles.

11 (4) In June 2020, the Department of State
12 raised concerns in its annual “Adherence to and
13 Compliance with Arms Control, Nonproliferation,
14 and Disarmament Agreements and Commitments”
15 report to Congress that the PRC is not complying
16 with the “zero-yield” nuclear testing ban and ac-
17 cused the PRC of “blocking the flow of data from
18 the monitoring stations” in China.

19 (5) The Department of Defense 2020 Report on
20 Military and Security Developments Involving the
21 People’s Republic of China states that the PRC “in-
22 tends to increase peacetime readiness of its nuclear
23 forces by moving to a launch on warning posture
24 with an expanded silo-based force”.

1 (6) The Department of Defense report also
2 states that, over the next decade, the PRC's nuclear
3 stockpile—currently estimated in the low 200s—is
4 projected to least double in size as the PRC expands
5 and modernizes its nuclear force.

6 (7) The PRC is conducting research on its first
7 potential early warning radar, with technical co-
8 operation from Russia. This radar could indicate
9 that the PRC is moving to a launch-on warning pos-
10 ture.

11 (8) The PRC plans to use its increasingly capa-
12 ble space, cyber, and electronic warfare capabilities
13 against United States early warning systems and
14 critical infrastructure in a crisis scenario. This poses
15 great risk to strategic security, as it could lead to
16 inadvertent escalation.

17 (9) The PRC's nuclear expansion comes as a
18 part of a massive modernization of the PLA which,
19 combined with the PLA's aggressive actions, has in-
20 creasingly destabilized the Indo-Pacific region.

21 (10) The PLA Rocket Force (PLARF), which
22 was elevated in 2015 to become a separate branch
23 within the PLA, has formed 11 new missile brigades
24 since May 2017, some of which are capable of both
25 conventional and nuclear strikes. Unlike the United

1 States, which separates its conventional strike and
2 nuclear capabilities, the PLARF appears to not only
3 co-locate conventional and nuclear forces, including
4 dual-use missiles like the DF-26, but to task the
5 same unit with both nuclear and conventional mis-
6 sions. Such intermingling could lead to inadvertent
7 escalation in a crisis. The United States Defense In-
8 telligence Agency determined in March 2020 that
9 the PLA tested more ballistic missiles than the rest
10 of the world combined in 2019.

11 (11) A January 2021 report from the Institute
12 for Defense Analysis found that many United States
13 and international observers viewed China's no first-
14 use policy with skepticism, especially in the wake of
15 the expansion and modernization of its nuclear capa-
16 bilities.

17 (12) The long-planned United States nuclear
18 modernization program will not increase the United
19 States nuclear weapons stockpile, predates China's
20 conventional military and nuclear expansion, and is
21 not an arms race against China.

22 (13) The United States extended nuclear deter-
23 rence—

24 (A) provides critical strategic security
25 around the world;

1 (B) is an essential element of United
2 States military alliances; and

3 (C) serves a vital non-proliferation func-
4 tion.

5 (14) As a signatory to the Treaty on the Non-
6 Proliferation of Nuclear Weapons, done at Wash-
7 ington, London, and Moscow July 1, 1968, the PRC
8 is obligated under Article Six of the treaty to pursue
9 arms control negotiations in good faith.

10 (15) The United States has, on numerous occa-
11 sions, called on the PRC to participate in strategic
12 arms control negotiations, but the PRC has thus far
13 declined.

14 (16) The Governments of Japan, the United
15 Kingdom, Poland, Slovenia, Denmark, Norway, Lat-
16 via, Lithuania, Estonia, the Netherlands, Romania,
17 Austria, Montenegro, Ukraine, Slovakia, Spain,
18 North Macedonia, Sweden, the Czech Republic, Cro-
19 atia, and Albania, as well as the Deputy Secretary
20 General of the North Atlantic Treaty Organization,
21 have all encouraged the PRC to join arms control
22 discussions.

1 **SEC. 3502. COOPERATION ON A STRATEGIC NUCLEAR DIA-**
2 **LOGUE.**

3 (a) STATEMENT OF POLICY.—It is the policy of the
4 United States—

5 (1) to pursue, in coordination with United
6 States allies, arms control negotiations and sus-
7 tained and regular engagement with the PRC—

8 (A) to enhance understanding of each oth-
9 er's respective nuclear policies, doctrine, and ca-
10 pabilities;

11 (B) to improve transparency; and

12 (C) to help manage the risks of miscalcula-
13 tion and misperception;

14 (2) to formulate a strategy to engage the Gov-
15 ernment of the People's Republic of China on rel-
16 evant bilateral issues that lays the groundwork for
17 bringing the People's Republic of China into an
18 arms control framework, including—

19 (A) fostering bilateral dialogue on arms
20 control leading to the convening of bilateral
21 strategic security talks;

22 (B) negotiating norms for outer space;

23 (C) developing pre-launch notification re-
24 gimes aimed at reducing nuclear miscalculation;

25 and

1 (D) expanding lines of communication be-
2 tween both governments for the purposes of re-
3 ducing the risks of conventional war and in-
4 creasing transparency;

5 (3) to pursue relevant capabilities in coordina-
6 tion with our allies and partners to ensure the secu-
7 rity of United States and allied interests in the face
8 of the PRC's military modernization and expansion,
9 including—

10 (A) ground-launched cruise and ballistic
11 missiles;

12 (B) integrated air and missile defense;

13 (C) hypersonic missiles;

14 (D) intelligence, surveillance, and recon-
15 naissance;

16 (E) space-based capabilities;

17 (F) cyber capabilities; and

18 (G) command, control, and communica-
19 tions;

20 (4) to maintain sufficient force structure, pos-
21 ture, and capabilities to provide extended nuclear de-
22 terrence to United States allies and partners;

23 (5) to maintain appropriate missile defense ca-
24 pabilities to protect against threats to the United
25 States homeland and our forces across the theater

1 from rogue intercontinental ballistic missiles from
2 the Indo-Pacific region; and

3 (6) to ensure that the United States declaratory
4 policy reflects the requirements of extended deter-
5 rence, to both assure allies and to preserve its non-
6 proliferation benefits.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) in the midst of growing competition between
10 the United States and the PRC, it is in the interest
11 of both nations to cooperate in reducing risks of con-
12 ventional and nuclear escalation;

13 (2) a physical, cyber, electronic, or any other
14 PLA attack on United States early warning sat-
15 ellites, other portions of the nuclear command and
16 control enterprise, or critical infrastructure poses a
17 high risk to inadvertent but rapid escalation;

18 (3) the United States and its allies should pro-
19 mote international norms on military operations in
20 space, the employment of cyber capabilities, and the
21 military use of artificial intelligence, as an element
22 of risk reduction regarding nuclear command and
23 control; and

24 (4) United States allies and partners should
25 share the burden of promoting and protecting such

1 norms by voting against the PRC's proposals re-
2 garding the weaponization of space, highlighting un-
3 safe behavior by the PRC that violates international
4 norms, such as in rendezvous and proximity oper-
5 ations, and promoting responsible behavior in space
6 and all other domains.

7 **SEC. 3503. REPORT ON UNITED STATES EFFORTS TO EN-**
8 **GAGE THE PEOPLE'S REPUBLIC OF CHINA ON**
9 **NUCLEAR ISSUES AND BALLISTIC MISSILE**
10 **ISSUES.**

11 (a) REPORT ON THE FUTURE OF UNITED STATES-
12 CHINA ARMS CONTROL.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary of
14 State, in coordination with the Secretary of Defense and
15 the Secretary of Energy, shall submit to the appropriate
16 committees of Congress a report, and if necessary a sepa-
17 rate classified annex, that examines the approaches and
18 strategic effects of engaging the Government of the Peo-
19 ple's Republic of China on arms control and risk reduc-
20 tion, including—

21 (1) areas of potential dialogue between the Gov-
22 ernments of the United States and the People's Re-
23 public of China, including on ballistic, hypersonic
24 glide, and cruise missiles, conventional forces, nu-
25 clear, space, and cyberspace issues, as well as other

1 new strategic domains, which could reduce the likeli-
2 hood of war, limit escalation if a conflict were to
3 occur, and constrain a destabilizing arms race in the
4 Indo-Pacific;

5 (2) how the United States Government can
6 incentivize the Government of the People's Republic
7 of China to engage in a constructive arms control
8 dialogue;

9 (3) identifying strategic military capabilities of
10 the People's Republic of China that the United
11 States Government is most concerned about and how
12 limiting these capabilities may benefit United States
13 and allied security interests;

14 (4) mechanisms to avoid, manage, or control
15 nuclear, conventional, and unconventional military
16 escalation between the United States and the Peo-
17 ple's Republic of China;

18 (5) the personnel and expertise required to ef-
19 fectively engage the People's Republic of China in
20 strategic stability and arms control dialogues; and

21 (6) opportunities and methods to encourage
22 transparency from the People's Republic of China.

23 (b) REPORT ON ARMS CONTROL TALKS WITH THE
24 RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF
25 CHINA.—Not later than 180 days after the date of the

1 enactment of this Act, the Secretary of State, in consulta-
2 tion with the Secretary of Defense and the Secretary of
3 Energy, shall submit to the appropriate committees of
4 Congress a report that describes—

5 (1) a concrete plan for arms control talks that
6 includes both the People’s Republic of China and the
7 Russian Federation;

8 (2) if a trilateral arms control dialogue does not
9 arise, what alternative plans the Department of
10 State envisages for ensuring the security of the
11 United States and its allies security from Russian
12 and Chinese nuclear weapons;

13 (3) effects on the credibility of United States
14 extended deterrence assurances to allies and part-
15 ners if the United States is faced with two nuclear-
16 armed peer competitors and any likely corresponding
17 implications for regional security architectures;

18 (4) efforts at engaging the People’s Republic of
19 China to join arms control talks, whether on a bilat-
20 eral or multilateral basis; and

21 (5) the interest level of the Government of the
22 People’s Republic of China in joining arms control
23 talks, whether on a bilateral or multilateral basis.

1 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Committee on Foreign Relations, the
5 Committee on Armed Services, and the Committee
6 on Energy and Natural Resources of the Senate;
7 and

8 (2) the Committee on Foreign Affairs, the
9 Committee on Armed Services, and the Committee
10 on Energy and Commerce of the House of Rep-
11 resentatives.

12 **SEC. 3504. COUNTERING THE PEOPLE’S REPUBLIC OF CHI-**
13 **NA’S PROLIFERATION OF BALLISTIC MIS-**
14 **SILES AND NUCLEAR TECHNOLOGY TO THE**
15 **MIDDLE EAST.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) The People’s Republic of China became a
19 full participant of the Nuclear Suppliers Group in
20 2004, committing it to apply a strong presumption
21 of denial in exporting nuclear-related items that a
22 foreign country could divert to a nuclear weapons
23 program.

24 (2) The People’s Republic of China also com-
25 mitted to the United States, in November 2000, to

1 abide by the foundational principles of the 1987
2 Missile Technology Control Regime (MTCR) to not
3 “assist, in any way, any country in the development
4 of ballistic missiles that can be used to deliver nu-
5 clear weapons (i.e., missiles capable of delivering a
6 payload of at least 500 kilograms to a distance of
7 at least 300 kilometers)”.

8 (3) The 2020 Department of State Report on
9 the Adherence to and Compliance with Arms Con-
10 trol, Nonproliferation, and Disarmament Agree-
11 ments and Commitments found that the People’s
12 Republic of China “continued to supply MTCR-con-
13 trolled goods to missile programs of proliferation
14 concern in 2019” and that the United States im-
15 posed sanctions on nine Chinese entities for covered
16 missile transfers to Iran.

17 (4) A June 5, 2019, press report indicated that
18 the People’s Republic of China allegedly provided as-
19 sistance to Saudi Arabia in the development of a
20 ballistic missile facility, which if confirmed, would
21 violate the purpose of the MTCR and run contrary
22 to the longstanding United States policy priority to
23 prevent weapons of mass destruction proliferation in
24 the Middle East.

1 (5) The Arms Export and Control Act of 1976
2 (Public Law 93–329) requires the President to sanc-
3 tion any foreign person or government who know-
4 ingly “exports, transfers, or otherwise engages in the
5 trade of any MTCR equipment or technology” to a
6 country that does not adhere to the MTCR.

7 (6) The People’s Republic of China concluded
8 two nuclear cooperation agreements with Saudi Ara-
9 bia in 2012 and 2017, respectively, which may facili-
10 tate the People’s Republic of China’s bid to build
11 two reactors in Saudi Arabia to generate 2.9
12 Gigawatt-electric (GWe) of electricity.

13 (7) On August 4, 2020, a press report revealed
14 the alleged existence of a previously undisclosed ura-
15 nium yellowcake extraction facility in Saudi Arabia
16 allegedly constructed with the assistance of the Peo-
17 ple’s Republic of China, which if confirmed, would
18 indicate significant progress by Saudi Arabia in de-
19 veloping the early stages of the nuclear fuel cycle
20 that precede uranium enrichment.

21 (8) Saudi Arabia’s outdated Small Quantities
22 Protocol and its lack of an in-force Additional Pro-
23 tocol to its International Atomic Energy Agency
24 (IAEA) Comprehensive Safeguards Agreement se-
25 verely curtails IAEA inspections, which has led the

1 Agency to call upon Saudi Arabia to either rescind
2 or update its Small Quantities Protocol.

3 (b) MTCR TRANSFERS.—Not later than 30 days
4 after the date of the enactment of this Act, the President
5 shall submit to the appropriate committees of Congress
6 a written determination, and any documentation to sup-
7 port that determination detailing—

8 (1) whether any foreign person in the People’s
9 Republic of China knowingly exported, transferred,
10 or engaged in trade of any item designated under
11 Category I of the MTCR Annex to any foreign per-
12 son in the previous three fiscal years; and

13 (2) the sanctions the President has imposed or
14 intends to impose pursuant to section 11B(b) of the
15 Export Administration Act of 1979 (50 U.S.C.
16 4612(b)) against any foreign person who knowingly
17 engaged in the export, transfer, or trade of that item
18 or items.

19 (c) THE PEOPLE’S REPUBLIC OF CHINA’S NUCLEAR
20 FUEL CYCLE COOPERATION.—Not later than 30 days
21 after the date of the enactment of this Act, the President
22 shall submit to the appropriate committees of Congress
23 a report detailing—

24 (1) whether any foreign person in the People’s
25 Republic of China engaged in cooperation with any

1 other foreign person in the previous three fiscal
2 years in the construction of any nuclear-related fuel
3 cycle facility or activity that has not been notified to
4 the IAEA and would be subject to complementary
5 access if an Additional Protocol was in force; and

6 (2) the policy options required to prevent and
7 respond to any future effort by the People's Repub-
8 lic of China to export to any foreign person an item
9 classified as "plants for the separation of isotopes of
10 uranium" or "plants for the reprocessing of irradi-
11 ated nuclear reactor fuel elements" under Part 110
12 of the Nuclear Regulatory Commission export licens-
13 ing authority.

14 (d) FORM OF REPORT.—The determination required
15 under subsection (b) and the report required under sub-
16 section (c) shall be unclassified with a classified annex.

17 (e) DEFINITIONS.—In this section:

18 (1) The term "appropriate committees of Con-
19 gress" means—

20 (A) the Select Committee on Intelligence of
21 the Senate;

22 (B) the Committee on Foreign Relations of
23 the Senate;

24 (C) the Select Committee on Intelligence of
25 the House of Representatives; and

1 (D) the Committee on Foreign Affairs of
2 the House of Representatives.

3 (2) FOREIGN PERSON; PERSON.—The terms
4 “foreign person” and “person” mean—

5 (A) a natural person that is an alien;

6 (B) a corporation, business association,
7 partnership, society, trust, or any other non-
8 governmental entity, organization, or group,
9 that is organized under the laws of a foreign
10 country or has its principal place of business in
11 a foreign country;

12 (C) any foreign governmental entity oper-
13 ating as a business enterprise; and

14 (D) any successor, subunit, or subsidiary
15 of any entity described in subparagraph (B) or
16 (C).

17 **DIVISION D—HOMELAND SECU-**
18 **RITY AND GOVERNMENTAL**
19 **AFFAIRS COMMITTEE PROVI-**
20 **SIONS**

21 **SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.**

22 (a) SHORT TITLE.—This division may be cited as the
23 “Securing America’s Future Act”.

24 (b) TABLE OF CONTENTS.—The table of contents for
25 this division is as follows:

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DIVISION D—HOMELAND SECURITY AND GOVERNMENTAL
AFFAIRS COMMITTEE PROVISIONS

Sec. 4001. Short title; table of contents.

TITLE I—ENSURING DOMESTIC MANUFACTURING CAPABILITIES

Subtitle A—Build America, Buy America

Sec. 4101. Short title.

PART I—BUY AMERICA SOURCING REQUIREMENTS

- Sec. 4111. Findings.
 Sec. 4112. Definitions.
 Sec. 4113. Identification of deficient programs.
 Sec. 4114. Application of Buy America preference.
 Sec. 4115. OMB guidance and standards.
 Sec. 4116. Technical assistance partnership and consultation supporting Department of Transportation Buy America requirements.
 Sec. 4117. Application.

PART II—MAKE IT IN AMERICA

- Sec. 4121. Regulations relating to Buy American Act.
 Sec. 4122. Amendments relating to Buy American Act.
 Sec. 4123. Made in America Office.
 Sec. 4124. Hollings Manufacturing Extension Partnership activities.
 Sec. 4125. United States obligations under international agreements.
 Sec. 4126. Definitions.
 Sec. 4127. Prospective amendments to internal cross-references.

Subtitle B—BuyAmerican.gov

- Sec. 4131. Short title.
 Sec. 4132. Definitions.
 Sec. 4133. Sense of Congress on buying American.
 Sec. 4134. Assessment of impact of free trade agreements.
 Sec. 4135. Judicious use of waivers.
 Sec. 4136. Establishment of BuyAmerican.gov website.
 Sec. 4137. Waiver Transparency and Streamlining for contracts.
 Sec. 4138. Comptroller General report.
 Sec. 4139. Rules of construction.
 Sec. 4140. Consistency with international agreements.
 Sec. 4141. Prospective amendments to internal cross-references.

Subtitle C—Make PPE in America

- Sec. 4151. Short title.
 Sec. 4152. Findings.
 Sec. 4153. Requirement of long-term contracts for domestically manufactured personal protective equipment.

TITLE II—CYBER AND ARTIFICIAL INTELLIGENCE

Subtitle A—Advancing American AI

- Sec. 4201. Short title.
 Sec. 4202. Purpose.

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- Sec. 4203. Definitions.
- Sec. 4204. Principles and policies for use of artificial intelligence in Government.
- Sec. 4205. Agency inventories and artificial intelligence use cases.
- Sec. 4206. Rapid pilot, deployment and scale of applied artificial intelligence capabilities to demonstrate modernization activities related to use cases.
- Sec. 4207. Enabling entrepreneurs and agency missions.

Subtitle B—Cyber Response and Recovery

- Sec. 4251. Short title.
- Sec. 4252. Declaration of a significant incident.

TITLE III—PERSONNEL

Subtitle A—Facilitating Federal Employee Reskilling

- Sec. 4301. Short title.
- Sec. 4302. Reskilling Federal employees.

Subtitle B—Federal Rotational Cyber Workforce Program

- Sec. 4351. Short title.
- Sec. 4352. Definitions.
- Sec. 4353. Rotational cyber workforce positions.
- Sec. 4354. Rotational cyber workforce program.
- Sec. 4355. Reporting by GAO.
- Sec. 4356. Sunset.

TITLE IV—OTHER MATTERS

Subtitle A—Ensuring Security of Unmanned Aircraft Systems

- Sec. 4401. Short title.
- Sec. 4402. Definitions.
- Sec. 4403. Prohibition on procurement of covered unmanned aircraft systems from covered foreign entities.
- Sec. 4404. Prohibition on operation of covered unmanned aircraft systems from covered foreign entities.
- Sec. 4405. Prohibition on use of Federal funds for purchases and operation of covered unmanned aircraft systems from covered foreign entities.
- Sec. 4406. Prohibition on use of Government-issued Purchase Cards to purchase covered unmanned aircraft systems from covered foreign entities.
- Sec. 4407. Management of existing inventories of covered unmanned aircraft systems from covered foreign entities.
- Sec. 4408. Comptroller General report.
- Sec. 4409. Government-wide policy for procurement of unmanned aircraft systems.
- Sec. 4410. Study.
- Sec. 4411. Sunset.

Subtitle B—No TikTok on Government Devices

- Sec. 4431. Short title.
- Sec. 4432. Prohibition on the use of TikTok.

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Subtitle C—National Risk Management

- Sec. 4461. Short title.
Sec. 4462. National risk management cycle.

Subtitle D—Safeguarding American Innovation

- Sec. 4491. Short title.
Sec. 4492. Definitions.
Sec. 4493. Federal Research Security Council.
Sec. 4494. Federal grant application fraud.
Sec. 4495. Restricting the acquisition of emerging technologies by certain aliens.
Sec. 4496. Machine readable visa documents.
Sec. 4497. Certifications regarding access to export controlled technology in educational and cultural exchange programs.
Sec. 4498. Privacy and confidentiality.

1 **TITLE I—ENSURING DOMESTIC**
2 **MANUFACTURING CAPABILITIES**
3 **Subtitle A—Build America, Buy**
4 **America**

5 **SEC. 4101. SHORT TITLE.**

6 This subtitle may be cited as the “Build America,
7 Buy America Act”.

8 **PART I—BUY AMERICA SOURCING**
9 **REQUIREMENTS**

10 **SEC. 4111. FINDINGS.**

11 Congress finds that—

12 (1) the United States must make significant in-
13 vestments to install, upgrade, or replace the public
14 works infrastructure of the United States;

15 (2) with respect to investments in the infra-
16 structure of the United States, taxpayers expect that
17 their public works infrastructure will be produced in
18 the United States by American workers;

1 (3) United States taxpayer dollars invested in
2 public infrastructure should not be used to reward
3 companies that have moved their operations, invest-
4 ment dollars, and jobs to foreign countries or foreign
5 factories, particularly those that do not share or
6 openly flout the commitments of the United States
7 to environmental, worker, and workplace safety pro-
8 tectations;

9 (4) in procuring materials for public works
10 projects, entities using taxpayer-financed Federal as-
11 sistance should give a commonsense procurement
12 preference for the materials and products produced
13 by companies and workers in the United States in
14 accordance with the high ideals embodied in the en-
15 vironmental, worker, workplace safety, and other
16 regulatory requirements of the United States;

17 (5) common construction materials used in pub-
18 lic works infrastructure projects, including steel,
19 iron, manufactured products, non-ferrous metals,
20 plastic and polymer-based products (including
21 polyvinylchloride, composite building materials, and
22 polymers used in fiber optic cables), concrete and
23 other aggregates, glass (including optic glass), lum-
24 ber, and drywall are not adequately covered by a do-
25 mestic content procurement preference, thus limiting

1 the impact of taxpayer purchases to enhance supply
2 chains in the United States;

3 (6) the benefits of domestic content procure-
4 ment preferences extend beyond economics;

5 (7) by incentivizing domestic manufacturing,
6 domestic content procurement preferences reinvest
7 tax dollars in companies and processes using the
8 highest labor and environmental standards in the
9 world;

10 (8) strong domestic content procurement pref-
11 erence policies act to prevent shifts in production to
12 countries that rely on production practices that are
13 significantly less energy efficient and far more pol-
14 luting than those in the United States;

15 (9) for over 75 years, Buy America and other
16 domestic content procurement preference laws have
17 been part of the United States procurement policy,
18 ensuring that the United States can build and re-
19 build the infrastructure of the United States with
20 high-quality American-made materials;

21 (10) before the date of enactment of this Act,
22 a domestic content procurement preference require-
23 ment may not apply, may apply only to a narrow
24 scope of products and materials, or may be limited
25 by waiver with respect to many infrastructure pro-

1 grams, which necessitates a review of such pro-
2 grams, including programs for roads, highways, and
3 bridges, public transportation, dams, ports, harbors,
4 and other maritime facilities, intercity passenger and
5 freight railroads, freight and intermodal facilities,
6 airports, water systems, including drinking water
7 and wastewater systems, electrical transmission fa-
8 cilities and systems, utilities, broadband infrastruc-
9 ture, and buildings and real property;

10 (11) Buy America laws create demand for do-
11 mestically produced goods, helping to sustain and
12 grow domestic manufacturing and the millions of
13 jobs domestic manufacturing supports throughout
14 product supply chains;

15 (12) as of the date of enactment of this Act,
16 domestic content procurement preference policies
17 apply to all Federal Government procurement and to
18 various Federal-aid infrastructure programs;

19 (13) a robust domestic manufacturing sector is
20 a vital component of the national security of the
21 United States;

22 (14) as more manufacturing operations of the
23 United States have moved offshore, the strength and
24 readiness of the defense industrial base of the
25 United States has been diminished; and

1 (15) domestic content procurement preference
2 laws—

3 (A) are fully consistent with the inter-
4 national obligations of the United States; and

5 (B) together with the government procure-
6 ments to which the laws apply, are important
7 levers for ensuring that United States manufac-
8 turers can access the government procurement
9 markets of the trading partners of the United
10 States.

11 **SEC. 4112. DEFINITIONS.**

12 In this part:

13 (1) DEFICIENT PROGRAM.—The term “deficient
14 program” means a program identified by the head of
15 a Federal agency under section 4113(c).

16 (2) DOMESTIC CONTENT PROCUREMENT PREF-
17 ERENCE.—The term “domestic content procurement
18 preference” means a requirement that no amounts
19 made available through a program for Federal finan-
20 cial assistance may be obligated for a project un-
21 less—

22 (A) all iron and steel used in the project
23 are produced in the United States;

24 (B) the manufactured products used in the
25 project are produced in the United States; or

1 (C) the construction materials used in the
2 project are produced in the United States.

3 (3) FEDERAL AGENCY.—The term “Federal
4 agency” means any authority of the United States
5 that is an “agency” (as defined in section 3502 of
6 title 44, United States Code), other than an inde-
7 pendent regulatory agency (as defined in that sec-
8 tion).

9 (4) FEDERAL FINANCIAL ASSISTANCE.—

10 (A) IN GENERAL.—The term “Federal fi-
11 nancial assistance” has the meaning given the
12 term in section 200.1 of title 2, Code of Federal
13 Regulations (or successor regulations).

14 (B) INCLUSION.—The term “Federal fi-
15 nancial assistance” includes all expenditures by
16 a Federal agency to a non-Federal entity for an
17 infrastructure project, except that it does not
18 include expenditures for assistance authorized
19 under section 402, 403, 404, 406, 408, or 502
20 of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5170a,
22 5170b, 5170c, 5172, 5174, or 5192) relating to
23 a major disaster or emergency declared by the
24 President under section 401 or 501, respec-
25 tively, of such Act (42 U.S.C. 5170, 5191) or

1 pre and post disaster or emergency response ex-
2 penditures.

3 (5) INFRASTRUCTURE.—The term “infrastruc-
4 ture” includes, at a minimum, the structures, facili-
5 ties, and equipment for, in the United States—

6 (A) roads, highways, and bridges;

7 (B) public transportation;

8 (C) dams, ports, harbors, and other mari-
9 time facilities;

10 (D) intercity passenger and freight rail-
11 roads;

12 (E) freight and intermodal facilities;

13 (F) airports;

14 (G) water systems, including drinking
15 water and wastewater systems;

16 (H) electrical transmission facilities and
17 systems;

18 (I) utilities;

19 (J) broadband infrastructure; and

20 (K) buildings and real property.

21 (6) PRODUCED IN THE UNITED STATES.—The
22 term “produced in the United States” means—

23 (A) in the case of iron or steel products,
24 that all manufacturing processes, from the ini-

1 tial melting stage through the application of
2 coatings, occurred in the United States;

3 (B) in the case of manufactured products,
4 that—

5 (i) the manufactured product was
6 manufactured in the United States; and

7 (ii) the cost of the components of the
8 manufactured product that are mined, pro-
9 duced, or manufactured in the United
10 States is greater than 55 percent of the
11 total cost of all components of the manu-
12 factured product, unless another standard
13 for determining the minimum amount of
14 domestic content of the manufactured
15 product has been established under appli-
16 cable law or regulation; and

17 (C) in the case of construction materials,
18 that all manufacturing processes for the con-
19 struction material occurred in the United
20 States.

21 (7) PROJECT.—The term “project” means the
22 construction, alteration, maintenance, or repair of
23 infrastructure in the United States.

1 **SEC. 4113. IDENTIFICATION OF DEFICIENT PROGRAMS.**

2 (a) IN GENERAL.—Not later than 60 days after the
3 date of enactment of this Act, the head of each Federal
4 agency shall—

5 (1) submit to the Office of Management and
6 Budget and to Congress, including a separate notice
7 to each appropriate congressional committee, a re-
8 port that identifies each Federal financial assistance
9 program for infrastructure administered by the Fed-
10 eral agency; and

11 (2) publish in the Federal Register the report
12 under paragraph (1).

13 (b) REQUIREMENTS.—In the report under subsection
14 (a), the head of each Federal agency shall, for each Fed-
15 eral financial assistance program—

16 (1) identify all domestic content procurement
17 preferences applicable to the Federal financial as-
18 sistance;

19 (2) assess the applicability of the domestic con-
20 tent procurement preference requirements, includ-
21 ing—

22 (A) section 313 of title 23, United States
23 Code;

24 (B) section 5323(j) of title 49, United
25 States Code;

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1 (C) section 22905(a) of title 49, United
2 States Code;

3 (D) section 50101 of title 49, United
4 States Code;

5 (E) section 603 of the Federal Water Pol-
6 lution Control Act (33 U.S.C. 1388);

7 (F) section 1452(a)(4) of the Safe Drink-
8 ing Water Act (42 U.S.C. 300j-12(a)(4));

9 (G) section 5035 of the Water Infrastruc-
10 ture Finance and Innovation Act of 2014 (33
11 U.S.C. 3914);

12 (H) any domestic content procurement
13 preference included in an appropriations Act;
14 and

15 (I) any other domestic content procure-
16 ment preference in Federal law (including regu-
17 lations);

18 (3) provide details on any applicable domestic
19 content procurement preference requirement, includ-
20 ing the purpose, scope, applicability, and any excep-
21 tions and waivers issued under the requirement; and

22 (4) include a description of the type of infra-
23 structure projects that receive funding under the
24 program, including information relating to—

1 (A) the number of entities that are partici-
2 pating in the program;

3 (B) the amount of Federal funds that are
4 made available for the program for each fiscal
5 year; and

6 (C) any other information the head of the
7 Federal agency determines to be relevant.

8 (c) LIST OF DEFICIENT PROGRAMS.—In the report
9 under subsection (a), the head of each Federal agency
10 shall include a list of Federal financial assistance pro-
11 grams for infrastructure identified under that subsection
12 for which a domestic content procurement preference re-
13 quirement—

14 (1) does not apply in a manner consistent with
15 section 4114; or

16 (2) is subject to a waiver of general applica-
17 bility not limited to the use of specific products for
18 use in a specific project.

19 **SEC. 4114. APPLICATION OF BUY AMERICA PREFERENCE.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the head of each Federal
22 agency shall ensure that none of the funds made available
23 for a Federal financial assistance program for infrastruc-
24 ture, including each deficient program, may be obligated
25 for a project unless all of the iron, steel, manufactured

1 products, and construction materials used in the project
2 are produced in the United States.

3 (b) WAIVER.—The head of a Federal agency that ap-
4 plies a domestic content procurement preference under
5 this section may waive the application of that preference
6 in any case in which the head of the Federal agency finds
7 that—

8 (1) applying the domestic content procurement
9 preference would be inconsistent with the public in-
10 terest;

11 (2) types of iron, steel, manufactured products,
12 or construction materials are not produced in the
13 United States in sufficient and reasonably available
14 quantities or of a satisfactory quality; or

15 (3) the inclusion of iron, steel, manufactured
16 products, or construction materials produced in the
17 United States will increase the cost of the overall
18 project by more than 25 percent.

19 (c) WRITTEN JUSTIFICATION.—Before issuing a
20 waiver under subsection (b), the head of the Federal agen-
21 cy shall—

22 (1) make publicly available in an easily acces-
23 sible location on a website designated by the Office
24 of Management and Budget and on the website of

1 the Federal agency a detailed written explanation for
2 the proposed determination to issue the waiver; and

3 (2) provide a period of not less than 15 days
4 for public comment on the proposed waiver.

5 (d) AUTOMATIC SUNSET ON WAIVERS OF GENERAL
6 APPLICABILITY.—

7 (1) IN GENERAL.—A general applicability waiv-
8 er issued under subsection (b) shall expire not later
9 than 2 years after the date on which the waiver is
10 issued.

11 (2) REISSUANCE.—The head of a Federal agen-
12 cy may reissue a general applicability waiver only
13 after—

14 (A) publishing in the Federal Register a
15 notice that—

16 (i) describes the justification for re-
17 issuing a general applicability waiver; and

18 (ii) requests public comments for a
19 period of not less than 30 days; and

20 (B) publishing in the Federal Register a
21 second notice that—

22 (i) responds to the public comments
23 received in response to the first notice; and

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1 (ii) provides the final decision on
2 whether the general applicability waiver
3 will be reissued.

4 (e) CONSISTENCY WITH INTERNATIONAL AGREE-
5 MENTS.—This section shall be applied in a manner con-
6 sistent with United States obligations under international
7 agreements.

8 **SEC. 4115. OMB GUIDANCE AND STANDARDS.**

9 (a) GUIDANCE.—The Director of the Office of Man-
10 agement and Budget shall—

11 (1) issue guidance to the head of each Federal
12 agency—

13 (A) to assist in identifying deficient pro-
14 grams under section 4113(e); and

15 (B) to assist in applying new domestic con-
16 tent procurement preferences under section
17 4114; and

18 (2) if necessary, amend subtitle A of title 2,
19 Code of Federal Regulations (or successor regula-
20 tions), to ensure that domestic content procurement
21 preference requirements required by this part or
22 other Federal law are imposed through the terms
23 and conditions of awards of Federal financial assist-
24 ance.

25 (b) STANDARDS FOR CONSTRUCTION MATERIALS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Director
3 of the Office of Management and Budget shall issue
4 standards that define the term “all manufacturing
5 processes” in the case of construction materials.

6 (2) CONSIDERATIONS.—In issuing standards
7 under paragraph (1), the Director shall—

8 (A) ensure that the standards require that
9 each manufacturing process required for the
10 manufacture of the construction material and
11 the inputs of the construction material occurs
12 in the United States; and

13 (B) take into consideration and seek to
14 maximize the direct and indirect jobs benefited
15 or created in the production of the construction
16 material.

17 **SEC. 4116. TECHNICAL ASSISTANCE PARTNERSHIP AND**
18 **CONSULTATION SUPPORTING DEPARTMENT**
19 **OF TRANSPORTATION BUY AMERICA RE-**
20 **QUIREMENTS.**

21 (a) DEFINITIONS.—In this section:

22 (1) BUY AMERICA LAW.—The term “Buy Amer-
23 ica law” means—

24 (A) section 313 of title 23, United States
25 Code;

1 (B) section 5323(j) of title 49, United
2 States Code;

3 (C) section 22905(a) of title 49, United
4 States Code;

5 (D) section 50101 of title 49, United
6 States Code; and

7 (E) any other domestic content procure-
8 ment preference for an infrastructure project
9 under the jurisdiction of the Secretary.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 (b) TECHNICAL ASSISTANCE PARTNERSHIP.—Not
13 later than 90 days after the date of the enactment of this
14 Act, the Secretary shall enter into a technical assistance
15 partnership with the Secretary of Commerce, acting
16 through the Director of the National Institute of Stand-
17 ards and Technology—

18 (1) to ensure the development of a domestic
19 supply base to support intermodal transportation in
20 the United States, such as intercity high speed rail
21 transportation, public transportation systems, high-
22 way construction or reconstruction, airport improve-
23 ment projects, and other infrastructure projects
24 under the jurisdiction of the Secretary;

1 (2) to ensure compliance with Buy America
2 laws that apply to a project that receives assistance
3 from the Federal Highway Administration, the Fed-
4 eral Transit Administration, the Federal Railroad
5 Administration, the Federal Aviation Administra-
6 tion, or another office or modal administration of
7 the Secretary of Transportation;

8 (3) to encourage technologies developed with
9 the support of and resources from the Secretary to
10 be transitioned into commercial market and applica-
11 tions; and

12 (4) to establish procedures for consultation
13 under subsection (c).

14 (c) CONSULTATION.—Before granting a written waiv-
15 er under a Buy America law, the Secretary shall consult
16 with the Director of the Hollings Manufacturing Exten-
17 sion Partnership regarding whether there is a domestic en-
18 tity that could provide the iron, steel, manufactured prod-
19 uct, or construction material that is the subject of the pro-
20 posed waiver.

21 (d) ANNUAL REPORT.—Not later than 1 year after
22 the date of enactment of this Act, and annually thereafter,
23 the Secretary shall submit to the Committee on Com-
24 merce, Science, and Transportation, the Committee on
25 Banking, Housing, and Urban Affairs, the Committee on

1 Environment and Public Works, and the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate and the Committee on Transportation and Infrastruc-
4 ture and the Committee on Oversight and Reform of the
5 House of Representatives a report that includes—

6 (1) a detailed description of the consultation
7 procedures developed under subsection (b)(4);

8 (2) a detailed description of each waiver re-
9 quested under a Buy America law in the preceding
10 year that was subject to consultation under sub-
11 section (c), and the results of the consultation;

12 (3) a detailed description of each waiver grant-
13 ed under a Buy America law in the preceding year,
14 including the type of waiver and the reasoning for
15 granting the waiver; and

16 (4) an update on challenges and gaps in the do-
17 mestic supply base identified in carrying out sub-
18 section (b)(1), including a list of actions and policy
19 changes the Secretary recommends be taken to ad-
20 dress those challenges and gaps.

21 **SEC. 4117. APPLICATION.**

22 (a) IN GENERAL.—This part shall apply to a Federal
23 financial assistance program for infrastructure only to the
24 extent that a domestic content procurement preference as

1 described in section 4114 does not already apply to iron,
2 steel, manufactured products, and construction materials.

3 (b) SAVINGS PROVISION.—Nothing in this part af-
4 fects a domestic content procurement preference for a
5 Federal financial assistance program for infrastructure
6 that is in effect and that meets the requirements of section
7 4114.

8 **PART II—MAKE IT IN AMERICA**

9 **SEC. 4121. REGULATIONS RELATING TO BUY AMERICAN** 10 **ACT.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, the Director of the Of-
13 fice of Management and Budget (“Director”), acting
14 through the Administrator for Federal Procurement Pol-
15 icy and, in consultation with the Federal Acquisition Reg-
16 ulatory Council, shall promulgate final regulations or
17 other policy or management guidance, as appropriate, to
18 standardize and simplify how Federal agencies comply
19 with, report on, and enforce the Buy American Act. The
20 regulations or other policy or management guidance shall
21 include, at a minimum, the following:

22 (1) Guidelines for Federal agencies to deter-
23 mine, for the purposes of applying sections 8302(a)
24 and 8303(b)(3) of title 41, United States Code, the
25 circumstances under which the acquisition of arti-

1 cles, materials, or supplies mined, produced, or man-
2 ufactured in the United States is inconsistent with
3 the public interest.

4 (2) Guidelines to ensure Federal agencies base
5 determinations of non-availability on appropriate
6 considerations, including anticipated project delays
7 and lack of substitutable articles, materials, and
8 supplies mined, produced, or manufactured in the
9 United States, when making determinations of non-
10 availability under section 8302(a)(1) of title 41,
11 United States Code.

12 (3)(A) Uniform procedures for each Federal
13 agency to make publicly available, in an easily iden-
14 tifiable location on the website of the agency, and
15 within the following time periods, the following infor-
16 mation:

17 (i) A written description of the cir-
18 cumstances in which the head of the agency
19 may waive the requirements of the Buy Amer-
20 ican Act.

21 (ii) Each waiver made by the head of the
22 agency within 30 days after making such waiv-
23 er, including a justification with sufficient detail
24 to explain the basis for the waiver.

1 (B) The procedures established under this para-
2 graph shall ensure that the head of an agency, in
3 consultation with the head of the Made in America
4 Office established under section 4123(a), may limit
5 the publication of classified information, trade se-
6 crets, or other information that could damage the
7 United States.

8 (4) Guidelines for Federal agencies to ensure
9 that a project is not disaggregated for purposes of
10 avoiding the applicability of the requirements under
11 the Buy American Act.

12 (5) An increase to the price preferences for do-
13 mestic end products and domestic construction ma-
14 terials.

15 (6) Amending the definitions of “domestic end
16 product” and “domestic construction material” to
17 ensure that iron and steel products are, to the great-
18 est extent possible, made with domestic components.

19 (b) GUIDELINES RELATING TO WAIVERS.—

20 (1) INCONSISTENCY WITH PUBLIC INTEREST.—

21 (A) IN GENERAL.—With respect to the
22 guidelines developed under subsection (a)(1),
23 the Administrator shall seek to minimize waiv-
24 ers related to contract awards that—

1 (i) result in a decrease in employment
2 in the United States, including employ-
3 ment among entities that manufacture the
4 articles, materials, or supplies; or

5 (ii) result in awarding a contract that
6 would decrease domestic employment.

7 (B) COVERED EMPLOYMENT.—For pur-
8 poses of subparagraph (A), employment refers
9 to positions directly involved in the manufacture
10 of articles, materials, or supplies, and does not
11 include positions related to management, re-
12 search and development, or engineering and de-
13 sign.

14 (2) ASSESSMENT ON USE OF DUMPED OR SUB-
15 SIDIZED FOREIGN PRODUCTS.—

16 (A) IN GENERAL.—To the extent otherwise
17 permitted by law, before granting a waiver in
18 the public interest to the guidelines developed
19 under subsection (a)(1) with respect to a prod-
20 uct sourced from a foreign country, a Federal
21 agency shall assess whether a significant por-
22 tion of the cost advantage of the product is the
23 result of the use of dumped steel, iron, or man-
24 ufactured goods or the use of injuriously sub-
25 sidized steel, iron, or manufactured goods.

1 (B) CONSULTATION.—The Federal agency
2 conducting the assessment under subparagraph
3 (A) shall consult with the International Trade
4 Administration in making the assessment if the
5 agency considers such consultation to be help-
6 ful.

7 (C) USE OF FINDINGS.—The Federal
8 agency conducting the assessment under sub-
9 paragraph (A) shall integrate any findings from
10 the assessment into its waiver determination.

11 (c) SENSE OF CONGRESS ON INCREASING DOMESTIC
12 CONTENT REQUIREMENTS.—It is the sense of Congress
13 that the Federal Acquisition Regulatory Council should
14 amend the Federal Acquisition Regulation to increase the
15 domestic content requirements for domestic end products
16 and domestic construction material to 75 percent, or, in
17 the event of no qualifying offers, 60 percent.

18 (d) DEFINITION OF END PRODUCT MANUFACTURED
19 IN THE UNITED STATES.—Not later than 1 year after the
20 date of the enactment of this Act, the Federal Acquisition
21 Regulatory Council shall amend part 25 of the Federal
22 Acquisition Regulation to provide a definition for “end
23 product manufactured in the United States,” including
24 guidelines to ensure that manufacturing processes in-
25 volved in production of the end product occur domestically.

1 **SEC. 4122. AMENDMENTS RELATING TO BUY AMERICAN**
2 **ACT.**

3 (a) SPECIAL RULES RELATING TO AMERICAN MATE-
4 RIALS REQUIRED FOR PUBLIC USE.—Section 8302 of title
5 41, United States Code, is amended by adding at the end
6 the following new subsection:

7 “(c) SPECIAL RULES.—The following rules apply in
8 carrying out the provisions of subsection (a):

9 “(1) IRON AND STEEL MANUFACTURED IN THE
10 UNITED STATES.—For purposes of this section,
11 manufactured articles, materials, and supplies of
12 iron and steel are deemed manufactured in the
13 United States only if all manufacturing processes in-
14 volved in the production of such iron and steel, from
15 the initial melting stage through the application of
16 coatings, occurs in the United States.

17 “(2) LIMITATION ON EXCEPTION FOR COMMER-
18 CIALY AVAILABLE OFF-THE-SHELF ITEMS.—Not-
19 withstanding any law or regulation to the contrary,
20 including section 1907 of this title and the Federal
21 Acquisition Regulation, the requirements of this sec-
22 tion apply to all iron and steel articles, materials,
23 and supplies.”.

24 (b) PRODUCTION OF IRON AND STEEL FOR PUR-
25 POSES OF CONTRACTS FOR PUBLIC WORKS.—Section
26 8303 of title 41, United States Code, is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (d); and

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsection:

5 “(c) SPECIAL RULES.—

6 “(1) PRODUCTION OF IRON AND STEEL.—For
7 purposes of this section, manufactured articles, ma-
8 terials, and supplies of iron and steel are deemed
9 manufactured in the United States only if all manu-
10 facturing processes involved in the production of
11 such iron and steel, from the initial melting stage
12 through the application of coatings, occurs in the
13 United States.

14 “(2) LIMITATION ON EXCEPTION FOR COMMER-
15 CIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Not-
16 withstanding any law or regulation to the contrary,
17 including section 1907 of this title and the Federal
18 Acquisition Regulation, the requirements of this sec-
19 tion apply to all iron and steel articles, materials,
20 and supplies used in contracts described in sub-
21 section (a).”.

22 (c) ANNUAL REPORT.—Subsection (b) of section
23 8302 of title 41, United States Code, is amended to read
24 as follows:

25 “(b) REPORTS.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the end of the fiscal year during which the
3 Build America, Buy America Act is enacted, and an-
4 nually thereafter for 4 years, the Director of the Of-
5 fice of Management and Budget, in consultation
6 with the Administrator of General Services, shall
7 submit to the Committee on Homeland Security and
8 Governmental Affairs of the Senate and the Com-
9 mittee on Oversight and Reform of the House of
10 Representatives a report on the total amount of ac-
11 quisitions made by Federal agencies in the relevant
12 fiscal year of articles, materials, or supplies acquired
13 from entities that mine, produce, or manufacture the
14 articles, materials, or supplies outside the United
15 States.

16 “(2) EXCEPTION FOR INTELLIGENCE COMMU-
17 NITY.—This subsection does not apply to acquisi-
18 tions made by an agency, or component of an agen-
19 cy, that is an element of the intelligence community
20 as specified in, or designated under, section 3 of the
21 National Security Act of 1947 (50 U.S.C. 3003).”.

22 (d) DEFINITION.—Section 8301 of title 41, United
23 States Code, is amended by adding at the end the fol-
24 lowing new paragraph:

1 “(3) FEDERAL AGENCY.—The term ‘Federal
2 agency’ has the meaning given the term ‘executive
3 agency’ in section 133 of this title.”.

4 (e) CONFORMING AMENDMENTS.—Title 41, United
5 States Code, is amended—

6 (1) in section 8302(a)—

7 (A) in paragraph (1)—

8 (i) by striking “department or inde-
9 pendent establishment” and inserting
10 “Federal agency”; and

11 (ii) by striking “their acquisition to be
12 inconsistent with the public interest or
13 their cost to be unreasonable” and insert-
14 ing “their acquisition to be inconsistent
15 with the public interest, their cost to be
16 unreasonable, or that the articles, mate-
17 rials, or supplies of the class or kind to be
18 used, or the articles, materials, or supplies
19 from which they are manufactured, are not
20 mined, produced, or manufactured in the
21 United States in sufficient and reasonably
22 available commercial quantities and of a
23 satisfactory quality”; and

24 (B) in paragraph (2), by amending sub-
25 paragraph (B) to read as follows:

1 “(B) to any articles, materials, or supplies
2 procured pursuant to a reciprocal defense pro-
3 curement memorandum of understanding (as
4 described in section 8304 of this title), or a
5 trade agreement or least developed country des-
6 ignation described in subpart 25.400 of the
7 Federal Acquisition Regulation; and”;

8 (2) in section 8303—

9 (A) in subsection (b)—

10 (i) by striking “department or inde-
11 pendent establishment” each place it ap-
12 pears and inserting “Federal agency”;

13 (ii) by amending subparagraph (B) of
14 paragraph (1) to read as follows:

15 “(B) to any articles, materials, or supplies
16 procured pursuant to a reciprocal defense pro-
17 curement memorandum of understanding (as
18 described in section 8304), or a trade agree-
19 ment or least developed country designation de-
20 scribed in subpart 25.400 of the Federal Acqui-
21 sition Regulation; and”;

22 (iii) in paragraph (3)—

23 (I) in the heading, by striking

24 “INCONSISTENT WITH PUBLIC INTER-

1099

1 EST” and inserting “WAIVER AU-
2 THORITY”; and

3 (II) by striking “their purchase
4 to be inconsistent with the public in-
5 terest or their cost to be unreason-
6 able” and inserting “their acquisition
7 to be inconsistent with the public in-
8 terest, their cost to be unreasonable,
9 or that the articles, materials, or sup-
10 plies of the class or kind to be used,
11 or the articles, materials, or supplies
12 from which they are manufactured,
13 are not mined, produced, or manufac-
14 tured in the United States in suffi-
15 cient and reasonably available com-
16 mercial quantities and of a satisfac-
17 tory quality”; and

18 (B) in subsection (d), as redesignated by
19 subsection (b)(1) of this section, by striking
20 “department, bureau, agency, or independent
21 establishment” each place it appears and insert-
22 ing “Federal agency”.

23 (f) EXCLUSION FROM INFLATION ADJUSTMENT OF
24 ACQUISITION-RELATED DOLLAR THRESHOLDS.—Sub-
25 paragraph (A) of section 1908(b)(2) of title 41, United

1 States Code, is amended by striking “chapter 67” and in-
2 serting “chapters 67 and 83”.

3 **SEC. 4123. MADE IN AMERICA OFFICE.**

4 (a) ESTABLISHMENT.—The Director of the Office of
5 Management and Budget shall establish within the Office
6 of Management and Budget an office to be known as the
7 “Made in America Office”. The head of the office shall
8 be appointed by the Director of the Office of Management
9 and Budget (in this section referred to as the “Made in
10 America Director”).

11 (b) DUTIES.—The Made in America Director shall
12 have the following duties:

13 (1) Maximize and enforce compliance with do-
14 mestic preference statutes.

15 (2) Develop and implement procedures to re-
16 view waiver requests or inapplicability requests re-
17 lated to domestic preference statutes.

18 (3) Prepare the reports required under sub-
19 sections (c) and (e).

20 (4) Ensure that Federal contracting personnel,
21 financial assistance personnel, and non-Federal re-
22 cipients are regularly trained on obligations under
23 the Buy American Act and other agency-specific do-
24 mestic preference statutes.

1 (5) Conduct the review of reciprocal defense
2 agreements required under subsection (d).

3 (6) Ensure that Federal agencies, Federal fi-
4 nancial assistance recipients, and the Hollings Man-
5 ufacturing Extension Partnership partner with each
6 other to promote compliance with domestic pref-
7 erence statutes.

8 (7) Support executive branch efforts to develop
9 and sustain a domestic supply base to meet Federal
10 procurement requirements.

11 (c) OFFICE OF MANAGEMENT AND BUDGET RE-
12 PORT.—Not later than 1 year after the date of the enact-
13 ment of this Act, the Director of the Office of Manage-
14 ment and Budget, working through the Made in America
15 Director, shall report to the relevant congressional com-
16 mittees on the extent to which, in each of the three fiscal
17 years prior to the date of enactment of this Act, articles,
18 materials, or supplies acquired by the Federal Government
19 were mined, produced, or manufactured outside the
20 United States. Such report shall include for each Federal
21 agency the following:

22 (1) A summary of total procurement funds ex-
23 pended on articles, materials, and supplies mined,
24 produced, or manufactured—

25 (A) inside the United States;

1 (B) outside the United States; and

2 (C) outside the United States—

3 (i) under each category of waiver
4 under the Buy American Act;

5 (ii) under each category of exception
6 under such chapter; and

7 (iii) for each country that mined, pro-
8 duced, or manufactured such articles, ma-
9 terials, and supplies.

10 (2) For each fiscal year covered by the report—

11 (A) the dollar value of any articles, mate-
12 rials, or supplies that were mined, produced, or
13 manufactured outside the United States, in the
14 aggregate and by country;

15 (B) an itemized list of all waivers made
16 under the Buy American Act with respect to ar-
17 ticles, materials, or supplies, where available,
18 and the country where such articles, materials,
19 or supplies were mined, produced, or manufac-
20 tured;

21 (C) if any articles, materials, or supplies
22 were acquired from entities that mine, produce,
23 or manufacture such articles, materials, or sup-
24 plies outside the United States due to an excep-
25 tion (that is not the micro-purchase threshold

1 exception described under section 8302(a)(2)(C)
2 of title 41, United States Code), the specific ex-
3 ception that was used to purchase such articles,
4 materials, or supplies; and

5 (D) if any articles, materials, or supplies
6 were acquired from entities that mine, produce,
7 or manufacture such articles, materials, or sup-
8 plies outside the United States pursuant to a
9 reciprocal defense procurement memorandum of
10 understanding (as described in section 8304 of
11 title 41, United States Code), or a trade agree-
12 ment or least developed country designation de-
13 scribed in subpart 25.400 of the Federal Acqui-
14 sition Regulation, a citation to such memo-
15 randum of understanding, trade agreement, or
16 designation.

17 (3) A description of the methods used by each
18 Federal agency to calculate the percentage domestic
19 content of articles, materials, and supplies mined,
20 produced, or manufactured in the United States.

21 (d) REVIEW OF RECIPROCAL DEFENSE AGREE-
22 MENTS.—

23 (1) REVIEW OF PROCESS.—Not later than 180
24 days after the date of the enactment of this Act, the
25 Made in America Director shall review the Depart-

1 ment of Defense’s use of reciprocal defense agree-
2 ments to determine if domestic entities have equal
3 and proportional access and report the findings of
4 the review to the Director of the Office of Manage-
5 ment and Budget, the Secretary of Defense, and the
6 Secretary of State.

7 (2) REVIEW OF RECIPROCAL PROCUREMENT
8 MEMORANDA OF UNDERSTANDING.—The Made in
9 America Director shall review reciprocal procure-
10 ment memoranda of understanding entered into
11 after the date of the enactment of this Act between
12 the Department of Defense and its counterparts in
13 foreign governments to assess whether domestic enti-
14 ties will have equal and proportional access under
15 the memoranda of understanding and report the
16 findings of the review to the Director of the Office
17 of Management and Budget, the Secretary of De-
18 fense, and the Secretary of State.

19 (e) REPORT ON USE OF MADE IN AMERICA LAWS.—
20 The Made in America Director shall submit to the relevant
21 congressional committees a summary of each report on the
22 use of Made in America Laws received by the Made in
23 America Director pursuant to section 11 of Executive
24 Order 14005, dated January 25, 2021 (relating to ensur-
25 ing the future is made in all of America by all of America’s

1 workers) not later than 90 days after the date of the en-
2 actment of this Act or receipt of the reports required
3 under section 11 of such Executive Order, whichever is
4 later.

5 (f) DOMESTIC PREFERENCE STATUTE DEFINED.—

6 In this section, the term “domestic preference statute”
7 means any of the following:

8 (1) the Buy American Act;

9 (2) a Buy America law (as that term is defined
10 in section 4116(a));

11 (3) the Berry Amendment;

12 (4) section 604 of the American Recovery and
13 Reinvestment Act of 2009 (6 U.S.C. 453b) (com-
14 monly referred to as the “Kissell amendment”);

15 (5) section 2533b of title 10 (commonly re-
16 ferred to as the “specialty metals clause”);

17 (6) laws requiring domestic preference for mari-
18 time transport, including the Merchant Marine Act,
19 1920 (Public Law 66–261), commonly known as the
20 “Jones Act”; and

21 (7) any other law, regulation, rule, or executive
22 order relating to Federal financial assistance awards
23 or Federal procurement, that requires, or provides a
24 preference for, the purchase or acquisition of goods,
25 products, or materials produced in the United

1 States, including iron, steel, construction material,
2 and manufactured goods offered in the United
3 States.

4 **SEC. 4124. HOLLINGS MANUFACTURING EXTENSION PART-**
5 **nership ACTIVITIES.**

6 (a) USE OF HOLLINGS MANUFACTURING EXTENSION
7 PARTNERSHIP TO REFER NEW BUSINESSES TO CON-
8 TRACTING OPPORTUNITIES.—The head of each Federal
9 agency shall work with the Director of the Hollings Manu-
10 facturing Extension Partnership, as necessary, to ensure
11 businesses participating in this Partnership are aware of
12 their contracting opportunities.

13 (b) AUTOMATIC ENROLLMENT IN GSA ADVAN-
14 TAGE!.—The Administrator of the General Services Ad-
15 ministration and the Secretary of Commerce, acting
16 through the Under Secretary of Commerce for Standards
17 and Technology, shall jointly ensure that each business
18 that participates in the Hollings Manufacturing Extension
19 Partnership is automatically enrolled in General Services
20 Administration Advantage!.

21 **SEC. 4125. UNITED STATES OBLIGATIONS UNDER INTER-**
22 **NATIONAL AGREEMENTS.**

23 This part, and the amendments made by this part,
24 shall be applied in a manner consistent with United States
25 obligations under international agreements.

1 **SEC. 4126. DEFINITIONS.**

2 In this part:

3 (1) **BERRY AMENDMENT.**—The term “Berry
4 Amendment” means section 2533a of title 10,
5 United States Code.

6 (2) **BUY AMERICAN ACT.**—The term “Buy
7 American Act” means chapter 83 of title 41, United
8 States Code.

9 (3) **FEDERAL AGENCY.**—The term “Federal
10 agency” has the meaning given the term “executive
11 agency” in section 133 of title 41, United States
12 Code.

13 (4) **RELEVANT CONGRESSIONAL COMMIT-**
14 **TEES.**—The term “relevant congressional commit-

15 tees” means—
16 (A) the Committee on Homeland Security
17 and Governmental Affairs, the Committee on
18 Commerce, Science, and Transportation, the
19 Committee on Environment and Public Works,
20 the Committee on Banking, Housing, and
21 Urban Affairs, and the Committee on Armed
22 Services of the Senate; and

23 (B) the Committee on Oversight and Re-
24 form, the Committee on Armed Services, and
25 the Committee on Transportation and Infra-
26 structure of the House of Representatives.

1 (5) WAIVER.—The term “waiver”, with respect
2 to the acquisition of an article, material, or supply
3 for public use, means the inapplicability of chapter
4 83 of title 41, United States Code, to the acquisition
5 by reason of any of the following determinations
6 under section 8302(a)(1) or 8303(b) of such title:

7 (A) A determination by the head of the
8 Federal agency concerned that the acquisition
9 is inconsistent with the public interest.

10 (B) A determination by the head of the
11 Federal agency concerned that the cost of the
12 acquisition is unreasonable.

13 (C) A determination by the head of the
14 Federal agency concerned that the article, ma-
15 terial, or supply is not mined, produced, or
16 manufactured in the United States in sufficient
17 and reasonably available commercial quantities
18 of a satisfactory quality.

19 **SEC. 4127. PROSPECTIVE AMENDMENTS TO INTERNAL**
20 **CROSS-REFERENCES.**

21 (a) SPECIALTY METALS CLAUSE REFERENCE.—Sec-
22 tion 4123(f)(5) is amended by striking “section 2533b”
23 and inserting “section 4863”.

1 (b) BERRY AMENDMENT REFERENCE.—Section
2 4126(1) is amended by striking “section 2533a” and in-
3 serting “section 4862”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on January 1, 2022.

6 **Subtitle B—BuyAmerican.gov**

7 **SEC. 4131. SHORT TITLE.**

8 This subtitle may be cited as the “BuyAmerican.gov
9 Act of 2021”.

10 **SEC. 4132. DEFINITIONS.**

11 In this subtitle:

12 (1) BUY AMERICAN LAW.—The term “Buy
13 American law” means any law, regulation, Executive
14 order, or rule relating to Federal contracts, grants,
15 or financial assistance that requires or provides a
16 preference for the purchase or use of goods, prod-
17 ucts, or materials mined, produced, or manufactured
18 in the United States, including—

19 (A) chapter 83 of title 41, United States
20 Code (commonly referred to as the “Buy Amer-
21 ican Act”);

22 (B) section 5323(j) of title 49, United
23 States Code;

24 (C) section 313 of title 23, United States
25 Code;

1110

1 (D) section 50101 of title 49, United
2 States Code;

3 (E) section 24405 of title 49, United
4 States Code;

5 (F) section 608 of the Federal Water Pol-
6 lution Control Act (33 U.S.C. 1388);

7 (G) section 1452(a)(4) of the Safe Drink-
8 ing Water Act (42 U.S.C. 300j-12(a)(4));

9 (H) section 5035 of the Water Resources
10 Reform and Development Act of 2014 (33
11 U.S.C. 3914);

12 (I) section 2533a of title 10, United States
13 Code (commonly referred to as the “Berry
14 Amendment”); and

15 (J) section 2533b of title 10, United
16 States Code.

17 (2) EXECUTIVE AGENCY.—The term “executive
18 agency” has the meaning given the term “agency”
19 in paragraph (1) of section 3502 of title 44, United
20 States Code, except that it does not include an inde-
21 pendent regulatory agency, as that term is defined
22 in paragraph (5) of such section.

23 (3) BUY AMERICAN WAIVER.—The term “Buy
24 American waiver” refers to an exception to or waiver
25 of any Buy American law, or the terms and condi-

1 tions used by an agency in granting an exception to
2 or waiver from Buy American laws.

3 **SEC. 4133. SENSE OF CONGRESS ON BUYING AMERICAN.**

4 It is the sense of Congress that—

5 (1) every executive agency should maximize,
6 through terms and conditions of Federal financial
7 assistance awards and Federal procurements, the
8 use of goods, products, and materials produced in
9 the United States and contracts for outsourced gov-
10 ernment service contracts to be performed by United
11 States nationals;

12 (2) every executive agency should scrupulously
13 monitor, enforce, and comply with Buy American
14 laws, to the extent they apply, and minimize the use
15 of waivers; and

16 (3) every executive agency should use available
17 data to routinely audit its compliance with Buy
18 American laws.

19 **SEC. 4134. ASSESSMENT OF IMPACT OF FREE TRADE**
20 **AGREEMENTS.**

21 Not later than 150 days after the date of the enact-
22 ment of this Act, the Secretary of Commerce, the United
23 States Trade Representative, and the Director of the Of-
24 fice of Management and Budget shall assess the impacts
25 in a publicly available report of all United States free

1 trade agreements, the World Trade Organization Agree-
2 ment on Government Procurement, and Federal permit-
3 ting processes on the operation of Buy American laws, in-
4 cluding their impacts on the implementation of domestic
5 procurement preferences.

6 **SEC. 4135. JUDICIOUS USE OF WAIVERS.**

7 (a) IN GENERAL.—To the extent permitted by law,
8 a Buy American waiver that is determined by an agency
9 head or other relevant official to be in the public interest
10 shall be construed to ensure the maximum utilization of
11 goods, products, and materials produced in the United
12 States.

13 (b) PUBLIC INTEREST WAIVER DETERMINATIONS.—
14 To the extent permitted by law, determination of public
15 interest waivers shall be made by the head of the agency
16 with the authority over the Federal financial assistance
17 award or Federal procurement under consideration.

18 **SEC. 4136. ESTABLISHMENT OF BUYAMERICAN.GOV**
19 **WEBSITE.**

20 (a) IN GENERAL.—Not later than one year after the
21 date of the enactment of this Act, the Administrator of
22 General Services shall establish an Internet website with
23 the address BuyAmerican.gov that will be publicly avail-
24 able and free to access. The website shall include informa-
25 tion on all waivers of and exceptions to Buy American laws

1 since the date of the enactment of this Act that have been
2 requested, are under consideration, or have been granted
3 by executive agencies and be designed to enable manufac-
4 turers and other interested parties to easily identify waiv-
5 ers. The website shall also include the results of routine
6 audits to determine data errors and Buy American law
7 violations after the award of a contract. The website shall
8 provide publicly available contact information for the rel-
9 evant contracting agencies.

10 (b) UTILIZATION OF EXISTING WEBSITE.—The re-
11 quirements of subsection (a) may be met by utilizing an
12 existing website, provided that the address of that website
13 is BuyAmerican.gov.

14 **SEC. 4137. WAIVER TRANSPARENCY AND STREAMLINING**
15 **FOR CONTRACTS.**

16 (a) COLLECTION OF INFORMATION.—The Adminis-
17 trator of General Services, in consultation with the heads
18 of relevant agencies, shall develop a mechanism to collect
19 information on requests to invoke a Buy American waiver
20 for a Federal contract, utilizing existing reporting require-
21 ments whenever possible, for purposes of providing early
22 notice of possible waivers via the website established under
23 section 4136.

24 (b) WAIVER TRANSPARENCY AND STREAMLINING.—

1 (1) REQUIREMENT.—Prior to granting a re-
2 quest to waive a Buy American law, the head of an
3 executive agency shall submit a request to invoke a
4 Buy American waiver to the Administrator of Gen-
5 eral Services, and the Administrator of General
6 Services shall make the request available on or
7 through the public website established under section
8 4136 for public comment for not less than 15 days.

9 (2) EXCEPTION.—The requirement under para-
10 graph (1) does not apply to a request for a Buy
11 American waiver to satisfy an urgent contracting
12 need in an unforeseen and exigent circumstance.

13 (c) INFORMATION AVAILABLE TO THE EXECUTIVE
14 AGENCY CONCERNING THE REQUEST.—

15 (1) REQUIREMENT.—No Buy American waiver
16 for purposes of awarding a contract may be granted
17 if, in contravention of subsection (b)—

18 (A) information about the waiver was not
19 made available on the website under section
20 4136; or

21 (B) no opportunity for public comment
22 concerning the request was granted.

23 (2) SCOPE.—Information made available to the
24 public concerning the request included on the
25 website described in section 4136 shall properly and

1 adequately document and justify the statutory basis
2 cited for the requested waiver. Such information
3 shall include—

4 (A) a detailed justification for the use of
5 goods, products, or materials mined, produced,
6 or manufactured outside the United States;

7 (B) for requests citing unreasonable cost
8 as the statutory basis of the waiver, a compari-
9 son of the cost of the domestic product to the
10 cost of the foreign product or a comparison of
11 the overall cost of the project with domestic
12 products to the overall cost of the project with
13 foreign-origin products or services, pursuant to
14 the requirements of the applicable Buy Amer-
15 ican law, except that publicly available cost
16 comparison data may be provided in lieu of pro-
17 prietary pricing information;

18 (C) for requests citing the public interest
19 as the statutory basis for the waiver, a detailed
20 written statement, which shall include all appro-
21 priate factors, such as potential obligations
22 under international agreements, justifying why
23 the requested waiver is in the public interest;
24 and

1 (D) a certification that the procurement
2 official or assistance recipient made a good
3 faith effort to solicit bids for domestic products
4 supported by terms included in requests for
5 proposals, contracts, and nonproprietary com-
6 munications with the prime contractor.

7 (d) NONAVAILABILITY WAIVERS.—

8 (1) IN GENERAL.—Except as provided under
9 paragraph (2), for a request citing nonavailability as
10 the statutory basis for a Buy American waiver, an
11 executive agency shall provide an explanation of the
12 procurement official's efforts to procure a product
13 from a domestic source and the reasons why a do-
14 mestic product was not available from a domestic
15 source. Those explanations shall be made available
16 on BuyAmerican.gov prior to the issuance of the
17 waiver, and the agency shall consider public com-
18 ments regarding the availability of the product be-
19 fore making a final determination.

20 (2) EXCEPTION.—An explanation under para-
21 graph (1) is not required for a product the nonavail-
22 ability of which is established by law or regulation.

23 **SEC. 4138. COMPTROLLER GENERAL REPORT.**

24 Not later than two years after the date of the enact-
25 ment of this Act, the Comptroller General of the United

1 States shall submit to Congress a report describing the
2 implementation of this subtitle, including recommenda-
3 tions for any legislation to improve the collection and re-
4 porting of information regarding waivers of and exceptions
5 to Buy American laws.

6 **SEC. 4139. RULES OF CONSTRUCTION.**

7 (a) DISCLOSURE REQUIREMENTS.—Nothing in this
8 subtitle shall be construed as preempting, superseding, or
9 otherwise affecting the application of any disclosure re-
10 quirement or requirements otherwise provided by law or
11 regulation.

12 (b) ESTABLISHMENT OF SUCCESSOR INFORMATION
13 SYSTEMS.—Nothing in this subtitle shall be construed as
14 preventing or otherwise limiting the ability of the Adminis-
15 trator of General Services to move the data required to
16 be included on the website established under subsection
17 (a) to a successor information system. Any such informa-
18 tion system shall include a reference to BuyAmerican.gov.

19 **SEC. 4140. CONSISTENCY WITH INTERNATIONAL AGREE-**
20 **MENTS.**

21 This subtitle shall be applied in a manner consistent
22 with United States obligations under international agree-
23 ments.

1 **SEC. 4141. PROSPECTIVE AMENDMENTS TO INTERNAL**
2 **CROSS-REFERENCES.**

3 (a) IN GENERAL.—Section 4132(1) is amended—

4 (1) in subparagraph (I), by striking “section
5 2533a” and inserting “section 4862”; and

6 (2) in subparagraph (J), by striking “section
7 2533b” and inserting “section 4863”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall take effect on January 1, 2022.

10 **Subtitle C—Make PPE in America**

11 **SEC. 4151. SHORT TITLE.**

12 This subtitle may be cited as the “Make PPE in
13 America Act”.

14 **SEC. 4152. FINDINGS.**

15 Congress makes the following findings:

16 (1) The COVID–19 pandemic has exposed the
17 vulnerability of the United States supply chains for,
18 and lack of domestic production of, personal protec-
19 tive equipment (PPE).

20 (2) The United States requires a robust, secure,
21 and wholly domestic PPE supply chain to safeguard
22 public health and national security.

23 (3) Issuing a strategy that provides the govern-
24 ment’s anticipated needs over the next three years
25 will enable suppliers to assess what changes, if any,

1 are needed in their manufacturing capacity to meet
2 expected demands.

3 (4) In order to foster a domestic PPE supply
4 chain, United States industry needs a strong and
5 consistent demand signal from the Federal Govern-
6 ment providing the necessary certainty to expand
7 production capacity investment in the United States.

8 (5) In order to effectively incentivize investment
9 in the United States and the re-shoring of manufac-
10 turing, long-term contracts must be no shorter than
11 three years in duration.

12 (6) To accomplish this aim, the United States
13 should seek to ensure compliance with its inter-
14 national obligations, such as its commitments under
15 the World Trade Organization's Agreement on Gov-
16 ernment Procurement and its free trade agreements,
17 including by invoking any relevant exceptions to
18 those agreements, especially those related to national
19 security and public health.

20 (7) The United States needs a long-term invest-
21 ment strategy for the domestic production of PPE
22 items critical to the United States national response
23 to a public health crisis, including the COVID-19
24 pandemic.

1 **SEC. 4153. REQUIREMENT OF LONG-TERM CONTRACTS FOR**
2 **DOMESTICALLY MANUFACTURED PERSONAL**
3 **PROTECTIVE EQUIPMENT.**

4 (a) DEFINITIONS.—In this section:

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

8 (A) the Committee on Homeland Security
9 and Governmental Affairs, the Committee on
10 Health, Education, Labor, and Pensions, the
11 Committee on Finance, and the Committee on
12 Veterans’ Affairs of the Senate; and

13 (B) the Committee on Homeland Security,
14 the Committee on Oversight and Reform, the
15 Committee on Energy and Commerce, the Com-
16 mittee on Ways and Means, and the Committee
17 on Veterans’ Affairs of the House of Represent-
18 atives.

19 (2) COVERED SECRETARY.—The term “covered
20 Secretary” means the Secretary of Homeland Secu-
21 rity, the Secretary of Health and Human Services,
22 and the Secretary of Veterans Affairs.

23 (3) PERSONAL PROTECTIVE EQUIPMENT.—The
24 term “personal protective equipment” means sur-
25 gical masks, respirator masks and powered air puri-
26 fying respirators and required filters, face shields

1 and protective eyewear, gloves, disposable and reus-
2 able surgical and isolation gowns, head and foot cov-
3 erings, and other gear or clothing used to protect an
4 individual from the transmission of disease.

5 (4) UNITED STATES.—The term “United
6 States” means the 50 States, the District of Colum-
7 bia, and the possessions of the United States.

8 (b) CONTRACT REQUIREMENTS FOR DOMESTIC PRO-
9 Duction.—Beginning 90 days after the date of the enact-
10 ment of this Act, in order to ensure the sustainment and
11 expansion of personal protective equipment manufacturing
12 in the United States and meet the needs of the current
13 pandemic response, any contract for the procurement of
14 personal protective equipment entered into by a covered
15 Secretary, or a covered Secretary’s designee, shall—

16 (1) be issued for a duration of at least 2 years,
17 plus all option periods necessary, to incentivize in-
18 vestment in the production of personal protective
19 equipment and the materials and components there-
20 of in the United States; and

21 (2) be for personal protective equipment, in-
22 cluding the materials and components thereof, that
23 is grown, reprocessed, reused, or produced in the
24 United States.

1 (c) ALTERNATIVES TO DOMESTIC PRODUCTION.—

2 The requirement under subsection (b) shall not apply to
3 an item of personal protective equipment, or component
4 or material thereof if, after maximizing to the extent fea-
5 sible sources consistent with subsection (b), the covered
6 Secretary—

7 (1) maximizes sources for personal protective
8 equipment that is assembled outside the United
9 States containing only materials and components
10 that are grown, reprocessed, reused, or produced in
11 the United States; and

12 (2) certifies every 120 days that it is necessary
13 to procure personal protective equipment under al-
14 ternative procedures to respond to the immediate
15 needs of a public health emergency.

16 (d) AVAILABILITY EXCEPTION.—

17 (1) IN GENERAL.—Subsections (b) and (c) shall
18 not apply to an item of personal protective equip-
19 ment, or component or material thereof—

20 (A) that is, or that includes, a material
21 listed in section 25.104 of the Federal Acquisi-
22 tion Regulation as one for which a non-avail-
23 ability determination has been made; or

24 (B) as to which the covered Secretary de-
25 termines that a sufficient quantity of a satisfac-

1 tory quality that is grown, reprocessed, reused,
2 or produced in the United States cannot be pro-
3 cured as, and when, needed at United States
4 market prices.

5 (2) CERTIFICATION REQUIREMENT.—The cov-
6 ered Secretary shall certify every 120 days that the
7 exception under paragraph (1) is necessary to meet
8 the immediate needs of a public health emergency.

9 (e) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Di-
12 rector of the Office of Management and Budget, in
13 consultation with the covered Secretaries, shall sub-
14 mit to the chairs and ranking members of the appro-
15 priate congressional committees a report on the pro-
16 curement of personal protective equipment.

17 (2) ELEMENTS.—The report required under
18 paragraph (1) shall include the following elements:

19 (A) The United States long-term domestic
20 procurement strategy for PPE produced in the
21 United States, including strategies to
22 incentivize investment in and maintain United
23 States supply chains for all PPE sufficient to
24 meet the needs of the United States during a
25 public health emergency.

1 (B) An estimate of long-term demand
2 quantities for all PPE items procured by the
3 United States.

4 (C) Recommendations for congressional ac-
5 tion required to implement the United States
6 Government's procurement strategy.

7 (D) A determination whether all notifica-
8 tions, amendments, and other necessary actions
9 have been completed to bring the United States
10 existing international obligations into con-
11 formity with the statutory requirements of this
12 subtitle.

13 (f) AUTHORIZATION OF TRANSFER OF EQUIP-
14 MENT.—

15 (1) IN GENERAL.—A covered Secretary may
16 transfer to the Strategic National Stockpile estab-
17 lished under section 319F-2 of the Public Health
18 Service Act (42 U.S.C. 247d-6b) any excess per-
19 sonal protective equipment acquired under a con-
20 tract executed pursuant to subsection (b).

21 (2) TRANSFER OF EQUIPMENT DURING A PUB-
22 LIC HEALTH EMERGENCY.—

23 (A) AMENDMENT.—Title V of the Home-
24 land Security Act of 2002 (6 U.S.C. 311 et

1 seq.) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC**
4 **HEALTH EMERGENCY.**

5 “(a) AUTHORIZATION OF TRANSFER OF EQUIP-
6 MENT.—During a public health emergency declared by the
7 Secretary of Health and Human Services under section
8 319(a) of the Public Health Service Act (42 U.S.C.
9 247d(a)), the Secretary, at the request of the Secretary
10 of Health and Human Services, may transfer to the De-
11 partment of Health and Human Services, on a reimburs-
12 able basis, excess personal protective equipment or medi-
13 cally necessary equipment in the possession of the Depart-
14 ment.

15 “(b) DETERMINATION BY SECRETARIES.—

16 “(1) IN GENERAL.—In carrying out this sec-
17 tion—

18 “(A) before requesting a transfer under
19 subsection (a), the Secretary of Health and
20 Human Services shall determine whether the
21 personal protective equipment or medically nec-
22 essary equipment is otherwise available; and

23 “(B) before initiating a transfer under
24 subsection (a), the Secretary, in consultation

1 with the heads of each component within the
2 Department, shall—

3 “(i) determine whether the personal
4 protective equipment or medically nec-
5 essary equipment requested to be trans-
6 ferred under subsection (a) is excess equip-
7 ment; and

8 “(ii) certify that the transfer of the
9 personal protective equipment or medically
10 necessary equipment will not adversely im-
11 pact the health or safety of officers, em-
12 ployees, or contractors of the Department.

13 “(2) NOTIFICATION.—The Secretary of Health
14 and Human Services and the Secretary shall each
15 submit to Congress a notification explaining the de-
16 termination made under subparagraphs (A) and (B),
17 respectively, of paragraph (1).

18 “(3) REQUIRED INVENTORY.—

19 “(A) IN GENERAL.—The Secretary shall—

20 “(i) acting through the Chief Medical
21 Officer of the Department, maintain an in-
22 ventory of all personal protective equip-
23 ment and medically necessary equipment in
24 the possession of the Department; and

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1 “(ii) make the inventory required
2 under clause (i) available, on a continual
3 basis, to—

4 “(I) the Secretary of Health and
5 Human Services; and

6 “(II) the Committee on Appro-
7 priations and the Committee on
8 Homeland Security and Governmental
9 Affairs of the Senate and the Com-
10 mittee on Appropriations and the
11 Committee on Homeland Security of
12 the House of Representatives.

13 “(B) FORM.—Each inventory required to
14 be made available under subparagraph (A) shall
15 be submitted in unclassified form, but may in-
16 clude a classified annex.”.

17 (B) TABLE OF CONTENTS AMENDMENT.—
18 The table of contents in section 1(b) of the
19 Homeland Security Act of 2002 (Public Law
20 107–296; 116 Stat. 2135) is amended by in-
21 serting after the item relating to section 528
22 the following:

“Sec. 529. Transfer of equipment during a public health emergency.”.

23 (3) STRATEGIC NATIONAL STOCKPILE.—Section
24 319F–2(a) of the Public Health Service Act (42

1 U.S.C. 247d–6b(a)) is amended by adding at the
2 end the following:

3 “(6) TRANSFERS OF ITEMS.—The Secretary, in
4 coordination with the Secretary of Homeland Secu-
5 rity, may sell drugs, vaccines and other biological
6 products, medical devices, or other supplies main-
7 tained in the stockpile under paragraph (1) to a
8 Federal agency or private, nonprofit, State, local,
9 tribal, or territorial entity for immediate use and
10 distribution, provided that any such items being sold
11 are—

12 “(A) within 1 year of their expiration date;

13 or

14 “(B) determined by the Secretary to no
15 longer be needed in the stockpile due to ad-
16 vances in medical or technical capabilities.”.

17 (g) COMPLIANCE WITH INTERNATIONAL AGREE-
18 MENTS.—The President or the President’s designee shall
19 take all necessary steps, including invoking the rights of
20 the United States under Article III of the World Trade
21 Organization’s Agreement on Government Procurement
22 and the relevant exceptions of other relevant agreements
23 to which the United States is a party, to ensure that the
24 international obligations of the United States are con-
25 sistent with the provisions of this subtitle.

1 **TITLE II—CYBER AND**
2 **ARTIFICIAL INTELLIGENCE**
3 **Subtitle A—Advancing American**
4 **AI**

5 **SEC. 4201. SHORT TITLE.**

6 This subtitle may be cited as the “Advancing Amer-
7 ican AI Act”.

8 **SEC. 4202. PURPOSE.**

9 The purposes of this subtitle are to—

10 (1) encourage agency artificial intelligence-re-
11 lated programs and initiatives that enhance the com-
12 petitiveness of the United States and foster an ap-
13 proach to artificial intelligence that builds on the
14 strengths of the United States in innovation and
15 entrepreneurialism;

16 (2) enhance the ability of the Federal Govern-
17 ment to translate research advances into artificial
18 intelligence applications to modernize systems and
19 assist agency leaders in fulfilling their missions;

20 (3) promote adoption of modernized business
21 practices and advanced technologies across the Fed-
22 eral Government that align with the values of the
23 United States, including the protection of privacy,
24 civil rights, and civil liberties; and

1 (4) test and harness applied artificial intel-
2 ligence to enhance mission effectiveness and business
3 practice efficiency.

4 **SEC. 4203. DEFINITIONS.**

5 In this subtitle:

6 (1) AGENCY.—The term “agency” has the
7 meaning given the term in section 3502 of title 44,
8 United States Code.

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Homeland Security
13 and Governmental Affairs of the Senate; and

14 (B) the Committee on Oversight and Re-
15 form of the House of Representatives.

16 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
17 tificial intelligence” has the meaning given the term
18 in section 238(g) of the John S. McCain National
19 Defense Authorization Act for Fiscal Year 2019 (10
20 U.S.C. 2358 note).

21 (4) ARTIFICIAL INTELLIGENCE SYSTEM.—The
22 term “artificial intelligence system”—

23 (A) means any data system, software, ap-
24 plication, tool, or utility that operates in whole
25 or in part using dynamic or static machine

1 learning algorithms or other forms of artificial
2 intelligence, whether—

3 (i) the data system, software, applica-
4 tion, tool, or utility is established primarily
5 for the purpose of researching, developing,
6 or implementing artificial intelligence tech-
7 nology; or

8 (ii) artificial intelligence capability is
9 integrated into another system or agency
10 business process, operational activity, or
11 technology system; and

12 (B) does not include any common commer-
13 cial product within which artificial intelligence
14 is embedded, such as a word processor or map
15 navigation system.

16 (5) DEPARTMENT.—The term “Department”
17 means the Department of Homeland Security.

18 (6) DIRECTOR.—The term “Director” means
19 the Director of the Office of Management and Budg-
20 et.

21 **SEC. 4204. PRINCIPLES AND POLICIES FOR USE OF ARTIFI-**
22 **CIAL INTELLIGENCE IN GOVERNMENT.**

23 (a) GUIDANCE.—The Director shall, when developing
24 the guidance required under section 104(a) of the AI in

1 Government Act of 2020 (title I of division U of Public
2 Law 116–260), consider—

3 (1) the considerations and recommended prac-
4 tices identified by the National Security Commission
5 on Artificial Intelligence in the report entitled “Key
6 Considerations for the Responsible Development and
7 Fielding of AI”, as updated in April 2021;

8 (2) the principles articulated in Executive
9 Order 13960 (85 Fed. Reg. 78939; relating to pro-
10 moting the use of trustworthy artificial intelligence
11 in Government); and

12 (3) the input of—

13 (A) the Privacy and Civil Liberties Over-
14 sight Board;

15 (B) relevant interagency councils, such as
16 the Federal Privacy Council, the Chief Informa-
17 tion Officers Council, and the Chief Data Offi-
18 cers Council;

19 (C) other governmental and nongovern-
20 mental privacy, civil rights, and civil liberties
21 experts; and

22 (D) any other individual or entity the Di-
23 rector determines to be appropriate.

24 (b) DEPARTMENT POLICIES AND PROCESSES FOR
25 PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-

1 ENABLED SYSTEMS.—Not later than 180 days after the
2 date of enactment of this Act—

3 (1) the Secretary of Homeland Security, with
4 the participation of the Chief Procurement Officer,
5 the Chief Information Officer, the Chief Privacy Of-
6 ficer, and the Officer for Civil Rights and Civil Lib-
7 erties of the Department and any other person de-
8 termined to be relevant by the Secretary of Home-
9 land Security, shall issue policies and procedures for
10 the Department related to—

11 (A) the acquisition and use of artificial in-
12 telligence; and

13 (B) considerations for the risks and im-
14 pacts related to artificial intelligence-enabled
15 systems, including associated data of machine
16 learning systems, to ensure that full consider-
17 ation is given to—

18 (i) the privacy, civil rights, and civil
19 liberties impacts of artificial intelligence-
20 enabled systems; and

21 (ii) security against misuse, degrada-
22 tion, or rendering inoperable of artificial in-
23 telligence-enabled systems; and

24 (2) the Chief Privacy Officer and the Officer
25 for Civil Rights and Civil Liberties of the Depart-

1 ment shall report to Congress on any additional
2 staffing or funding resources that may be required
3 to carry out the requirements of this subsection.

4 (c) INSPECTOR GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Inspector Gen-
6 eral of the Department shall identify any training and in-
7 vestments needed to enable employees of the Office of the
8 Inspector General to continually advance their under-
9 standing of—

10 (1) artificial intelligence systems;

11 (2) best practices for governance, oversight, and
12 audits of the use of artificial intelligence systems;
13 and

14 (3) how the Office of the Inspector General is
15 using artificial intelligence to enhance audit and in-
16 vestigative capabilities, including actions to—

17 (A) ensure the integrity of audit and inves-
18 tigative results; and

19 (B) guard against bias in the selection and
20 conduct of audits and investigations.

21 (d) ARTIFICIAL INTELLIGENCE HYGIENE AND PRO-
22 TECTION OF GOVERNMENT INFORMATION, PRIVACY,
23 CIVIL RIGHTS, AND CIVIL LIBERTIES.—

24 (1) ESTABLISHMENT.—Not later than 1 year
25 after the date of enactment of this Act, the Director,

1 in consultation with a working group consisting of
2 members selected by the Director from appropriate
3 interagency councils, shall develop an initial means
4 by which to—

5 (A) ensure that contracts for the acquisi-
6 tion of an artificial intelligence system or serv-
7 ice—

8 (i) align with the guidance issued to
9 the head of each agency under section
10 104(a) of the AI in Government Act of
11 2020 (title I of division U of Public Law
12 116–260);

13 (ii) address protection of privacy, civil
14 rights, and civil liberties;

15 (iii) address the ownership and secu-
16 rity of data and other information created,
17 used, processed, stored, maintained, dis-
18 seminated, disclosed, or disposed of by a
19 contractor or subcontractor on behalf of
20 the Federal Government; and

21 (iv) include considerations for secur-
22 ing the training data, algorithms, and
23 other components of any artificial intel-
24 ligence system against misuse, unauthor-

1 ized alteration, degradation, or rendering
2 inoperable; and

3 (B) address any other issue or concern de-
4 termined to be relevant by the Director to en-
5 sure appropriate use and protection of privacy
6 and Government data and other information.

7 (2) CONSULTATION.—In developing the consid-
8 erations under paragraph (1)(A)(iv), the Director
9 shall consult with the Secretary of Homeland Secu-
10 rity, the Director of the National Institute of Stand-
11 ards and Technology, and the Director of National
12 Intelligence.

13 (3) REVIEW.—The Director—

14 (A) should continuously update the means
15 developed under paragraph (1); and

16 (B) not later than 2 years after the date
17 of enactment of this Act and not less frequently
18 than every 2 years thereafter, shall update the
19 means developed under paragraph (1).

20 (4) BRIEFING.—The Director shall brief the ap-
21 propriate congressional committees—

22 (A) not later than 90 days after the date
23 of enactment of this Act and thereafter on a
24 quarterly basis until the Director first imple-

1 ments the means developed under paragraph
2 (1); and

3 (B) annually thereafter on the implementa-
4 tion of this subsection.

5 (5) SUNSET.—This subsection shall cease to be
6 effective on the date that is 5 years after the date
7 of enactment of this Act.

8 **SEC. 4205. AGENCY INVENTORIES AND ARTIFICIAL INTEL-**
9 **LIGENCE USE CASES.**

10 (a) INVENTORY.—Not later than 60 days after the
11 date of enactment of this Act, and continuously thereafter
12 for a period of 5 years, the Director, in consultation with
13 the Chief Information Officers Council, the Chief Data Of-
14 ficers Council, and other interagency bodies as determined
15 to be appropriate by the Director, shall require the head
16 of each agency to—

17 (1) prepare and maintain an inventory of the
18 artificial intelligence use cases of the agency, includ-
19 ing current and planned uses;

20 (2) share agency inventories with other agen-
21 cies, to the extent practicable and consistent with
22 applicable law and policy, including those concerning
23 protection of privacy and of sensitive law enforce-
24 ment, national security, and other protected infor-
25 mation; and

1 (3) make agency inventories available to the
2 public, in a manner determined by the Director, and
3 to the extent practicable and in accordance with ap-
4 plicable law and policy, including those concerning
5 the protection of privacy and of sensitive law en-
6 forcement, national security, and other protected in-
7 formation.

8 (b) CENTRAL INVENTORY.—The Director is encour-
9 aged to designate a host entity and ensure the creation
10 and maintenance of an online public directory to—

11 (1) make agency artificial intelligence use case
12 information available to the public and those wishing
13 to do business with the Federal Government; and

14 (2) identify common use cases across agencies.

15 (c) SHARING.—The sharing of agency inventories de-
16 scribed in subsection (a)(2) may be coordinated through
17 the Chief Information Officers Council, the Chief Data Of-
18 ficers Council, the Chief Financial Officers Council, the
19 Chief Acquisition Officers Council, or other interagency
20 bodies to improve interagency coordination and informa-
21 tion sharing for common use cases.

1 **SEC. 4206. RAPID PILOT, DEPLOYMENT AND SCALE OF AP-**
2 **PLIED ARTIFICIAL INTELLIGENCE CAPABILI-**
3 **TIES TO DEMONSTRATE MODERNIZATION AC-**
4 **TIVITIES RELATED TO USE CASES.**

5 (a) IDENTIFICATION OF USE CASES.—Not later than
6 270 days after the date of enactment of this Act, the Di-
7 rector, in consultation with the Chief Information Officers
8 Council, the Chief Data Officers Council, and other inter-
9 agency bodies as determined to be appropriate by the Di-
10 rector, shall identify 4 new use cases for the application
11 of artificial intelligence-enabled systems to support inter-
12 agency or intra-agency modernization initiatives that re-
13 quire linking multiple siloed internal and external data
14 sources, consistent with applicable laws and policies, in-
15 cluding those relating to the protection of privacy and of
16 sensitive law enforcement, national security, and other
17 protected information.

18 (b) PILOT PROGRAM.—

19 (1) PURPOSES.—The purposes of the pilot pro-
20 gram under this subsection include—

21 (A) to enable agencies to operate across or-
22 ganizational boundaries, coordinating between
23 existing established programs and silos to im-
24 prove delivery of the agency mission; and

25 (B) to demonstrate the circumstances
26 under which artificial intelligence can be used

1 to modernize or assist in modernizing legacy
2 agency systems.

3 (2) DEPLOYMENT AND PILOT.—Not later than
4 1 year after the date of enactment of this Act, the
5 Director, in coordination with the heads of relevant
6 agencies and other officials as the Director deter-
7 mines to be appropriate, shall ensure the initiation
8 of the piloting of the 4 new artificial intelligence use
9 case applications identified under subsection (a),
10 leveraging commercially available technologies and
11 systems to demonstrate scalable artificial intel-
12 ligence-enabled capabilities to support the use cases
13 identified under subsection (a).

14 (3) RISK EVALUATION AND MITIGATION
15 PLAN.—In carrying out paragraph (2), the Director
16 shall require the heads of agencies to—

17 (A) evaluate risks in utilizing artificial in-
18 telligence systems; and

19 (B) develop a risk mitigation plan to ad-
20 dress those risks, including consideration of—

21 (i) the artificial intelligence system
22 not performing as expected;

23 (ii) the lack of sufficient or quality
24 training data; and

1 (iii) the vulnerability of a utilized arti-
2 ficial intelligence system to unauthorized
3 manipulation or misuse.

4 (4) PRIORITIZATION.—In carrying out para-
5 graph (2), the Director shall prioritize modernization
6 projects that—

7 (A) would benefit from commercially avail-
8 able privacy-preserving techniques, such as use
9 of differential privacy, federated learning, and
10 secure multiparty computing; and

11 (B) otherwise take into account consider-
12 ations of civil rights and civil liberties.

13 (5) USE CASE MODERNIZATION APPLICATION
14 AREAS.—Use case modernization application areas
15 described in paragraph (2) shall include not less
16 than 1 from each of the following categories:

17 (A) Applied artificial intelligence to drive
18 agency productivity efficiencies in predictive
19 supply chain and logistics, such as—

20 (i) predictive food demand and opti-
21 mized supply;

22 (ii) predictive medical supplies and
23 equipment demand and optimized supply;

24 or

1 (iii) predictive logistics to accelerate
2 disaster preparedness, response, and recov-
3 ery.

4 (B) Applied artificial intelligence to accel-
5 erate agency investment return and address
6 mission-oriented challenges, such as—

7 (i) applied artificial intelligence port-
8 folio management for agencies;

9 (ii) workforce development and
10 upskilling;

11 (iii) redundant and laborious analyses;

12 (iv) determining compliance with Gov-
13 ernment requirements, such as with grants
14 management; or

15 (v) outcomes measurement to measure
16 economic and social benefits.

17 (6) REQUIREMENTS.—Not later than 3 years
18 after the date of enactment of this Act, the Director,
19 in coordination with the heads of relevant agencies
20 and other officials as the Director determines to be
21 appropriate, shall establish an artificial intelligence
22 capability within each of the 4 use case pilots under
23 this subsection that—

24 (A) solves data access and usability issues
25 with automated technology and eliminates or

1 minimizes the need for manual data cleansing
2 and harmonization efforts;

3 (B) continuously and automatically ingests
4 data and updates domain models in near real-
5 time to help identify new patterns and predict
6 trends, to the extent possible, to help agency
7 personnel to make better decisions and take
8 faster actions;

9 (C) organizes data for meaningful data vis-
10 ualization and analysis so the Government has
11 predictive transparency for situational aware-
12 ness to improve use case outcomes;

13 (D) is rapidly configurable to support mul-
14 tiple applications and automatically adapts to
15 dynamic conditions and evolving use case re-
16 quirements, to the extent possible;

17 (E) enables knowledge transfer and col-
18 laboration across agencies; and

19 (F) preserves intellectual property rights to
20 the data and output for benefit of the Federal
21 Government and agencies.

22 (c) BRIEFING.—Not earlier than 270 days but not
23 later than 1 year after the date of enactment of this Act,
24 and annually thereafter for 4 years, the Director shall
25 brief the appropriate congressional committees on the ac-

1 tivities carried out under this section and results of those
2 activities.

3 (d) SUNSET.—The section shall cease to be effective
4 on the date that is 5 years after the date of enactment
5 of this Act.

6 **SEC. 4207. ENABLING ENTREPRENEURS AND AGENCY MIS-**
7 **SIONS.**

8 (a) INNOVATIVE COMMERCIAL ITEMS.—Section 880
9 of the National Defense Authorization Act for Fiscal Year
10 2017 (41 U.S.C. 3301 note) is amended—

11 (1) in subsection (c), by striking “\$10,000,000”
12 and inserting “\$25,000,000”;

13 (2) by amending subsection (f) to read as fol-
14 lows:

15 “(f) DEFINITIONS.—In this section—

16 “(1) the term ‘commercial product’—

17 “(A) has the meaning given the term ‘com-
18 mercial item’ in section 2.101 of the Federal
19 Acquisition Regulation; and

20 “(B) includes a commercial product or a
21 commercial service, as defined in sections 103
22 and 103a, respectively, of title 41, United
23 States Code; and

24 “(2) the term ‘innovative’ means—

1 “(A) any new technology, process, or meth-
2 od, including research and development; or

3 “(B) any new application of an existing
4 technology, process, or method.”; and

5 (3) in subsection (g), by striking “2022” and
6 insert “2027”.

7 (b) DHS OTHER TRANSACTION AUTHORITY.—Sec-
8 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
9 391) is amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph (1),
12 by striking “September 30, 2017” and inserting
13 “September 30, 2024”; and

14 (B) by amending paragraph (2) to read as
15 follows:

16 “(2) PROTOTYPE PROJECTS.—The Secretary—

17 “(A) may, under the authority of para-
18 graph (1), carry out prototype projects under
19 section 2371b of title 10, United States Code;
20 and

21 “(B) in applying the authorities of such
22 section 2371b, the Secretary shall perform the
23 functions of the Secretary of Defense as pre-
24 scribed in such section.”;

1 **“Subtitle C—Declaration of a**
2 **Significant Incident**

3 **“SEC. 2231. SENSE OF CONGRESS.**

4 “It is the sense of Congress that—

5 “(1) the purpose of this subtitle is to authorize
6 the Secretary to declare that a significant incident
7 has occurred and to establish the authorities that
8 are provided under the declaration to respond to and
9 recover from the significant incident; and

10 “(2) the authorities established under this sub-
11 title are intended to enable the Secretary to provide
12 voluntary assistance to non-Federal entities im-
13 pacted by a significant incident.

14 **“SEC. 2232. DEFINITIONS.**

15 “For the purposes of this subtitle:

16 “(1) ASSET RESPONSE ACTIVITY.—The term
17 ‘asset response activity’ means an activity to support
18 an entity impacted by an incident with the response
19 to, remediation of, or recovery from, the incident, in-
20 cluding—

21 “(A) furnishing technical and advisory as-
22 sistance to the entity to protect the assets of
23 the entity, mitigate vulnerabilities, and reduce
24 the related impacts;

1 “(B) assessing potential risks to the crit-
2 ical infrastructure sector or geographic region
3 impacted by the incident, including potential
4 cascading effects of the incident on other crit-
5 ical infrastructure sectors or geographic re-
6 gions;

7 “(C) developing courses of action to miti-
8 gate the risks assessed under subparagraph
9 (B);

10 “(D) facilitating information sharing and
11 operational coordination with entities per-
12 forming threat response activities; and

13 “(E) providing guidance on how best to
14 use Federal resources and capabilities in a
15 timely, effective manner to speed recovery from
16 the incident.

17 “(2) DECLARATION.—The term ‘declaration’
18 means a declaration of the Secretary under section
19 2233(a)(1).

20 “(3) DIRECTOR.—The term ‘Director’ means
21 the Director of the Cybersecurity and Infrastructure
22 Security Agency.

23 “(4) FEDERAL AGENCY.—The term ‘Federal
24 agency’ has the meaning given the term ‘agency’ in
25 section 3502 of title 44, United States Code.

1 “(5) FUND.—The term ‘Fund’ means the
2 Cyber Response and Recovery Fund established
3 under section 2234(a).

4 “(6) INCIDENT.—The term ‘incident’ has the
5 meaning given the term in section 3552 of title 44,
6 United States Code.

7 “(7) RENEWAL.—The term ‘renewal’ means a
8 renewal of a declaration under section 2233(d).

9 “(8) SIGNIFICANT INCIDENT.—The term ‘sig-
10 nificant incident’—

11 “(A) means an incident or a group of re-
12 lated incidents that results, or is likely to re-
13 sult, in demonstrable harm to—

14 “(i) the national security interests,
15 foreign relations, or economy of the United
16 States; or

17 “(ii) the public confidence, civil lib-
18 erties, or public health and safety of the
19 people of the United States; and

20 “(B) does not include an incident or a por-
21 tion of a group of related incidents that occurs
22 on—

23 “(i) a national security system (as de-
24 fined in section 3552 of title 44, United
25 States Code); or

1 “(1) the asset response activities of each Fed-
2 eral agency in response to the specific significant in-
3 cident associated with the declaration; and

4 “(2) with appropriate entities, which may in-
5 clude—

6 “(A) public and private entities and State
7 and local governments with respect to the asset
8 response activities of those entities and govern-
9 ments; and

10 “(B) Federal, State, local, and Tribal law
11 enforcement agencies with respect to investiga-
12 tions and threat response activities of those law
13 enforcement agencies; and

14 “(3) Federal, State, local, and Tribal emer-
15 gency management and response agencies.

16 “(c) DURATION.—Subject to subsection (d), a dec-
17 laration shall terminate upon the earlier of—

18 “(1) a determination by the Secretary that the
19 declaration is no longer necessary; or

20 “(2) the expiration of the 120-day period begin-
21 ning on the date on which the Secretary makes the
22 declaration.

23 “(d) RENEWAL.—The Secretary, without delegation,
24 may renew a declaration as necessary.

25 “(e) PUBLICATION.—

1 “(1) IN GENERAL.—Not later than 72 hours
2 after a declaration or a renewal, the Secretary shall
3 publish the declaration or renewal in the Federal
4 Register.

5 “(2) PROHIBITION.—A declaration or renewal
6 published under paragraph (1) may not include the
7 name of any affected individual or private company.

8 “(f) ADVANCE ACTIONS.—

9 “(1) IN GENERAL.—The Secretary—

10 “(A) shall assess the resources available to
11 respond to a potential declaration; and

12 “(B) may take actions before and while a
13 declaration is in effect to arrange or procure
14 additional resources for asset response activities
15 or technical assistance the Secretary determines
16 necessary, which may include entering into
17 standby contracts with private entities for cy-
18 bersecurity services or incident responders in
19 the event of a declaration.

20 “(2) EXPENDITURE OF FUNDS.—Any expendi-
21 ture from the Fund for the purpose of paragraph
22 (1)(B) shall be made from amounts available in the
23 Fund, and amounts available in the Fund shall be
24 in addition to any other appropriations available to

1 the Cybersecurity and Infrastructure Security Agen-
2 cy for such purpose.

3 **“SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.**

4 “(a) IN GENERAL.—There is established a Cyber Re-
5 sponse and Recovery Fund, which shall be available for—

6 “(1) the coordination of activities described in
7 section 2233(b);

8 “(2) response and recovery support for the spe-
9 cific significant incident associated with a declara-
10 tion to Federal, State, local, and Tribal, entities and
11 public and private entities on a reimbursable or non-
12 reimbursable basis, including through asset response
13 activities and technical assistance, such as—

14 “(A) vulnerability assessments and mitiga-
15 tion;

16 “(B) technical incident mitigation;

17 “(C) malware analysis;

18 “(D) analytic support;

19 “(E) threat detection and hunting; and

20 “(F) network protections;

21 “(3) as the Director determines appropriate,
22 grants for, or cooperative agreements with, Federal,
23 State, local, and Tribal public and private entities to
24 respond to, and recover from, the specific significant
25 incident associated with a declaration, such as—

1 “(A) hardware or software to replace, up-
2 date, improve, harden, or enhance the
3 functionality of existing hardware, software, or
4 systems; and

5 “(B) technical contract personnel support;
6 and

7 “(4) advance actions taken by the Secretary
8 under section 2233(f)(1)(B).

9 “(b) DEPOSITS AND EXPENDITURES.—

10 “(1) IN GENERAL.—Amounts shall be deposited
11 into the Fund from—

12 “(A) appropriations to the Fund for activi-
13 ties of the Fund; and

14 “(B) reimbursement from Federal agencies
15 for the activities described in paragraphs (1),
16 (2), and (4) of subsection (a), which shall only
17 be from amounts made available in advance in
18 appropriations Acts for such reimbursement.

19 “(2) EXPENDITURES.—Any expenditure from
20 the Fund for the purposes of this subtitle shall be
21 made from amounts available in the Fund from a
22 deposit described in paragraph (1), and amounts
23 available in the Fund shall be in addition to any
24 other appropriations available to the Cybersecurity

1 and Infrastructure Security Agency for such pur-
2 poses.

3 “(c) SUPPLEMENT NOT SUPPLANT.—Amounts in the
4 Fund shall be used to supplement, not supplant, other
5 Federal, State, local, or Tribal funding for activities in
6 response to a declaration.

7 “(d) REPORTING.—The Secretary shall require an
8 entity that receives amounts from the Fund to submit a
9 report to the Secretary that details the specific use of the
10 amounts.

11 **“SEC. 2235. NOTIFICATION AND REPORTING.**

12 “(a) NOTIFICATION.—Upon a declaration or renewal,
13 the Secretary shall immediately notify the National Cyber
14 Director and appropriate congressional committees and in-
15 clude in the notification—

16 “(1) an estimation of the planned duration of
17 the declaration;

18 “(2) with respect to a notification of a declara-
19 tion, the reason for the declaration, including infor-
20 mation relating to the specific significant incident or
21 imminent specific significant incident, including—

22 “(A) the operational or mission impact or
23 anticipated impact of the specific significant in-
24 cident on Federal and non-Federal entities;

1 “(B) if known, the perpetrator of the spe-
2 cific significant incident; and

3 “(C) the scope of the Federal and non-
4 Federal entities impacted or anticipated to be
5 impacted by the specific significant incident;

6 “(3) with respect to a notification of a renewal,
7 the reason for the renewal;

8 “(4) justification as to why available resources,
9 other than the Fund, are insufficient to respond to
10 or mitigate the specific significant incident; and

11 “(5) a description of the coordination activities
12 described in section 2233(b) that the Secretary an-
13 ticipates the Director to perform.

14 “(b) REPORT TO CONGRESS.—Not later than 180
15 days after the date of a declaration or renewal, the Sec-
16 retary shall submit to the appropriate congressional com-
17 mittees a report that includes—

18 “(1) the reason for the declaration or renewal,
19 including information and intelligence relating to the
20 specific significant incident that led to the declara-
21 tion or renewal;

22 “(2) the use of any funds from the Fund for
23 the purpose of responding to the incident or threat
24 described in paragraph (1);

1 “(3) a description of the actions, initiatives, and
2 projects undertaken by the Department and State
3 and local governments and public and private enti-
4 ties in responding to and recovering from the spe-
5 cific significant incident described in paragraph (1);

6 “(4) an accounting of the specific obligations
7 and outlays of the Fund; and

8 “(5) an analysis of—

9 “(A) the impact of the specific significant
10 incident described in paragraph (1) on Federal
11 and non-Federal entities;

12 “(B) the impact of the declaration or re-
13 newal on the response to, and recovery from,
14 the specific significant incident described in
15 paragraph (1); and

16 “(C) the impact of the funds made avail-
17 able from the Fund as a result of the declara-
18 tion or renewal on the recovery from, and re-
19 sponse to, the specific significant incident de-
20 scribed in paragraph (1).

21 “(c) CLASSIFICATION.—Each notification made
22 under subsection (a) and each report submitted under sub-
23 section (b)—

24 “(1) shall be in an unclassified form with ap-
25 propriate markings to indicate information that is

1 exempt from disclosure under section 552 of title 5,
2 United States Code (commonly known as the ‘Free-
3 dom of Information Act’); and

4 “(2) may include a classified annex.

5 “(d) CONSOLIDATED REPORT.—The Secretary shall
6 not be required to submit multiple reports under sub-
7 section (b) for multiple declarations or renewals if the Sec-
8 retary determines that the declarations or renewals sub-
9 stantively relate to the same specific significant incident.

10 “(e) EXEMPTION.—The requirements of subchapter
11 I of chapter 35 of title 44 (commonly known as the ‘Pa-
12 perwork Reduction Act’) shall not apply to the voluntary
13 collection of information by the Department during an in-
14 vestigation of, a response to, or an immediate post-re-
15 sponse review of, the specific significant incident leading
16 to a declaration or renewal.

17 **“SEC. 2236. RULE OF CONSTRUCTION.**

18 “Nothing in this subtitle shall be construed to impair
19 or limit the ability of the Director to carry out the author-
20 ized activities of the Cybersecurity and Infrastructure Se-
21 curity Agency.

22 **“SEC. 2237. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to the Fund
24 \$20,000,000 for fiscal year 2022, which shall remain
25 available until September 30, 2028.

1 **“SEC. 2238. SUNSET.**

2 “The authorities granted to the Secretary or the Di-
3 rector under this subtitle shall expire on the date that is
4 7 years after the date of enactment of this subtitle.”.

5 (b) **CLERICAL AMENDMENT.**—The table of contents
6 in section 1(b) of the Homeland Security Act of 2002
7 (Public Law 107–296; 116 Stat. 2135) is amended by
8 adding at the end the following:

“Subtitle C—Declaration of a Significant Incident

“Sec. 2231. Sense of Congress.

“Sec. 2232. Definitions.

“Sec. 2233. Declaration.

“Sec. 2234. Cyber response and recovery fund.

“Sec. 2235. Notification and reporting.

“Sec. 2236. Rule of construction.

“Sec. 2237. Authorization of appropriations.

“Sec. 2238. Sunset.”.

9 **TITLE III—PERSONNEL**
10 **Subtitle A—Facilitating Federal**
11 **Employee Reskilling**

12 **SEC. 4301. SHORT TITLE.**

13 This subtitle may be cited as the “Facilitating Fed-
14 eral Employee Reskilling Act”.

15 **SEC. 4302. RESKILLING FEDERAL EMPLOYEES.**

16 (a) **DEFINITIONS.**—In this section:

17 (1) **AGENCY.**—The term “agency” has the
18 meaning given the term “Executive agency” in sec-
19 tion 105 of title 5, United States Code.

1 (2) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate; and

6 (B) the Committee on Oversight and Re-
7 form of the House of Representatives.

8 (3) COMPETITIVE SERVICE.—The term “com-
9 petitive service” has the meaning given the term in
10 section 2102 of title 5, United States Code.

11 (4) DIRECTOR.—The term “Director” means
12 the Director of the Office of Personnel Management.

13 (5) EMPLOYEE.—The term “employee” means
14 an employee serving in a position in the competitive
15 service or the excepted service.

16 (6) EXCEPTED SERVICE.—The term “excepted
17 service” has the meaning given the term in section
18 2103 of title 5, United States Code.

19 (7) FEDERAL RESKILLING PROGRAM.—The
20 term “Federal reskilling program” means a program
21 established by the head of an agency or the Director
22 to provide employees with the technical skill or ex-
23 pertise that would qualify the employees to serve in
24 a different position in the competitive service or the

1 excepted service that requires such technical skill or
2 expertise.

3 (b) REQUIREMENTS.—With respect to a Federal
4 reskilling program established by the head of an agency
5 or by the Director before, on, or after the date of enact-
6 ment of this Act, the agency head or the Director, as ap-
7 plicable, shall ensure that the Federal reskilling pro-
8 gram—

9 (1) is implemented in a manner that is in ac-
10 cordance with the bar on prohibited personnel prac-
11 tices under section 2302 of title 5, United States
12 Code, and consistent with the merit system prin-
13 ciples under section 2301 of title 5, United States
14 Code, including by using merit-based selection proce-
15 dures for participation by employees in the Federal
16 reskilling program;

17 (2) includes appropriate limitations or restric-
18 tions associated with implementing the Federal
19 reskilling program, which shall be consistent with
20 any regulations prescribed by the Director under
21 subsection (e);

22 (3) provides that any new position to which an
23 employee who participates in the Federal reskilling
24 program is transferred will utilize the technical skill

1 or expertise that the employee acquired by partici-
2 pating in the Federal reskilling program;

3 (4) includes the option for an employee partici-
4 pating in the Federal reskilling program to return to
5 the original position of the employee, or a similar
6 position, particularly if the employee is unsuccessful
7 in the position to which the employee transfers after
8 completing the Federal reskilling program;

9 (5) provides that an employee who successfully
10 completes the Federal reskilling program and trans-
11 fers to a position that requires the technical skill or
12 expertise provided through the Federal reskilling
13 program shall be entitled to have the grade of the
14 position held immediately before the transfer in a
15 manner in accordance with section 5362 of title 5,
16 United States Code;

17 (6) provides that an employee serving in a posi-
18 tion in the excepted service may not transfer to a
19 position in the competitive service solely by reason of
20 the completion of the Federal reskilling program by
21 the employee; and

22 (7) includes a mechanism to track outcomes of
23 the Federal reskilling program in accordance with
24 the metrics established under subsection (c).

1 (c) REPORTING AND METRICS.—Not later than 1
2 year after the date of enactment of this Act, the Director
3 shall establish reporting requirements for, and standard-
4 ized metrics and procedures for agencies to track out-
5 comes of, Federal reskilling programs, which shall include,
6 with respect to each Federal reskilling program—

7 (1) providing a summary of the Federal
8 reskilling program;

9 (2) collecting and reporting demographic and
10 employment data with respect to employees who
11 have applied for, participated in, or completed the
12 Federal reskilling program;

13 (3) attrition of employees who have completed
14 the Federal reskilling program; and

15 (4) any other measures or outcomes that the
16 Director determines to be relevant.

17 (d) GAO REPORT.—Not later than 3 years after the
18 date of enactment of this Act, the Comptroller General
19 of the United States shall conduct a comprehensive study
20 of, and submit to Congress a report on, Federal reskilling
21 programs that includes—

22 (1) a summary of each Federal reskilling pro-
23 gram and methods by which each Federal reskilling
24 program recruits, selects, and retrains employees;

1 (2) an analysis of the accessibility of each Fed-
2 eral reskilling program for a diverse set of can-
3 didates;

4 (3) an evaluation of the effectiveness, costs, and
5 benefits of the Federal reskilling programs; and

6 (4) recommendations to improve Federal
7 reskilling programs to accomplish the goal of
8 reskilling the Federal workforce.

9 (e) REGULATIONS.—The Director—

10 (1) not later than 1 year after the date of en-
11 actment of this Act, shall prescribe regulations for
12 the reporting requirements and metrics and proce-
13 dures under subsection (c);

14 (2) may prescribe additional regulations, as the
15 Director determines necessary, to provide for re-
16 quirements with respect to, and the implementation
17 of, Federal reskilling programs; and

18 (3) with respect to any regulation prescribed
19 under this subsection, shall brief the appropriate
20 committees of Congress with respect to the regula-
21 tion not later than 30 days before the date on which
22 the final version of the regulation is published.

23 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to require the head of an agency
25 or the Director to establish a Federal reskilling program.

1 (g) USE OF FUNDS.—Any Federal reskilling program
2 established by the head of an agency or the Director shall
3 be carried out using amounts otherwise made available to
4 that agency head or the Director, as applicable.

5 **Subtitle B—Federal Rotational**
6 **Cyber Workforce Program**

7 **SEC. 4351. SHORT TITLE.**

8 This subtitle may be cited as the “Federal Rotational
9 Cyber Workforce Program Act of 2021”.

10 **SEC. 4352. DEFINITIONS.**

11 In this subtitle:

12 (1) AGENCY.—The term “agency” has the
13 meaning given the term “Executive agency” in sec-
14 tion 105 of title 5, United States Code, except that
15 the term does not include the Government Account-
16 ability Office.

17 (2) COMPETITIVE SERVICE.—The term “com-
18 petitive service” has the meaning given that term in
19 section 2102 of title 5, United States Code.

20 (3) COUNCILS.—The term “Councils” means—

21 (A) the Chief Human Capital Officers
22 Council established under section 1303 of the
23 Chief Human Capital Officers Act of 2002 (5
24 U.S.C. 1401 note); and

1 (B) the Chief Information Officers Council
2 established under section 3603 of title 44,
3 United States Code.

4 (4) CYBER WORKFORCE POSITION.—The term
5 “cyber workforce position” means a position identi-
6 fied as having information technology, cybersecurity,
7 or other cyber-related functions under section 303 of
8 the Federal Cybersecurity Workforce Assessment
9 Act of 2015 (5 U.S.C. 301 note).

10 (5) DIRECTOR.—The term “Director” means
11 the Director of the Office of Personnel Management.

12 (6) EMPLOYEE.—The term “employee” has the
13 meaning given the term in section 2105 of title 5,
14 United States Code.

15 (7) EMPLOYING AGENCY.—The term “employ-
16 ing agency” means the agency from which an em-
17 ployee is detailed to a rotational cyber workforce po-
18 sition.

19 (8) EXCEPTED SERVICE.—The term “excepted
20 service” has the meaning given that term in section
21 2103 of title 5, United States Code.

22 (9) ROTATIONAL CYBER WORKFORCE POSI-
23 TION.—The term “rotational cyber workforce posi-
24 tion” means a cyber workforce position with respect

1 to which a determination has been made under sec-
2 tion 4353(a)(1).

3 (10) ROTATIONAL CYBER WORKFORCE PRO-
4 GRAM.—The term “rotational cyber workforce pro-
5 gram” means the program for the detail of employ-
6 ees among rotational cyber workforce positions at
7 agencies.

8 (11) SECRETARY.—The term “Secretary”
9 means the Secretary of Homeland Security.

10 **SEC. 4353. ROTATIONAL CYBER WORKFORCE POSITIONS.**

11 (a) DETERMINATION WITH RESPECT TO ROTA-
12 TIONAL SERVICE.—

13 (1) IN GENERAL.—The head of each agency
14 may determine that a cyber workforce position in
15 that agency is eligible for the rotational cyber work-
16 force program, which shall not be construed to mod-
17 ify the requirement under section 4354(b)(3) that
18 participation in the rotational cyber workforce pro-
19 gram by an employee shall be voluntary.

20 (2) NOTICE PROVIDED.—The head of an agency
21 shall submit to the Director—

22 (A) notice regarding any determination
23 made by the head of the agency under para-
24 graph (1); and

1 (B) for each position with respect to which
2 the head of the agency makes a determination
3 under paragraph (1), the information required
4 under subsection (b)(1).

5 (b) PREPARATION OF LIST.—The Director, with as-
6 sistance from the Councils and the Secretary, shall develop
7 a list of rotational cyber workforce positions that—

8 (1) with respect to each such position, to the
9 extent that the information does not disclose sen-
10 sitive national security information, includes—

11 (A) the title of the position;

12 (B) the occupational series with respect to
13 the position;

14 (C) the grade level or work level with re-
15 spect to the position;

16 (D) the agency in which the position is lo-
17 cated;

18 (E) the duty location with respect to the
19 position; and

20 (F) the major duties and functions of the
21 position; and

22 (2) shall be used to support the rotational cyber
23 workforce program.

24 (c) DISTRIBUTION OF LIST.—Not less frequently
25 than annually, the Director shall distribute an updated list

1 developed under subsection (b) to the head of each agency
2 and other appropriate entities.

3 **SEC. 4354. ROTATIONAL CYBER WORKFORCE PROGRAM.**

4 (a) OPERATION PLAN.—

5 (1) IN GENERAL.—Not later than 270 days
6 after the date of enactment of this Act, and in con-
7 sultation with the Councils, the Secretary, represent-
8 atives of other agencies, and any other entity as the
9 Director determines appropriate, the Director shall
10 develop and issue a Federal Rotational Cyber Work-
11 force Program operation plan providing policies,
12 processes, and procedures for a program for the de-
13 tailing of employees among rotational cyber work-
14 force positions at agencies, which may be incor-
15 porated into and implemented through mechanisms
16 in existence on the date of enactment of this Act.

17 (2) UPDATING.—The Director may, in consulta-
18 tion with the Councils, the Secretary, and other enti-
19 ties as the Director determines appropriate, periodi-
20 cally update the operation plan developed and issued
21 under paragraph (1).

22 (b) REQUIREMENTS.—The operation plan developed
23 and issued under subsection (a) shall, at a minimum—

24 (1) identify agencies for participation in the ro-
25 tational cyber workforce program;

1 (2) establish procedures for the rotational cyber
2 workforce program, including—

3 (A) any training, education, or career de-
4 velopment requirements associated with partici-
5 pation in the rotational cyber workforce pro-
6 gram;

7 (B) any prerequisites or requirements for
8 participation in the rotational cyber workforce
9 program; and

10 (C) appropriate rotational cyber workforce
11 program performance measures, reporting re-
12 quirements, employee exit surveys, and other
13 accountability devices for the evaluation of the
14 program;

15 (3) provide that participation in the rotational
16 cyber workforce program by an employee shall be
17 voluntary;

18 (4) provide that an employee shall be eligible to
19 participate in the rotational cyber workforce pro-
20 gram if the head of the employing agency of the em-
21 ployee, or a designee of the head of the employing
22 agency of the employee, approves of the participation
23 of the employee;

24 (5) provide that the detail of an employee to a
25 rotational cyber workforce position under the rota-

1 tional cyber workforce program shall be on a non-re-
2 imbursable basis;

3 (6) provide that agencies may agree to partner
4 to ensure that the employing agency of an employee
5 who participates in the rotational cyber workforce
6 program is able to fill the position vacated by the
7 employee;

8 (7) require that an employee detailed to a rota-
9 tional cyber workforce position under the rotational
10 cyber workforce program, upon the end of the period
11 of service with respect to the detail, shall be entitled
12 to return to the position held by the employee, or an
13 equivalent position, in the employing agency of the
14 employee without loss of pay, seniority, or other
15 rights or benefits to which the employee would have
16 been entitled had the employee not been detailed;

17 (8) provide that discretion with respect to the
18 assignment of an employee under the rotational
19 cyber workforce program shall remain with the em-
20 ploying agency of the employee;

21 (9) require that an employee detailed to a rota-
22 tional cyber workforce position under the rotational
23 cyber workforce program in an agency that is not
24 the employing agency of the employee shall have all
25 the rights that would be available to the employee if

1 the employee were detailed under a provision of law
2 other than this subtitle from the employing agency
3 to the agency in which the rotational cyber work-
4 force position is located;

5 (10) provide that participation by an employee
6 in the rotational cyber workforce program shall not
7 constitute a change in the conditions of the employ-
8 ment of the employee; and

9 (11) provide that an employee participating in
10 the rotational cyber workforce program shall receive
11 performance evaluations relating to service in the ro-
12 tational cyber workforce program in a participating
13 agency that are—

14 (A) prepared by an appropriate officer, su-
15 pervisor, or management official of the employ-
16 ing agency, acting in coordination with the su-
17 pervisor at the agency in which the employee is
18 performing service in the rotational cyber work-
19 force position;

20 (B) based on objectives identified in the
21 operation plan with respect to the employee;
22 and

23 (C) based in whole or in part on the con-
24 tribution of the employee to the agency in which
25 the employee performed such service, as com-

1 municated from that agency to the employing
2 agency of the employee.

3 (c) PROGRAM REQUIREMENTS FOR ROTATIONAL
4 SERVICE.—

5 (1) IN GENERAL.—An employee serving in a
6 cyber workforce position in an agency may, with the
7 approval of the head of the agency, submit an appli-
8 cation for detail to a rotational cyber workforce posi-
9 tion that appears on the list developed under section
10 4353(b).

11 (2) OPM APPROVAL FOR CERTAIN POSI-
12 TIONS.—An employee serving in a position in the ex-
13 pected service may only be selected for a rotational
14 cyber workforce position that is in the competitive
15 service with the prior approval of the Office of Per-
16 sonnel Management, in accordance with section
17 300.301 of title 5, Code of Federal Regulations, or
18 any successor thereto.

19 (3) SELECTION AND TERM.—

20 (A) SELECTION.—The head of an agency
21 shall select an employee for a rotational cyber
22 workforce position under the rotational cyber
23 workforce program in a manner that is con-
24 sistent with the merit system principles under
25 section 2301(b) of title 5, United States Code.

1 (B) TERM.—Except as provided in sub-
2 paragraph (C), and notwithstanding section
3 3341(b) of title 5, United States Code, a detail
4 to a rotational cyber workforce position shall be
5 for a period of not less than 180 days and not
6 more than 1 year.

7 (C) EXTENSION.—The Chief Human Cap-
8 ital Officer of the agency to which an employee
9 is detailed under the rotational cyber workforce
10 program may extend the period of a detail de-
11 scribed in subparagraph (B) for a period of 60
12 days unless the Chief Human Capital Officer of
13 the employing agency of the employee objects to
14 that extension.

15 (4) WRITTEN SERVICE AGREEMENTS.—

16 (A) IN GENERAL.—The detail of an em-
17 ployee to a rotational cyber workforce position
18 shall be contingent upon the employee entering
19 into a written service agreement with the em-
20 ploying agency under which the employee is re-
21 quired to complete a period of employment with
22 the employing agency following the conclusion
23 of the detail that is equal in length to the pe-
24 riod of the detail.

1 (B) OTHER AGREEMENTS AND OBLIGA-
2 TIONS.—A written service agreement under
3 subparagraph (A) shall not supersede or modify
4 the terms or conditions of any other service
5 agreement entered into by the employee under
6 any other authority or relieve the obligations
7 between the employee and the employing agency
8 under such a service agreement. Nothing in this
9 subparagraph prevents an employing agency
10 from terminating a service agreement entered
11 into under any other authority under the terms
12 of such agreement or as required by law or reg-
13 ulation.

14 **SEC. 4355. REPORTING BY GAO.**

15 Not later than the end of the third fiscal year after
16 the fiscal year in which the operation plan under section
17 4354(a) is issued, the Comptroller General of the United
18 States shall submit to Congress a report assessing the op-
19 eration and effectiveness of the rotational cyber workforce
20 program, which shall address, at a minimum—

21 (1) the extent to which agencies have partici-
22 pated in the rotational cyber workforce program, in-
23 cluding whether the head of each such participating
24 agency has—

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1 (A) identified positions within the agency
2 that are rotational cyber workforce positions;

3 (B) had employees from other partici-
4 pating agencies serve in positions described in
5 subparagraph (A); and

6 (C) had employees of the agency request to
7 serve in rotational cyber workforce positions
8 under the rotational cyber workforce program
9 in participating agencies, including a descrip-
10 tion of how many such requests were approved;
11 and

12 (2) the experiences of employees serving in ro-
13 tational cyber workforce positions under the rota-
14 tional cyber workforce program, including an assess-
15 ment of—

16 (A) the period of service;

17 (B) the positions (including grade level and
18 occupational series or work level) held by em-
19 ployees before completing service in a rotational
20 cyber workforce position under the rotational
21 cyber workforce program;

22 (C) the extent to which each employee who
23 completed service in a rotational cyber work-
24 force position under the rotational cyber work-
25 force program achieved a higher skill level, or

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1 attained a skill level in a different area, with re-
2 spect to information technology, cybersecurity,
3 or other cyber-related functions; and

4 (D) the extent to which service in rota-
5 tional cyber workforce positions has affected
6 intra-agency and interagency integration and
7 coordination of cyber practices, functions, and
8 personnel management.

9 **SEC. 4356. SUNSET.**

10 Effective 5 years after the date of enactment of this
11 Act, this subtitle is repealed.

12 **TITLE IV—OTHER MATTERS**
13 **Subtitle A—Ensuring Security of**
14 **Unmanned Aircraft Systems**

15 **SEC. 4401. SHORT TITLE.**

16 This subtitle may be cited as the “American Security
17 Drone Act of 2021”.

18 **SEC. 4402. DEFINITIONS.**

19 In this subtitle:

20 (1) **COVERED FOREIGN ENTITY.**—The term
21 “covered foreign entity” means an entity included on
22 a list developed and maintained by the Federal Ac-
23 quisition Security Council. This list will include enti-
24 ties in the following categories:

1 (A) An entity included on the Consolidated
2 Screening List.

3 (B) Any entity that is subject to
4 extrajudicial direction from a foreign govern-
5 ment, as determined by the Secretary of Home-
6 land Security.

7 (C) Any entity the Secretary of Homeland
8 Security, in coordination with the Director of
9 National Intelligence and the Secretary of De-
10 fense, determines poses a national security risk.

11 (D) Any entity domiciled in the People's
12 Republic of China or subject to influence or
13 control by the Government of the People's Re-
14 public of China or the Communist Party of the
15 People's Republic of China, as determined by
16 the Secretary of Homeland Security.

17 (E) Any subsidiary or affiliate of an entity
18 described in subparagraphs (A) through (D).

19 (2) COVERED UNMANNED AIRCRAFT SYSTEM.—
20 The term “covered unmanned aircraft system” has
21 the meaning given the term “unmanned aircraft sys-
22 tem” in section 44801 of title 49, United States
23 Code.

1 **SEC. 4403. PROHIBITION ON PROCUREMENT OF COVERED**
2 **UNMANNED AIRCRAFT SYSTEMS FROM COV-**
3 **ERED FOREIGN ENTITIES.**

4 (a) IN GENERAL.—Except as provided under sub-
5 sections (b) through (f), the head of an executive agency
6 may not procure any covered unmanned aircraft system
7 that are manufactured or assembled by a covered foreign
8 entity, which includes associated elements (consisting of
9 communication links and the components that control the
10 unmanned aircraft) that are required for the operator to
11 operate safely and efficiently in the national airspace sys-
12 tem. The Federal Acquisition Security Council, in coordi-
13 nation with the Secretary of Transportation, shall develop
14 and update a list of associated elements.

15 (b) EXEMPTION.—The Secretary of Homeland Secu-
16 rity, the Secretary of Defense, and the Attorney General
17 are exempt from the restriction under subsection (a) if the
18 operation or procurement—

19 (1) is for the sole purposes of research, evalua-
20 tion, training, testing, or analysis for—

21 (A) electronic warfare;

22 (B) information warfare operations;

23 (C) development of UAS or counter-UAS
24 technology;

25 (D) counterterrorism or counterintelligence
26 activities; or

1 (E) Federal criminal or national security
2 investigations, including forensic examinations;
3 and

4 (2) is required in the national interest of the
5 United States.

6 (c) FEDERAL AVIATION ADMINISTRATION CENTER
7 OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS
8 EXEMPTION.—The Secretary of Transportation, in con-
9 sultation with the Secretary of Homeland Security, is ex-
10 empt from the restriction under subsection (a) if the oper-
11 ation or procurement is for the sole purposes of research,
12 evaluation, training, testing, or analysis for the Federal
13 Aviation Administration’s Alliance for System Safety of
14 UAS through Research Excellence (ASSURE) Center of
15 Excellence (COE) for Unmanned Aircraft Systems.

16 (d) NATIONAL TRANSPORTATION SAFETY BOARD
17 EXEMPTION.—The National Transportation Safety Board
18 (NTSB), in consultation with the Secretary of Homeland
19 Security, is exempt from the restriction under subsection
20 (a) if the operation or procurement is necessary for the
21 sole purpose of conducting safety investigations.

22 (e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRA-
23 TION EXEMPTION.—The Administrator of the National
24 Oceanic Atmospheric Administration (NOAA), in con-
25 sultation with the Secretary of Homeland Security, is ex-

1 empt from the restriction under subsection (a) if the oper-
2 ation or procurement is necessary for the sole purpose of
3 marine or atmospheric science or management.

4 (f) WAIVER.—The head of an executive agency may
5 waive the prohibition under subsection (a) on a case-by-
6 case basis—

7 (1) with the approval of the Secretary of Home-
8 land Security or the Secretary of Defense; and

9 (2) upon notification to Congress.

10 **SEC. 4404. PROHIBITION ON OPERATION OF COVERED UN-**
11 **MANNED AIRCRAFT SYSTEMS FROM COV-**
12 **ERED FOREIGN ENTITIES.**

13 (a) PROHIBITION.—

14 (1) IN GENERAL.—Beginning on the date that
15 is 2 years after the date of the enactment of this
16 Act, no Federal department or agency may operate
17 a covered unmanned aircraft system manufactured
18 or assembled by a covered foreign entity.

19 (2) APPLICABILITY TO CONTRACTED SERV-
20 ICES.—The prohibition under paragraph (1) applies
21 to any covered unmanned aircraft systems that are
22 being used by any executive agency through the
23 method of contracting for the services of covered un-
24 manned aircraft systems.

1 (b) EXEMPTION.—The Secretary of Homeland Secu-
2 rity, the Secretary of Defense, and the Attorney General
3 are exempt from the restriction under subsection (a) if the
4 operation or procurement—

5 (1) is for the sole purposes of research, evalua-
6 tion, training, testing, or analysis for—

7 (A) electronic warfare;

8 (B) information warfare operations;

9 (C) development of UAS or counter-UAS
10 technology;

11 (D) counterterrorism or counterintelligence
12 activities; or

13 (E) Federal criminal or national security
14 investigations, including forensic examinations;
15 and

16 (2) is required in the national interest of the
17 United States.

18 (c) FEDERAL AVIATION ADMINISTRATION CENTER
19 OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS
20 EXEMPTION.—The Secretary of Transportation, in con-
21 sultation with the Secretary of Homeland Security, is ex-
22 empt from the restriction under subsection (a) if the oper-
23 ation or procurement is for the sole purposes of research,
24 evaluation, training, testing, or analysis for the Federal
25 Aviation Administration’s Alliance for System Safety of

1 UAE through Research Excellence (ASSURE) Center of
2 Excellence (COE) for Unmanned Aircraft Systems.

3 (d) NATIONAL TRANSPORTATION SAFETY BOARD
4 EXEMPTION.—The National Transportation Safety Board
5 (NTSB), in consultation with the Secretary of Homeland
6 Security, is exempt from the restriction under subsection
7 (a) if the operation or procurement is necessary for the
8 sole purpose of conducting safety investigations.

9 (e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRA-
10 TION EXEMPTION.—The Administrator of the National
11 Oceanic Atmospheric Administration (NOAA), in con-
12 sultation with the Secretary of Homeland Security, is ex-
13 empt from the restriction under subsection (a) if the oper-
14 ation or procurement is necessary for the sole purpose of
15 marine or atmospheric science or management.

16 (f) WAIVER.—The head of an executive agency may
17 waive the prohibition under subsection (a) on a case-by-
18 case basis—

19 (1) with the approval of the Secretary of Home-
20 land Security or the Secretary of Defense; and

21 (2) upon notification to Congress.

22 (g) REGULATIONS AND GUIDANCE.—Not later than
23 180 days after the date of the enactment of this Act, the
24 Secretary of Homeland Security shall prescribe regula-
25 tions or guidance to implement this section.

1 **SEC. 4405. PROHIBITION ON USE OF FEDERAL FUNDS FOR**
2 **PURCHASES AND OPERATION OF COVERED**
3 **UNMANNED AIRCRAFT SYSTEMS FROM COV-**
4 **ERED FOREIGN ENTITIES.**

5 (a) IN GENERAL.—Beginning on the date that is 2
6 years after the date of the enactment of this Act, except
7 as provided in subsection (b), no Federal funds awarded
8 through a contract, grant, or cooperative agreement, or
9 otherwise made available may be used—

10 (1) to purchase a covered unmanned aircraft
11 system, or a system to counter unmanned aircraft
12 systems, that is manufactured or assembled by a
13 covered foreign entity; or

14 (2) in connection with the operation of such a
15 drone or unmanned aircraft system.

16 (b) EXEMPTION.—A Federal department or agency
17 is exempt from the restriction under subsection (a) if—

18 (1) the contract, grant, or cooperative agree-
19 ment was awarded prior to the date of the enact-
20 ment of this Act; or

21 (2) the operation or procurement is for the sole
22 purposes of research, evaluation, training, testing, or
23 analysis, as determined by the Secretary of Home-
24 land Security, the Secretary of Defense, or the At-
25 torney General, for—

26 (A) electronic warfare;

- 1 (B) information warfare operations;
- 2 (C) development of UAS or counter-UAS
3 technology;
- 4 (D) counterterrorism or counterintelligence
5 activities; or
- 6 (E) Federal criminal or national security
7 investigations, including forensic examinations;
8 or
- 9 (F) the safe integration of UAS in the na-
10 tional airspace (as determined in consultation
11 with the Secretary of Transportation); and
- 12 (3) is required in the national interest of the
13 United States.

14 (c) WAIVER.—The head of an executive agency may
15 waive the prohibition under subsection (a) on a case-by-
16 case basis—

17 (1) with the approval of the Secretary of Home-
18 land Security or the Secretary of Defense; and

19 (2) upon notification to Congress.

20 (d) REGULATIONS.—Not later than 180 days after
21 the date of the enactment of this Act, the Federal Acquisi-
22 tion Regulatory Council shall prescribe regulations or
23 guidance, as necessary, to implement the requirements of
24 this section pertaining to Federal contracts.

1 **SEC. 4406. PROHIBITION ON USE OF GOVERNMENT-ISSUED**
2 **PURCHASE CARDS TO PURCHASE COVERED**
3 **UNMANNED AIRCRAFT SYSTEMS FROM COV-**
4 **ERED FOREIGN ENTITIES.**

5 Effective immediately, Government-issued Purchase
6 Cards may not be used to procure any covered unmanned
7 aircraft system from a covered foreign entity.

8 **SEC. 4407. MANAGEMENT OF EXISTING INVENTORIES OF**
9 **COVERED UNMANNED AIRCRAFT SYSTEMS**
10 **FROM COVERED FOREIGN ENTITIES.**

11 (a) **IN GENERAL.**—Effective immediately, all execu-
12 tive agencies must account for existing inventories of cov-
13 ered unmanned aircraft systems manufactured or assem-
14 bled by a covered foreign entity in their personal property
15 accounting systems, regardless of the original procurement
16 cost, or the purpose of procurement due to the special
17 monitoring and accounting measures necessary to track
18 the items' capabilities.

19 (b) **CLASSIFIED TRACKING.**—Due to the sensitive na-
20 ture of missions and operations conducted by the United
21 States Government, inventory data related to covered un-
22 manned aircraft systems manufactured or assembled by
23 a covered foreign entity may be tracked at a classified
24 level.

25 (c) **EXCEPTIONS.**—The Department of Defense and
26 Department of Homeland Security may exclude from the

1 full inventory process, covered unmanned aircraft systems
2 that are deemed expendable due to mission risk such as
3 recovery issues or that are one-time-use covered unmanned
4 aircraft due to requirements and low cost.

5 **SEC. 4408. COMPTROLLER GENERAL REPORT.**

6 Not later than 275 days after the date of the enact-
7 ment of this Act, the Comptroller General of the United
8 States shall submit to Congress a report on the amount
9 of commercial off-the-shelf drones and covered unmanned
10 aircraft systems procured by Federal departments and
11 agencies from covered foreign entities.

12 **SEC. 4409. GOVERNMENT-WIDE POLICY FOR PROCURE-**
13 **MENT OF UNMANNED AIRCRAFT SYSTEMS.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Director of the Of-
16 fice of Management and Budget, in coordination with the
17 Department of Homeland Security, Department of Trans-
18 portation, the Department of Justice, and other Depart-
19 ments as determined by the Director of the Office of Man-
20 agement and Budget, and in consultation with the Na-
21 tional Institute of Standards and Technology, shall estab-
22 lish a government-wide policy for the procurement of
23 UAS—

24 (1) for non-Department of Defense and non-in-
25 telligence community operations; and

1 (2) through grants and cooperative agreements
2 entered into with non-Federal entities.

3 (b) INFORMATION SECURITY.—The policy developed
4 under subsection (a) shall include the following specifica-
5 tions, which to the extent practicable, shall be based on
6 industry standards and technical guidance from the Na-
7 tional Institute of Standards and Technology, to address
8 the risks associated with processing, storing and transmit-
9 ting Federal information in a UAS:

10 (1) Protections to ensure controlled access of
11 UAS.

12 (2) Protecting software, firmware, and hard-
13 ware by ensuring changes to UAS are properly man-
14 aged, including by ensuring UAS can be updated
15 using a secure, controlled, and configurable mecha-
16 nism.

17 (3) Cryptographically securing sensitive col-
18 lected, stored, and transmitted data, including prop-
19 er handling of privacy data and other controlled un-
20 classified information.

21 (4) Appropriate safeguards necessary to protect
22 sensitive information, including during and after use
23 of UAS.

1 (5) Appropriate data security to ensure that
2 data is not transmitted to or stored in non-approved
3 locations.

4 (6) The ability to opt out of the uploading,
5 downloading, or transmitting of data that is not re-
6 quired by law or regulation and an ability to choose
7 with whom and where information is shared when it
8 is required.

9 (c) REQUIREMENT.—The policy developed under sub-
10 section (a) shall reflect an appropriate risk-based ap-
11 proach to information security related to use of UAS.

12 (d) REVISION OF ACQUISITION REGULATIONS.—Not
13 later than 180 days after the date on which the policy
14 required under subsection (a) is issued—

15 (1) the Federal Acquisition Regulatory Council
16 shall revise the Federal Acquisition Regulation, as
17 necessary, to implement the policy; and

18 (2) any Federal department or agency or other
19 Federal entity not subject to, or not subject solely
20 to, the Federal Acquisition Regulation shall revise
21 applicable policy, guidance, or regulations, as nec-
22 essary, to implement the policy.

23 (e) EXEMPTION.—In developing the policy required
24 under subsection (a), the Director of the Office of Man-

1 agement and Budget shall incorporate an exemption to the
2 policy for the following reasons:

3 (1) In the case of procurement for the purposes
4 of training, testing, or analysis for—

5 (A) electronic warfare; or

6 (B) information warfare operations.

7 (2) In the case of researching UAS technology,
8 including testing, evaluation, research, or develop-
9 ment of technology to counter UAS.

10 (3) In the case of a head of the procuring de-
11 partment or agency determining, in writing, that no
12 product that complies with the information security
13 requirements described in subsection (b) is capable
14 of fulfilling mission critical performance require-
15 ments, and such determination—

16 (A) may not be delegated below the level of
17 the Deputy Secretary of the procuring depart-
18 ment or agency;

19 (B) shall specify—

20 (i) the quantity of end items to which
21 the waiver applies, the procurement value
22 of which may not exceed \$50,000 per waiv-
23 er; and

1 (ii) the time period over which the
2 waiver applies, which shall not exceed 3
3 years;

4 (C) shall be reported to the Office of Man-
5 agement and Budget following issuance of such
6 a determination; and

7 (D) not later than 30 days after the date
8 on which the determination is made, shall be
9 provided to the Committee on Homeland Secu-
10 rity and Governmental Affairs of the Senate
11 and the Committee on Oversight and Reform of
12 the House of Representatives.

13 **SEC. 4410. STUDY.**

14 (a) INDEPENDENT STUDY.—Not later than 3 years
15 after the date of the enactment of this Act, the Director
16 of the Office of Management and Budget shall seek to
17 enter into a contract with a federally funded research and
18 development center under which the center will conduct
19 a study of—

20 (1) the current and future unmanned aircraft
21 system global and domestic market;

22 (2) the ability of the unmanned aircraft system
23 domestic market to keep pace with technological ad-
24 vancements across the industry;

1 (3) the ability of domestically made unmanned
2 aircraft systems to meet the network security and
3 data protection requirements of the national security
4 enterprise;

5 (4) the extent to which unmanned aircraft sys-
6 tem component parts, such as the parts described in
7 section 4403, are made domestically; and

8 (5) an assessment of the economic impact, in-
9 cluding cost, of excluding the use of foreign-made
10 UAS for use across the Federal Government.

11 (b) SUBMISSION TO OMB.—Upon completion of the
12 study in subsection (a), the federally funded research and
13 development center shall submit the study to the Director
14 of the Office of Management and Budget.

15 (c) SUBMISSION TO CONGRESS.—Not later than 30
16 days after the date on which the Director of the Office
17 of Management and Budget receives the study under sub-
18 section (b), the Director shall submit the study to—

19 (1) the Committee on Homeland Security and
20 Governmental Affairs and the Select Committee on
21 Intelligence of the Senate; and

22 (2) the Committee on Homeland Security and
23 the Committee on Oversight and Reform and the
24 Permanent Select Committee on Intelligence of the
25 House of Representatives.

1 **SEC. 4411. SUNSET.**

2 Sections 4403, 4404, and 4405 shall cease to have
3 effect on the date that is 5 years after the date of the
4 enactment of this Act.

5 **Subtitle B—No TikTok on**
6 **Government Devices**

7 **SEC. 4431. SHORT TITLE.**

8 This subtitle may be cited as the “No TikTok on Gov-
9 ernment Devices Act”.

10 **SEC. 4432. PROHIBITION ON THE USE OF TIKTOK.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “covered application” means the
13 social networking service TikTok or any successor
14 application or service developed or provided by
15 ByteDance Limited or an entity owned by
16 ByteDance Limited;

17 (2) the term “executive agency” has the mean-
18 ing given that term in section 133 of title 41, United
19 States Code; and

20 (3) the term “information technology” has the
21 meaning given that term in section 11101 of title
22 40, United States Code.

23 (b) PROHIBITION ON THE USE OF TIKTOK.—

24 (1) IN GENERAL.—Not later than 60 days after
25 the date of the enactment of this Act, the Director
26 of the Office of Management and Budget, in con-

1 sultation with the Administrator of General Services,
2 the Director of the Cybersecurity and Infrastructure
3 Security Agency, the Director of National Intel-
4 ligence, and the Secretary of Defense, and consistent
5 with the information security requirements under
6 subchapter II of chapter 35 of title 44, United
7 States Code, shall develop standards and guidelines
8 for executive agencies requiring the removal of any
9 covered application from information technology.

10 (2) NATIONAL SECURITY AND RESEARCH EX-
11 CEPTIONS.—The standards and guidelines developed
12 under paragraph (1) shall include—

13 (A) exceptions for law enforcement activi-
14 ties, national security interests and activities,
15 and security researchers; and

16 (B) for any authorized use of a covered ap-
17 plication under an exception, requirements for
18 executive agencies to develop and document risk
19 mitigation actions for such use.

20 **Subtitle C—National Risk**
21 **Management**

22 **SEC. 4461. SHORT TITLE.**

23 This subtitle may be cited as the “National Risk
24 Management Act of 2021”.

1 **SEC. 4462. NATIONAL RISK MANAGEMENT CYCLE.**

2 (a) IN GENERAL.—Subtitle A of title XXII of the
3 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
4 is amended by adding at the end the following:

5 **“SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.**

6 “(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In
7 this section, the term ‘national critical functions’ means
8 the functions of government and the private sector so vital
9 to the United States that their disruption, corruption, or
10 dysfunction would have a debilitating effect on security,
11 national economic security, national public health or safe-
12 ty, or any combination thereof.

13 “(b) NATIONAL RISK MANAGEMENT CYCLE.—

14 “(1) RISK IDENTIFICATION AND ASSESS-
15 MENT.—

16 “(A) IN GENERAL.—The Secretary, acting
17 through the Director, shall establish a recurring
18 process by which to identify, assess, and
19 prioritize risks to critical infrastructure, consid-
20 ering both cyber and physical threats, the asso-
21 ciated likelihoods, vulnerabilities, and con-
22 sequences, and the resources necessary to ad-
23 dress them.

24 “(B) CONSULTATION.—In establishing the
25 process required under subparagraph (A), the
26 Secretary shall consult with, and request and

1 collect information to support analysis from,
2 Sector Risk Management Agencies, critical in-
3 frastructure owners and operators, the Assist-
4 ant to the President for National Security Af-
5 fairs, the Assistant to the President for Home-
6 land Security, and the National Cyber Director.

7 “(C) PUBLICATION.—Not later than 180
8 days after the date of enactment of this section,
9 the Secretary shall publish in the Federal Reg-
10 ister procedures for the process established
11 under subparagraph (A), subject to any
12 redactions the Secretary determines are nec-
13 essary to protect classified or other sensitive in-
14 formation.

15 “(D) REPORT.—The Secretary shall sub-
16 mit to the President, the Committee on Home-
17 land Security and Governmental Affairs of the
18 Senate, and the Committee on Homeland Secu-
19 rity of the House of Representatives a report on
20 the risks identified by the process established
21 under subparagraph (A)—

22 “(i) not later than 1 year after the
23 date of enactment of this section; and

24 “(ii) not later than 1 year after the
25 date on which the Secretary submits a

1 periodic evaluation described in section
2 9002(b)(2) of title XC of division H of the
3 William M. (Mac) Thornberry National
4 Defense Authorization Act for Fiscal Year
5 2021 (Public Law 116–283).

6 “(2) NATIONAL CRITICAL INFRASTRUCTURE RE-
7 SILIENCE STRATEGY.—

8 “(A) IN GENERAL.—Not later than 1 year
9 after the date on which the Secretary delivers
10 each report required under paragraph (1), the
11 President shall deliver to majority and minority
12 leaders of the Senate, the Speaker and minority
13 leader of the House of Representatives, the
14 Committee on Homeland Security and Govern-
15 mental Affairs of the Senate, and the Com-
16 mittee on Homeland Security of the House of
17 Representatives a national critical infrastruc-
18 ture resilience strategy designed to address the
19 risks identified by the Secretary.

20 “(B) ELEMENTS.—Each strategy delivered
21 under subparagraph (A) shall—

22 “(i) identify, assess, and prioritize
23 areas of risk to critical infrastructure that
24 would compromise or disrupt national crit-
25 ical functions impacting national security,

1 economic security, or public health and
2 safety;

3 “(ii) assess the implementation of the
4 previous national critical infrastructure re-
5 siliience strategy, as applicable;

6 “(iii) identify and outline current and
7 proposed national-level actions, programs,
8 and efforts to be taken to address the risks
9 identified;

10 “(iv) identify the Federal departments
11 or agencies responsible for leading each na-
12 tional-level action, program, or effort and
13 the relevant critical infrastructure sectors
14 for each; and

15 “(v) request any additional authorities
16 necessary to successfully execute the strat-
17 egy.

18 “(C) FORM.—Each strategy delivered
19 under subparagraph (A) shall be unclassified,
20 but may contain a classified annex.

21 “(3) CONGRESSIONAL BRIEFING.—Not later
22 than 1 year after the date on which the President
23 delivers the first strategy required under paragraph
24 (2)(A), and every year thereafter, the Secretary, in
25 coordination with Sector Risk Management Agen-

1 cies, shall brief the appropriate congressional com-
2 mittees on—

3 “(A) the national risk management cycle
4 activities undertaken pursuant to the strategy;
5 and

6 “(B) the amounts and timeline for funding
7 that the Secretary has determined would be
8 necessary to address risks and successfully exe-
9 cute the full range of activities proposed by the
10 strategy.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of contents in section 1(b) of the Homeland Se-
13 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
14 is amended by inserting after the item relating to section
15 2217 the following:

“Sec. 2218. National risk management cycle.”.

16 **Subtitle D—Safeguarding**
17 **American Innovation**

18 **SEC. 4491. SHORT TITLE.**

19 This subtitle may be cited as the “Safeguarding
20 American Innovation Act”.

21 **SEC. 4492. DEFINITIONS.**

22 In this subtitle:

23 (1) FEDERAL SCIENCE AGENCY.—The term
24 “Federal science agency” means any Federal depart-
25 ment or agency to which more than \$100,000,000 in

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1 basic and applied research and development funds
2 were appropriated for the previous fiscal year.

3 (2) RESEARCH AND DEVELOPMENT.—

4 (A) IN GENERAL.—The term “research
5 and development” means all research activities,
6 both basic and applied, and all development ac-
7 tivities.

8 (B) DEVELOPMENT.—The term “develop-
9 ment” means experimental development.

10 (C) EXPERIMENTAL DEVELOPMENT.—The
11 term “experimental development” means cre-
12 ative and systematic work, drawing upon knowl-
13 edge gained from research and practical experi-
14 ence, which—

15 (i) is directed toward the production
16 of new products or processes or improving
17 existing products or processes; and

18 (ii) like research, will result in gaining
19 additional knowledge.

20 (D) RESEARCH.—The term “research”—

21 (i) means a systematic study directed
22 toward fuller scientific knowledge or under-
23 standing of the subject studied; and

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1 (ii) includes activities involving the
2 training of individuals in research tech-
3 niques if such activities—

4 (I) utilize the same facilities as
5 other research and development activi-
6 ties; and

7 (II) are not included in the in-
8 struction function.

9 **SEC. 4493. FEDERAL RESEARCH SECURITY COUNCIL.**

10 (a) IN GENERAL.—Subtitle V of title 31, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“CHAPTER 79—FEDERAL RESEARCH**
14 **SECURITY COUNCIL**

“Sec.

“7901. Definitions.

“7902. Federal Research Security Council establishment and membership.

“7903. Functions and authorities.

“7904. Strategic plan.

“7905. Annual report.

“7906. Requirements for Executive agencies.

15 **“§ 7901. Definitions**

16 “In this chapter:

17 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term ‘appropriate congressional com-
19 mittees’ means—

20 “(A) the Committee on Homeland Security
21 and Governmental Affairs of the Senate;

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1 “(B) the Committee on Commerce,
2 Science, and Transportation of the Senate;

3 “(C) the Select Committee on Intelligence
4 of the Senate;

5 “(D) the Committee on Foreign Relations
6 of the Senate;

7 “(E) the Committee on Armed Services of
8 the Senate;

9 “(F) the Committee on Health, Education,
10 Labor, and Pensions of the Senate;

11 “(G) the Committee on Oversight and Re-
12 form of the House of Representatives;

13 “(H) the Committee on Homeland Security
14 of the House of Representatives;

15 “(I) the Committee on Energy and Com-
16 merce of the House of Representatives;

17 “(J) the Permanent Select Committee on
18 Intelligence of the House of Representatives;

19 “(K) the Committee on Foreign Affairs of
20 the House of Representatives;

21 “(L) the Committee on Armed Services of
22 the House of Representatives; and

23 “(M) the Committee on Education and
24 Labor of the House of Representatives.

1 “(2) COUNCIL.—The term ‘Council’ means the
2 Federal Research Security Council established under
3 section 7902(a).

4 “(3) EXECUTIVE AGENCY.—The term ‘Execu-
5 tive agency’ has the meaning given that term in sec-
6 tion 105 of title 5.

7 “(4) FEDERAL RESEARCH SECURITY RISK.—
8 The term ‘Federal research security risk’ means the
9 risk posed by malign state actors and other persons
10 to the security and integrity of research and develop-
11 ment conducted using research and development
12 funds awarded by Executive agencies.

13 “(5) INSIDER.—The term ‘insider’ means any
14 person with authorized access to any United States
15 Government resource, including personnel, facilities,
16 information, research, equipment, networks, or sys-
17 tems.

18 “(6) INSIDER THREAT.—The term ‘insider
19 threat’ means the threat that an insider will use his
20 or her authorized access (wittingly or unwittingly) to
21 harm the national and economic security of the
22 United States or negatively affect the integrity of a
23 Federal agency’s normal processes, including dam-
24 aging the United States through espionage, sabo-
25 tage, terrorism, unauthorized disclosure of national

1 security information or nonpublic information, a de-
2 structive act (which may include physical harm to
3 another in the workplace), or through the loss or
4 degradation of departmental resources, capabilities,
5 and functions.

6 “(7) RESEARCH AND DEVELOPMENT.—

7 “(A) IN GENERAL.—The term ‘research
8 and development’ means all research activities,
9 both basic and applied, and all development ac-
10 tivities.

11 “(B) DEVELOPMENT.—The term ‘develop-
12 ment’ means experimental development.

13 “(C) EXPERIMENTAL DEVELOPMENT.—
14 The term ‘experimental development’ means
15 creative and systematic work, drawing upon
16 knowledge gained from research and practical
17 experience, which—

18 “(i) is directed toward the production
19 of new products or processes or improving
20 existing products or processes; and

21 “(ii) like research, will result in gain-
22 ing additional knowledge.

23 “(D) RESEARCH.—The term ‘research’—

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1 “(i) means a systematic study directed
2 toward fuller scientific knowledge or under-
3 standing of the subject studied; and

4 “(ii) includes activities involving the
5 training of individuals in research tech-
6 niques if such activities—

7 “(I) utilize the same facilities as
8 other research and development activi-
9 ties; and

10 “(II) are not included in the in-
11 struction function.

12 “(8) UNITED STATES RESEARCH COMMU-
13 NITY.—The term ‘United States research commu-
14 nity’ means—

15 “(A) research and development centers of
16 Executive agencies;

17 “(B) private research and development
18 centers in the United States, including for prof-
19 it and nonprofit research institutes;

20 “(C) research and development centers at
21 institutions of higher education (as defined in
22 section 101(a) of the Higher Education Act of
23 1965 (20 U.S.C. 1001(a)));

1 “(D) research and development centers of
2 States, United States territories, Indian tribes,
3 and municipalities;

4 “(E) government-owned, contractor-oper-
5 ated United States Government research and
6 development centers; and

7 “(F) any person conducting federally fund-
8 ed research or receiving Federal research grant
9 funding.

10 **“§ 7902. Federal Research Security Council establish-**
11 **ment and membership**

12 “(a) ESTABLISHMENT.—There is established, in the
13 Office of Management and Budget, a Federal Research
14 Security Council, which shall develop federally funded re-
15 search and development grant making policy and manage-
16 ment guidance to protect the national and economic secu-
17 rity interests of the United States.

18 “(b) MEMBERSHIP.—

19 “(1) IN GENERAL.—The following agencies
20 shall be represented on the Council:

21 “(A) The Office of Management and
22 Budget.

23 “(B) The Office of Science and Technology
24 Policy.

25 “(C) The Department of Defense.

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1 “(D) The Department of Homeland Secu-
2 rity.

3 “(E) The Office of the Director of Na-
4 tional Intelligence.

5 “(F) The Department of Justice.

6 “(G) The Department of Energy.

7 “(H) The Department of Commerce.

8 “(I) The Department of Health and
9 Human Services.

10 “(J) The Department of State.

11 “(K) The Department of Transportation.

12 “(L) The National Aeronautics and Space
13 Administration.

14 “(M) The National Science Foundation.

15 “(N) The Department of Education.

16 “(O) The Small Business Administration.

17 “(P) The Council of Inspectors General on
18 Integrity and Efficiency.

19 “(Q) Other Executive agencies, as deter-
20 mined by the Chairperson of the Council.

21 “(2) LEAD REPRESENTATIVES.—

22 “(A) DESIGNATION.—Not later than 45
23 days after the date of the enactment of the
24 Safeguarding American Innovation Act, the
25 head of each agency represented on the Council

1 shall designate a representative of that agency
2 as the lead representative of the agency on the
3 Council.

4 “(B) FUNCTIONS.—The lead representa-
5 tive of an agency designated under subpara-
6 graph (A) shall ensure that appropriate per-
7 sonnel, including leadership and subject matter
8 experts of the agency, are aware of the business
9 of the Council.

10 “(c) CHAIRPERSON.—

11 “(1) DESIGNATION.—Not later than 45 days
12 after the date of the enactment of the Safeguarding
13 American Innovation Act, the Director of the Office
14 of Management and Budget shall designate a senior
15 level official from the Office of Management and
16 Budget to serve as the Chairperson of the Council.

17 “(2) FUNCTIONS.—The Chairperson shall per-
18 form functions that include—

19 “(A) subject to subsection (d), developing
20 a schedule for meetings of the Council;

21 “(B) designating Executive agencies to be
22 represented on the Council under subsection
23 (b)(1)(Q);

24 “(C) in consultation with the lead rep-
25 resentative of each agency represented on the

1 Council, developing a charter for the Council;
2 and

3 “(D) not later than 7 days after comple-
4 tion of the charter, submitting the charter to
5 the appropriate congressional committees.

6 “(3) LEAD SCIENCE ADVISOR.—The Director of
7 the Office of Science and Technology Policy shall
8 designate a senior level official to be the lead science
9 advisor to the Council for purposes of this chapter.

10 “(4) LEAD SECURITY ADVISOR.—The Director
11 of the National Counterintelligence and Security
12 Center shall designate a senior level official from the
13 National Counterintelligence and Security Center to
14 be the lead security advisor to the Council for pur-
15 poses of this chapter.

16 “(d) MEETINGS.—The Council shall meet not later
17 than 60 days after the date of the enactment of the Safe-
18 guarding American Innovation Act and not less frequently
19 than quarterly thereafter.

20 **“§ 7903. Functions and authorities**

21 “(a) DEFINITIONS.—In this section:

22 “(1) IMPLEMENTING.—The term ‘imple-
23 menting’ means working with the relevant Federal
24 agencies, through existing processes and procedures,

1 to enable those agencies to put in place and enforce
2 the measures described in this section.

3 “(2) UNIFORM APPLICATION PROCESS.—The
4 term ‘uniform application process’ means a process
5 employed by Federal science agencies to maximize
6 the collection of information regarding applicants
7 and applications, as determined by the Council.

8 “(b) IN GENERAL.—The Chairperson of the Council
9 shall consider the missions and responsibilities of Council
10 members in determining the lead agencies for Council
11 functions. The Council shall perform the following func-
12 tions:

13 “(1) Developing and implementing, across all
14 Executive agencies that award research and develop-
15 ment grants, awards, and contracts, a uniform appli-
16 cation process for grants in accordance with sub-
17 section (c).

18 “(2) Developing and implementing policies and
19 providing guidance to prevent malign foreign inter-
20 ference from unduly influencing the peer review
21 process for federally funded research and develop-
22 ment.

23 “(3) Identifying or developing criteria for shar-
24 ing among Executive agencies and with law enforce-
25 ment and other agencies, as appropriate, informa-

1 tion regarding individuals who violate disclosure poli-
2 cies and other policies related to research security.

3 “(4) Identifying an appropriate Executive agen-
4 cy—

5 “(A) to accept and protect information
6 submitted by Executive agencies and non-Fed-
7 eral entities based on the process established
8 pursuant to paragraph (1); and

9 “(B) to facilitate the sharing of informa-
10 tion received under subparagraph (A) to sup-
11 port, consistent with Federal law—

12 “(i) the oversight of federally funded
13 research and development;

14 “(ii) criminal and civil investigations
15 of misappropriated Federal funds, re-
16 sources, and information; and

17 “(iii) counterintelligence investiga-
18 tions.

19 “(5) Identifying, as appropriate, Executive
20 agencies to provide—

21 “(A) shared services, such as support for
22 conducting Federal research security risk as-
23 sessments, activities to mitigate such risks, and
24 oversight and investigations with respect to
25 grants awarded by Executive agencies; and

1 “(B) common contract solutions to support
2 the verification of the identities of persons par-
3 ticipating in federally funded research and de-
4 velopment.

5 “(6) Identifying and issuing guidance, in ac-
6 cordance with subsection (e) and in coordination
7 with the National Insider Threat Task Force estab-
8 lished by Executive Order 13587 (50 U.S.C. 3161
9 note) for expanding the scope of Executive agency
10 insider threat programs, including the safeguarding
11 of research and development from exploitation, com-
12 promise, or other unauthorized disclosure, taking
13 into account risk levels and the distinct needs, mis-
14 sions, and systems of each such agency.

15 “(7) Identifying and issuing guidance for devel-
16 oping compliance and oversight programs for Execu-
17 tive agencies to ensure that research and develop-
18 ment grant recipients accurately report conflicts of
19 interest and conflicts of commitment in accordance
20 with subsection (c)(1). Such programs shall include
21 an assessment of—

22 “(A) a grantee’s support from foreign
23 sources and affiliations, appointments, or par-
24 ticipation in talent programs with foreign fund-
25 ing institutions or laboratories; and

1 “(B) the impact of such support and affili-
2 ations, appointments, or participation in talent
3 programs on United States national security
4 and economic interests.

5 “(8) Providing guidance to Executive agencies
6 regarding appropriate application of consequences
7 for violations of disclosure requirements.

8 “(9) Developing and implementing a cross-
9 agency policy and providing guidance related to the
10 use of digital persistent identifiers for individual re-
11 searchers supported by, or working on, any Federal
12 research grant with the goal to enhance trans-
13 parency and security, while reducing administrative
14 burden for researchers and research institutions.

15 “(10) Engaging with the United States re-
16 search community in conjunction with the National
17 Science and Technology Council and the National
18 Academies Science, Technology and Security Round-
19 table created under section 1746 of the National De-
20 fense Authorization Act for Fiscal Year 2020 (Pub-
21 lic Law 116–92; 42 U.S.C. 6601 note) in performing
22 the functions described in paragraphs (1), (2), and
23 (3) and with respect to issues relating to Federal re-
24 search security risks.

1 “(11) Carrying out such other functions, con-
2 sistent with Federal law, that are necessary to re-
3 duce Federal research security risks.

4 “(c) REQUIREMENTS FOR UNIFORM GRANT APPLI-
5 CATION PROCESS.—In developing the uniform application
6 process for Federal research and development grants re-
7 quired under subsection (b)(1), the Council shall—

8 “(1) ensure that the process—

9 “(A) requires principal investigators, co-
10 principal investigators, and key personnel asso-
11 ciated with the proposed Federal research or
12 development grant project—

13 “(i) to disclose biographical informa-
14 tion, all affiliations, including any foreign
15 military, foreign government-related orga-
16 nizations, and foreign-funded institutions,
17 and all current and pending support, in-
18 cluding from foreign institutions, foreign
19 governments, or foreign laboratories, and
20 all support received from foreign sources;
21 and

22 “(ii) to certify the accuracy of the re-
23 quired disclosures under penalty of per-
24 jury; and

1 “(B) uses a machine-readable application
2 form to assist in identifying fraud and ensuring
3 the eligibility of applicants;

4 “(2) design the process—

5 “(A) to reduce the administrative burden
6 on persons applying for Federal research and
7 development funding; and

8 “(B) to promote information sharing
9 across the United States research community,
10 while safeguarding sensitive information; and

11 “(3) complete the process not later than 1 year
12 after the date of the enactment of the Safeguarding
13 American Innovation Act.

14 “(d) REQUIREMENTS FOR INFORMATION SHARING
15 CRITERIA.—In identifying or developing criteria and pro-
16 cedures for sharing information with respect to Federal
17 research security risks under subsection (b)(3), the Coun-
18 cil shall ensure that such criteria address, at a min-
19 imum—

20 “(1) the information to be shared;

21 “(2) the circumstances under which sharing is
22 mandated or voluntary;

23 “(3) the circumstances under which it is appro-
24 priate for an Executive agency to rely on informa-
25 tion made available through such sharing in exer-

1 cising the responsibilities and authorities of the
2 agency under applicable laws relating to the award
3 of grants;

4 “(4) the procedures for protecting intellectual
5 capital that may be present in such information; and

6 “(5) appropriate privacy protections for persons
7 involved in Federal research and development.

8 “(e) REQUIREMENTS FOR INSIDER THREAT PRO-
9 GRAM GUIDANCE.—In identifying or developing guidance
10 with respect to insider threat programs under subsection
11 (b)(6), the Council shall ensure that such guidance pro-
12 vides for, at a minimum—

13 “(1) such programs—

14 “(A) to deter, detect, and mitigate insider
15 threats; and

16 “(B) to leverage counterintelligence, secu-
17 rity, information assurance, and other relevant
18 functions and resources to identify and counter
19 insider threats; and

20 “(2) the development of an integrated capability
21 to monitor and audit information for the detection
22 and mitigation of insider threats, including
23 through—

24 “(A) monitoring user activity on computer
25 networks controlled by Executive agencies;

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1 “(B) providing employees of Executive
2 agencies with awareness training with respect
3 to insider threats and the responsibilities of em-
4 ployees to report such threats;

5 “(C) gathering information for a central-
6 ized analysis, reporting, and response capa-
7 bility; and

8 “(D) information sharing to aid in track-
9 ing the risk individuals may pose while moving
10 across programs and affiliations;

11 “(3) the development and implementation of
12 policies and procedures under which the insider
13 threat program of an Executive agency accesses,
14 shares, and integrates information and data derived
15 from offices within the agency and shares insider
16 threat information with the executive agency re-
17 search sponsors;

18 “(4) the designation of senior officials with au-
19 thority to provide management, accountability, and
20 oversight of the insider threat program of an Execu-
21 tive agency and to make resource recommendations
22 to the appropriate officials; and

23 “(5) such additional guidance as is necessary to
24 reflect the distinct needs, missions, and systems of
25 each Executive agency.

1 “(f) ISSUANCE OF WARNINGS RELATING TO RISKS
2 AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC
3 COOPERATION.—

4 “(1) IN GENERAL.—The Council, in conjunction
5 with the lead security advisor designated under sec-
6 tion 7902(c)(4), shall establish a process for inform-
7 ing members of the United States research commu-
8 nity and the public, through the issuance of warn-
9 ings described in paragraph (2), of potential risks
10 and vulnerabilities in international scientific coopera-
11 tion that may undermine the integrity and security
12 of the United States research community or place at
13 risk any federally funded research and development.

14 “(2) CONTENT.—A warning described in this
15 paragraph shall include, to the extent the Council
16 considers appropriate, a description of—

17 “(A) activities by the national government,
18 local governments, research institutions, or uni-
19 versities of a foreign country—

20 “(i) to exploit, interfere, or undermine
21 research and development by the United
22 States research community; or

23 “(ii) to misappropriate scientific
24 knowledge resulting from federally funded
25 research and development;

1 “(B) efforts by strategic competitors to ex-
2 ploit the research enterprise of a foreign coun-
3 try that may place at risk—

4 “(i) the science and technology of that
5 foreign country; or

6 “(ii) federally funded research and de-
7 velopment; and

8 “(C) practices within the research enter-
9 prise of a foreign country that do not adhere to
10 the United States scientific values of openness,
11 transparency, reciprocity, integrity, and merit-
12 based competition.

13 “(g) EXCLUSION ORDERS.—To reduce Federal re-
14 search security risk, the Interagency Suspension and De-
15 barment Committee shall provide quarterly reports to the
16 Director of the Office of Management and Budget and the
17 Director of the Office of Science and Technology Policy
18 that detail—

19 “(1) the number of ongoing investigations by
20 Council Members related to Federal research secu-
21 rity that may result, or have resulted, in agency pre-
22 notice letters, suspensions, proposed debarments,
23 and debarments;

24 “(2) Federal agencies’ performance and compli-
25 ance with interagency suspensions and debarments;

1 “(3) efforts by the Interagency Suspension and
2 Debarment Committee to mitigate Federal research
3 security risk;

4 “(4) proposals for developing a unified Federal
5 policy on suspensions and debarments; and

6 “(5) other current suspension and debarment
7 related issues.

8 “(h) SAVINGS PROVISION.—Nothing in this section
9 may be construed—

10 “(1) to alter or diminish the authority of any
11 Federal agency; or

12 “(2) to alter any procedural requirements or
13 remedies that were in place before the date of the
14 enactment of the Safeguarding American Innovation
15 Act.

16 **“§ 7904. Annual report**

17 “Not later than November 15 of each year, the Chair-
18 person of the Council shall submit a report to the appro-
19 priate congressional committees that describes the activi-
20 ties of the Council during the preceding fiscal year.

21 **“§ 7905. Requirements for Executive agencies**

22 “(a) IN GENERAL.—The head of each Executive
23 agency on the Council shall be responsible for—

1 “(1) assessing Federal research security risks
2 posed by persons participating in federally funded
3 research and development;

4 “(2) avoiding or mitigating such risks, as ap-
5 propriate and consistent with the standards, guide-
6 lines, requirements, and practices identified by the
7 Council under section 7903(b);

8 “(3) prioritizing Federal research security risk
9 assessments conducted under paragraph (1) based
10 on the applicability and relevance of the research
11 and development to the national security and eco-
12 nomic competitiveness of the United States; and

13 “(4) ensuring that initiatives impacting Feder-
14 ally funded research grant making policy and man-
15 agement to protect the national and economic secu-
16 rity interests of the United States are integrated
17 with the activities of the Council.

18 “(b) INCLUSIONS.—The responsibility of the head of
19 an Executive agency for assessing Federal research secu-
20 rity risk described in subsection (a) includes—

21 “(1) developing an overall Federal research se-
22 curity risk management strategy and implementation
23 plan and policies and processes to guide and govern
24 Federal research security risk management activities
25 by the Executive agency;

1 “(2) integrating Federal research security risk
2 management practices throughout the lifecycle of the
3 grant programs of the Executive agency;

4 “(3) sharing relevant information with other
5 Executive agencies, as determined appropriate by
6 the Council in a manner consistent with section
7 7903; and

8 “(4) reporting on the effectiveness of the Fed-
9 eral research security risk management strategy of
10 the Executive agency consistent with guidance issued
11 by the Office of Management and Budget and the
12 Council.”.

13 (b) CLERICAL AMENDMENT.—The table of chapters
14 at the beginning of title 31, United States Code, is amend-
15 ed by inserting after the item relating to chapter 77 the
16 following:

“79. Federal Research Security Council 7901.”.

17 **SEC. 4494. FEDERAL GRANT APPLICATION FRAUD.**

18 (a) IN GENERAL.—Chapter 47 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 1041. Federal grant application fraud**

22 “(a) DEFINITIONS.—In this section:

23 “(1) FEDERAL AGENCY.—The term ‘Federal
24 agency’ has the meaning given the term ‘agency’ in
25 section 551 of title 5, United States Code.

1 “(2) FEDERAL GRANT.—The term ‘Federal
2 grant’—

3 “(A) means a grant awarded by a Federal
4 agency;

5 “(B) includes a subgrant awarded by a
6 non-Federal entity to carry out a Federal grant
7 program; and

8 “(C) does not include—

9 “(i) direct United States Government
10 cash assistance to an individual;

11 “(ii) a subsidy;

12 “(iii) a loan;

13 “(iv) a loan guarantee; or

14 “(v) insurance.

15 “(3) FEDERAL GRANT APPLICATION.—The
16 term ‘Federal grant application’ means an applica-
17 tion for a Federal grant.

18 “(4) FOREIGN COMPENSATION.—The term ‘for-
19 eign compensation’ means a title, monetary com-
20 pensation, access to a laboratory or other resource,
21 or other benefit received from—

22 “(A) a foreign government;

23 “(B) a foreign government institution; or

24 “(C) a foreign public enterprise.

1 “(5) FOREIGN GOVERNMENT.—The term ‘for-
2 eign government’ includes a person acting or pur-
3 porting to act on behalf of—

4 “(A) a faction, party, department, agency,
5 bureau, subnational administrative entity, or
6 military of a foreign country; or

7 “(B) a foreign government or a person
8 purporting to act as a foreign government, re-
9 gardless of whether the United States recog-
10 nizes the government.

11 “(6) FOREIGN GOVERNMENT INSTITUTION.—
12 The term ‘foreign government institution’ means a
13 foreign entity owned by, subject to the control of, or
14 subject to regulation by a foreign government.

15 “(7) FOREIGN PUBLIC ENTERPRISE.—The term
16 ‘foreign public enterprise’ means an enterprise over
17 which a foreign government directly or indirectly ex-
18 ercises a dominant influence.

19 “(8) LAW ENFORCEMENT AGENCY.—The term
20 ‘law enforcement agency’—

21 “(A) means a Federal, State, local, or
22 Tribal law enforcement agency; and

23 “(B) includes—

24 “(i) the Office of Inspector General of
25 an establishment (as defined in section 12

1 of the Inspector General Act of 1978 (5
2 U.S.C. App.)) or a designated Federal en-
3 tity (as defined in section 8G(a) of the In-
4 spector General Act of 1978 (5 U.S.C.
5 App.)); and

6 “(ii) the Office of Inspector General,
7 or similar office, of a State or unit of local
8 government.

9 “(9) OUTSIDE COMPENSATION.—The term ‘out-
10 side compensation’ means any compensation, re-
11 source, or support (regardless of monetary value)
12 made available to the applicant in support of, or re-
13 lated to, any research endeavor, including a title, re-
14 search grant, cooperative agreement, contract, insti-
15 tutional award, access to a laboratory, or other re-
16 source, including materials, travel compensation, or
17 work incentives.

18 “(b) PROHIBITION.—It shall be unlawful for any in-
19 dividual to knowingly—

20 “(1) prepare or submit a Federal grant applica-
21 tion that fails to disclose the receipt of any outside
22 compensation, including foreign compensation, by
23 the individual;

1 “(2) forge, counterfeit, or otherwise falsify a
2 document for the purpose of obtaining a Federal
3 grant; or

4 “(3) prepare, submit, or assist in the prepara-
5 tion or submission of a Federal grant application or
6 document in connection with a Federal grant appli-
7 cation that—

8 “(A) contains a false statement;

9 “(B) contains a material misrepresenta-
10 tion;

11 “(C) has no basis in law or fact; or

12 “(D) fails to disclose a material fact.

13 “(c) EXCEPTION.—Subsection (b) does not apply to
14 an activity—

15 “(1) carried out in connection with a lawfully
16 authorized investigative, protective, or intelligence
17 activity of—

18 “(A) a law enforcement agency; or

19 “(B) a Federal intelligence agency; or

20 “(2) authorized under chapter 224.

21 “(d) PENALTY.—Any individual who violates sub-
22 section (b)—

23 “(1) shall be fined in accordance with this title,
24 imprisoned for not more than 5 years, or both; and

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1 “(2) shall be prohibited from receiving a Fed-
 2 eral grant during the 5-year period beginning on the
 3 date on which a sentence is imposed on the indi-
 4 vidual under paragraph (1).”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
 6 ter 47 of title 18, United States Code, is amended by add-
 7 ing at the end the following:

“1041. Federal grant application fraud.”.

8 **SEC. 4495. RESTRICTING THE ACQUISITION OF EMERGING**
 9 **TECHNOLOGIES BY CERTAIN ALIENS.**

10 (a) GROUNDS OF INADMISSIBILITY.—The Secretary
 11 of State may determine that an alien is inadmissible if
 12 the Secretary determines such alien is seeking to enter the
 13 United States to knowingly acquire sensitive or emerging
 14 technologies to undermine national security interests of
 15 the United States by benefitting an adversarial foreign
 16 government’s security or strategic capabilities.

17 (b) RELEVANT FACTORS.—To determine if an alien
 18 is inadmissible under subsection (a), the Secretary of
 19 State shall—

20 (1) take account of information and analyses
 21 relevant to implementing subsection (a) from the Of-
 22 fice of the Director of National Intelligence, the De-
 23 partment of Health and Human Services, the De-
 24 partment of Defense, the Department of Homeland
 25 Security, the Department of Energy, the Depart-

1 ment of Commerce, and other appropriate Federal
2 agencies;

3 (2) take account of the continual expert assess-
4 ments of evolving sensitive or emerging technologies
5 that foreign adversaries are targeting;

6 (3) take account of relevant information con-
7 cerning the foreign person's employment or collabo-
8 ration, to the extent known, with—

9 (A) foreign military and security related
10 organizations that are adversarial to the United
11 States;

12 (B) foreign institutions involved in the
13 theft of United States research;

14 (C) entities involved in export control viola-
15 tions or the theft of intellectual property;

16 (D) a government that seeks to undermine
17 the integrity and security of the United States
18 research community; or

19 (E) other associations or collaborations
20 that pose a national security threat based on in-
21 telligence assessments; and

22 (4) weigh the proportionality of risks and the
23 factors listed in paragraphs (1) through (3).

24 (c) REPORTING REQUIREMENT.—Not later than 180
25 days after the date of the enactment of this Act, and semi-

1 annually thereafter until the sunset date set forth in sub-
2 section (e), the Secretary of State, in coordination with
3 the Director of National Intelligence, the Director of the
4 Office of Science and Technology Policy, the Secretary of
5 Homeland Security, the Secretary of Defense, the Sec-
6 retary of Energy, the Secretary of Commerce, and the
7 heads of other appropriate Federal agencies, shall submit
8 a report to the Committee on the Judiciary of the Senate,
9 the Committee on Foreign Relations of the Senate, the
10 Committee on Homeland Security and Governmental Af-
11 fairs of the Senate, the Committee on the Judiciary of the
12 House of Representatives, the Committee on Foreign Af-
13 fairs of the House of Representatives, and the Committee
14 on Oversight and Reform of the House of Representatives
15 that identifies—

16 (1) any criteria, if relevant used to describe the
17 aliens to which the grounds of inadmissibility de-
18 scribed in subsection (a) may apply;

19 (2) the number of individuals determined to be
20 inadmissible under subsection (a), including the na-
21 tionality of each such individual and the reasons for
22 each determination of inadmissibility; and

23 (3) the number of days from the date of the
24 consular interview until a final decision is issued for
25 each application for a visa considered under this sec-

1 (b) WAIVER.—The Secretary of State may waive the
2 requirement under subsection (a) by providing to Con-
3 gress, not later than 30 days before such waiver takes ef-
4 fect—

5 (1) a detailed explanation for why the waiver is
6 being issued; and

7 (2) a timeframe for the implementation of the
8 requirement under subsection (a).

9 (c) REPORT.—Not later than 45 days after date of
10 the enactment of this Act, the Secretary of State shall sub-
11 mit a report to the Committee on Homeland Security and
12 Governmental Affairs of the Senate, the Committee on
13 Commerce, Science, and Transportation of the Senate, the
14 Select Committee on Intelligence of the Senate, the Com-
15 mittee on Foreign Relations of the Senate; the Committee
16 on Oversight and Reform of the House of Representatives,
17 the Committee on Homeland Security of the House of
18 Representatives, the Committee on Energy and Commerce
19 of the House of Representatives, the Permanent Select
20 Committee on Intelligence of the House of Representa-
21 tives, and the Committee on Foreign Affairs of the House
22 of Representatives that—

23 (1) describes how supplementary documents
24 provided by a visa applicant in support of a visa ap-

1 plication are stored and shared by the Department
2 of State with authorized Federal agencies;

3 (2) identifies the sections of a visa application
4 that are machine-readable and the sections that are
5 not machine-readable;

6 (3) provides cost estimates, including personnel
7 costs and a cost-benefit analysis for adopting dif-
8 ferent technologies, including optical character rec-
9 ognition, for—

10 (A) making every element of a visa appli-
11 cation, and documents submitted in support of
12 a visa application, machine-readable; and

13 (B) ensuring that such system—

14 (i) protects personally-identifiable in-
15 formation; and

16 (ii) permits the sharing of visa infor-
17 mation with Federal agencies in accord-
18 ance with existing law; and

19 (4) includes an estimated timeline for com-
20 pleting the implementation of subsection (a).

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1 **SEC. 4497. CERTIFICATIONS REGARDING ACCESS TO EX-**
2 **PORT CONTROLLED TECHNOLOGY IN EDU-**
3 **CATIONAL AND CULTURAL EXCHANGE PRO-**
4 **GRAMS.**

5 Section 102(b)(5) of the Mutual Educational and
6 Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5))
7 is amended to read as follows:

8 “(5) promoting and supporting medical, sci-
9 entific, cultural, and educational research and devel-
10 opment by developing exchange programs for foreign
11 researchers and scientists, while protecting tech-
12 nologies regulated by export control laws important
13 to the national security and economic interests of
14 the United States, by requiring—

15 “(A) the sponsor to certify to the Depart-
16 ment of State that the sponsor, after reviewing
17 all regulations related to the Export Controls
18 Act of 2018 (50 U.S.C. 4811 et seq.) and the
19 Arms Export Control Act (22 U.S.C. 2751 et
20 seq.), has determined that—

21 “(i) a license is not required from the
22 Department of Commerce or the Depart-
23 ment of State to release such technology or
24 technical data to the exchange visitor; or

25 “(ii)(I) a license is required from the
26 Department of Commerce or the Depart-

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1 ment of State to release such technology or
2 technical data to the exchange visitor; and

3 “(II) the sponsor will prevent access
4 to the controlled technology or technical
5 data by the exchange visitor until the spon-
6 sor—

7 “(aa) has received the required
8 license or other authorization to re-
9 lease it to the visitor; and

10 “(bb) has provided a copy of
11 such license or authorization to the
12 Department of State; and

13 “(B) if the sponsor maintains export con-
14 trolled technology or technical data, the sponsor
15 to submit to the Department of State the spon-
16 sor’s plan to prevent unauthorized export or
17 transfer of any controlled items, materials, in-
18 formation, or technology at the sponsor organi-
19 zation or entities associated with a sponsor’s
20 administration of the exchange visitor pro-
21 gram.”.

22 **SEC. 4498. PRIVACY AND CONFIDENTIALITY.**

23 Nothing in this subtitle may be construed as affecting
24 the rights and requirements provided in section 552a of
25 title 5, United States Code (commonly known as the “Pri-

1 vacy Act of 1974”) or subchapter III of chapter 35 of
 2 title 44, United States Code (commonly known as the
 3 “Confidential Information Protection and Statistical Effi-
 4 ciency Act of 2018”).

5 **DIVISION E—MEETING THE**
 6 **CHINA CHALLENGE ACT OF 2021**

7 **SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.**

8 (a) **SHORT TITLE.**—This division may be cited as the
 9 “Meeting the China Challenge Act of 2021”.

10 (b) **TABLE OF CONTENTS.**—The table of contents for
 11 this division is as follows:

Sec. 5001. Short title; table of contents.

TITLE I—FINANCIAL SERVICES

Sec. 5101. Findings on transparency and disclosure; sense of Congress.

Sec. 5102. Establishment of interagency task force to address Chinese market manipulation in the United States.

Sec. 5103. Expansion of study and strategy on money laundering by the People’s Republic of China to include risks of contributing to corruption.

Sec. 5104. Statement of policy to encourage the development of a corporate code of conduct for countering malign influence in the private sector.

TITLE II—PROTECTING UNITED STATES NATIONAL SECURITY

Subtitle A—Sanctions With Respect to People’s Republic of China

Sec. 5201. Definitions.

Sec. 5202. Use of sanctions authorities with respect to the People’s Republic of China.

Sec. 5203. Imposition of sanctions with respect to activities of the People’s Republic of China undermining cybersecurity, including cyber attacks on United States Government or private sector networks.

Sec. 5204. Imposition of sanctions with respect to theft of trade secrets of United States persons.

Sec. 5205. Implementation; penalties.

Sec. 5206. Exceptions.

Subtitle B—Export Control Review And Other Matters

Sec. 5211. Review and controls on export of items with critical capabilities to enable human rights abuses.

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- Sec. 5212. Prohibition on reviews by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.
- Sec. 5213. Conforming amendments to Treasury positions established by Foreign Investment Risk Review Modernization Act of 2018.

TITLE III—REPORTS

- Sec. 5301. Review of the presence of Chinese entities in United States capital markets.
- Sec. 5302. Report on malign activity involving Chinese state-owned enterprises.
- Sec. 5303. Report on use and applicability of sanctions to Chinese officials complicit in human rights violations and violations of United States sanctions with respect to Hong Kong.
- Sec. 5304. Report on domestic shortfalls of industrial resources, materials, and critical technology items essential to the national defense.
- Sec. 5305. Report on implementation of process for exchange of information between Committee on Foreign Investment in the United States and allies and partners.
- Sec. 5306. Report on economic and national security implications of changes to cross-border payment and financial messaging systems.
- Sec. 5307. Report on development and utilization of dual-use technologies by the Government of the People's Republic of China.
- Sec. 5308. Report on currency issues with respect to the People's Republic of China.
- Sec. 5309. Report on exposure of the United States to the financial system of the People's Republic of China.
- Sec. 5310. Report on investment reciprocity between the United States and the People's Republic of China.

1 **TITLE I—FINANCIAL SERVICES**2 **SEC. 5101. FINDINGS ON TRANSPARENCY AND DISCLOSURE;**3 **SENSE OF CONGRESS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) More than 2,000,000 corporations, limited
 6 liability companies, and other similar entities are
 7 formed under the laws of the States each year and
 8 some of those 2,000,000 entities are formed by per-
 9 sons outside of the United States, including by per-
 10 sons in the People's Republic of China.

11 (2) Most or all States do not require informa-
 12 tion about the beneficial owners of the corporations,

1 limited liability companies, or other similar entities
2 formed under the laws of the State.

3 (3) Malign actors seek to conceal their owner-
4 ship of corporations, limited liability companies, or
5 other similar entities in the United States to facili-
6 tate illicit activity, including money laundering, the
7 financing of terrorism, proliferation financing, seri-
8 ous tax fraud, human and drug trafficking, counter-
9 feiting, piracy, securities fraud, financial fraud, eco-
10 nomic espionage, theft of intellectual property, and
11 acts of foreign corruption, which harm the national
12 security interests of the United States and allies of
13 the United States.

14 (4) National security, intelligence, and law en-
15 forcement investigations have consistently been im-
16 peded by an inability to reliably and promptly obtain
17 information identifying the persons that ultimately
18 own corporations, limited liability companies, or
19 other similar entities suspected of engaging in illicit
20 activity, as documented in reports and testimony by
21 officials from the Department of Justice, the De-
22 partment of Homeland Security, the Department of
23 the Treasury, the Government Accountability Office,
24 and other agencies.

1 (5) In the National Strategy for Combating
2 Terrorist and Other Illicit Financing, issued in
3 2020, the Department of the Treasury found the fol-
4 lowing: “Misuse of legal entities to hide a criminal
5 beneficial owner or illegal source of funds continues
6 to be a common, if not the dominant, feature of il-
7 licit finance schemes, especially those involving
8 money laundering, predicate offences, tax evasion,
9 and proliferation financing.”.

10 (6) Federal legislation, including the Anti-
11 Money Laundering Act of 2020 (division F of Public
12 Law 116–283) and the Corporate Transparency Act
13 (title LXIV of division F of Public Law 116–283),
14 combating the crime of money laundering and pro-
15 viding for the collection of beneficial ownership in-
16 formation by the Financial Crimes Enforcement
17 Network of the Department of the Treasury (re-
18 ferred to in this section as “FinCEN”) with respect
19 to corporations, limited liability companies, or other
20 similar entities formed under the laws of the States
21 has recently been enacted to—

22 (A) set a clear Federal standard for incor-
23 poration practices;

24 (B) better enable critical national security,
25 intelligence, and law enforcement efforts to

1 identify and counter money laundering, the fi-
2 nancing of terrorism, and other illicit activity;
3 and

4 (C) bring the United States into compli-
5 ance with international standards with respect
6 to anti-money laundering and countering the fi-
7 nancing of terrorism.

8 (7) Providing beneficial ownership information
9 to FinCEN is especially important in cases in which
10 foreign firms, including those in the People's Repub-
11 lic of China or subject to the jurisdiction of the Peo-
12 ple's Republic of China, seek to acquire United
13 States firms and the valuable intellectual property of
14 those firms in a manner that poses a threat to the
15 national security of the United States.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Secretary of the Treasury should implement
18 the Anti-Money Laundering Act of 2020 (division F of
19 Public Law 116–283), including the Corporate Trans-
20 parency Act (title LXIV of division F of Public Law 116–
21 283), within the timelines required under those Acts, in-
22 cluding the elements of those Acts designed to enhance
23 the ability of financial services providers to adopt and im-
24 plement anti-money laundering best practices, mitigate
25 burdens on small businesses, ensure the security of bene-

1 ficial ownership information as provided for by those Acts,
2 and address specific concerns relating to abuses of anony-
3 mous shell companies by Chinese entities and the Govern-
4 ment of the People’s Republic of China.

5 **SEC. 5102. ESTABLISHMENT OF INTERAGENCY TASK FORCE**
6 **TO ADDRESS CHINESE MARKET MANIPULA-**
7 **TION IN THE UNITED STATES.**

8 (a) IN GENERAL.—The Department of Justice, the
9 Federal Trade Commission, the Department of the Treas-
10 ury, and such other Federal agencies as the President de-
11 termines appropriate shall establish a joint interagency
12 task force to investigate allegations of systemic market
13 manipulation and other potential violations of antitrust
14 and competition laws in the United States by companies
15 established in the People’s Republic of China, including
16 allegations of efforts to illegally capture market share, fix
17 or manipulate prices, and control the supply of goods in
18 critical industries of the United States, including—

- 19 (1) the pharmaceutical and medical devices in-
20 dustry;
- 21 (2) the renewable energy industry;
- 22 (3) the steel and aluminum industries; and
- 23 (4) such other industries as the task force con-
24 siders appropriate.

1 (b) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the President shall provide to
3 the appropriate congressional committees—

4 (1) a briefing on the progress of the inter-
5 agency task force and its findings as described in
6 subsection (a); and

7 (2) recommendations to the committees on po-
8 tential amendments to antitrust and competition
9 laws in the United States that would strengthen the
10 ability of United States antitrust enforcement agen-
11 cies to bring actions against anticompetitive business
12 practices by Chinese companies.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Banking, Housing, and
17 Urban Affairs, the Committee on Foreign Relations,
18 the Committee on Finance, the Committee on the
19 Judiciary, and the Committee on Commerce,
20 Science, and Transportation of the Senate; and

21 (2) the Committee on Financial Services, the
22 Committee on Foreign Affairs, the Committee on
23 Ways and Means, the Committee on the Judiciary,
24 and the Committee on Energy and Commerce of the
25 House of Representatives.

1 **SEC. 5103. EXPANSION OF STUDY AND STRATEGY ON**
2 **MONEY LAUNDERING BY THE PEOPLE’S RE-**
3 **PUBLIC OF CHINA TO INCLUDE RISKS OF**
4 **CONTRIBUTING TO CORRUPTION.**

5 (a) **IN GENERAL.**—Section 6507 of the Anti-Money
6 Laundering Act of 2020 (division F of Public Law 116–
7 283) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (3), by striking “; and”
10 and inserting a semicolon;

11 (B) in paragraph (4), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(5) the ways in which such increased illicit fi-
15 nance risks may contribute to corruption involving
16 Chinese firms and a strategy to combat such corrup-
17 tion.”; and

18 (2) in subsection (b), by inserting “and corrup-
19 tion” after “activities”.

20 (b) **EFFECTIVE DATE.**—The amendments made by
21 subsection (a) shall take effect as if included in the enact-
22 ment of the Anti-Money Laundering Act of 2020 (division
23 F of Public Law 116–283).

1 **SEC. 5104. STATEMENT OF POLICY TO ENCOURAGE THE DE-**
2 **VELOPMENT OF A CORPORATE CODE OF**
3 **CONDUCT FOR COUNTERING MALIGN INFLU-**
4 **ENCE IN THE PRIVATE SECTOR.**

5 It is the policy of the United States—

6 (1) to support business practices that are open,
7 transparent, respect workers' rights, and are envi-
8 ronmentally conscious;

9 (2) to reaffirm the commitment of the United
10 States to economic freedom, which is the bedrock of
11 the United States economy and enables anyone in
12 the United States to freely conduct business and
13 pursue the American dream;

14 (3) to support freedom of expression for all peo-
15 ple;

16 (4) to promote the security of United States
17 supply chains and United States businesses against
18 malign foreign influence;

19 (5) to welcome and commit to supporting busi-
20 ness people from the People's Republic of China who
21 are in the United States to pursue the American
22 dream, free from restrictions and surveillance, in-
23 cluding freedom of inquiry and freedom of expres-
24 sion, that may be proscribed or restricted in the
25 People's Republic of China;

1 (6) to condemn and oppose xenophobia and ra-
2 cial discrimination in any form, including against
3 Chinese businesspeople, entrepreneurs, and visitors
4 in the United States;

5 (7) to recognize the threats posed to economic
6 freedom and freedom of expression by the Govern-
7 ment of the People’s Republic of China, which are
8 seeking to influence and interfere with United States
9 businesses and distort United States markets for the
10 gain of the People’s Republic of China, either di-
11 rectly or indirectly;

12 (8) to condemn the practice by the Government
13 of the People’s Republic of China of—

14 (A) direct and indirect surveillance and
15 censorship and acts of retaliation by officials of
16 that Government or their agents against
17 businesspeople, entrepreneurs, and Chinese stu-
18 dents and scholars; or

19 (B) harassment of their family members in
20 the People’s Republic of China;

21 (9) to encourage United States businesses that
22 conduct substantial business with or in the People’s
23 Republic of China to collectively develop and commit
24 to using best practices to ensure that their business

1 in or with the People’s Republic of China is con-
2 sistent with the policies of the United States; and

3 (10) to specifically encourage United States
4 businesses to develop and agree to a code of conduct
5 for business with or in the People’s Republic of
6 China, pursuant to which a United States business
7 would commit—

8 (A) to protect the free speech rights of its
9 employees to, in their personal capacities, ex-
10 press views on global issues without fear that
11 pressure from the Government of the People’s
12 Republic of China would result in them being
13 retaliated against by the business;

14 (B) to ensure that products and services
15 made by the business and sold in the People’s
16 Republic of China do not enable the Govern-
17 ment of the People’s Republic of China to un-
18 dermine fundamental rights and freedoms, for
19 example by facilitating repression and censor-
20 ship;

21 (C) to maintain robust due diligence pro-
22 grams to ensure that the business is not engag-
23 ing in business with—

24 (i) the military of the People’s Repub-
25 lic of China;

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1 (ii) any Chinese entity subject to
2 United States export controls without a re-
3 quired license; or

4 (iii) any other Chinese actor that en-
5 gages in conduct prohibited by the law of
6 the United States;

7 (D) to disclose publicly any funding or
8 support received from Chinese diplomatic mis-
9 sions or other entities linked to the Government
10 of the People's Republic of China;

11 (E) to help mentor and support business-
12 people and entrepreneurs from the People's Re-
13 public of China to ensure that they can enjoy
14 full economic freedom;

15 (F) to ensure that employees of the busi-
16 ness in the People's Republic of China are not
17 subject to undue influence by the Government
18 of the People's Republic of China at their work-
19 place; and

20 (G) to ensure that agreements and prac-
21 tices of the business in the People's Republic of
22 China ensure the protection of intellectual prop-
23 erty.

1 **TITLE II—PROTECTING UNITED**
2 **STATES NATIONAL SECURITY**
3 **Subtitle A—Sanctions With Respect**
4 **to People’s Republic of China**

5 **SEC. 5201. DEFINITIONS.**

6 In this subtitle:

7 (1) **ADMISSION; ADMITTED; ALIEN; LAWFULLY**
8 **ADMITTED FOR PERMANENT RESIDENCE.**—The
9 terms “admission”, “admitted”, “alien”, and “law-
10 fully admitted for permanent residence” have the
11 meanings given those terms in section 101 of the
12 Immigration and Nationality Act (8 U.S.C. 1101).

13 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
14 **TEES.**—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Banking, Housing,
17 and Urban Affairs and the Committee on For-
18 eign Relations of the Senate; and

19 (B) the Committee on Financial Services
20 and the Committee on Foreign Affairs of the
21 House of Representatives.

22 (3) **CHINESE ENTITY.**—The term “Chinese en-
23 tity” means an entity organized under the laws of or
24 otherwise subject to the jurisdiction of the People’s
25 Republic of China.

1 (4) ENTITY.—The term “entity” means a part-
2 nership, association, trust, joint venture, corpora-
3 tion, group, subgroup, or other organization.

4 (5) FOREIGN PERSON.—The term “foreign per-
5 son” means any person that is not a United States
6 person.

7 (6) KNOWINGLY.—The term “knowingly”, with
8 respect to conduct, a circumstance, or a result,
9 means that a person has actual knowledge, or should
10 have known, of the conduct, the circumstance, or the
11 result.

12 (7) PERSON.—The term “person” means an in-
13 dividual or entity.

14 (8) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States;

19 (B) an entity organized under the laws of
20 the United States or of any jurisdiction within
21 the United States, including a foreign branch of
22 such an entity; or

23 (C) any person in the United States.

1 **SEC. 5202. USE OF SANCTIONS AUTHORITIES WITH RE-**
2 **SPECT TO THE PEOPLE'S REPUBLIC OF**
3 **CHINA.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) Congress has provided the President with a
7 broad range of tough authorities to impose sanctions
8 to address malign behavior by the Government of
9 the People's Republic of China and individuals and
10 entities in the People's Republic of China, including
11 individuals and entities engaging in—

12 (A) intellectual property theft;

13 (B) cyber-related economic espionage;

14 (C) repression of ethnic minorities;

15 (D) the use of forced labor and other
16 human rights abuses;

17 (E) abuses of the international trading sys-
18 tem;

19 (F) illicit assistance to and trade with the
20 Government of North Korea; and

21 (G) drug trafficking, including trafficking
22 in fentanyl and other opioids.

23 (2) Congress has in many cases mandated the
24 imposition of sanctions and other measures with re-
25 spect to individuals and entities identified as respon-
26 sible for such behavior.

1 (b) RECOMMENDATION TO USE AUTHORITIES.—

2 (1) IN GENERAL.—The President should use
3 the full range of authorities available to the Presi-
4 dent, including the authorities described in para-
5 graph (2) to impose sanctions and other measures to
6 combat malign behavior by the Government of the
7 People’s Republic of China, entities owned or con-
8 trolled by that Government, and other Chinese indi-
9 viduals and entities responsible for such behavior.

10 (2) AUTHORITIES DESCRIBED.—The authorities
11 described in this paragraph include the following:

12 (A) The Global Magnitsky Human Rights
13 Accountability Act (subtitle F of title XII of
14 Public Law 114–328; 22 U.S.C. 2656 note).

15 (B) Section 1637 of the Carl Levin and
16 Howard P. “Buck” McKeon National Defense
17 Authorization Act for Fiscal Year 2015 (50
18 U.S.C. 1708) (relating to addressing economic
19 and industrial espionage in cyberspace).

20 (C) The Fentanyl Sanctions Act (21
21 U.S.C. 2301 et seq.).

22 (D) The Hong Kong Autonomy Act (Pub-
23 lic Law 116–149; 22 U.S.C. 5701 note) (relat-
24 ing to the imposition of sanctions with respect
25 to the erosion of certain obligations of the Peo-

1 ple’s Republic of China with respect to Hong
2 Kong).

3 (E) Section 7 of the Hong Kong Human
4 Rights and Democracy Act of 2019 (Public
5 Law 116–76; 22 U.S.C. 5701 note) (relating to
6 the imposition of sanctions relating to under-
7 mining fundamental freedoms and autonomy in
8 Hong Kong).

9 (F) Section 6 of the Uyghur Human
10 Rights Policy Act of 2020 (Public Law 116–
11 145; 22 U.S.C. 6901 note) (relating to the im-
12 position of sanctions with respect to violations
13 of human rights of minority groups in the
14 Xinjiang Uyghur Autonomous Region).

15 (G) The Export Control Reform Act of
16 2018 (50 U.S.C. 4801 et seq.) (relating to the
17 imposition of new export controls).

18 (H) Export control measures required to
19 be maintained with respect to entities in the
20 telecommunications sector of the People’s Re-
21 public of China, including under section 1260I
22 of the National Defense Authorization Act for
23 Fiscal Year 2020 (Public Law 116–92; 133
24 Stat. 1687) (relating to limiting the removal of

1 Huawei Technologies Co. Ltd. from the entity
2 list of the Bureau of Industry and Security).

3 (I) Section 889(a)(1)(B) of the John S.
4 McCain National Defense Authorization Act for
5 Fiscal Year 2019 (Public Law 115–232; 41
6 U.S.C. 3901 note prec.) (relating to a prohibi-
7 tion on Federal Government contracts with en-
8 tities that use telecommunications equipment or
9 services produced by certain Chinese entities).

10 (J) The North Korea Sanctions and Policy
11 Enhancement Act of 2016 (22 U.S.C. 9201 et
12 seq.), including the amendments made to that
13 Act by the Otto Warmbier North Korea Nu-
14 clear Sanctions and Enforcement Act of 2019
15 (title LXXI of Public Law 116–92; 22 U.S.C.
16 9201 note).

17 (K) Section 73 of the Bretton Woods
18 Agreements Act (22 U.S.C. 286yy), as added
19 by section 7124 of the Otto Warmbier North
20 Korea Nuclear Sanctions and Enforcement Act
21 of 2019 (title LXXI of Public Law 116–92; 22
22 U.S.C. 9201 note).

1 **SEC. 5203. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **ACTIVITIES OF THE PEOPLE'S REPUBLIC OF**
3 **CHINA UNDERMINING CYBERSECURITY, IN-**
4 **CLUDING CYBER ATTACKS ON UNITED**
5 **STATES GOVERNMENT OR PRIVATE SECTOR**
6 **NETWORKS.**

7 (a) IN GENERAL.—On and after the date that is 180
8 days after the date of the enactment of this Act, and not
9 less frequently than annually thereafter, the President
10 shall—

11 (1) identify each foreign person that the Presi-
12 dent determines—

13 (A) knowingly engages in significant activi-
14 ties undermining cybersecurity against any per-
15 son, including a democratic institution, or gov-
16 ernmental entity on behalf of the Government
17 of the People's Republic of China;

18 (B) is owned or controlled by, or acts or
19 purports to act for or on behalf of, directly or
20 indirectly, a person described in subparagraph
21 (A); or

22 (C) knowingly materially assists, sponsors,
23 or provides financial, material, or technological
24 support for, or goods or services in support
25 of—

1 (i) an activity described in subpara-
2 graph (A); or

3 (ii) a person described in subpara-
4 graph (A) or (B) the property and inter-
5 ests in property of which are blocked pur-
6 suant to this section;

7 (2) impose the sanctions described in subsection
8 (b) with respect to each individual identified under
9 paragraph (1); and

10 (3) impose 5 or more of the sanctions described
11 in subsection (c) with respect to each entity identi-
12 fied under paragraph (1).

13 (b) SANCTIONS FOR ENGAGING IN SIGNIFICANT AC-
14 TIVITIES UNDERMINING CYBERSECURITY.—The sanctions
15 to be imposed under subsection (a)(2) with respect to an
16 individual are the following:

17 (1) BLOCKING OF PROPERTY.—The exercise of
18 all powers granted to the President by the Inter-
19 national Emergency Economic Powers Act (50
20 U.S.C. 1701 et seq.) to the extent necessary to block
21 and prohibit all transactions in all property and in-
22 terests in property of the individual if such property
23 and interests in property are in the United States,
24 come within the United States, or are or come with-

1 in the possession or control of a United States per-
2 son.

3 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
4 PAROLE.—

5 (A) VISAS, ADMISSION, OR PAROLE.—An
6 alien described in subsection (a)(1) is—

7 (i) inadmissible to the United States;

8 (ii) ineligible to receive a visa or other
9 documentation to enter the United States;

10 and

11 (iii) otherwise ineligible to be admitted
12 or paroled into the United States or to re-
13 ceive any other benefit under the Immigra-
14 tion and Nationality Act (8 U.S.C. 1101 et
15 seq.).

16 (B) CURRENT VISAS REVOKED.—

17 (i) IN GENERAL.—An alien described
18 in subsection (a)(1) is subject to revocation
19 of any visa or other entry documentation
20 regardless of when the visa or other entry
21 documentation is or was issued.

22 (ii) IMMEDIATE EFFECT.—A revoca-
23 tion under clause (i) shall—

24 (I) take effect pursuant to sec-
25 tion 221(i) of the Immigration and

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1 Nationality Act (8 U.S.C. 1201(i));

2 and

3 (II) cancel any other valid visa or

4 entry documentation that is in the

5 alien's possession.

6 (c) SANCTIONS FOR ENTITIES ENGAGING OR ASSIST-

7 ING SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECU-

8 RITY.—The sanctions to be imposed under subsection

9 (a)(3) with respect to an entity are the following:

10 (1) EXPORT-IMPORT BANK ASSISTANCE FOR

11 EXPORTS TO SANCTIONED PERSONS.—The President

12 may direct the Export-Import Bank of the United

13 States not to give approval to the issuance of any

14 guarantee, insurance, extension of credit, or partici-

15 pation in the extension of credit in connection with

16 the export of any goods or services to the entity.

17 (2) EXPORT SANCTION.—The President may

18 order the United States Government not to issue

19 any specific license and not to grant any other spe-

20 cific permission or authority to export any goods or

21 technology to the entity under—

22 (A) the Export Control Reform Act of

23 2018 (50 U.S.C. 4801 et seq.);

24 (B) the Arms Export Control Act (22

25 U.S.C. 2751 et seq.);

1 (C) the Atomic Energy Act of 1954 (42
2 U.S.C. 2011 et seq.); or

3 (D) any other statute that requires the
4 prior review and approval of the United States
5 Government as a condition for the export or re-
6 export of goods or services.

7 (3) LOANS FROM UNITED STATES FINANCIAL
8 INSTITUTIONS.—The President may prohibit any
9 United States financial institution from making
10 loans or providing credits to the entity totaling more
11 than \$10,000,000 in any 12-month period unless the
12 person is engaged in activities to relieve human suf-
13 fering and the loans or credits are provided for such
14 activities.

15 (4) LOANS FROM INTERNATIONAL FINANCIAL
16 INSTITUTIONS.—The President may direct the
17 United States executive director to each inter-
18 national financial institution to use the voice and
19 vote of the United States to oppose any loan from
20 the international financial institution that would
21 benefit the entity.

22 (5) PROHIBITIONS ON FINANCIAL INSTITU-
23 TIONS.—The following prohibitions may be imposed
24 against the entity if the entity is a financial institu-
25 tion:

1 (A) PROHIBITION ON DESIGNATION AS
2 PRIMARY DEALER.—Neither the Board of Gov-
3 ernors of the Federal Reserve System nor the
4 Federal Reserve Bank of New York may des-
5 ignate, or permit the continuation of any prior
6 designation of, the financial institution as a pri-
7 mary dealer in United States Government debt
8 instruments.

9 (B) PROHIBITION ON SERVICE AS A RE-
10 POSITORY OF GOVERNMENT FUNDS.—The fi-
11 nancial institution may not serve as agent of
12 the United States Government or serve as re-
13 pository for United States Government funds.

14 The imposition of either sanction under subpara-
15 graph (A) or (B) shall be treated as one sanction for
16 purposes of subsection (a)(3), and the imposition of
17 both such sanctions shall be treated as 2 sanctions
18 for purposes of subsection (a)(3).

19 (6) PROCUREMENT SANCTION.—The United
20 States Government may not procure, or enter into
21 any contract for the procurement of, any goods or
22 services from the entity.

23 (7) FOREIGN EXCHANGE.—The President may,
24 pursuant to such regulations as the President may
25 prescribe, prohibit any transactions in foreign ex-

1 change that are subject to the jurisdiction of the
2 United States and in which the entity has any inter-
3 est.

4 (8) BANKING TRANSACTIONS.—The President
5 may, pursuant to such regulations as the President
6 may prescribe, prohibit any transfers of credit or
7 payments between financial institutions or by,
8 through, or to any financial institution, to the extent
9 that such transfers or payments are subject to the
10 jurisdiction of the United States and involve any in-
11 terest of the entity.

12 (9) PROPERTY TRANSACTIONS.—The President
13 may, pursuant to such regulations as the President
14 may prescribe, prohibit any person from—

15 (A) acquiring, holding, withholding, using,
16 transferring, withdrawing, transporting, or ex-
17 porting any property that is subject to the ju-
18 risdiction of the United States and with respect
19 to which the entity has any interest;

20 (B) dealing in or exercising any right,
21 power, or privilege with respect to such prop-
22 erty; or

23 (C) conducting any transaction involving
24 such property.

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1 (10) BAN ON INVESTMENT IN EQUITY OR DEBT
2 OF SANCTIONED PERSON.—The President may, pur-
3 suant to such regulations or guidelines as the Presi-
4 dent may prescribe, prohibit any United States per-
5 son from investing in or purchasing significant
6 amounts of equity or debt instruments of the entity.

7 (11) EXCLUSION OF CORPORATE OFFICERS.—
8 The President may direct the Secretary of State to
9 deny a visa to, and the Secretary of Homeland Secu-
10 rity to exclude from the United States, any alien
11 that the President determines is a corporate officer
12 or principal of, or a shareholder with a controlling
13 interest in, the entity.

14 (12) SANCTIONS ON PRINCIPAL EXECUTIVE OF-
15 FICERS.—The President may impose on the prin-
16 cipal executive officer or officers of the entity, or on
17 persons performing similar functions and with simi-
18 lar authorities as such officer or officers, any of the
19 sanctions under this subsection.

20 (d) NATIONAL SECURITY WAIVER.—The President
21 may waive the imposition of sanctions under this section
22 with respect to a foreign person if the President—

23 (1) determines that such a waiver is in the na-
24 tional security interests of the United States; and

1 (2) not more than 15 days after issuing the
2 waiver, submits to the appropriate congressional
3 committees a notification of the waiver and the rea-
4 sons for the waiver.

5 (e) SIGNIFICANT ACTIVITIES UNDERMINING CYBER-
6 SECURITY DEFINED.—In this section, the term “signifi-
7 cant activities undermining cybersecurity” includes—

8 (1) significant efforts—

9 (A) to deny access to or degrade, com-
10 promise, disrupt, or destroy an information and
11 communications technology system or network;
12 or

13 (B) to exfiltrate, degrade, corrupt, destroy,
14 or release information from such a system or
15 network without authorization for purposes
16 of—

17 (i) conducting influence operations; or

18 (ii) causing a significant misappro-
19 priation of funds, economic resources,
20 trade secrets, personal identifications, or
21 financial information for commercial or
22 competitive advantage or private financial
23 gain;

24 (2) significant destructive malware attacks; or

25 (3) significant denial of service activities.

1 **SEC. 5204. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **THEFT OF TRADE SECRETS OF UNITED**
3 **STATES PERSONS.**

4 (a) REPORT REQUIRED.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, and not
7 less frequently than annually thereafter, the Presi-
8 dent shall submit to the appropriate congressional
9 committees a report—

10 (A) identifying any foreign person the
11 President determines, during the period speci-
12 fied in paragraph (2)—

13 (i) has knowingly engaged in, or bene-
14 fitted from, significant theft of trade se-
15 crets of United States persons, if the theft
16 of such trade secrets occurred on or after
17 such date of enactment and is reasonably
18 likely to result in, or has materially con-
19 tributed to, a significant threat to the na-
20 tional security, foreign policy, or economic
21 health or financial stability of the United
22 States;

23 (ii) has provided significant financial,
24 material, or technological support for, or
25 goods or services in support of or to ben-
26 efit significantly from, such theft;

1 (iii) is an entity that is owned or con-
2 trolled by, or that has acted or purported
3 to act for or on behalf of, directly or indi-
4 rectly, any foreign person identified under
5 clause (i) or (ii); or

6 (iv) is a chief executive officer or
7 member of the board of directors of any
8 foreign entity identified under clause (i) or
9 (ii);

10 (B) describing the nature, objective, and
11 outcome of the theft of trade secrets each for-
12 eign person described in subparagraph (A)(i)
13 engaged in or benefitted from; and

14 (C) assessing whether any chief executive
15 officer or member of the board of directors de-
16 scribed in clause (iv) of subparagraph (A) en-
17 gaged in, or benefitted from, activity described
18 in clause (i) or (ii) of that subparagraph.

19 (2) PERIOD SPECIFIED.—The period specified
20 in this paragraph is—

21 (A) in the case of the first report required
22 by paragraph (1), the period beginning on the
23 date of the enactment of this Act and ending on
24 the date on which the report is required to be
25 submitted; and

1 (B) in the case of each subsequent report
2 required by paragraph (1), the one-year period
3 preceding the date on which the report is re-
4 quired to be submitted.

5 (3) FORM OF REPORT.—Each report required
6 by paragraph (1) shall be submitted in unclassified
7 form but may include a classified annex.

8 (b) AUTHORITY TO IMPOSE SANCTIONS.—

9 (1) SANCTIONS APPLICABLE TO ENTITIES.—In
10 the case of a foreign entity identified under subpara-
11 graph (A) of subsection (a)(1) in the most recent re-
12 port submitted under that subsection, the President
13 shall impose not less than 5 of the following:

14 (A) BLOCKING OF PROPERTY.—The Presi-
15 dent may, pursuant to the International Emer-
16 gency Economic Powers Act (50 U.S.C. 1701 et
17 seq.), block and prohibit all transactions in all
18 property and interests in property of the entity
19 if such property and interests in property are in
20 the United States, come within the United
21 States, or are or come within the possession or
22 control of a United States person.

23 (B) INCLUSION ON ENTITY LIST.—The
24 President may include the entity on the entity
25 list maintained by the Bureau of Industry and

1 Security of the Department of Commerce and
2 set forth in Supplement No. 4 to part 744 of
3 the Export Administration Regulations, for ac-
4 tivities contrary to the national security or for-
5 eign policy interests of the United States.

6 (C) EXPORT-IMPORT BANK ASSISTANCE
7 FOR EXPORTS TO SANCTIONED PERSONS.—The
8 President may direct the Export-Import Bank
9 of the United States not to give approval to the
10 issuance of any guarantee, insurance, extension
11 of credit, or participation in the extension of
12 credit in connection with the export of any
13 goods or services to the entity.

14 (D) LOANS FROM UNITED STATES FINAN-
15 CIAL INSTITUTIONS.—The President may pro-
16 hibit any United States financial institution
17 from making loans or providing credits to the
18 entity totaling more than \$10,000,000 in any
19 12-month period unless the person is engaged
20 in activities to relieve human suffering and the
21 loans or credits are provided for such activities.

22 (E) LOANS FROM INTERNATIONAL FINAN-
23 CIAL INSTITUTIONS.—The President may direct
24 the United States executive director to each
25 international financial institution to use the

1 voice and vote of the United States to oppose
2 any loan from the international financial insti-
3 tution that would benefit the entity.

4 (F) PROHIBITIONS ON FINANCIAL INSTITU-
5 TIONS.—The following prohibitions may be im-
6 posed against the entity if the entity is a finan-
7 cial institution:

8 (i) PROHIBITION ON DESIGNATION AS
9 PRIMARY DEALER.—Neither the Board of
10 Governors of the Federal Reserve System
11 nor the Federal Reserve Bank of New
12 York may designate, or permit the continu-
13 ation of any prior designation of, the fi-
14 nancial institution as a primary dealer in
15 United States Government debt instru-
16 ments.

17 (ii) PROHIBITION ON SERVICE AS A
18 REPOSITORY OF GOVERNMENT FUNDS.—
19 The financial institution may not serve as
20 agent of the United States Government or
21 serve as repository for United States Gov-
22 ernment funds.

23 The imposition of either sanction under clause
24 (i) or (ii) shall be treated as one sanction for
25 purposes of this subsection, and the imposition

1 of both such sanctions shall be treated as 2
2 sanctions for purposes of this subsection.

3 (G) PROCUREMENT SANCTION.—The
4 United States Government may not procure, or
5 enter into any contract for the procurement of,
6 any goods or services from the entity.

7 (H) FOREIGN EXCHANGE.—The President
8 may, pursuant to such regulations as the Presi-
9 dent may prescribe, prohibit any transactions in
10 foreign exchange that are subject to the juris-
11 diction of the United States and in which the
12 entity has any interest.

13 (I) BANKING TRANSACTIONS.—The Presi-
14 dent may, pursuant to such regulations as the
15 President may prescribe, prohibit any transfers
16 of credit or payments between financial institu-
17 tions or by, through, or to any financial institu-
18 tion, to the extent that such transfers or pay-
19 ments are subject to the jurisdiction of the
20 United States and involve any interest of the
21 entity.

22 (J) BAN ON INVESTMENT IN EQUITY OR
23 DEBT OF SANCTIONED PERSON.—The President
24 may, pursuant to such regulations or guidelines
25 as the President may prescribe, prohibit any

1 United States person from investing in or pur-
2 chasing significant amounts of equity or debt
3 instruments of the entity.

4 (K) EXCLUSION OF CORPORATE OFFI-
5 CERS.—The President may direct the Secretary
6 of State to deny a visa to, and the Secretary of
7 Homeland Security to exclude from the United
8 States, any alien that the President determines
9 is a corporate officer or principal of, or a share-
10 holder with a controlling interest in, the entity.

11 (L) SANCTIONS ON PRINCIPAL EXECUTIVE
12 OFFICERS.—The President may impose on the
13 principal executive officer or officers of the enti-
14 ty, or on individuals performing similar func-
15 tions and with similar authorities as such offi-
16 cer or officers, any of the sanctions under this
17 paragraph.

18 (2) SANCTIONS APPLICABLE TO INDIVIDUALS.—
19 In the case of an alien identified under subpara-
20 graph (A) of subsection (a)(1) in the most recent re-
21 port submitted under that subsection, the following
22 shall apply:

23 (A) BLOCKING OF PROPERTY.—The Presi-
24 dent shall, pursuant to the International Emer-
25 gency Economic Powers Act (50 U.S.C. 1701 et

1 seq.), block and prohibit all transactions in all
2 property and interests in property of the alien
3 if such property and interests in property are in
4 the United States, come within the United
5 States, or are or come within the possession or
6 control of a United States person.

7 (B) INELIGIBILITY FOR VISAS, ADMISSION,
8 OR PAROLE.—

9 (i) VISAS, ADMISSION, OR PAROLE.—

10 An alien described in subparagraph (A) of
11 subsection (a)(1) is—

12 (I) inadmissible to the United
13 States;

14 (II) ineligible to receive a visa or
15 other documentation to enter the
16 United States; and

17 (III) otherwise ineligible to be
18 admitted or paroled into the United
19 States or to receive any other benefit
20 under the Immigration and Nation-
21 ality Act (8 U.S.C. 1101 et seq.).

22 (ii) CURRENT VISAS REVOKED.—

23 (I) IN GENERAL.—An alien de-
24 scribed in subparagraph (A) of sub-
25 section (a)(1) is subject to revocation

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1 of any visa or other entry documenta-
2 tion regardless of when the visa or
3 other entry documentation is or was
4 issued.

5 (II) IMMEDIATE EFFECT.—A rev-
6 ocation under subclause (I) shall—

7 (aa) take effect pursuant to
8 section 221(i) of the Immigration
9 and Nationality Act (8 U.S.C.
10 1201(i)); and

11 (bb) cancel any other valid
12 visa or entry documentation that
13 is in the alien's possession.

14 (c) NATIONAL INTEREST WAIVER.—The President
15 may waive the imposition of sanctions under subsection
16 (b) with respect to a person if the President—

17 (1) determines that such a waiver is in the na-
18 tional interests of the United States; and

19 (2) not more than 15 days after issuing the
20 waiver, submits to the appropriate congressional
21 committees a notification of the waiver and the rea-
22 sons for the waiver.

23 (d) TERMINATION OF SANCTIONS.—Sanctions im-
24 posed under subsection (b) with respect to a foreign per-
25 son identified in a report submitted under subsection (a)

1 shall terminate if the President certifies to the appropriate
2 congressional committees, before the termination takes ef-
3 fect, that the person is no longer engaged in the activity
4 identified in the report.

5 (e) DEFINITIONS.—In this section:

6 (1) EXPORT ADMINISTRATION REGULATIONS.—

7 The term “Export Administration Regulations”
8 means subchapter C of chapter VII of title 15, Code
9 of Federal Regulations.

10 (2) FOREIGN ENTITY.—The term “foreign enti-
11 ty” means an entity that is not a United States per-
12 son.

13 (3) TRADE SECRET.—The term “trade secret”
14 has the meaning given that term in section 1839 of
15 title 18, United States Code.

16 **SEC. 5205. IMPLEMENTATION; PENALTIES.**

17 (a) IMPLEMENTATION.—The President may exercise
18 all authorities provided under sections 203 and 205 of the
19 International Emergency Economic Powers Act (50
20 U.S.C. 1702 and 1704) to carry out this subtitle.

21 (b) PENALTIES.—A person that violates, attempts to
22 violate, conspires to violate, or causes a violation of this
23 subtitle or any regulation, license, or order issued to carry
24 out this subtitle shall be subject to the penalties set forth
25 in subsections (b) and (c) of section 206 of the Inter-

1 national Emergency Economic Powers Act (50 U.S.C.
2 1705) to the same extent as a person that commits an
3 unlawful act described in subsection (a) of that section.

4 **SEC. 5206. EXCEPTIONS.**

5 (a) INTELLIGENCE ACTIVITIES.—This subtitle shall
6 not apply with respect to activities subject to the reporting
7 requirements under title V of the National Security Act
8 of 1947 (50 U.S.C. 3091 et seq.) or any authorized intel-
9 ligence activities of the United States.

10 (b) LAW ENFORCEMENT ACTIVITIES.—Sanctions
11 under this subtitle shall not apply with respect to any au-
12 thorized law enforcement activities of the United States.

13 (c) EXCEPTION TO COMPLY WITH INTERNATIONAL
14 AGREEMENTS.—Sanctions under this subtitle shall not
15 apply with respect to the admission of an alien to the
16 United States if such admission is necessary to comply
17 with the obligations of the United States under the Agree-
18 ment regarding the Headquarters of the United Nations,
19 signed at Lake Success June 26, 1947, and entered into
20 force November 21, 1947, between the United Nations
21 and the United States, or the Convention on Consular Re-
22 lations, done at Vienna April 24, 1963, and entered into
23 force March 19, 1967, or other international obligations.

24 (d) EXCEPTION RELATING TO IMPORTATION OF
25 GOODS.—

1 (1) IN GENERAL.—The authority or a require-
2 ment to impose sanctions under this subtitle shall
3 not include the authority or a requirement to impose
4 sanctions on the importation of goods.

5 (2) GOOD DEFINED.—In this subsection, the
6 term “good” means any article, natural or manmade
7 substance, material, supply, or manufactured prod-
8 uct, including inspection and test equipment, and ex-
9 cluding technical data.

10 **Subtitle B—Export Control Review** 11 **And Other Matters**

12 **SEC. 5211. REVIEW AND CONTROLS ON EXPORT OF ITEMS** 13 **WITH CRITICAL CAPABILITIES TO ENABLE** 14 **HUMAN RIGHTS ABUSES.**

15 (a) STATEMENT OF POLICY.—It is the policy of the
16 United States to use export controls to the extent nec-
17 essary to further the protection of internationally recog-
18 nized human rights.

19 (b) REVIEW OF ITEMS WITH CRITICAL CAPABILITIES
20 TO ENABLE HUMAN RIGHTS ABUSES.—Not later than
21 180 days after the date of the enactment of this Act, and
22 as appropriate thereafter, the Secretary, in coordination
23 with the Secretary of State, the Director of National Intel-
24 ligence, and the heads of other Federal agencies as appro-
25 priate, shall conduct a review of items subject to controls

1 for crime control reasons pursuant to section 742.7 of the
2 Export Administration Regulations.

3 (c) CONTROLS.—In furtherance of the policy set forth
4 in subsection (a), not later than 60 days after completing
5 the review required by subsection (b), the Secretary, in
6 coordination with the heads of other Federal agencies as
7 appropriate, shall determine whether additional export
8 controls are needed to protect human rights, including
9 whether—

10 (1) controls for crime control reasons pursuant
11 to section 742.7 of the Export Administration Regu-
12 lations should be imposed on additional items, in-
13 cluding items with critical capabilities to enable
14 human rights abuses involving—

15 (A) censorship or social control;

16 (B) surveillance, interception, or restriction
17 of communications;

18 (C) monitoring or restricting access to or
19 use of the internet;

20 (D) identification of individuals through
21 facial or voice recognition or biometric indica-
22 tors; or

23 (E) DNA sequencing; or

24 (2) end-use and end-user controls should be im-
25 posed on the export, reexport, or in-country transfer

1 of certain items with critical capabilities to enable
2 human rights abuses that are subject to the Export
3 Administration Regulations if the person seeking to
4 export, reexport, or transfer the item has knowledge,
5 or the Secretary determines and so informs that per-
6 son, that the end-user or ultimate consignee will use
7 the item to enable human rights abuses.

8 (d) COOPERATION OF OTHER AGENCIES.—Upon re-
9 quest from the Secretary, the head of a Federal agency
10 shall provide full support and cooperation to the Secretary
11 in carrying out this section.

12 (e) INTERNATIONAL COORDINATION ON CONTROLS
13 TO PROTECT HUMAN RIGHTS.—It shall be the policy of
14 the United States to seek to secure the cooperation of
15 other governments to impose export controls that are con-
16 sistent, to the extent possible, with the controls imposed
17 under this section.

18 (f) CONFORMING AMENDMENT.—Section 1752(2)(A)
19 of the Export Control Reform Act of 2018 (50 U.S.C.
20 4811(2)(A)) is amended—

21 (1) in clause (iv), by striking “; or” and insert-
22 ing a semicolon;

23 (2) in clause (v), by striking the period and in-
24 serting “; or”; and

25 (3) by adding at the end the following:

1 “(vi) serious human rights abuses.”.

2 (g) DEFINITIONS.—In this section:

3 (1) END-USER; KNOWLEDGE; ULTIMATE CON-
4 SIGNEE.—The terms “end-user”, “knowledge”, and
5 “ultimate consignee” have the meanings given those
6 terms in section 772.1 of the Export Administration
7 Regulations.

8 (2) EXPORT; EXPORT ADMINISTRATION REGU-
9 LATIONS; IN-COUNTRY TRANSFER; ITEM; REEX-
10 PORT.—The terms “export”, “Export Administra-
11 tion Regulations”, “in-country transfer”, “item”,
12 and “reexport” have the meanings given those terms
13 in section 1742 of the Export Control Reform Act
14 of 2018 (50 U.S.C. 4801).

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of Commerce.

17 **SEC. 5212. PROHIBITION ON REVIEWS BY COMMITTEE ON**
18 **FOREIGN INVESTMENT IN THE UNITED**
19 **STATES OF CERTAIN FOREIGN GIFTS TO AND**
20 **CONTRACTS WITH INSTITUTIONS OF HIGHER**
21 **EDUCATION.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law, the Committee on Foreign Investment in the
24 United States may not review or investigate a gift to an
25 institution of higher education from a foreign person, or

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1 the entry into a contract by such an institution with a
2 foreign person, that is not a covered transaction as defined
3 in section 721(a)(4) of the Defense Production Act of
4 1950 (50 U.S.C. 4565(a)(4)), as in effect on the day be-
5 fore the date of the enactment of this Act.

6 (b) PROHIBITION ON USE OF FUNDS.—Notwith-
7 standing any other provision of law, none of the funds au-
8 thorized to be appropriated or otherwise made available
9 for fiscal year 2021 or any fiscal year thereafter may be
10 obligated or expended by the Committee on Foreign In-
11 vestment in the United States to review or investigate a
12 gift or contract described in subsection (a).

13 **SEC. 5213. CONFORMING AMENDMENTS TO TREASURY PO-**
14 **SITIONS ESTABLISHED BY FOREIGN INVEST-**
15 **MENT RISK REVIEW MODERNIZATION ACT OF**
16 **2018.**

17 (a) TITLE 31.—Section 301(e) of title 31, United
18 States Code, is amended in the first sentence by striking
19 “8” and inserting “9”.

20 (b) TITLE 5.—Section 5315 of title 5, United States
21 Code, is amended by striking “Assistant Secretaries of the
22 Treasury (10).” and inserting “Assistant Secretaries of
23 the Treasury (11).”.

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TITLE III—REPORTS**2 SEC. 5301. REVIEW OF THE PRESENCE OF CHINESE ENTI-**
3 TIES IN UNITED STATES CAPITAL MARKETS.**4 (a) REPORT REQUIRED.—**

5 (1) **IN GENERAL.**—Not later than 180 days
6 after the date of the enactment of this Act, 3 years
7 after such date of enactment, and 5 years after such
8 date of enactment, the Secretary of the Treasury, in
9 consultation with the Director of National Intel-
10 ligence, the Secretary of State, and the Chairman of
11 the Securities and Exchange Commission, shall sub-
12 mit to the appropriate congressional committees an
13 unclassified report that describes the risks posed to
14 the United States by the presence in United States
15 capital markets of entities incorporated in the Peo-
16 ple’s Republic of China.

17 (2) **MATTERS TO BE INCLUDED.**—Each report
18 required under paragraph (1) shall—

19 (A) identify entities incorporated in the
20 People’s Republic of China—

21 (i)(I) the securities (including Amer-
22 ican depositary receipts) of which are listed
23 or traded on one or several national securi-
24 ties exchanges, or traded through any
25 process commonly referred to as the “over-

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1 the-counter” method of trading, within the
2 United States; or

3 (II) that have “A Shares” listed or
4 traded on mainland exchanges in the Peo-
5 ple’s Republic of China that are included
6 in index-based, exchange-traded funds pur-
7 chased or sold within the United States;
8 and

9 (ii) that, based on the factors for con-
10 sideration described in paragraph (3), have
11 knowingly and materially contributed to—

12 (I) activities that undermine
13 United States national security;

14 (II) serious abuses of internation-
15 ally recognized human rights; or

16 (III) a substantially increased fi-
17 nancial risk exposure for United
18 States-based investors;

19 (B) describe the activities of the entities
20 identified pursuant to subparagraph (A) and
21 their implications for the United States; and

22 (C) develop policy recommendations for the
23 United States Government, United States fi-
24 nancial institutions, national securities ex-
25 changes, and other relevant stakeholders to ad-

1 dress any risks posed by the presence in United
2 States capital markets of the entities identified
3 pursuant to subparagraph (A).

4 (3) FACTORS FOR CONSIDERATION.—In com-
5 pleting each report under paragraph (1), the Sec-
6 retary of the Treasury shall consider whether an en-
7 tity identified pursuant to paragraph (2)(A)—

8 (A) has materially contributed to the devel-
9 opment or manufacture, or sold or facilitated
10 procurement by the People’s Liberation Army,
11 of lethal military equipment or component parts
12 of such equipment;

13 (B) has contributed to the construction
14 and militarization of features in the South
15 China Sea;

16 (C) has been sanctioned by the United
17 States or has been determined to have con-
18 ducted business with sanctioned entities;

19 (D) has engaged in an act or a series of
20 acts of intellectual property theft;

21 (E) has engaged in corporate or economic
22 espionage;

23 (F) has contributed to the proliferation of
24 nuclear or missile technology in violation of

1 United Nations Security Council resolutions or
2 United States sanctions;

3 (G) has contributed to the repression of re-
4 ligious and ethnic minorities within the People's
5 Republic of China, including in the Xinjiang
6 Uyghur Autonomous Region or the Tibet Au-
7 tonomous Region;

8 (H) has contributed to the development of
9 technologies that enable censorship directed or
10 directly supported by the Government of the
11 People's Republic of China;

12 (I) has failed to comply fully with Federal
13 securities laws (including required audits by the
14 Public Company Accounting Oversight Board)
15 and "material risk" disclosure requirements of
16 the Securities and Exchange Commission; or

17 (J) has contributed to other activities or
18 behavior determined to be relevant by the Sec-
19 retary of the Treasury.

20 (b) REPORT FORM.—Each report required under
21 subsection (a)(1) shall be submitted in unclassified form
22 but may include a classified annex.

23 (c) PUBLICATION.—The unclassified portion of a re-
24 port under subsection (a)(1) shall be made accessible to

1 the public online through relevant United States Govern-
2 ment websites.

3 (d) DEFINITIONS.—In this section:

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

7 (A) the Committee on Banking, Housing,
8 and Urban Affairs, the Committee on Foreign
9 Relations, and the Select Committee on Intel-
10 ligence of the Senate; and

11 (B) the Committee on Financial Services,
12 the Committee on Foreign Affairs, and the Per-
13 manent Select Committee on Intelligence of the
14 House of Representatives.

15 (2) NATIONAL SECURITIES EXCHANGE.—The
16 term “national securities exchange” means an ex-
17 change registered as a national securities exchange
18 in accordance with section 6 of the Securities Ex-
19 change Act of 1934 (15 U.S.C. 78f).

20 **SEC. 5302. REPORT ON MALIGN ACTIVITY INVOLVING CHI-**
21 **NESE STATE-OWNED ENTERPRISES.**

22 (a) IN GENERAL.—Not later than one year after the
23 date of the enactment of this Act, the President shall sub-
24 mit to the appropriate congressional committees a report
25 that—

1 (1) assesses whether and to what extent state-
2 owned enterprises in the People’s Republic of China
3 are engaged in or knowingly facilitating—

4 (A) the commission of serious human
5 rights abuses, including toward religious or eth-
6 nic minorities in the People’s Republic of
7 China, including in the Xinjiang Uyghur Auton-
8 omous Region;

9 (B) the use of forced or child labor, includ-
10 ing forced or child labor involving ethnic mi-
11 norities in the People’s Republic of China; or

12 (C) any actions that erode or undermine
13 the autonomy of Hong Kong from the People’s
14 Republic of China, as established in the Basic
15 Law of Hong Kong and the Joint Declaration,
16 and as further described in the Hong Kong Au-
17 tonomy Act (Public Law 116–149; 22 U.S.C.
18 5701 note);

19 (2) identifies—

20 (A) any state-owned enterprises in the
21 People’s Republic of China that are engaged in
22 or knowingly facilitating any activities described
23 in paragraph (1);

24 (B) any Communist Chinese military com-
25 panies identified under section 1237(b) of the

1 Strom Thurmond National Defense Authoriza-
2 tion Act for Fiscal Year 1999 (Public Law
3 105–261; 50 U.S.C. 1701 note); and

4 (C) any majority-owned subsidiaries of
5 such enterprises or companies with a market
6 capitalization of \$5,000,000,000 or more;

7 (3)(A) assesses whether each enterprise, com-
8 pany, or subsidiary identified under paragraph (2)
9 received, during the 5-year period preceding submis-
10 sion of the report, any financial assistance from the
11 United States Government; and

12 (B) in the case of any such enterprise, com-
13 pany, or subsidiary that received financial assistance
14 from an agency of the United States Government
15 during that period, identifies the amount of such as-
16 sistance received by the enterprise, company, or sub-
17 sidiary; and

18 (4) includes recommendations for any legislative
19 or administrative action to address matters identi-
20 fied in the report, including any recommendations
21 with respect to additional limitations on United
22 States financial assistance provided to enterprises,
23 companies, and subsidiaries identified under para-
24 graph (2).

1 (b) FORM OF REPORT.—The report required by sub-
2 section (a) shall be submitted in unclassified form but may
3 include a classified annex.

4 (c) DEFINITIONS.—In this section:

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

8 (A) the Committee on Banking, Housing,
9 and Urban Affairs and the Committee on For-
10 eign Relations of the Senate; and

11 (B) the Committee on Financial Services
12 and the Committee on Foreign Affairs of the
13 House of Representatives.

14 (2) JOINT DECLARATION.—The term “Joint
15 Declaration” means the Joint Declaration of the
16 Government of the United Kingdom of Great Britain
17 and Northern Ireland and the Government of the
18 People’s Republic of China on the Question of Hong
19 Kong, done at Beijing December 19, 1984.

1 **SEC. 5303. REPORT ON USE AND APPLICABILITY OF SANC-**
2 **TIONS TO CHINESE OFFICIALS COMPLICIT IN**
3 **HUMAN RIGHTS VIOLATIONS AND VIOLA-**
4 **TIONS OF UNITED STATES SANCTIONS WITH**
5 **RESPECT TO HONG KONG.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of State,
8 in consultation with the Secretary of the Treasury, shall
9 submit to the appropriate congressional committees a re-
10 port on the use and applicability of sanctions, including
11 financial sanctions and the denial of visas to enter the
12 United States, with respect to officials of the Government
13 of the People’s Republic of China complicit in—

14 (1) human rights violations, including severe re-
15 ligious freedom restrictions and human trafficking;
16 or

17 (2) violations of sanctions imposed by the
18 United States with respect to Hong Kong.

19 (b) ELEMENTS.—The report required by subsection
20 (a) shall include—

21 (1) a list of all relevant authorities under stat-
22 utes or Executive orders for imposing sanctions de-
23 scribed in subsection (a);

24 (2) an assessment of where, if at all, such au-
25 thorities may conflict, overlap, or otherwise require
26 clarification;

1 (3) a list of all instances in which designations
2 for the imposition of sanctions described in sub-
3 section (a) were made during the one-year period
4 preceding submission of the report; and

5 (4) an assessment of the effectiveness of those
6 designations in changing desired behavior and rec-
7 ommendations for increasing the effectiveness of
8 such designations.

9 (c) FORM OF REPORT.—The report required by sub-
10 section (a) shall be submitted in unclassified form but may
11 include a classified annex.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the Committee on Banking, Housing, and
16 Urban Affairs and the Committee on Foreign Rela-
17 tions of the Senate; and

18 (2) the Committee on Financial Services and
19 the Committee on Foreign Affairs of the House of
20 Representatives.

1 **SEC. 5304. REPORT ON DOMESTIC SHORTFALLS OF INDUS-**
2 **TRIAL RESOURCES, MATERIALS, AND CRIT-**
3 **ICAL TECHNOLOGY ITEMS ESSENTIAL TO**
4 **THE NATIONAL DEFENSE.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the President shall sub-
7 mit to the Committee on Banking, Housing, and Urban
8 Affairs of the Senate and the Committee on Financial
9 Services of the House of Representatives a report that—

10 (1) identifies current or projected domestic
11 shortfalls of industrial resources, materials, or crit-
12 ical technology items essential to the national de-
13 fense;

14 (2) assesses strategic and critical materials for
15 which the United States relies on the People’s Re-
16 public of China as the sole or primary source; and

17 (3) includes recommendations relating to the
18 use of authorities under the Defense Production Act
19 of 1950 (50 U.S.C. 4501 et seq.) to make invest-
20 ments to reduce the reliance of the United States on
21 the People’s Republic of China for strategic and crit-
22 ical materials.

23 (b) FORM OF REPORT.—The report required by sub-
24 section (a) shall be submitted in unclassified form but may
25 include a classified annex.

1 (c) DEFINITIONS.—In this section, the terms “indus-
2 trial resources”, “materials”, “critical technology item”,
3 and “national defense” have the meanings given those
4 terms in section 702 of the Defense Production Act of
5 1950 (50 U.S.C. 4552).

6 **SEC. 5305. REPORT ON IMPLEMENTATION OF PROCESS FOR**
7 **EXCHANGE OF INFORMATION BETWEEN COM-**
8 **MITTEE ON FOREIGN INVESTMENT IN THE**
9 **UNITED STATES AND ALLIES AND PARTNERS.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the chairperson of the
12 Committee on Foreign Investment in the United States
13 shall submit to the Committee on Banking, Housing, and
14 Urban Affairs of the Senate and the Committee on Finan-
15 cial Services of the House of Representatives a report on
16 the implementation of the formal process for the exchange
17 of information with governments of countries that are al-
18 lies or partners of the United States described in section
19 721(c)(3) of the Defense Production Act of 1950 (50
20 U.S.C. 4565(c)(3)).

21 (b) FORM OF REPORT.—The report required by sub-
22 section (a) shall be submitted in unclassified form but may
23 include a classified annex.

1 **SEC. 5306. REPORT ON ECONOMIC AND NATIONAL SECU-**
2 **RITY IMPLICATIONS OF CHANGES TO CROSS-**
3 **BORDER PAYMENT AND FINANCIAL MES-**
4 **SAGING SYSTEMS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of the
7 Treasury, in collaboration with the Secretary of State and
8 the Board of Governors of the Federal Reserve System,
9 shall submit to the appropriate congressional committees
10 a report on the economic and national security implica-
11 tions of material changes to the infrastructure or eco-
12 system of cross-border payment and financial messaging
13 systems, including alternative systems being developed by
14 other countries.

15 (b) ELEMENTS.—The report required by subsection

16 (a) shall include—

17 (1) an assessment of the impact of—

18 (A) how changes to the infrastructure or
19 ecosystem of cross-border payment and finan-
20 cial messaging systems, including emerging sys-
21 tems that enable cross-border payments, will af-
22 fect United States national security interests,
23 including enforcement of United States and
24 international anti-money laundering, countering
25 the financing of terrorism, and sanctions stand-

1 ards designed to safeguard the international fi-
2 nancial system; and

3 (B) other relevant national security impli-
4 cations of such changes;

5 (2) an assessment of the implications of any on-
6 going collaborations of international financial mes-
7 saging systems with emerging cross-border payment
8 or financial messaging systems;

9 (3) an assessment of the economic and national
10 security implications for the United States of
11 changes in participation by banks and state actors
12 in alternative cross-border payment and financial
13 messaging systems; and

14 (4) recommendations for actions—

15 (A) to bolster and protect the status of ex-
16 isting strong and reliable financial messaging
17 systems for cross-border payments; and

18 (B) to ensure that the national security in-
19 terests of the United States, including those re-
20 lated to enforcement of international anti-
21 money laundering, countering the financing of
22 terrorism, and sanctions standards, are pro-
23 tected.

1 (c) FORM OF REPORT.—The report required by sub-
2 section (a) shall be submitted in unclassified form but may
3 include a classified annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Banking, Housing, and
8 Urban Affairs, the Committee on Foreign Relations,
9 and the Select Committee on Intelligence of the Sen-
10 ate; and

11 (2) the Committee on Financial Services, the
12 Committee on Foreign Affairs, and the Permanent
13 Select Committee on Intelligence of the House of
14 Representatives.

15 **SEC. 5307. REPORT ON DEVELOPMENT AND UTILIZATION**
16 **OF DUAL-USE TECHNOLOGIES BY THE GOV-**
17 **ERNMENT OF THE PEOPLE’S REPUBLIC OF**
18 **CHINA.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of State,
21 in coordination with the Secretary of Defense, the Sec-
22 retary of Commerce, the Secretary of Energy, and the Sec-
23 retary of the Treasury, shall submit to the appropriate
24 congressional committees a report that—

1 (1) assesses the Government of the People’s Re-
2 public of China’s development and utilization of
3 dual-use technologies (including robotics, artificial
4 intelligence and autonomous systems, facial recogni-
5 tion systems, quantum computing, cryptography,
6 space systems and satellites, 5G telecommunications,
7 and other digitally enabled technologies and services)
8 and the effects of such technologies on the national
9 security interests of the United States and allies of
10 the United States;

11 (2) assesses the Government of the People’s Re-
12 public of China’s use of global supply chains and
13 other international mechanisms to access foreign
14 technology sources to aid in the development of its
15 domestic dual-use technologies, including—

16 (A) the use of United States-sourced soft-
17 ware and hardware in Chinese manufactured
18 technologies;

19 (B) the use of European-sourced software
20 and hardware in Chinese manufactured tech-
21 nologies; and

22 (C) the use of the Belt and Road Initiative
23 to secure resources, knowledge, and other com-
24 ponents needed to develop critical dual-use tech-
25 nologies;

1 (3) assesses the Government of the People’s Re-
2 public of China’s industrial policy and monetary in-
3 vestments, including their effect on the development
4 of Chinese-made dual-use technologies;

5 (4) assesses the Government of the People’s Re-
6 public of China’s cyber espionage and the extent to
7 which such espionage has aided in China’s develop-
8 ment of dual-use technologies;

9 (5) describes the policies the United States
10 Government is adopting to protect the interests of
11 the United States with respect to dual-use tech-
12 nologies; and

13 (6) recommends additional actions the United
14 States Government should take to enhance the pro-
15 tection of such interests.

16 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
17 DEFINED.—In this section, the term “appropriate con-
18 gressional committees” means—

19 (1) the Committee on Banking, Housing, and
20 Urban Affairs and the Committee on Foreign Rela-
21 tions of the Senate; and

22 (2) the Committee on Financial Services and
23 the Committee on Foreign Affairs of the House of
24 Representatives.

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1 **SEC. 5308. REPORT ON CURRENCY ISSUES WITH RESPECT**
2 **TO THE PEOPLE'S REPUBLIC OF CHINA.**

3 The Secretary of the Treasury shall submit to Con-
4 gress a report analyzing the economic effects of the Peo-
5 ple's Republic of China's movement toward a free floating
6 currency, including the effects on United States exports
7 and economic growth and job creation in the United
8 States—

9 (1) not later than 180 days after the date of
10 enactment of this Act; and

11 (2) not later than 30 days after the submission
12 to Congress of each report on the macroeconomic
13 and currency exchange rate policies of countries that
14 are major trading partners of the United States re-
15 quired to be submitted under section 701 of the
16 Trade Facilitation and Trade Enforcement Act of
17 2015 (19 U.S.C. 4421) after the date specified in
18 paragraph (1).

19 **SEC. 5309. REPORT ON EXPOSURE OF THE UNITED STATES**
20 **TO THE FINANCIAL SYSTEM OF THE PEO-**
21 **PLE'S REPUBLIC OF CHINA.**

22 Not later than one year after the date of the enact-
23 ment of this Act, the Secretary of the Treasury, in con-
24 sultation with the Chairman of the Board of Governors
25 of the Federal Reserve System, the Chairman of the Secu-
26 rities and Exchange Commission, and the Chairman of the

1 Commodity Futures Trading Commission, shall submit to
2 Congress a report on the exposure of the United States
3 to the financial sector of the People's Republic of China
4 that includes—

5 (1) an assessment of the effects of reforms to
6 the financial sector of the People's Republic of
7 China on the United States and global financial sys-
8 tems;

9 (2) a description of the policies the United
10 States Government is adopting to protect the inter-
11 ests of the United States while the financial sector
12 of the People's Republic of China undergoes such re-
13 forms; and

14 (3) recommendations for additional actions the
15 United States Government should take to protect
16 such interests.

17 **SEC. 5310. REPORT ON INVESTMENT RECIPROCITY BE-**
18 **TWEEN THE UNITED STATES AND THE PEO-**
19 **PLE'S REPUBLIC OF CHINA.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of the Treasury, in con-
22 sultation with the Chairman of the Securities and Ex-
23 change Commission, shall submit to Congress a report on
24 investment reciprocity between the United States and the
25 People's Republic of China that includes—

1 (1) an identification of restrictions imposed by
 2 the Government of the People’s Republic of China
 3 on United States investment in the People’s Repub-
 4 lic of China that are not comparable to restrictions
 5 imposed by the United States on Chinese investment
 6 in the United States; and

7 (2) recommendations for legislative or adminis-
 8 trative action that would be necessary to ensure
 9 that, on a reciprocal, sector-by-sector basis, there is
 10 an equivalent level of market access for United
 11 States investors to the market of the People’s Re-
 12 public of China as there is for Chinese investors to
 13 the market of the United States.

14 **DIVISION F—OTHER MATTERS**

15 **SEC. 6001. TABLE OF CONTENTS.**

16 The table of contents for this division is as follows:

DIVISION F—OTHER MATTERS

Sec. 6001. Table of contents.

TITLE I—COMPETITIVENESS AND SECURITY FOR EDUCATION AND MEDICAL RESEARCH

Subtitle A—Department of Health and Human Services Programs

- Sec. 6101. Foreign talent programs.
- Sec. 6102. Securing identifiable, sensitive information.
- Sec. 6103. Duties of the Director.
- Sec. 6104. Protecting America’s biomedical research enterprise.
- Sec. 6105. GAO Study.
- Sec. 6106. Report on progress to address undue foreign influence.

Subtitle B—Elementary and Secondary Education

- Sec. 6131. Postsecondary stem pathways grants.
- Sec. 6132. Improving access to elementary and secondary computer science education.

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Subtitle C—Higher Education

- Sec. 6241. Reauthorization of international education programs under title VI of the Higher Education Act of 1965.
- Sec. 6242. Confucius Institutes.
- Sec. 6243. Sustaining the Truman Foundation and the Madison Foundation.
- Sec. 6244. Disclosures of foreign gifts and contracts at institutions of higher education.

TITLE II—COMMITTEE ON THE JUDICIARY PROVISIONS

- Sec. 6201. Short title.
- Sec. 6202. Premerger notification filing fees.
- Sec. 6203. Authorization of appropriations.

TITLE III—MISCELLANEOUS

- Sec. 6301. Enhancing entrepreneurship for the 21st century.

1 **TITLE I—COMPETITIVENESS**
 2 **AND SECURITY FOR EDU-**
 3 **CATION AND MEDICAL RE-**
 4 **SEARCH**

5 **Subtitle A—Department of Health**
 6 **and Human Services Programs**

7 **SEC. 6101. FOREIGN TALENT PROGRAMS.**

8 The Secretary of Health and Human Services shall
 9 require disclosure of participation in foreign talent pro-
 10 grams, consistent with section 2303, including the provi-
 11 sion of copies of all grants, contracts, or other agreements
 12 related to such programs, and other supporting docu-
 13 mentation related to such programs, as a condition of re-
 14 ceipt of Federal extramural biomedical research funding
 15 awarded through the Department of Health and Human
 16 Services.

1 **SEC. 6102. SECURING IDENTIFIABLE, SENSITIVE INFORMA-**
2 **TION.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services (referred to in this section as the “Sec-
5 retary”), in consultation with the Director of National In-
6 telligence, the Secretary of State, the Secretary of De-
7 fense, and other national security experts, as appropriate,
8 shall ensure that biomedical research supported or con-
9 ducted by the National Institutes of Health and other rel-
10 evant agencies and offices within the Department of
11 Health and Human Services involving the sequencing of
12 human genomic information, and collection, analysis, or
13 storage of identifiable, sensitive information, as defined in
14 section 301(d)(4) of the Public Health Service Act (42
15 U.S.C. 241(d)(4)), is conducted in a manner that appro-
16 priately considers national security risks, including na-
17 tional security implications related to potential misuse of
18 such data. Not later than 1 year after the date of enact-
19 ment of this Act, the Secretary shall ensure that the Na-
20 tional Institutes of Health and other relevant agencies and
21 offices within the Department of Health and Human Serv-
22 ices, working with the heads of agencies and national secu-
23 rity experts, including the Office of the National Security
24 within the Department of Health and Human Services—

1 (1) develop a comprehensive framework for as-
2 sessing and managing such national security risks
3 that includes—

4 (A) criteria for how and when to conduct
5 risk assessments for projects that may have na-
6 tional security implications;

7 (B) security controls and training for re-
8 searchers or entities, including peer reviewers,
9 that manage or have access to such data; and

10 (C) methods to incorporate risk-reduction
11 in the process for funding such projects that
12 may have national security implications;

13 (2) not later than 1 year after the risk frame-
14 work is developed under paragraph (1), develop and
15 implement controls to—

16 (A) ensure that researchers or entities that
17 manage or have access to such data have com-
18 plied with the requirements of paragraph (1)
19 and ongoing requirements with such paragraph;
20 and

21 (B) ensure that data access committees re-
22 viewing data access requests for projects that
23 may have national security risks, as appro-
24 priate, include members with expertise in cur-
25 rent and emerging national security threats, in

1 order to make appropriate decisions related to
2 access to such identifiable, sensitive informa-
3 tion; and

4 (3) not later than 2 years after the risk frame-
5 work is developed under paragraph (1), update data
6 access and sharing policies related to human
7 genomic data, as appropriate, based on current and
8 emerging national security threats.

9 (b) CONGRESSIONAL BRIEFING.—Not later than 1
10 year after the date of enactment of this Act, the Secretary
11 shall provide a briefing to the Committee on Health, Edu-
12 cation, Labor, and Pensions and the Select Committee on
13 Intelligence of the Senate and the Committee on Energy
14 and Commerce and the Permanent Select Committee on
15 Intelligence of the House of Representatives on the activi-
16 ties required under subsection (a).

17 **SEC. 6103. DUTIES OF THE DIRECTOR.**

18 Section 402(b) in the Public Health Service Act (42
19 U.S.C. 282(b)) is amended—

20 (1) in paragraph (24), by striking “; and” and
21 inserting a semicolon;

22 (2) in paragraph (25)(B), by striking the period
23 and inserting a semicolon; and

24 (3) by inserting after paragraph (25) the fol-
25 lowing:

1 “(26) shall consult with the Director of the Of-
2 fice of National Security within the Department of
3 Health and Human Services, the Assistant Secretary
4 for Preparedness and Response, the Director of Na-
5 tional Intelligence, the Director of the Federal Bu-
6 reau of Investigation, and the heads of other appro-
7 priate agencies on a regular basis, regarding bio-
8 medical research conducted or supported by the Na-
9 tional Institutes of Health that may affect or be af-
10 fected by matters of national security; and

11 “(27) shall ensure that recipients of awards
12 from the National Institutes of Health, and, as ap-
13 propriate and practicable, entities collaborating with
14 such recipients, have in place and are adhering to
15 appropriate technology practices and policies for the
16 security of identifiable, sensitive information, includ-
17 ing information collected, stored, or analyzed by do-
18 mestic and non-domestic entities.”.

19 **SEC. 6104. PROTECTING AMERICA’S BIOMEDICAL RE-**
20 **SEARCH ENTERPRISE.**

21 (a) IN GENERAL.—The Secretary of Health and
22 Human Services (referred to in this section as the “Sec-
23 retary”), in collaboration with Assistant to the President
24 for National Security Affairs, the Director of National In-
25 telligence, the Director of the Federal Bureau of Inves-

1 tigation, and the heads of other relevant departments and
2 agencies, and in consultation with research institutions
3 and research advocacy organizations or other relevant ex-
4 perts, as appropriate, shall—

5 (1) identify ways to improve the protection of
6 intellectual property and other proprietary informa-
7 tion, as well as identifiable, sensitive information of
8 participants in biomedical research and development,
9 from national security risks and other applicable
10 threats, including the identification of gaps in poli-
11 cies and procedures in such areas related to bio-
12 medical research and development supported by the
13 Department of Health and Human Services and bio-
14 medical research supported by other agencies as ap-
15 plicable, and make recommendations to institutions
16 of higher education or other entities that have tradi-
17 tionally received Federal funding for biomedical re-
18 search to protect such information;

19 (2) identify or develop strategies to prevent,
20 mitigate, and address national security threats in
21 biomedical research and development supported by
22 the Federal Government, including such threats as-
23 sociated with foreign talent programs, by countries
24 seeking to exploit United States technology and

1 other proprietary information as it relates to such
2 biomedical research and development;

3 (3) identify national security risks and potential
4 misuse of proprietary information, and identifiable,
5 sensitive information of biomedical research partici-
6 pants and other applicable risks, including with re-
7 spect to peer review, and make recommendations for
8 additional policies and procedures to protect such in-
9 formation;

10 (4) develop a framework to identify areas of
11 biomedical research and development supported by
12 the Federal Government that are emerging areas of
13 interest for state actors and would compromise na-
14 tional security if they were to be subjected to undue
15 foreign influence; and

16 (5) regularly review recommendations or poli-
17 cies developed under this section and make addi-
18 tional recommendations or updates, as appropriate.

19 (b) REPORT TO PRESIDENT AND TO CONGRESS.—
20 Not later than 1 year after the date of enactment of this
21 Act, the Secretary shall prepare and submit, in a manner
22 that does not compromise national security, to the Presi-
23 dent and the Committee on Health, Education, Labor, and
24 Pensions and the Select Committee on Intelligence of the
25 Senate, the Committee on Energy and Commerce and the

1 Permanent Select Committee on Intelligence of the House
2 of Representatives, and other congressional committees as
3 appropriate, a report on the findings and recommenda-
4 tions pursuant to subsection (a).

5 **SEC. 6105. GAO STUDY.**

6 (a) IN GENERAL.—The Comptroller General of the
7 United States (referred to in this section as the “Comp-
8 troller General”) shall conduct a study to assess the extent
9 to which the Department of Health and Human Services
10 (referred to in this section as the “Department”) utilizes
11 or provides funding to entities that utilize such funds for
12 human genomic sequencing services or genetic services (as
13 such term is defined in section 201(6) of the Genetic In-
14 formation Nondiscrimination Act of 2008 (42 U.S.C.
15 2000ff(6))) provided by entities, or subsidiaries of such
16 entities, organized under the laws of a country or coun-
17 tries of concern, in the estimation of the Director of Na-
18 tional Intelligence or the head of another Federal depart-
19 ment or agency, as appropriate.

20 (b) CONSIDERATIONS.—In carrying out the study
21 under this section, the Comptroller General shall—

22 (1) consider—

23 (A) the extent to which the country or
24 countries of concern could obtain human
25 genomic information of citizens and residents of

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1 the United States from such entities that se-
2 quence, analyze, collect, or store human
3 genomic information and which the Director of
4 National Intelligence or the head of another
5 Federal department or agency reasonably an-
6 ticipates may use such information in a manner
7 inconsistent with the national security interests
8 of the United States;

9 (B) whether the Department or recipient
10 of such funds from the Department sought to
11 provide funding to, or to use, domestic entities
12 with no such ties to the country or countries of
13 concern for such purposes and any barriers to
14 the use of domestic entities; and

15 (C) whether data use agreements, data se-
16 curity measures, and other such measures taken
17 by the Department or recipient of such funds
18 from the Department are sufficient to protect
19 the identifiable, sensitive information of the
20 people of the United States and the national se-
21 curity interests of the United States; and

22 (2) make recommendations to address any
23 vulnerabilities to the United States national security
24 identified, as appropriate.

1 (c) ESTIMATION.—In conducting the study under this
2 section, the Comptroller General may, as appropriate and
3 necessary to complete such study, investigate specific in-
4 stances of such utilization of genetic sequencing services
5 or genetic services, as described in subsection (a), to
6 produce estimates of the potential prevalence of such utili-
7 zation among entities in receipt of Departmental funds.

8 (d) REPORT.—Not later than 2 years after the date
9 of enactment of this Act, the Comptroller General shall
10 submit a report on the study under this section, in a man-
11 ner that does not compromise national security, to the
12 Committee on Health, Education, Labor, and Pensions
13 and the Select Committee on Intelligence of the Senate,
14 and the Committee on Energy and Commerce and the Per-
15 manent Select Committee on Intelligence of the House of
16 Representatives. The report shall be submitted in unclassi-
17 fied form, to the extent practicable, but may include a
18 classified annex.

19 **SEC. 6106. REPORT ON PROGRESS TO ADDRESS UNDUE**
20 **FOREIGN INFLUENCE.**

21 Not later than 1 year after the date of enactment
22 of this Act and annually thereafter, the Secretary of
23 Health and Human Services shall prepare and submit to
24 the Committee on Health, Education, Labor, and Pen-
25 sions of the Senate and the Committee on Energy and

1 Commerce in the House of Representatives, in a manner
2 that does not compromise national security, a report on
3 actions taken by such Secretary—

4 (1) to address cases of noncompliance with dis-
5 closure requirements or other policies established
6 under section 2303 or research misconduct related
7 to foreign influence, including—

8 (A) the number of potential noncompliance
9 cases investigated by the National Institutes of
10 Health or reported to the National Institutes of
11 Health by a research institution, including re-
12 lating to undisclosed research support, undis-
13 closed conflicts of interest or other conflicts of
14 commitment, and peer review violations;

15 (B) the number of cases referred to the
16 Office of Inspector General of the Department
17 of Health and Human Services, the Office of
18 National Security of the Department of Health
19 and Human Services, the Federal Bureau of In-
20 vestigation, or other law enforcement agencies;

21 (C) a description of enforcement actions
22 taken for noncompliance related to undue for-
23 eign influence; and

24 (D) any other relevant information; and

1 (2) to prevent, address, and mitigate instances
2 of noncompliance with disclosure requirements or
3 other policies established under section 2303 or re-
4 search misconduct related to foreign influence.

5 **Subtitle B—Elementary and**
6 **Secondary Education**

7 **SEC. 6131. POSTSECONDARY STEM PATHWAYS GRANTS.**

8 (a) PURPOSE.—The purpose of this section is to sup-
9 port equitable access to postsecondary STEM pathways
10 to increase the number of students exposed to high-quality
11 STEM advanced coursework, support students in reducing
12 college costs, and improve postsecondary credit transfers.

13 (b) DEFINITIONS.—In this section:

14 (1) ADVANCED COURSEWORK.—The term “ad-
15 vanced coursework” means coursework designed for
16 students to earn postsecondary credit upon its suc-
17 cessful completion while still in high school, includ-
18 ing coursework or assessments associated with Ad-
19 vanced Placement, International Baccalaureate, a
20 dual or concurrent enrollment program, or an early
21 college high school program.

22 (2) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means a partnership that—

24 (A) shall include—

25 (i) the State educational agency;

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1 (ii) one or more local educational
2 agencies located in the State, which may
3 include an educational service agency; and

4 (iii) either—

5 (I) the State public higher edu-
6 cation system inclusive of all 2-year
7 and 4-year public institutions of high-
8 er education in the State; or

9 (II) a consortium of the State’s
10 public higher education institutions or
11 systems that, together, is inclusive of
12 all 2-year and 4-year public institu-
13 tions of higher education in the State;
14 and

15 (B) may include 1 or more businesses, as-
16 sociations, or nonprofit organizations rep-
17 resenting businesses, private nonprofit institu-
18 tions of higher education, nonprofit organiza-
19 tions, a State workforce agency, or a State
20 workforce development board established under
21 section 101 of the Workforce Innovation and
22 Opportunity Act (29 U.S.C. 3111).

23 (3) ESEA DEFINITIONS.—The terms “dual or
24 concurrent enrollment program”, “early college high
25 school”, “educational service agency” “elementary

1 school”, “English learner”, “evidence-based”, “high
2 school”, “institution of higher education”, “local
3 educational agency”, “middle grades”, “other staff”,
4 “professional development”, “regular high school di-
5 ploma”, “Secretary”, “State”, “State educational
6 agency”, and “technology” shall have the meaning
7 given the terms in section 8101 of the Elementary
8 and Secondary Education Act of 1965 (20 U.S.C.
9 7801).

10 (4) GOVERNOR.—The term “Governor” means
11 the chief executive officer of a State.

12 (5) PERKINS DEFINITIONS.—The terms “career
13 and technical education” and “work-based learning”
14 have the meaning given the terms in section 3 of the
15 Carl D. Perkins Career and Technical Education
16 Act of 2006 (20 U.S.C. 2302).

17 (6) POSTSECONDARY STEM PATHWAY.—The
18 term “postsecondary STEM pathway” means a se-
19 quence of courses focused on STEM education, in-
20 cluding advanced coursework approved by the eligi-
21 ble entity taken at any point during high school
22 that—

23 (A) when taken together, provide at least
24 12 credit hours or the equivalent coursework to-
25 ward an associate degree or baccalaureate de-

1 gree, or, in the case of postsecondary credit in
2 career and technical education earned through
3 such sequence of courses, credit toward a recog-
4 nized postsecondary credential for a high-skill,
5 high-wage, or in-demand industry sector or oc-
6 cupation; and

7 (B) if completed successfully, results in
8 credit that—

9 (i) satisfies requirements for the
10 State’s regular high school diploma; and

11 (ii) is a part of the statewide articula-
12 tion agreement described in subsection
13 (d)(2)(B); and

14 (C) may include work-based learning in a
15 STEM field aligned with the academic
16 coursework offered in a postsecondary STEM
17 pathway.

18 (7) STEM EDUCATION.—The term “STEM edu-
19 cation” means courses, activities, high-quality in-
20 struction, and learning in the subjects of science,
21 technology, engineering, or mathematics, including
22 computer science.

23 (8) SUBGROUP OF STUDENTS.—The term “sub-
24 group of students” means—

1313

1 (A) students from a family with a low in-
2 come;

3 (B) students of color;

4 (C) children with disabilities, as defined in
5 section 602(3) of the Individuals with Disabil-
6 ities Education Act (20 U.S.C. 1401(3));

7 (D) English learners;

8 (E) migratory children, as described in sec-
9 tion 1309(3) of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6399(3));

11 (F) homeless children and youths, as de-
12 fined in section 725 of the McKinney-Vento
13 Homeless Assistance Act (42 U.S.C. 11434a);

14 (G) students who are in foster care or are
15 aging out of the foster care system; and

16 (H) first-generation college students.

17 (9) WIOA DEFINITIONS.—The terms “in-de-
18 mand industry sector or occupation” and “recog-
19 nized postsecondary credential” have the meanings
20 given the terms in section 3 of the Workforce Inno-
21 vation and Opportunity Act (29 U.S.C. 3102).

22 (10) STUDENT FROM A FAMILIES WITH A LOW
23 INCOME.—The term “students from a family with a
24 low income” includes any student who is identified
25 by any of the measures described in section

1 1113(a)(5) of the Elementary and Secondary Edu-
2 cation Act (20 U.S.C. 6313(a)(5)).

3 (11) FIRST-GENERATION COLLEGE STUDENT.—

4 The term “first-generation college student” has the
5 meaning given the term in section 402A(h) of the
6 Higher Education Act of 1965 (20 U.S.C. 1070a-
7 11(h)).

8 (c) AUTHORIZATION OF GRANTS.—

9 (1) IN GENERAL.—From the amounts appro-
10 priated under subsection (i) and not reserved under
11 paragraph (2), the Secretary shall award grants, on
12 a competitive basis, to eligible entities to enable
13 those eligible entities to implement activities de-
14 scribed under subsection (e).

15 (2) RESERVATIONS.—From the total amount
16 appropriated under subsection (i) for a fiscal year,
17 the Secretary shall reserve—

18 (A) 1 percent for the Bureau of Indian
19 Education to improve access to postsecondary
20 STEM pathways;

21 (B) 2 percent to conduct the evaluation de-
22 scribed under subsection (g); and

23 (C) 2 percent for technical assistance and
24 dissemination, which may include—

1315

1 (i) providing, directly or through
2 grants, contracts, or cooperative agree-
3 ments, technical assistance on using evi-
4 dence-based practices to improve the out-
5 comes of activities funded under this sec-
6 tion; and

7 (ii) disseminating information on evi-
8 dence-based practices that are successful in
9 improving the quality of activities funded
10 under this section.

11 (3) DURATION.—A grant awarded under this
12 section shall be for a period of not more than 5
13 years.

14 (4) RENEWAL.—The Secretary may renew a
15 grant awarded under this section for 1 additional 2-
16 year period for programs that meet the goals speci-
17 fied in subsection (d)(4)(B) of the initial grant.

18 (5) DIVERSITY OF PROJECTS.—In awarding
19 grants under this section, the Secretary shall ensure
20 that, to the extent practicable, grants are distributed
21 among eligible entities that will serve geographically
22 diverse areas, including urban, suburban, and rural
23 areas.

24 (6) SUFFICIENT SIZE AND SCOPE.—Each grant
25 awarded under this section shall be of sufficient size

1 and scope to allow the eligible entity to carry out the
2 purposes of this section.

3 (7) PRIORITIES.—In awarding grants under
4 this section, the Secretary shall give priority to ap-
5 plications that—

6 (A) provide postsecondary STEM path-
7 ways to a high proportion of the State’s stu-
8 dents enrolled in high schools operated by local
9 educational agencies;

10 (B) prioritize evidence-based strategies to
11 ensure subgroups of students have equitable ac-
12 cess to postsecondary STEM pathways; and

13 (C) are submitted by eligible entities that
14 include local educational agencies who are in
15 the highest quartile of local educational agen-
16 cies, in a ranking of all qualified local edu-
17 cational agencies in the State, ranked in de-
18 scending order by the number or percentage of
19 children in each agency counted under section
20 1124(c) of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 6333(c)).

22 (d) ELIGIBLE ENTITY APPLICATION.—In order to re-
23 ceive a grant under subsection (c)(1), the eligible entity
24 shall submit an application to the Secretary, at such time,
25 in such manner, and containing such information as the

1 Secretary may reasonably require. Such application shall
2 include, at a minimum—

3 (1) signatures from the Governor, chief State
4 school officer, and State higher education executive
5 officer verifying the eligible entity shall meet the re-
6 quirements described in paragraph (2) within the
7 specified timeframe;

8 (2) a description of how the eligible entity will,
9 not later than 2 years after the date of the initial
10 receipt of funds under this section—

11 (A) ensure STEM postsecondary pathways
12 are aligned with entrance requirements for
13 credit-bearing coursework at the State's public
14 institutions of higher education; and

15 (B) develop a formal, universal statewide
16 articulation agreement among all public institu-
17 tions of higher education or systems in the
18 State—

19 (i) to guarantee that—

20 (I) all advanced coursework suc-
21 cessfully completed as part of a post-
22 secondary STEM pathway results in
23 credit that—

24 (aa) counts as credit for a
25 regular high school diploma;

1318

1 (bb) fully transfers to, and
2 is credited by, all public institu-
3 tions of higher education in the
4 State, and that such credits will
5 count toward meeting related de-
6 gree or certificate requirements;
7 and

8 (cc) is transferable to any
9 private nonprofit institution of
10 higher education or public insti-
11 tution of higher education located
12 in another State that chooses to
13 participate in the articulation
14 agreement; and

15 (II) if a student earns an asso-
16 ciate degree (including an associate
17 degree in applied science) as part of a
18 postsecondary STEM pathway, such
19 associate degree, awarded by a par-
20 ticipating institution of higher edu-
21 cation in the State, shall be fully ac-
22 ceptable in transfer and credited as
23 the first 2 years of a related bacca-
24 laureate program at a public institu-

1 tion of higher education in such State;

2 and

3 (ii) to facilitate the seamless transfer
4 of credit earned in the postsecondary
5 STEM pathway among such institutions of
6 higher education, including between 2-year
7 and 4-year public institutions of higher
8 education and private nonprofit institu-
9 tions of higher education (if such private
10 nonprofit institutions of higher education
11 choose to participate in the articulation
12 agreement), by using methods such as—

13 (I) common course numbering;

14 (II) a general education core cur-
15 riculum; and

16 (III) management systems re-
17 garding course equivalency, transfer
18 of credit, and articulation;

19 (3) a description of how the eligible entity will
20 disseminate information to subgroups of students in
21 the middle grades and high school served by the eli-
22 gible entity, including their families, about the op-
23 portunity to participate in a postsecondary STEM
24 pathway and the benefits of participation;

1 (4) a description of how the eligible entity will
2 implement postsecondary STEM pathways in all
3 local educational agencies participating in the eligi-
4 ble entity, including—

5 (A) the timeline and plan to provide, by
6 the end of the grant period, a substantial num-
7 ber of students in the State the opportunity to
8 participate in a postsecondary STEM pathway;
9 and

10 (B) annual goals for participation in ad-
11 vanced coursework and postsecondary STEM
12 pathways among subgroups of students such
13 that, if the goals are met—

14 (i) significant progress will be made
15 toward improving equity in access to ad-
16 vanced coursework and postsecondary
17 STEM pathways across the local edu-
18 cational agencies within the eligible entity
19 in the State; and

20 (ii) the demographics of students par-
21 ticipating in advanced coursework and
22 postsecondary STEM pathways will be
23 similar to the demographics of total stu-
24 dent enrollment in the State the eligible

1 entity is located in by the end of the grant
2 period;

3 (5) a description of how the eligible entity has,
4 or will, ensure that postsecondary STEM pathways
5 are aligned with in-demand industries or occupations
6 and provide students with opportunities for work-
7 based learning;

8 (6) a description of how the eligible entity con-
9 sulted with stakeholders in development of its appli-
10 cation and how the eligible entity will continue to en-
11 gage, collaborate, and solicit feedback with stake-
12 holders to improve implementation of the application
13 requirements described in this subsection and uses
14 of funds described in subsection (e), including—

15 (A) the State board of education (if the
16 State has a State board of education);

17 (B) the State higher education governing
18 or coordinating entity (if the State has such an
19 entity);

20 (C) a State board or local board, as de-
21 fined in section 3 of the Workforce Innovation
22 and Opportunity Act (29 U.S.C. 3102)

23 (D) the State agency responsible for the
24 administration of career and technical edu-
25 cation in the State or for the supervision of the

1 administration of career and technical edu-
2 cation in the State (if the State has such an en-
3 tity);

4 (E) institutions of higher education in the
5 State;

6 (F) local educational agencies, including
7 those located in rural areas and with the high-
8 est enrollments of students from low income
9 families, as described in subsection (c)(7)(C);

10 (G) representatives of Indian Tribes lo-
11 cated in the State;

12 (H) charter school leaders (if the State has
13 charter schools);

14 (I) civil rights organizations in the State;

15 (J) business leaders or their representa-
16 tives in the State;

17 (K) teachers, principals, and other school
18 leaders; and

19 (L) parents and students;

20 (7) an assurance that the eligible entity will
21 provide postsecondary STEM pathways at no cost to
22 students and families, including that students and
23 their parents shall not be required to pay the cost
24 of tuition, fees (including examination fees associ-
25 ated with Advanced Placement, International Bacca-

1 laureate, and similar examinations), books, and sup-
2 plies necessary to successfully complete postsec-
3 ondary STEM pathways;

4 (8) an assurance that not less than half of
5 grant funds received by the eligible entity will be
6 used to support subgroups of students in accessing
7 and completing postsecondary STEM pathways; and

8 (9) an assurance that the State will comply
9 with the supplement, not supplant requirement de-
10 scribed under subsection (h).

11 (e) USES OF FUNDS.—

12 (1) REQUIRED USES.—An eligible entity receiv-
13 ing a grant under this section shall use grant funds
14 to carry out the following:

15 (A) Activities to implement the alignment
16 requirements pursuant to subsection (d)(2) for
17 a period of time not to exceed the first 2 fiscal
18 years for which the grant is provided.

19 (B) Supporting the development and im-
20 plementation of postsecondary STEM pathways
21 consistent with the timeline, plan, and goals
22 specified in subsection (d)(4) in order to in-
23 crease the number of students accessing and
24 completing postsecondary STEM pathways in
25 the State, including—

1 (i) expanding advanced coursework of-
2 fered to students served by the eligible en-
3 tity to increase the availability of postsec-
4 ondary STEM pathways;

5 (ii) covering tuition, fees (including
6 examination fees associated with Advanced
7 Placement, International Baccalaureate,
8 and similar examinations), books, and sup-
9 plies for students participating in postsec-
10 ondary STEM pathways, in accordance
11 with subsection (d)(7); and

12 (iii) covering transportation costs nec-
13 essary for full participation in postsec-
14 ondary STEM pathways for students from
15 a family with a low income.

16 (C) Implementing programs and activities
17 to improve student preparation for, and partici-
18 pation in postsecondary STEM pathways, with
19 a priority for students enrolled in local edu-
20 cational agencies described in subsection
21 (c)(7)(C) and subgroups of students, which may
22 include—

23 (i) using data from evidence-based
24 early warning indicator systems;

1 (ii) providing supplemental advising or
2 counseling activities that are voluntary to
3 students, including information on choos-
4 ing postsecondary options, applying for fi-
5 nancial aid, completing applications to in-
6 stitutions of higher education, and career
7 counseling and advising, beginning as early
8 as the middle grades; and

9 (iii) other evidence-based activities to
10 support the successful implementation of
11 postsecondary STEM pathways and stu-
12 dents' transition from high school to post-
13 secondary education.

14 (D) Conducting outreach and commu-
15 nicating with subgroups of students, including
16 their families, to build awareness about the op-
17 portunity to participate in a postsecondary
18 STEM pathway and the benefits of participa-
19 tion.

20 (2) PERMITTED USES.—An eligible entity re-
21 ceiving a grant under this section may also use
22 grant funds to—

23 (A) provide training, professional develop-
24 ment, or recruitment for educators employed by
25 the local educational agencies within the eligible

1 entity and for faculty who teach courses that
2 are included in a postsecondary STEM path-
3 way, including increasing the number of edu-
4 cators qualified to teach dual or concurrent en-
5 rollment programs in STEM courses, to im-
6 prove access and completion of such pathways,
7 particularly for subgroups of students; and

8 (B) carry out capacity-building efforts to
9 improve the coordination between the elemen-
10 tary and secondary education system and the
11 higher education system, including through
12 stakeholder engagement and monitoring.

13 (3) TRANSPORTATION CAP.—An eligible entity
14 shall not use more than 25 percent of grant funds
15 to cover transportation costs authorized under para-
16 graph (1)(B)(iii).

17 (f) REPORTING REQUIREMENTS.—

18 (1) ELIGIBLE ENTITY REPORTING.—Not later
19 than 1 year after the enactment of this section and
20 every year thereafter, the eligible entity shall provide
21 a report to the Secretary containing such informa-
22 tion as the Secretary may require, including, at a
23 minimum—

24 (A) information on the progress of the eli-
25 gible entity in establishing the policies and com-

1 pleting the required activities as specified in
2 subsection (d)(2);

3 (B) the number and percentage of local
4 educational agencies and institutions of higher
5 education in the State offering a postsecondary
6 STEM pathway, including changes year-over-
7 year, and the extent to which the eligible entity
8 was meeting its timeline, plan, and goals speci-
9 fied in subsection (d)(4);

10 (C) the eligible entity's progress in meeting
11 the goals established by the eligible entity for
12 the participation of subgroups of students in
13 postsecondary STEM pathways as specified in
14 subsection (d)(4);

15 (D) evidence demonstrating how the eligi-
16 ble entity certified each such pathway meets all
17 the requirements of this section;

18 (E) the number and percentage of students
19 in the State, including disaggregated by each
20 subgroup of students, and by sex, who—

21 (i) participate in a postsecondary
22 STEM pathway; and

23 (ii) participate in a postsecondary
24 STEM pathway and—

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1 (I) successfully complete a post-
2 secondary STEM pathway;

3 (II) enroll in an institution of
4 higher education and received credit,
5 in accordance with the alignment re-
6 quirements described in subsection
7 (d)(2);

8 (III) receive credit toward a rec-
9 ognized postsecondary credential for a
10 high-skill, high-wage, or in-demand in-
11 dustry sector or occupation; and

12 (IV) earn a postsecondary cre-
13 dential; and

14 (F) any additional information as the Sec-
15 retary may reasonably require to ensure compli-
16 ance with the requirements of this section and
17 to effectively evaluate, monitor, and improve
18 grant implementation.

19 (2) SECRETARY'S REPORT.—Not later than 6
20 month after receiving the initial report described in
21 paragraph (1) and annually thereafter, the Secretary
22 shall submit a report to the Committee on Health,
23 Education, Labor, and Pensions of the Senate and
24 the Committee on Education and Labor of the
25 House of Representatives that includes a summary

1 of reports submitted by eligible entities and identi-
2 fies best practices related to improving access to
3 STEM education and postsecondary education, par-
4 ticularly for subgroups of students, through the im-
5 plementation of postsecondary STEM pathways.

6 (g) EVALUATION.—The Secretary, acting through the
7 Director of the Institute of Education Sciences, shall con-
8 duct an independent evaluation after the initial award of
9 grants under this section, of the policies and services pro-
10 vided under this section, including at a minimum, the im-
11 pact of such policies and services on outcomes for all stu-
12 dents, particularly for subgroups of students, with regard
13 to each of the following:

14 (1) Enrollment in and completion of advanced
15 coursework during high school, including the number
16 of courses students take and the number of credits
17 students earn.

18 (2) Postsecondary enrollment, remediation,
19 first-year credit attainment, persistence, and comple-
20 tion including the number of students who enrolled
21 in a STEM field, and the number of students who
22 received a credential in a STEM field.

23 (3) The rate at which credits earned through
24 postsecondary STEM pathways are recognized for

1 credit by public institutions of higher education in-
2 stitutions.

3 (4) Postsecondary degree attainment, including
4 completion of an associate degree, baccalaureate de-
5 gree, or recognized postsecondary credential, and the
6 time it takes students to earn a degree.

7 (5) Changes in access and rigor of STEM edu-
8 cation offered to students served by local educational
9 agencies in eligible entities.

10 (6) To the extent practicable, analysis of stu-
11 dent outcomes described in paragraphs (1) through
12 (5) by STEM field.

13 (h) SUPPLEMENT, NOT SUPPLANT.—Federal funds
14 provided under this section shall be used to supplement,
15 not supplant, other Federal, State, or local funds available
16 to carry out activities described in this section.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—For the
18 purpose of carrying out this section, there are authorized
19 to be appropriated such sums as may be necessary for
20 each of fiscal years 2022 through 2026.

21 **SEC. 6132. IMPROVING ACCESS TO ELEMENTARY AND SEC-**
22 **ONDARY COMPUTER SCIENCE EDUCATION.**

23 (a) PURPOSE.—The purpose of this section is to im-
24 prove the United States' global competitiveness by improv-
25 ing access to computer science education and computa-

1 tional thinking skills for students enrolled in elementary
2 schools and secondary schools operated by local edu-
3 cational agencies, particularly for students facing systemic
4 barriers.

5 (b) DEFINITIONS.—In this section:

6 (1) ESEA DEFINITIONS.—The terms “dual or
7 concurrent enrollment program”, “elementary
8 school”, “educational service agency”, “English
9 learner”, “evidence-based”, “local educational agen-
10 cy”, “middle grades”, “professional development”,
11 “secondary school”, “Secretary”, “State”, “State
12 educational agency”, and “technology” have the
13 meanings given the terms in section 8101 of the Ele-
14 mentary and Secondary Education Act of 1965 (20
15 U.S.C. 7801).

16 (2) COMPUTER SCIENCE EDUCATION.—The
17 term “computer science education” means instruc-
18 tion or learning regarding the study of computers
19 and algorithmic processes and the study of com-
20 puting principles and theories, as defined by a State,
21 and may include instruction or learning on—

22 (A) computer programming or coding as a
23 tool to—

24 (i) create software, such as applica-
25 tions, games, and websites; and

1 (ii) process, manage, analyze, or ma-
2 nipulate data;

3 (B) development and management of com-
4 puter hardware related to sharing, processing,
5 representing, securing, and using digital infor-
6 mation; and

7 (C) computational thinking skills and
8 interdisciplinary problem-solving to equip stu-
9 dents with the skills and abilities necessary to
10 apply computational thinking in the digital
11 world.

12 (3) COMPUTATIONAL THINKING SKILLS.—The
13 term “computational thinking skills” means critical
14 thinking skills that include—

15 (A) knowledge of how problems and solu-
16 tions can be expressed in such a way that allow
17 them to be modeled or solved using a computer
18 or machine;

19 (B) the use of strategies related to problem
20 decomposition, pattern matching, abstractions,
21 modularity, and algorithm design; and

22 (C) that involve creative problem solving
23 skills and are applicable across a wide-range of
24 disciplines and careers.

1 (4) STATE’S COMPUTER SCIENCE EDUCATION
2 STANDARDS.—The term “State’s computer science
3 education standards” means academic standards es-
4 tablished by a State regarding computer science edu-
5 cation and computational thinking skills.

6 (5) STUDENTS FACING SYSTEMIC BARRIERS.—
7 The term “students facing systemic barriers” means
8 students who are underrepresented in the computer
9 science field, including through enrollment in com-
10 puter science education courses in elementary and
11 secondary education, enrollment and completion of
12 computer science associates’, bachelors’, and grad-
13 uate degrees, and participation in computer science
14 careers, which includes female students, students
15 from families with low incomes, Black and Latino
16 students, Native American and Alaskan Native stu-
17 dents, Native Hawaiian and Pacific Islander stu-
18 dents, students with disabilities, English learners,
19 students in rural areas, migrant students, students
20 experiencing homelessness, and children and youth
21 in foster care.

22 (6) TECHNOLOGY INFRASTRUCTURE.—The
23 term “technology infrastructure” means computer
24 devices and internet connectivity.

25 (c) AUTHORIZATION OF GRANTS.—

1 (1) IN GENERAL.—From the amounts appro-
2 priated under subsection (k), after making the res-
3 ervations described in paragraph (2), the Secretary
4 shall award computer science education program
5 grants, on a competitive basis, to State educational
6 agencies (which may include consortia of State edu-
7 cational agencies) that have submitted applications
8 described in subsection (d) to increase access to
9 computer science education and increase the develop-
10 ment of computational thinking skills in elementary
11 and secondary education, particularly for students
12 facing systemic barriers, in order to increase Amer-
13 ican competitiveness, in accordance with this section.

14 (2) RESERVATIONS.—From the total amount
15 appropriated under subsection (k) for a fiscal year,
16 the Secretary shall reserve—

17 (A) not less than 1 percent for the Bureau
18 of Indian Education for the purpose of this sec-
19 tion;

20 (B) not less than 2 percent for technical
21 assistance and administration; and

22 (C) not less than 2 percent for evaluation,
23 in accordance with subsection (h).

24 (3) STATE GRANTS.—

1335

1 (A) IN GENERAL.—A State educational
2 agency receiving a grant under paragraph (1)
3 shall use not less than 90 percent of the grant
4 funds to award competitive subgrants to local
5 educational agencies and educational service
6 agencies.

7 (B) STATE RESERVATIONS.—A State edu-
8 cational agency receiving a grant under para-
9 graph (1) shall reserve not more than 10 per-
10 cent of the total grant amount received by the
11 State for State level activities described in sub-
12 section (f)(1), of which not more than 2 percent
13 of the total grant amount received by the State
14 shall be used to provide technical assistance or
15 for administrative purposes.

16 (C) SUFFICIENT SIZE AND SCOPE.—Grants
17 awarded by the Secretary under this section
18 shall be of sufficient size and scope to allow
19 State educational agencies to carry out the pur-
20 pose of this section.

21 (D) DURATION; RENEWAL.—A grant
22 awarded under this section shall be for a period
23 of not more than 5 years. The Secretary may
24 renew a grant awarded under this section for 1
25 additional 2-year period for programs that meet

1 the outcomes described in the data-driven plan
2 required under subsection (d)(1).

3 (4) COORDINATION.—The Secretary shall co-
4 ordinate with the Director of the National Science
5 Foundation to identify and disseminate best prac-
6 tices to expand access to computer science education
7 and the development of computational thinking skills
8 for all students, particularly students facing sys-
9 temic barriers, and to support the effective imple-
10 mentation of the grant program under this section.

11 (d) STATE APPLICATION.—In order to receive a
12 grant under this section, a State educational agency shall
13 submit an application to the Secretary at such time, in
14 such manner, and including such information as the Sec-
15 retary may reasonably require, including the following:

16 (1) A description of the State educational agen-
17 cy's data-driven plan to provide equitable access to
18 computer science education and improve the develop-
19 ment of computational thinking skills for all stu-
20 dents, particularly students facing systemic barriers,
21 including how the State educational agency will—

22 (A) measure equity gaps across the State,
23 across and within local educational agencies,
24 and across and within schools served by such
25 agencies, in access and enrollment in computer

1 science coursework for students facing systemic
2 barriers;

3 (B) use data collected under subparagraph
4 (A) to target State-level investments or sup-
5 ports to close identified equity gaps; and

6 (C) ensure that local educational agencies
7 and educational service agencies receiving a
8 subgrant under this section develop and imple-
9 ment a data-driven approach to meet such
10 agency's goals described in subsection (f)(2)(A),
11 including through the measurement and collec-
12 tion of local data aligned with the State edu-
13 cational agency's data-driven plan.

14 (2) A description of the factors the State edu-
15 cational agency will take into account when review-
16 ing applications submitted by agencies under sub-
17 section (e) and making subgrants under this section,
18 including how such State educational agency shall—

19 (A) take into consideration the need among
20 agencies, including the number of students
21 served by such agencies who are from families
22 with low incomes, in accordance with paragraph
23 (3)(A)(i); and

1 (B) consider the agency's capacity and
2 commitment, including the agencies' previous
3 work to address achievement gaps, to—

4 (i) close equity gaps in access to and
5 enrollment in computer science education
6 coursework, particularly for students fac-
7 ing systemic barriers; and

8 (ii) provide access to high-quality in-
9 struction to improve the development of
10 computational thinking skills in elementary
11 and secondary education, particularly for
12 students in elementary school and in the
13 middle grades.

14 (3) An assurance that the State educational
15 agency—

16 (A) shall give priority in subgrant awards
17 to local educational agencies that—

18 (i) are in the highest quartile of local
19 educational agencies, in a ranking of all
20 local educational agencies in the State,
21 ranked in descending order by the number
22 or percentage of children in each agency
23 counted under section 1124(e) of the Ele-
24 mentary and Secondary Education Act of
25 1965 (20 U.S.C. 6333(c)); or

1 (ii) will partner or collaborate with a
2 Historically Black College or University
3 (within the meaning of the term “part B
4 institution” under section 322 of the High-
5 er Education Act of 1965 (20 U.S.C.
6 1061)) or other institution described in
7 section 371(a) of the Higher Education
8 Act of 1965 (20 U.S.C. 1067q(a)), that is
9 located within the State, to carry out ac-
10 tivities under the subgrant, in accordance
11 with subsection (f)(2);

12 (B) will distribute subgrant awards among
13 geographically diverse areas, including urban,
14 suburban, and rural areas; and

15 (C) in operating the local competitive
16 subgrant process described in subsection
17 (c)(3)(A), shall conduct outreach to local edu-
18 cational agencies described in subparagraph
19 (A)(i) to make the agencies aware of the
20 subgrant availability under this section, and
21 provide technical assistance and support to such
22 agencies in submitting an application under
23 subsection (e).

24 (4) A description of the State educational agen-
25 cy’s strategy to increase the number of educators

1 prepared to teach computer science education, in-
2 cluding by—

3 (A) recruiting educators or individuals with
4 backgrounds in computer science to teach com-
5 puter science, diversifying the computer science
6 educator pipeline, providing evidence-based pro-
7 fessional development for current educators, or
8 providing evidence-based training for current
9 educators seeking to transition from other con-
10 tent areas to computer science; and

11 (B) working with public institutions of
12 higher education in the State to examine the
13 State’s policies regarding educator preparation
14 and licensure to support increased access and
15 enrollment for candidates enrolled in educator
16 preparation programs and current educators in
17 computer science education.

18 (5) A description of the policies and practices of
19 the State educational agency intended to support in-
20 creased access and enrollment in computer science
21 and support the development of computational
22 thinking skills for elementary school and secondary
23 school students, including—

1 (A) the State educational agency's efforts
2 to encourage, incentivize, or require school dis-
3 tricts to—

4 (i) offer computer science education in
5 secondary schools, including Advanced
6 Placement or International Baccalaureate
7 computer science courses, computer science
8 courses in dual or concurrent enrollment
9 programs, in-demand industry credentials,
10 or high-quality distance education, particu-
11 larly for students facing systemic barriers
12 across the State; and

13 (ii) support the development of oppor-
14 tunities for youth to access extracurricular
15 opportunities, career exploration and expo-
16 sure activities, career information and ad-
17 vising, and high-quality work-based learn-
18 ing opportunities (such as internships) to
19 increase exposure to computer science edu-
20 cation and career pathways, and support
21 the development of computational thinking
22 skills, particularly for students facing sys-
23 temic barriers;

24 (B) how the State's elementary school and
25 secondary school curriculum supports rigorous

1 instruction in computer science education and
2 the development of computational thinking
3 skills, particularly for students enrolled in ele-
4 mentary school or in the middle grades; and

5 (C) how the State's data-driven plan de-
6 scribed in paragraph (1) and grant funds pro-
7 vided under subsection (c) will be used to in-
8 form and change such policies and practices to
9 increase access to instruction in computer
10 science education and the development of com-
11 putational thinking skills for all students, par-
12 ticularly students facing systemic barriers
13 across the State.

14 (e) SUBGRANT APPLICATIONS.—

15 (1) IN GENERAL.—In order to receive a
16 subgrant under this section, a local educational
17 agency (which may include a consortium of local
18 educational agencies) or an educational service agen-
19 cy shall submit an application to the State edu-
20 cational agency at such time, in such manner, and
21 including such information as the State educational
22 agency may reasonably require. At a minimum, such
23 application shall include the following:

1 (A) A description of how the local edu-
2 cational agency or educational service agency
3 will—

4 (i) develop and implement a plan to
5 address equity gaps in enrollment and ac-
6 cess to computer science education, includ-
7 ing the development of computational
8 thinking skills, for students facing systemic
9 barriers and align such plan with the State
10 educational agency’s data-driven plan de-
11 scribed in subsection (d)(1); and

12 (ii) diversify and support its computer
13 science educators, including through re-
14 cruitment and retention activities, ana-
15 lyzing disparities among its educators by
16 race, ethnicity, sex, socioeconomic status,
17 age, disability status, and language ability,
18 and addressing such disparities, in align-
19 ment with the State’s strategy described in
20 subsection (d)(4).

21 (B) A description of the existing computer
22 science education coursework offered in sec-
23 ondary schools operated by the local educational
24 agency or educational service agency, including
25 the number of students who enroll and complete

1 such courses and the demographics of such stu-
2 dents.

3 (C) A description of how the local edu-
4 cational agency or educational service agency
5 will use subgrant funds to implement evidence-
6 based practices to improve the quality of in-
7 struction in computer science and the develop-
8 ment of computational thinking skills, includ-
9 ing—

10 (i) providing evidence-based profes-
11 sional development for current educators in
12 computer science education, or evidence-
13 based training for current educators seek-
14 ing to transition from other subjects to
15 computer science; and

16 (ii) improving instruction in the devel-
17 opment of computational thinking skills for
18 students in elementary schools and sec-
19 ondary schools, particularly for students in
20 elementary schools and middle grades.

21 (D) A description regarding whether and
22 how the local educational agency or educational
23 service agency may partner or collaborate, to
24 carry out activities with the subgrant, in ac-
25 cordance with subsection (f)(2), with 1 of the

1 following entities, to the extent practicable if
2 such entities are located within the State:

3 (i) A Historically Black College or
4 University (within the meaning of the term
5 “part B institution” under section 322 of
6 the Higher Education Act of 1965 (20
7 U.S.C. 1061)) or other institution de-
8 scribed in section 371(a) of the Higher
9 Education Act of 1965 (20 U.S.C.
10 1067q(a))

11 (ii) A computer science industry, insti-
12 tution of higher education, nonprofit orga-
13 nization, community learning center (as
14 defined in section 4201(b) of the Elemen-
15 tary and Secondary Education Act of 1965
16 (20 U.S.C. 7171(b))), State workforce
17 agency, or a State workforce development
18 board established under section 101 of the
19 Workforce Innovation and Opportunity Act
20 (29 U.S.C. 3111).

21 (E) An assurance that the local edu-
22 cational agency or educational service agency
23 will meet the requirements under paragraph
24 (2).

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1 (2) TARGETING OF FUNDS TO HIGH-NEEDS
2 SCHOOLS.—

3 (A) IN GENERAL.—A local educational
4 agency or educational service agency that re-
5 ceives a subgrant under this section shall use
6 not less than 50 percent of such funds to sup-
7 port elementary schools and secondary schools
8 that meet one of the following criteria:

9 (i) Using any of the measures of pov-
10 erty in section 1113(a)(5) of the Elemen-
11 tary and Secondary Education Act of 1965
12 (20 U.S.C. 6313(a)(5)), elementary schools
13 and secondary schools that have a higher
14 percentage of students from families with
15 low incomes than the average of the per-
16 centage of students from families with low
17 incomes across all elementary schools and
18 secondary schools served by the local edu-
19 cational agency or educational service
20 agency .

21 (ii) Using any of the measures of pov-
22 erty in section 1113(a)(5) of the Elemen-
23 tary and Secondary Education Act of 1965
24 (20 U.S.C. 6313(a)(5)), elementary schools
25 and secondary schools by grade-span

1 grouping that have a higher percentage of
2 students from families with low incomes
3 than the average of the percentage of stu-
4 dents from families with low incomes
5 across all elementary schools and sec-
6 ondary schools serving students in such
7 grade-span grouping in the local edu-
8 cational agency or educational service
9 agency.

10 (B) SECONDARY SCHOOLS.—In identifying
11 schools under subparagraph (A), percentages of
12 students from families with low incomes in sec-
13 ondary schools may be calculated using com-
14 parable data from the schools that feed into
15 such secondary school.

16 (f) USES OF FUNDS.—

17 (1) STATE USE OF FUNDS.—A State edu-
18 cational agency shall use amounts reserved under
19 subsection (c)(3)(B) for 1 or more of the following:

20 (A) Implementing the data-driven plan de-
21 scribed in subsection (d)(1), including through
22 the provision of technical assistance, data col-
23 lection and analysis, and capacity building sup-
24 ports to all local educational agencies within the
25 State, to expand access to rigorous computer

1 science education and increase the development
2 of computational thinking skills for elementary
3 school and secondary school students facing
4 systemic barriers.

5 (B) Implementing the State educational
6 agency's strategy to support computer science
7 educators described in subsection (d)(4) by di-
8 versifying and increasing the number of edu-
9 cators adequately prepared to deliver rigorous
10 instruction in computer science, through re-
11 cruitment, evidence-based professional develop-
12 ment for educators, or evidence-based training
13 for current educators seeking to transition from
14 other subjects to computer science.

15 (C) Identifying and supporting the imple-
16 mentation and scaling of evidence-based in-
17 structional strategies in computer science edu-
18 cation and instruction on how to develop com-
19 putational thinking skills in students that are
20 supported by strong or moderate evidence.

21 (D) Supporting the development of oppor-
22 tunities for youth to access extracurricular op-
23 portunities, career exploration and exposure ac-
24 tivities, career information and advising, and
25 high-quality work-based learning opportunities

1 (such as internships), to develop computational
2 thinking skills and increase exposure to com-
3 puter science education and career pathways,
4 particularly for students facing systemic bar-
5 riers.

6 (2) LOCAL EDUCATIONAL AGENCY'S USE OF
7 FUNDS.—A local educational agency or educational
8 service agency that receives a subgrant under this
9 section shall comply with the following:

10 (A) Develop and implement a plan (in
11 alignment with the State educational agency's
12 data-driven plan described in subsection (d)(1))
13 that—

14 (i) regularly measures, analyzes, and
15 addresses disparities in access to and en-
16 rollment in computer science education and
17 in the development of computational think-
18 ing skills for students facing systemic bar-
19 riers;

20 (ii) is in alignment with the State's
21 computer science education standards (if
22 the local educational agency or educational
23 service agency is located in a State who
24 has adopted such standards);

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1 (iii) establishes goals and specifies ac-
2 tivities supported by subgrant funds to
3 meet those goals by—

4 (I) increasing access to computer
5 science education coursework in ele-
6 mentary schools and secondary
7 schools that do not offer such courses;

8 (II) addressing challenges faced
9 by students facing systemic barriers
10 in enrolling and succeeding in com-
11 puter science education coursework in
12 elementary schools and secondary
13 schools that do offer such courses;
14 and

15 (III) providing high-quality in-
16 struction to support the development
17 of computational thinking skills for
18 students in elementary schools and
19 secondary schools, particularly for
20 students in elementary schools and
21 middle grades; and

22 (iv) prioritizes using subgrant funds
23 to support schools with significant enroll-
24 ments of students from families with low
25 incomes as described in subsection (e)(2).

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1 (B) Carry out 1 or more of the following:

2 (i) Expand access to rigorous com-
3 puter science education and improve the
4 development of computational thinking
5 skills for all students, especially students
6 facing systemic barriers, including
7 through—

8 (I) increasing access to computer
9 science education in elementary
10 schools and secondary schools, includ-
11 ing through expanded course offerings
12 such as Advanced Placement or Inter-
13 national Baccalaureate courses, dual
14 or concurrent enrollment programs,
15 in-demand industry recognized creden-
16 tials, or high-quality distance edu-
17 cation; and

18 (II) improving the development
19 of computational thinking skills for
20 students in elementary schools and
21 secondary schools, particularly ele-
22 mentary schools and in the middle
23 grades, including through investments
24 in high-quality instructional materials,
25 technology infrastructure, high-quality

1 curriculum, and evidence-based pro-
2 fessional development, with the goal of
3 more effectively preparing such stu-
4 dents for success in computer science
5 education, such as enrollment in com-
6 puter science education coursework in
7 secondary school, receiving a postsec-
8 ondary degree or credential in com-
9 puter science, and attaining a career
10 in computer science or a related field.

11 (ii) Diversify, support, and increase
12 the number of educators adequately pre-
13 pared to deliver rigorous instruction in
14 computer science education, by—

15 (I) providing evidence-based pro-
16 fessional development for current
17 computer science education educators,
18 or evidence-based training for current
19 educators seeking to transition from
20 other subjects to computer science;

21 (II) recruiting and retaining edu-
22 cators described in subclause (I); and

23 (III) analyzing disparities
24 amongst computer science educators
25 by race, ethnicity, sex, socioeconomic

1 status, age, disability status, and lan-
2 guage ability, and addressing such
3 disparities.

4 (iii) Implement evidence-based prac-
5 tices to improve the quality of instruction
6 regarding computer science and the devel-
7 opment of computational thinking skills.

8 (iv) Support student mastery of the
9 development of problem-solving skills and
10 other key prerequisites for computer
11 science education coursework, including al-
12 gebra and statistics, to promote success in
13 computer science education coursework.

14 (v) Establish robust regional collabo-
15 rations with relevant local entities to im-
16 prove work-based learning opportunities
17 and career exploration and exposure in
18 computer science, for elementary school
19 and secondary school students, that may
20 include collaborating with computer science
21 industry, institutions of higher education,
22 nonprofit organizations, community learn-
23 ing centers (as defined in section 4201(b)
24 of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 7171(b)), a

1 State workforce agency, or a State work-
2 force development board established under
3 section 101 of the Workforce Innovation
4 and Opportunity Act (29 U.S.C. 3111).

5 (vi) Support the development of op-
6 portunities for youth to access extra-
7 curricular opportunities, career exploration
8 and exposure activities, career information
9 and advising, and high-quality work-based
10 learning opportunities (such as intern-
11 ships), to develop computational thinking
12 skills and increase exposure to computer
13 science education and career pathways.

14 (3) RESTRICTION.—A local educational agency
15 or educational service agency that receive a subgrant
16 under this section shall not use more than 15 per-
17 cent of subgrant funds for purchasing technology in-
18 frastructure as described in paragraph (2)(B)(i)(II).

19 (g) REPORTING REQUIREMENTS.—

20 (1) LOCAL REPORTING.—Each local educational
21 agency and educational service agency that receives
22 a subgrant under this section shall submit a report
23 to the State educational agency on an annual basis
24 that contains any information required by the State

1 educational agency and, at a minimum, the fol-
2 lowing:

3 (A) The number of students enrolled in
4 computer science education coursework in the
5 schools served by such local educational agency
6 or educational service agency, and an update on
7 the progress in meeting the goals established
8 under the agency's plan to address equity gaps
9 in enrollment and access to computer science
10 education for students facing systemic barriers,
11 as required under subsection (f)(2).

12 (B) A description of actions and changes
13 in policies and practice by the local educational
14 agency or educational service agency to improve
15 access and increase enrollment and success in
16 computer science education and increase the de-
17 velopment of computational thinking skills for
18 elementary school and secondary school stu-
19 dents, particularly for students in elementary
20 schools and middle grades.

21 (C) Data on the number and diversity of
22 educators providing high-quality instruction in
23 computer science education.

24 (2) STATE REPORTING.—Not later than 1 year
25 after the date of enactment of this section and annu-

1 ally thereafter, a State educational agency that re-
2 ceives a grant under this section shall provide a re-
3 port to the Secretary containing the information the
4 Secretary requires, including, at a minimum—

5 (A) a summary of the reports received by
6 the State educational agency under paragraph
7 (1);

8 (B) a description of changes in State pol-
9 icy to improve access and increase enrollment in
10 computer science education and the develop-
11 ment of computational thinking skills in the
12 State’s curriculum for elementary school and
13 secondary school students;

14 (C) an update of the State educational
15 agency’s implementation of its data-driven plan
16 described in subsection (d)(1) to improve access
17 and increase enrollment in computer science
18 education and increase the development of com-
19 putational thinking skills for students facing
20 systemic barriers; and

21 (D) an update of the State educational
22 agency’s implementation of its strategy to sup-
23 port computer science educators described in
24 subsection (d)(4), including data on diversifying
25 and increasing the number of educators ade-

1 quately prepared to deliver rigorous instruction
2 in computer science education

3 (h) EVALUATION.—

4 (1) IN GENERAL.—The Secretary, acting
5 through the Director of the Institute of Education
6 Sciences, shall carry out an independent evaluation
7 to measure the effectiveness of the program funded
8 under this section and disseminate best practices to
9 expand access to computer science education and the
10 development of computational thinking skills for all
11 students, particularly students facing systemic bar-
12 riers.

13 (2) CONTENTS.—The evaluation under para-
14 graph (1) shall measure—

15 (A) the effectiveness of the program in ex-
16 panding access to computer science education
17 and the development of computational thinking
18 skills for all students, particularly students fac-
19 ing systemic barriers;

20 (B) the extent to which the program im-
21 proved the development of computational think-
22 ing skills for elementary schools and secondary
23 school students, particularly in elementary
24 schools and middle grades; and

1 (C) the effectiveness of the program in di-
2 versifying, supporting, and increasing the num-
3 ber of educators adequately prepared to deliver
4 rigorous instruction in computer science edu-
5 cation and how to develop computational think-
6 ing skills in students.

7 (i) RULE OF CONSTRUCTION.—The Secretary shall
8 comply with requirements of section 8526A of the Elemen-
9 tary and Secondary Education Act of 1965 (20 U.S.C.
10 7906a) in carrying out activities under this section.

11 (j) SUPPLEMENT NOT SUPPLANT.—Federal funds
12 provided under this section shall be used to supplement,
13 and not supplant, other Federal, State, or local funds
14 available to carry out the activities described in this sec-
15 tion.

16 (k) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 such sums as may be necessary for each of fiscal years
19 2022 through 2026.

20 **Subtitle C—Higher Education**

21 **SEC. 6241. REAUTHORIZATION OF INTERNATIONAL EDU-** 22 **CATION PROGRAMS UNDER TITLE VI OF THE** 23 **HIGHER EDUCATION ACT OF 1965.**

24 (a) GRADUATE AND UNDERGRADUATE LANGUAGE
25 AND AREA CENTERS AND PROGRAMS.—Section

1 602(b)(2)(B)(ii) of the Higher Education Act of 1965 (20
2 U.S.C. 1122(b)(2)(B)(ii)) is amended—

3 (1) in subclause (III), by striking “or”;

4 (2) in subclause (IV), by striking the period at
5 the end and inserting “; or”; and

6 (3) by adding at the end the following:

7 “(V) the beginning, intermediate, or
8 advanced study of a foreign language re-
9 lated to the area of specialization.”.

10 (b) INTERNATIONAL RESEARCH AND INNOVATION.—

11 Section 605 of the Higher Education Act of 1965 (20
12 U.S.C. 1125) is amended to read as follows:

13 **“SEC. 605. INTERNATIONAL RESEARCH AND INNOVATION.**

14 “(a) PURPOSE.—It is the purpose of this section to
15 support essential international and foreign language edu-
16 cation research and innovation projects with the goal of
17 assessing and strengthening international education ca-
18 pacity, coordination, delivery, and outcomes to meet na-
19 tional needs.

20 “(b) AUTHORITY.—

21 “(1) IN GENERAL.—From the amount provided
22 to carry out this section, the Secretary shall carry
23 out the following activities:

24 “(A) Conduct research and studies that
25 contribute to the purpose described in sub-

1 section (a) and include research to provide a
2 systematic understanding of the United States'
3 international and foreign language education
4 capacity, structures, and effectiveness in meet-
5 ing growing demands by education, government,
6 and the private sector (including business and
7 other professions).

8 “(B) Create innovative paradigms or en-
9 hance or scale up proven strategies and prac-
10 tices that address systemic challenges to devel-
11 oping and delivering international and foreign
12 language education resources and expertise
13 across educational disciplines and institutions,
14 and for employers and other stakeholders.

15 “(C) Develop and manage a national
16 standardized database that includes the
17 strengths, gaps, and trends in the international
18 and foreign language education capacity of the
19 United States, and document the outcomes of
20 programs funded under this title for every
21 grant cycle.

22 “(2) GRANTS OR CONTRACTS.—The Secretary
23 shall carry out activities to achieve the outcomes de-
24 scribed in paragraph (1)—

25 “(A) directly; or

1 “(B) through grants awarded under sub-
2 section (d) or (e).

3 “(c) ELIGIBLE ENTITIES DEFINED.—In this section,
4 the term ‘eligible entity’ means—

5 “(1) an institution of higher education;

6 “(2) a public or private nonprofit library;

7 “(3) a nonprofit educational organization;

8 “(4) an entity that—

9 “(A) received a grant under this title for
10 a preceding fiscal year; or

11 “(B) as of the date of application for a
12 grant under this section is receiving a grant
13 under this title; or

14 “(5) a partnership of two or more entities de-
15 scribed in paragraphs (1) through (4).

16 “(d) RESEARCH GRANTS.—

17 “(1) PROGRAM AUTHORIZED.—For any fiscal
18 year for which the Secretary carries out activities to
19 achieve the outcomes described in subsection (b)(1)
20 through research grants under this subsection, the
21 Secretary shall award such grants, on a competitive
22 basis, to eligible entities.

23 “(2) REQUIRED ACTIVITIES.—An eligible entity
24 that receives a grant under this subsection shall use
25 the grant funds to pay for the Federal share of the

1 costs of the systematic development, collection, anal-
2 ysis, publication, and dissemination of data, and
3 other information resources, in a manner that—

4 “(A) is easily understandable, made pub-
5 licly available, and contributes to achieving the
6 purpose of subsection (a); and

7 “(B) achieves at least 1 of the outcomes
8 described in subsection (b)(1).

9 “(3) DISCRETIONARY ACTIVITIES.—An eligible
10 entity that receives a grant under this subsection
11 may use the grant to carry out any of the following
12 activities:

13 “(A) Assess and document international
14 and foreign language education capacity and
15 supply through studies or surveys that—

16 “(i) determine the number of foreign
17 language courses, programs, and enroll-
18 ments at all levels of education and in all
19 languages, including a determination of
20 gaps in those languages deemed critical to
21 the national interest;

22 “(ii) measure the number and types of
23 degrees or certificates awarded in area
24 studies, global studies, foreign language
25 studies, and international business and

1 professional studies, including identifica-
2 tion of gaps in those studies deemed crit-
3 ical to the national interest;

4 “(iii) measure the number of foreign
5 language or area or international studies
6 faculty, including international business
7 faculty, and elementary school and sec-
8 ondary school foreign language teachers by
9 language, degree, and world area; or

10 “(iv) measure the number of under-
11 graduate and graduate students engaging
12 in long- or short-term education or intern-
13 ship abroad programs as part of their cur-
14 riculum, including countries of destination.

15 “(B) Assess the demands for, and out-
16 comes of, international and foreign language
17 education and their alignment, through studies,
18 surveys, and conferences to—

19 “(i) determine demands for increased
20 or improved instruction in foreign lan-
21 guage, area or global studies, or other
22 international fields, and the demand for
23 employees with such skills and knowledge
24 in the education, government, and private

1 sectors (including business and other pro-
2 fessions);

3 “(ii) assess the employment or utiliza-
4 tion of graduates of programs supported
5 under this title by educational, govern-
6 mental, and private sector organizations
7 (including business and other professions);

8 or

9 “(iii) assess standardized outcomes
10 and effectiveness and benchmarking of
11 programs supported under this title.

12 “(C) Develop and publish specialized mate-
13 rials for use in foreign language, area, global,
14 or other international studies, including in
15 international business or other professional edu-
16 cation or technical training, as appropriate.

17 “(D) Conduct studies or surveys that iden-
18 tify and document systemic challenges and
19 changes needed in higher education and elemen-
20 tary school and secondary school systems to
21 make international and foreign language edu-
22 cation available to all students as part of the
23 basic curriculum, including challenges in cur-
24 rent evaluation standards, entrance and gradua-
25 tion requirements, program accreditation, stu-

1 dent degree requirements, or teacher and fac-
2 ulty legal workplace barriers to education and
3 research abroad.

4 “(E) With respect to underrepresented in-
5 stitutions of higher education (including minor-
6 ity-serving institutions or community colleges),
7 carry out studies or surveys that identify and
8 document—

9 “(i) systemic challenges and changes
10 and incentives and partnerships needed to
11 comprehensively and sustainably inter-
12 nationalize educational programming; or

13 “(ii) short- and long-term outcomes of
14 successful internationalization strategies
15 and funding models.

16 “(F) Evaluate the extent to which pro-
17 grams assisted under this title reflect diverse
18 perspectives and a wide range of views and gen-
19 erate debate on world regions and international
20 affairs.

21 “(e) INNOVATION GRANTS.—

22 “(1) PROGRAM AUTHORIZED.—For any fiscal
23 year for which the Secretary carries out activities to
24 achieve the outcomes described in subsection (b)(1)
25 through innovation grants under this subsection, the

1 Secretary shall award such grants, on a competitive
2 basis, to eligible entities.

3 “(2) USES OF FUNDS.—An eligible entity that
4 receives an innovation grant under this subsection
5 shall use the grant funds to pay the Federal share
6 of projects consistent with the purpose described in
7 subsection (a) that establish and conduct innovative
8 strategies, or scale up proven strategies, and that
9 achieve at least 1 of the outcomes described in sub-
10 section (b)(1). Such projects may include one or
11 more of the following:

12 “(A) Innovative paradigms to improve
13 communication, sharing, and delivery of re-
14 sources that further the purpose described in
15 subsection (a), including the following:

16 “(i) Networking structures and sys-
17 tems to more effectively match graduates
18 with international and foreign language
19 education skills with employment needs.

20 “(ii) Sharing international specialist
21 expertise across institutions of higher edu-
22 cation or in the workforce to pursue spe-
23 cialization or learning opportunities not
24 available at any single institution of higher
25 education, such as shared courses for

1 studying less commonly taught languages,
2 world areas or regions, international busi-
3 ness or other professional areas, or special-
4 ized research topics of national strategic
5 interest.

6 “(iii) Producing, collecting, orga-
7 nizing, preserving, and widely dissemi-
8 nating international and foreign language
9 education expertise, resources, courses, and
10 other information through the use of elec-
11 tronic technologies and other techniques.

12 “(iv) Collaborative initiatives to iden-
13 tify, capture, and provide consistent access
14 to, and creation of, digital global library
15 resources that are beyond the capacity of
16 any single eligible entity receiving a grant
17 under this section or any single institution
18 of higher education, including the profes-
19 sional development of library staff.

20 “(v) Utilization of technology to cre-
21 ate open-source resources in international,
22 area, global, and foreign language studies
23 that are adaptable to multiple educational
24 settings and promote interdisciplinary
25 partnerships between technologists, cur-

1 curriculum designers, international and for-
2 eign language education experts, language
3 teachers, and librarians.

4 “(B) Innovative curriculum, teaching, and
5 learning strategies, including the following:

6 “(i) New initiatives for collaborations
7 of disciplinary programs with foreign lan-
8 guage, area, global, and international stud-
9 ies, and education abroad programs that
10 address the internationalization of such
11 disciplinary studies with the purpose of
12 producing globally competent graduates.

13 “(ii) Innovative collaborations between
14 established centers of international and
15 foreign language education excellence and
16 underrepresented institutions and popu-
17 lations seeking to further their goals for
18 strengthening international, area, global,
19 and foreign language studies, including at
20 minority-serving institutions or community
21 colleges.

22 “(iii) Teaching and learning collabora-
23 tions among foreign language, area, global,
24 or other international studies with diaspora
25 communities, including heritage students.

1 “(iv) New approaches and methods to
2 teaching emerging global issues, cross-re-
3 gional interactions, and underrepresented
4 regions or countries, such as project- and
5 team-based learning.

6 “(C) Innovative assessment and outcome
7 tools and techniques that further the purpose
8 described in subsection (a), including the fol-
9 lowing:

10 “(i) International and foreign lan-
11 guage education assessment techniques
12 that are coupled with outcome-focused
13 training modules, such as certificates or
14 badges, immersion learning, or e-portfolio
15 systems.

16 “(ii) Effective and easily accessible
17 methods of assessing professionally useful
18 levels of proficiency in foreign languages or
19 competencies in area, culture, and global
20 knowledge or other international fields in
21 programs under this title, which may in-
22 clude use of open access online and other
23 cost-effective tools for students and edu-
24 cators at all educational levels and in the
25 workplace.

1 “(f) APPLICATION.—Each eligible entity desiring a
2 grant under this section shall submit to the Secretary an
3 application at such time, in such manner, and containing
4 such information as the Secretary shall require, includ-
5 ing—

6 “(1) a description of each proposed project the
7 eligible entity plans to carry out under this section
8 and how such project meets the purpose described in
9 subsection (a);

10 “(2) if applicable, a demonstration of why the
11 entity needs a waiver or reduction of the matching
12 requirement under subsection (g); and

13 “(3) an assurance that each such proposed
14 project will be self-sustainable after the project is
15 completed.

16 “(g) MATCHING REQUIREMENT.—

17 “(1) IN GENERAL.—The Federal share of the
18 total cost for carrying out a project supported by a
19 grant under this section shall be not more than
20 66.66 percent.

21 “(2) NON-FEDERAL SHARE CONTRIBUTIONS.—
22 The non-Federal share of such cost shall be no less
23 than 33.34 percent and may be provided either in-
24 kind or in cash, from institutional and non-institu-
25 tional funds, including contributions from State or

1 private sector corporations, nonprofit entities, or
2 foundations.

3 “(3) SPECIAL RULE.—Notwithstanding para-
4 graphs (1) and (2), the Secretary may waive or re-
5 duce the non-Federal share required under para-
6 graph (2) for eligible entities that—

7 “(A) are minority-serving institutions or
8 are community colleges; or

9 “(B) have submitted a grant application as
10 required by subsection (f) that demonstrates a
11 need for such a waiver or reduction.

12 “(h) DATABASE AND REPORTING.—The Secretary
13 shall directly, or through grants or contracts with an eligi-
14 ble grant recipient—

15 “(1) establish, curate, maintain, and update at
16 least every grant cycle a web-based site which shall
17 showcase the results of this section and serve as a
18 user-friendly repository of the information, re-
19 sources, and best practices generated through activi-
20 ties conducted under this section; and

21 “(2) prepare, publish, and disseminate to Con-
22 gress and the public at least once every 5 years, a
23 report that summarizes key findings and policy
24 issues from the activities conducted under this sec-
25 tion, especially as such activities relate to inter-

1 national and foreign language education and out-
2 comes.”.

3 (c) DISCONTINUATION OF FOREIGN INFORMATION
4 ACCESS PROGRAM.—Part A of title VI of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1121 et seq.) is further
6 amended—

7 (1) by striking sections 606 and 610; and

8 (2) redesignating sections 607, 608, and 609 as
9 sections 606, 607, and 608, respectively.

10 (d) FINDINGS AND PURPOSE FOR GLOBAL BUSINESS
11 AND PROFESSIONAL EDUCATION PROGRAMS.—Section
12 611 of the Higher Education Act of 1965 (20 U.S.C.
13 1130) is amended—

14 (1) in subsection (a)—

15 (A) by amending paragraph (1) to read as
16 follows:

17 “(1) the future welfare of the United States will
18 depend substantially on increasing international and
19 global skills in business, educational, and other pro-
20 fessional communities and creating an awareness
21 among the American public of the internationaliza-
22 tion of our economy and numerous other profes-
23 sional areas important to the national interest in the
24 21st century;”;

1 (B) by amending paragraph (2) to read as
2 follows:

3 “(2) concerted efforts are necessary to engage
4 business and other professional education and tech-
5 nical training programs, language, area, and global
6 study programs, professional international affairs
7 education programs, public and private sector orga-
8 nizations, and United States business in a mutually
9 productive relationship which benefits the Nation’s
10 future economic and security interests;”;

11 (C) in paragraph (3), by striking “and the
12 international” and inserting “and other profes-
13 sional fields and the international and global”;
14 and

15 (D) in paragraph (4)—

16 (i) by inserting “, as well as other
17 professional organizations,” after “depart-
18 ments of commerce”; and

19 (ii) by inserting “or other professions”
20 after “business”; and

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “and economic enter-
24 prise” and inserting “, economic enter-
25 prise, and security”; and

1 (ii) by inserting “and other profes-
2 sional” before “personnel”; and

3 (B) in paragraph (2), by striking “to pros-
4 per in an international” and inserting “and
5 other professional fields to prosper in a global”.

6 (e) PROFESSIONAL AND TECHNICAL EDUCATION FOR
7 GLOBAL COMPETITIVENESS.—Section 613 of the Higher
8 Education Act of 1965 (20 U.S.C. 1130a) is amended to
9 read as follows:

10 **“SEC. 613. PROFESSIONAL AND TECHNICAL EDUCATION**
11 **FOR GLOBAL COMPETITIVENESS.**

12 “(a) PURPOSE.—The purpose of this section is to
13 support innovative strategies that provide undergraduate
14 and graduate students with the global professional com-
15 petencies, perspectives, and skills needed to strengthen
16 and enrich global engagement and competitiveness in a
17 wide variety of professional and technical fields important
18 to the national interest in the 21st century.

19 “(b) PROGRAM AUTHORIZED.—The Secretary shall
20 make grants to, or enter into contracts with, eligible enti-
21 ties to pay the Federal share of the cost of programs de-
22 signed to—

23 “(1) establish an interdisciplinary global focus
24 in the undergraduate and graduate curricula of busi-
25 ness, science, technology, engineering, and other pro-

1 professional education and technical training programs
2 to be determined by the Secretary based on national
3 needs;

4 “(2) produce graduates with proficiencies in
5 both the global aspects of their professional edu-
6 cation or technical training fields and international,
7 cross-cultural, and foreign language skills; and

8 “(3) provide appropriate services to or partner-
9 ships with the corporate, government, and nonprofit
10 communities in order to expand knowledge and ca-
11 pacity for global engagement and competitiveness
12 and provide internship or employment opportunities
13 for students and graduates with international skills.

14 “(c) MANDATORY ACTIVITIES.—An eligible entity
15 that receives a grant or contract under this section shall
16 use the grant or contract to carry out the following:

17 “(1) With respect to undergraduate or graduate
18 professional education and technical training cur-
19 ricula, incorporating—

20 “(A) foreign language programs that lead
21 to proficiency, including immersion opportuni-
22 ties;

23 “(B) international, area, or global studies
24 programs;

1 “(d) DISCRETIONARY ACTIVITIES.—An eligible entity
2 that receives a grant or contract under this section may
3 use the grant or contract to carry out the following:

4 “(1) Developing specialized teaching materials
5 and courses, including foreign language and area or
6 global studies materials, and innovative technological
7 delivery systems appropriate for professionally-ori-
8 ented students.

9 “(2) Establishing student fellowships or other
10 innovative support opportunities, including for
11 underrepresented populations, first generation col-
12 lege students (defined in section 402A), and heritage
13 learners, for education and training in global profes-
14 sional development activities.

15 “(3) Developing opportunities or fellowships for
16 faculty or junior faculty of professional education or
17 technical training (including the faculty of minority-
18 serving institutions or community colleges) to ac-
19 quire or strengthen international and global skills
20 and perspectives.

21 “(4) Creating institutes that take place over
22 academic breaks, like the summer, including through
23 technological means, and cover foreign language,
24 world area, global, or other international studies in
25 learning areas of global business, science, tech-

1 nology, engineering, or other professional education
2 and training fields.

3 “(5) Internationalizing curricula at minority-
4 serving institutions or community colleges to further
5 the purpose of this section.

6 “(6) Establishing international linkages or part-
7 nerships with institutions of higher education, cor-
8 porations, or organizations that contribute to the ob-
9 jectives of this section.

10 “(7) Developing programs to inform the public
11 of increasing global interdependence in professional
12 education and technical training fields.

13 “(8) Establishing trade education programs
14 through agreements with regional, national, global,
15 bilateral, or multilateral trade centers, councils, or
16 associations.

17 “(e) APPLICATION.—Each eligible entity desiring a
18 grant or contract under this section shall submit an appli-
19 cation to the Secretary at such time, in such manner, and
20 including such information as the Secretary may reason-
21 ably require, including assurances that—

22 “(1) each proposed project have reasonable and
23 demonstrable plans for sustainability and
24 replicability upon completion of the project;

1 “(2) the institution of higher education will use
2 the assistance provided under this section to supple-
3 ment and not supplant other activities described in
4 subsection (b) that are conducted by the institution
5 of higher education as of the day before the date of
6 the grant or contract;

7 “(3) in the case of eligible entities that are con-
8 sortia of institutions of higher education, or partner-
9 ship described in subsection (g)(1)(C), a copy of
10 their partnership agreement that demonstrates com-
11 pliance with subsection (b) will be provided to the
12 Secretary;

13 “(4) the activities funded by the grant or con-
14 tract will reflect diverse perspectives and a wide
15 range of views of world regions and international af-
16 fairs where applicable; and

17 “(5) if applicable, a demonstration of why the
18 eligible entity needs a waiver or reduction of the
19 matching requirement under subsection (f).

20 “(f) MATCHING REQUIREMENT.—

21 “(1) IN GENERAL.—The Federal share of the
22 total cost for carrying out a program supported by
23 a grant under this section shall be not more than 50
24 percent.

1 “(ii) at least one corporate or non-
2 profit entity.

3 “(2) PROFESSIONAL EDUCATION AND TECH-
4 NICAL TRAINING.—The term ‘professional education
5 and technical training’ means a program at an insti-
6 tution of higher education that offers undergraduate,
7 graduate, or post-graduate level education in a pro-
8 fessional or technical field that is determined by the
9 Secretary as meeting a national need for global or
10 international competency (which may include busi-
11 ness, science, technology, engineering, law, health,
12 energy, environment, agriculture, transportation, or
13 education).

14 “(h) FUNDING RULE.—Notwithstanding any other
15 provision of this title, funds made available to the Sec-
16 retary for a fiscal year may not be obligated or expended
17 to carry out this section unless the funds appropriated for
18 such fiscal year to carry out this title exceed
19 \$69,353,000.”.

20 (f) DISCONTINUATION OF CERTAIN AUTHORIZATIONS
21 OF APPROPRIATIONS.—Part B of title VI of the Higher
22 Education Act of 1965 (20 U.S.C. 1130 et seq.) is further
23 amended by striking section 614.

1 (g) REPEAL OF INSTITUTE FOR INTERNATIONAL
2 PUBLIC POLICY.—Title VI of the Higher Education Act
3 of 1965 (20 U.S.C. 1131 et seq.) is amended—

4 (1) by striking part C; and

5 (2) by redesignating part D as part C.

6 (h) DEFINITIONS.—Section 631(a) of the Higher
7 Education Act of 1965 (20 U.S.C. 1132(a)) is amended—

8 (1) in paragraph (9), by striking “and” at the
9 end;

10 (2) in paragraph (10), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(11) the term ‘community college’ means a
14 public institution of higher education at which the
15 highest degree that is predominantly awarded to stu-
16 dents is an associate degree, including a 2-year Trib-
17 al College or University (as defined in section 316);

18 “(12) the term ‘heritage student’ means a post-
19 secondary student who—

20 “(A) was born in the United States to im-
21 migrant parents or immigrated to the United
22 States at an early age;

23 “(B) is proficient in English, but raised in
24 a family primarily speaking 1 or more lan-
25 guages of the country of origin; and

1 “(C) maintains a close affinity with the
2 family’s culture and language of origin; and

3 “(13) the term ‘minority-serving institution’
4 means an institution of higher education that is eli-
5 gible to receive a grant under part A or B of title
6 III or title V.”.

7 (i) PRIORITY TO MINORITY-SERVING INSTITU-
8 TIONS.—Part C of title VI of the Higher Education Act
9 of 1965 (20 U.S.C. 1132 et seq.), as redesignated by sub-
10 section (g)(2), is further amended—

11 (1) by striking sections 637 and 638; and

12 (2) by adding at the end the following:

13 **“SEC. 637. PRIORITY TO MINORITY-SERVING INSTITUTIONS.**

14 “(a) PRIORITY.—In seeking applications and award-
15 ing grants under this title, the Secretary, may give priority
16 to—

17 “(1) minority-serving institutions; or

18 “(2) institutions of higher education that apply
19 for such grants that propose significant and sus-
20 tained collaborative activities with one or more mi-
21 nority-serving institutions.

22 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
23 provide technical assistance to minority-serving institu-
24 tions to ensure maximum distribution of grants to eligible

1 minority-serving institutions and among each category of
2 such institutions.”.

3 (j) AUTHORIZATION OF APPROPRIATIONS FOR
4 INTERNATIONAL EDUCATION PROGRAMS.—Part C of title
5 VI of the Higher Education Act of 1965 (20 U.S.C. 1132
6 et seq.), as redesignated by subsection (g)(2), is further
7 amended by adding at the end the following:

8 **“SEC. 638. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) IN GENERAL.—There are authorized to be ap-
10 propriated to carry out this title \$208,059,000 for fiscal
11 year 2022 and such sums as may be necessary for each
12 of the 5 succeeding fiscal years.”.

13 **SEC. 6242. CONFUCIUS INSTITUTES.**

14 (a) DEFINITIONS.—In this section—

15 (1) the term “Confucius Institute” means a cul-
16 tural institute established as a partnership between
17 a United States institution of higher education and
18 a Chinese institution of higher education to promote
19 and teach Chinese language and culture that is
20 funded, directly or indirectly, by the Government of
21 the People’s Republic of China; and

22 (2) the term “institution of higher education”
23 has the meaning given that term in section 102 of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1002).

1 (b) RESTRICTIONS OF CONFUCIUS INSTITUTES.—Ex-
2 cept as provided in subsection (e), an institution of higher
3 education that maintains a contract or agreement between
4 the institution and a Confucius Institute shall not be eligi-
5 ble to receive Federal funds provided under the Higher
6 Education Act of 1965 (20 U.S.C. 1001 et seq.), except
7 funds provided under title IV of such Act, unless the insti-
8 tution satisfies the requirements and conditions of sub-
9 section (c) or (d).

10 (c) EVALUATION OF CONFUCIUS INSTITUTE CON-
11 TRACTS OR AGREEMENTS.—

12 (1) IN GENERAL.—The Secretary of Education,
13 in consultation with the National Academies of
14 Science, Engineering, and Medicine, shall evaluate
15 any contract or agreement between an institution of
16 higher education and a Confucius Institute, and
17 publish such evaluation on the website of the De-
18 partment of Education, to confirm that any such
19 contract or agreement includes clear provisions
20 that—

21 (A) protect academic freedom at the insti-
22 tution;

23 (B) prohibit the application of any foreign
24 law on any campus of the institution; and

1 (C) grant full managerial authority of the
2 Confucius Institute to the institution, including
3 full control over what is being taught, the ac-
4 tivities carried out, the research grants that are
5 made, and who is employed at the Confucius
6 Institute.

7 (2) FAILURE TO SATISFY CONDITIONS.—If the
8 Secretary of Education, in consultation with the Na-
9 tional Academies of Science, Engineering, and Medi-
10 cine, cannot confirm that the contract or agreement
11 includes the clear provisions in accordance with
12 paragraph (1), the conditions under such paragraph
13 shall not be considered to be satisfied for the pur-
14 poses of subsection (b).

15 (d) PUBLIC INSPECTION REQUIREMENT.—The Sec-
16 retary of Education shall ensure that each institution of
17 higher education that maintains a contract or agreement
18 between the institution and a Confucius Institute makes
19 available for public inspection—

20 (1) a true copy of the contract or agreement be-
21 tween the institution and the Confucius Institute;
22 and

23 (2) a translation in English of the contract or
24 agreement between the institution and the Confucius
25 Institute that is certified by a third party translator.

1 (e) SPECIAL RULE.—Notwithstanding any other pro-
2 vision of this section, this section shall not apply to an
3 institution of higher education if that institution has ful-
4 filled the requirements for a waiver from the Department
5 of Defense as described under section 1062 of the Na-
6 tional Defense Authorization Act for Fiscal Year 2021
7 (Public Law 116-283) and made the documents available
8 for public inspection in accordance with subsection (d).

9 (f) SUNSET.—This section shall cease to be effective
10 on September 30, 2027.

11 **SEC. 6243. SUSTAINING THE TRUMAN FOUNDATION AND**
12 **THE MADISON FOUNDATION.**

13 (a) TRUMAN MEMORIAL SCHOLARSHIP FUND.—

14 (1) IN GENERAL.—Section 10(b) of Public Law
15 93–642 (20 U.S.C. 2001 et seq.) is amended to read
16 as follows:

17 “(b)(1) It shall be the duty of the Secretary of the
18 Treasury to invest in full the amounts appropriated to the
19 fund.

20 “(2) Investments of amounts appropriated to the
21 fund shall be made in public debt securities of the United
22 States with maturities suitable to the fund. For such pur-
23 pose, such obligations may be acquired—

24 “(A) on original issue at the issue price; or

1 “(B) by purchase of outstanding obligations at
2 the market price.

3 “(3) The purposes for which obligations of the United
4 States may be issued under chapter 31 of title 31, United
5 States Code, are hereby extended to authorize the issuance
6 at par of special obligations exclusively to the fund. Such
7 special obligations shall bear interest at a rate equal to
8 the average rate of interest, computed as to the end of
9 the calendar month next preceding the date of such issue,
10 borne by all marketable interest-bearing obligations of the
11 United States then forming a part of the public debt, ex-
12 cept that where such average rate is not a multiple of $\frac{1}{8}$
13 of 1 percent, the rate of interest of such special obligations
14 shall be the multiple of $\frac{1}{8}$ of 1 percent next lower than
15 such average rate. Such special obligations shall be issued
16 only if the Secretary determines that the purchases of
17 other interest-bearing obligations of the United States, or
18 of obligations guaranteed as to both principal and interest
19 by the United States or original issue or at the market
20 price, is not in the public interest.”.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 Section 14 of Public Law 93–642 (20 U.S.C. 2013)
23 is amended by striking “\$30,000,000 to the fund”
24 and inserting “to the Harry S. Truman Memorial
25 Scholarship Trust Fund such sums as may be nec-

1 essary for fiscal year 2022 and each succeeding fis-
2 cal year.”.

3 (b) JAMES MADISON MEMORIAL FELLOWSHIP
4 TRUST FUND.—

5 (1) IN GENERAL.—Subsection (b) of section
6 811 of the James Madison Memorial Fellowship Act
7 (20 U.S.C. 4510) is amended to read as follows:

8 “(b)(1) It shall be the duty of the Secretary of the
9 Treasury to invest in full the amounts appropriated to the
10 fund.

11 “(2) Subject to paragraph (3), investments of
12 amounts appropriated to the fund shall be made in public
13 debt securities of the United States with maturities suit-
14 able to the fund. For such purpose, such obligations may
15 be acquired—

16 “(A) on original issue at the issue price; or

17 “(B) by purchase of outstanding obligations at
18 the market price. The purposes for which obligations
19 of the United States may be issued under chapter 31
20 of title 31, United States Code, are hereby extended
21 to authorize the issuance at par of special obliga-
22 tions exclusively to the fund. Such special obligations
23 shall bear interest at a rate equal to the average
24 rate of interest, computed as to the end of the cal-
25 endar month next preceding the date of such issue,

1 borne by all marketable interest-bearing obligations
2 of the United States then forming a part of the pub-
3 lic debt, except that where such average rate is not
4 a multiple of $\frac{1}{8}$ of 1 percent, the rate of interest of
5 such special obligations shall be the multiple of $\frac{1}{8}$
6 of 1 percent next lower than such average rate. Such
7 special obligations shall be issued only if the Sec-
8 retary determines that the purchases of other inter-
9 est-bearing obligations of the United States, or of
10 obligations guaranteed as to both principal and in-
11 terest by the United States or original issue or at
12 the market price, is not in the public interest.

13 “(3)(A) Notwithstanding paragraph (2), upon
14 receiving a determination of the Board described in
15 subparagraph (B), the Secretary shall invest up to
16 40 percent of the fund’s assets in securities other
17 than public debt securities of the United States, pro-
18 vided that the securities are traded in established
19 United States markets.

20 “(B) A determination described in this subpara-
21 graph is a determination by the Board that invest-
22 ments as described in subparagraph (A) are nec-
23 essary to enable the Foundation to carry out the
24 purposes of this title without any diminution of the
25 number of fellowships provided under section 804.

1 “(C) Nothing in this paragraph shall be con-
2 strued to limit the authority of the Board to in-
3 crease the number of fellowships provided under sec-
4 tion 804, or to increase the amount of the fellowship
5 authorized by section 809, as the Board considers
6 appropriate and is otherwise consistent with the re-
7 quirements of this title.”.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—
9 Section 816 of the James Madison Memorial Fellow-
10 ship Act (20 U.S.C. 4515) is amended to read as
11 follows:

12 **“SEC. 816. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to the
14 James Madison Memorial Trust Fund such sums as may
15 be necessary to carry out the provisions of this title for
16 fiscal year 2022 and each succeeding fiscal year.”.

17 **SEC. 6244. DISCLOSURES OF FOREIGN GIFTS AND CON-**
18 **TRACTS AT INSTITUTIONS OF HIGHER EDU-**
19 **CATION.**

20 (a) DISCLOSURES OF FOREIGN GIFTS.—Section 117
21 of the Higher Education Act of 1965 (20 U.S.C. 1011f)
22 is amended to read as follows:

23 **“SEC. 117. DISCLOSURES OF FOREIGN GIFTS.**

24 “(a) DISCLOSURE REPORTS.—

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1 “(1) AGGREGATE GIFTS AND CONTRACT DIS-
2 CLOSURES.—An institution shall file a disclosure re-
3 port described in subsection (b) with the Secretary
4 not later than March 31 immediately following any
5 calendar year in which the institution receives a gift
6 from, or enters into a contract with, a foreign
7 source, the value of which is \$50,000 or more, con-
8 sidered alone or in combination with all other gifts
9 from, or contracts with, that foreign source within
10 the calendar year.

11 “(2) DISCLOSURE OF CONTRACTS WITH UNDE-
12 TERMINED MONETARY VALUE.—An institution shall
13 file a disclosure report described in subsection (b)
14 with the Secretary not later than March 31 imme-
15 diately following any calendar year in which the in-
16 stitution enters into a contract with a foreign source
17 that has an undetermined monetary value.

18 “(3) FOREIGN SOURCE OWNERSHIP OR CON-
19 TROL DISCLOSURES.—In the case of an institution
20 that is owned or controlled by a foreign source, the
21 institution shall file a disclosure report described in
22 subsection (b) with the Secretary not later than
23 March 31 of every year.

1 “(b) CONTENTS OF REPORT.—Each report to the
2 Secretary required by subsection (a) shall contain the fol-
3 lowing:

4 “(1)(A) In the case of an institution required to
5 file a report under paragraph (1) or (2) of sub-
6 section (a)—

7 “(i) for gifts received from or contracts en-
8 tered into with a foreign government, the aggre-
9 gate amount of such gifts and contracts re-
10 ceived from each foreign government; and

11 “(ii) for gifts received from or contracts
12 entered into with a foreign source other than a
13 foreign government, the aggregate dollar
14 amount of such gifts and contracts attributable
15 to a particular country and the legal or formal
16 name of the foreign source.

17 “(B) For purposes of this paragraph, the
18 country to which a gift is attributable is—

19 “(i) the country of citizenship, or if
20 unknown, the principal residence, for a for-
21 eign source who is a natural person; or

22 “(ii) the country of incorporation, or
23 if unknown, the principal place of business,
24 for a foreign source which is a legal entity.

1 “(2) In the case of an institution required to
2 file a report under subsection (a)(3)—

3 “(A) the information described in para-
4 graph (1)(A) (without regard to any gift or con-
5 tract threshold described in subsection (a)(1));

6 “(B) the identity of the foreign source that
7 owns or controls the institution;

8 “(C) the date on which the foreign source
9 assumed ownership or control; and

10 “(D) any changes in program or structure
11 resulting from the change in ownership or con-
12 trol.

13 “(3) An assurance that the institution will
14 maintain a true copy of each gift or contract agree-
15 ment subject to the disclosure requirements under
16 this section, until the latest of—

17 “(A) the date that is 4 years after the date
18 of the agreement;

19 “(B) the date on which the agreement ter-
20 minates; or

21 “(C) the last day of any period that appli-
22 cable State public record law requires a true
23 copy of such agreement to be maintained.

24 “(4) An assurance that the institution will
25 produce true copies of gift and contract agreements

1 subject to the disclosure requirements under this
2 section upon request of the Secretary during a com-
3 pliance audit or other institutional investigation and
4 shall ensure all gifts and contracts from the foreign
5 source are translated into English by a third party
6 unaffiliated with the foreign source or institution for
7 this purpose.

8 “(c) ADDITIONAL DISCLOSURES FOR RESTRICTED
9 AND CONDITIONAL GIFTS AND CONTRACTS.—Notwith-
10 standing the provisions of subsection (b), whenever any
11 institution receives a restricted or conditional gift or con-
12 tract from a foreign source, the institution shall disclose
13 the following to the Department translated into English
14 by a third party unaffiliated with the foreign source or
15 institution:

16 “(1) For such gifts received from or contracts
17 entered into with a foreign source other than a for-
18 eign government, the amount, the date, and a de-
19 scription of such conditions or restrictions. The re-
20 port shall also disclose the country of citizenship, or
21 if unknown, the principal residence for a foreign
22 source which is a natural person, and the country of
23 incorporation, or if unknown, the principal place of
24 business for a foreign source which is a legal entity.

1 “(2) For gifts received from or contracts en-
2 tered into with a foreign government, the amount,
3 the date, a description of such conditions or restric-
4 tions, and the name of the foreign government.

5 “(d) RELATION TO OTHER REPORTING REQUIRE-
6 MENTS.—

7 “(1) STATE REQUIREMENTS.—If an institution
8 that is required to file a disclosure report under sub-
9 section (a) is within a State which has enacted re-
10 quirements for public disclosure of gifts from or con-
11 tracts with a foreign source that includes all infor-
12 mation required under this section for the same or
13 an equivalent time period, a copy of the disclosure
14 report filed with the State may be filed with the Sec-
15 retary in lieu of the report required under such sub-
16 section. The State in which the institution is located
17 shall provide to the Secretary such assurances as the
18 Secretary may require to establish that the institu-
19 tion has met the requirements for public disclosure
20 under State law if the State report is filed.

21 “(2) USE OF OTHER FEDERAL REPORTS.—If an
22 institution receives a gift from, or enters into a con-
23 tract with, a foreign source, where any other depart-
24 ment, agency, or bureau of the executive branch re-
25 quires a report containing all the information re-

1 quired under this section for the same or an equiva-
2 lent time period, a copy of the report may be filed
3 with the Secretary in lieu of a report required under
4 subsection (a).

5 “(e) PUBLIC DISCLOSURE AND MODIFICATION OF
6 REPORTS.—

7 “(1) IN GENERAL.—Not later than 30 days
8 after receiving a disclosure report under this section,
9 the Secretary shall make such report electronically
10 available to the public for downloading on a search-
11 able database under which institutions can be indi-
12 vidually identified and compared.

13 “(2) MODIFICATIONS.—The Secretary shall in-
14 corporate a process permitting institutions to revise
15 and update previously filed disclosure reports under
16 this section to ensure accuracy, compliance, and abil-
17 ity to cure.

18 “(f) SANCTIONS FOR NONCOMPLIANCE.—

19 “(1) IN GENERAL.—As a sanction for non-
20 compliance with the requirements under this section,
21 the Secretary may impose a fine on an institution
22 that in any year knowingly or willfully violates this
23 section, that is—

24 “(A) in the case of a failure to disclose a
25 gift or contract with a foreign source as re-

1 required under this section or to comply with the
2 requirements of subsection (b)(4), in an amount
3 that is not less than \$250 but not more than
4 the amount of the gift or contract with the for-
5 eign source; or

6 “(B) in the case of any violation of the re-
7 quirements of subsection (a)(3), in an amount
8 that is not more than 25 percent of the total
9 amount of funding received by the institution
10 under this Act.

11 “(2) REPEATED FAILURES.—

12 “(A) KNOWING AND WILLFUL FAIL-
13 URES.—In addition to a fine for a violation in
14 any year in accordance with paragraph (1) and
15 subject to subsection (e)(2), the Secretary shall
16 impose a fine on an institution that knowingly
17 and willfully fails in 3 consecutive years to com-
18 ply with the requirements of this section, that
19 is—

20 “(i) in the case of a failure to disclose
21 a gift or contract with a foreign source as
22 required under this section or to comply
23 with the requirements of subsection (b)(4),
24 in an amount that is not less than
25 \$100,000 but not more than twice the

1 amount of the gift or contract with the for-
2 eign source; or

3 “(ii) in the case of any violation of the
4 requirements of subsection (a)(3), in an
5 amount that is not more than 25 percent
6 of the total amount of funding received by
7 the institution under this Act.

8 “(B) ADMINISTRATIVE FAILURES.—The
9 Secretary shall impose a fine on an institution
10 that fails to comply with the requirements of
11 this section in 3 consecutive years, in an
12 amount that is not less than \$250 but not more
13 than the amount of the gift or contract with the
14 foreign source.

15 “(C) COMPLIANCE PLAN REQUIREMENT.—
16 An institution that fails to file a disclosure re-
17 port for a receipt of a gift from or contract with
18 a foreign source in 2 consecutive years, shall be
19 required to submit a compliance plan to Sec-
20 retary.

21 “(g) COMPLIANCE OFFICER.—Any institution that is
22 required to report a gift or contract under this section
23 shall designate and maintain a compliance officer who—

24 “(1) shall be a current employee or legally au-
25 thorized agent of such institution; and

1 “(2) shall be responsible, on behalf of the insti-
2 tution, for compliance with the foreign gift reporting
3 requirement under this section and section 124, if
4 applicable.

5 “(h) SINGLE POINT OF CONTACT.—The Secretary
6 shall maintain a single point of contact to—

7 “(1) receive and respond to inquiries and re-
8 quests for technical assistance from institutions of
9 higher education regarding compliance with the re-
10 quirements of this section; and

11 “(2) coordinate the disclosure of information on
12 the searchable database, and process for modifica-
13 tions of disclosures and ability to cure, as described
14 in subsection (e).

15 “(i) TREATMENT OF CERTAIN PAYMENTS AND
16 GIFTS.—

17 “(1) EXCLUSIONS.—The following shall not be
18 considered a gift from a foreign source under this
19 section:

20 “(A) Any payment of one or more elements
21 of a student’s cost of attendance (as defined in
22 section 472) to an institution by, or scholarship
23 from, a foreign source who is a natural person,
24 acting in their individual capacity and not as an
25 agent for, at the request or direction of, or on

1 behalf of, any person or entity (except the stu-
2 dent), made on behalf of no more than 15 stu-
3 dents that is not made under contract with
4 such foreign source, except for the agreement
5 between the institution and such student cov-
6 ering one or more elements of such student's
7 cost of attendance.

8 “(B) Assignment or license of registered
9 industrial and intellectual property rights, such
10 as patents, utility models, trademarks, or copy-
11 rights, or technical assistance, that are not
12 identified as being associated with a national
13 security risk or concern by the Federal Re-
14 search Security Council as described under sec-
15 tion 7902 of title 31, United States Code, as
16 added by section 4493 of the Securing Amer-
17 ica's Future Act.

18 “(2) INCLUSIONS.—Any gift to, or contract
19 with, an entity or organization, such as a research
20 foundation, that operates substantially for the ben-
21 efit or under the auspices of an institution shall be
22 considered a gift to or with respectively, such insti-
23 tution.

24 “(j) DEFINITIONS.—In this section—

25 “(1) the term ‘contract’—

1 “(A) means any—

2 “(i) agreement for the acquisition by
3 purchase, lease, or barter of property or
4 services by the foreign source, for the di-
5 rect benefit or use of either of the parties,
6 except as provided in subparagraph (B); or

7 “(ii) affiliation, agreement, or similar
8 transaction with a foreign source and is
9 based on the use or exchange of an institu-
10 tion’s name, likeness, time, services, or re-
11 sources, except as provided in subpara-
12 graph (B); and

13 “(B) does not include any agreement made
14 by an institution located in the United States
15 for the acquisition, by purchase, lease, or bar-
16 ter, of property or services from a foreign
17 source;

18 “(2) the term ‘foreign source’ means—

19 “(A) a foreign government, including an
20 agency of a foreign government;

21 “(B) a legal entity, governmental or other-
22 wise, created under the laws of a foreign state
23 or states;

1 “(C) an individual who is not a citizen or
2 a national of the United States or a trust terri-
3 tory or protectorate thereof; and

4 “(D) an agent, including a subsidiary or
5 affiliate of a foreign legal entity, acting on be-
6 half of a foreign source;

7 “(3) the term ‘gift’ means any gift of money,
8 property, resources, staff, or services;

9 “(4) the term ‘institution’ means an institution
10 of higher education, as defined in section 102, or, if
11 a multicampus institution, any single campus of
12 such institution, in any State; and

13 “(5) the term ‘restricted or conditional gift or
14 contract’ means any endowment, gift, grant, con-
15 tract, award, present, or property of any kind which
16 includes provisions regarding—

17 “(A) the employment, assignment, or ter-
18 mination of faculty;

19 “(B) the establishment of departments,
20 centers, institutes, instructional programs, re-
21 search or lecture programs, or new faculty posi-
22 tions;

23 “(C) the selection or admission of stu-
24 dents; or

1 or entered into before the date of enactment of the
2 Securing America’s Future Act; and

3 “(3) maintain a plan to effectively identify and
4 manage potential information gathering by foreign
5 sources through espionage targeting faculty, profes-
6 sional staff, and other staff engaged in research and
7 development (as determined by the institution) that
8 may arise from gifts received from, or contracts en-
9 tered into with, a foreign source, including through
10 the use of periodic communications and enforcement
11 of the policy described in paragraph (1).

12 “(b) INSTITUTIONS.—An institution of higher edu-
13 cation shall be subject to the requirements of this section
14 if such institution—

15 “(1) is an institution of higher education as de-
16 fined under section 102; and

17 “(2) had more than \$5,000,000 in research and
18 development expenditures in any of the previous five
19 years.

20 “(c) SANCTIONS FOR NONCOMPLIANCE.—

21 “(1) IN GENERAL.—As a sanction for non-
22 compliance with the requirements under this section,
23 the Secretary may impose a fine on an institution
24 that in any year knowingly or willfully violates this

1 section, in an amount that is not less than \$250 but
2 not more than \$1,000.

3 “(2) SECOND FAILURE.—In addition to a fine
4 for a violation in accordance with paragraph (1), the
5 Secretary shall impose a fine on an institution that
6 knowingly, willfully, and repeatedly fails to comply
7 with the requirements of this section in a second
8 consecutive year in an amount that is not less than
9 \$1,000 but not more than \$25,000.

10 “(3) THIRD AND ADDITIONAL FAILURES.—In
11 addition to a fine for a violation in accordance with
12 paragraph (1) or (2), the Secretary shall impose a
13 fine on an institution that knowingly, willfully, and
14 repeatedly fails to comply with the requirements of
15 this section in a third consecutive year, or any con-
16 secutive year thereafter, in an amount that is not
17 less than \$25,000 but not more than \$50,000.

18 “(4) ADMINISTRATIVE FAILURES.—The Sec-
19 retary shall impose a fine on an institution that fails
20 in 3 consecutive years to comply with the require-
21 ments of this section in an amount that is not less
22 than \$250 but not more than \$25,000.

23 “(5) COMPLIANCE PLAN REQUIREMENT.—An
24 institution that fails to comply with the require-
25 ments under this section for 2 consecutive years

1 shall be required to submit a compliance plan to the
2 Secretary.

3 “(d) DEFINITIONS.—In this section—

4 “(1) the terms ‘foreign source’ and ‘gift’ have
5 the meaning given the terms in section 117;

6 “(2) the term ‘contract’ means any—

7 “(A) agreement for the acquisition by pur-
8 chase, lease, or barter of property or services by
9 the foreign source, for the direct benefit or use
10 of either of the parties; or

11 “(B) affiliation, agreement, or similar
12 transaction with a foreign source based on the
13 use or exchange of the name, likeness, time,
14 services, or resources of faculty, professional
15 staff, and other staff engaged in research and
16 development (as determined by the institution);
17 and

18 “(3) the term ‘professional staff’ means profes-
19 sional employees, as defined in section 3 of the Fair
20 Labor Standards Act of 1938 (29 U.S.C. 203).”.

21 (e) REGULATIONS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary of
24 Education shall begin the negotiated rulemaking
25 process under section 492 of the Higher Education

1 Act of 1965 (20 U.S.C. 1098a) to carry out the
2 amendments made by subsections (a) and (b).

3 (2) ISSUES.—Regulations issued pursuant to
4 paragraph (1) to carry out the amendment made by
5 subsection (a) shall, at a minimum, address the fol-
6 lowing issues:

7 (A) Instructions on reporting structured
8 gifts and contracts.

9 (B) The inclusion in institutional reports
10 of gifts received from, and contracts entered
11 into with, foreign sources by entities and orga-
12 nizations, such as research foundations, that
13 operate substantially for the benefit or under
14 the auspices of the institution.

15 (C) Procedures to protect confidential or
16 proprietary information included in gifts and
17 contracts.

18 (D) The alignment of such regulations
19 with the reporting and disclosure of foreign
20 gifts or contracts required by other Federal
21 agencies.

22 (E) The treatment of foreign gifts or con-
23 tracts involving research or technologies identi-
24 fied as being associated with a national security
25 risk or concern by the Federal Research Secu-

1 rity Council as described under section 7902 of
2 title 31, United States Code, as added by sec-
3 tion 4493 of this Act.

4 (3) EFFECTIVE DATE.—The amendments made
5 by subsections (a) and (b) shall take effect on the
6 date on which the regulations issued under para-
7 graph (1) take effect.

8 **TITLE II—COMMITTEE ON THE** 9 **JUDICIARY PROVISIONS**

10 **SEC. 6201. SHORT TITLE.**

11 This title may be cited as the “Merger Filing Fee
12 Modernization Act of 2021”.

13 **SEC. 6202. PREMERGER NOTIFICATION FILING FEES.**

14 Section 605 of Public Law 101–162 (15 U.S.C. 18a
15 note) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by striking “\$45,000” and insert-
19 ing “\$30,000”;

20 (ii) by striking “\$100,000,000” and
21 inserting “\$161,500,000”;

22 (iii) by striking “2004” and inserting
23 “2022”; and

24 (iv) by striking “2003” and inserting
25 “2021”;

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1 (B) in paragraph (2)—

2 (i) by striking “\$125,000” and insert-
3 ing “\$100,000”;

4 (ii) by striking “\$100,000,000” and
5 inserting “\$161,500,000”;

6 (iii) by striking “but less” and insert-
7 ing “but is less”; and

8 (iv) by striking “and” at the end;

9 (C) in paragraph (3)—

10 (i) by striking “\$280,000” and insert-
11 ing “\$250,000”; and

12 (ii) by striking the period at the end
13 and inserting “but is less than
14 \$1,000,000,000 (as so adjusted and pub-
15 lished);”; and

16 (D) by adding at the end the following:

17 “(4) \$400,000 if the aggregate total amount
18 determined under section 7A(a)(2) of the Clayton
19 Act (15 U.S.C. 18a(a)(2)) is not less than
20 \$1,000,000,000 (as so adjusted and published) but
21 is less than \$2,000,000,000 (as so adjusted and
22 published);

23 “(5) \$800,000 if the aggregate total amount
24 determined under section 7A(a)(2) of the Clayton
25 Act (15 U.S.C. 18a(a)(2)) is not less than

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1 \$2,000,000,000 (as so adjusted and published) but
2 is less than \$5,000,000,000 (as so adjusted and
3 published); and

4 “(6) \$2,250,000 if the aggregate total amount
5 determined under section 7A(a)(2) of the Clayton
6 Act (15 U.S.C. 18a(a)(2)) is not less than
7 \$5,000,000,000 (as so adjusted and published).”;
8 and

9 (2) by adding at the end the following:

10 “(c)(1) For each fiscal year commencing after Sep-
11 tember 30, 2022, the filing fees in this section shall be
12 increased each year by an amount equal to the percentage
13 increase, if any, in the Consumer Price Index, as deter-
14 mined by the Department of Labor or its successor, for
15 the year then ended over the level so established for the
16 year ending September 30, 2021.

17 “(2) As soon as practicable, but not later than Janu-
18 ary 31 of each year, the Federal Trade Commission shall
19 publish the adjusted amounts required by paragraph (1).

20 “(3) The Federal Trade Commission shall not adjust
21 amounts required by paragraph (1) if the percentage in-
22 crease described in paragraph (1) is less than 1 percent.

23 “(4) An amount adjusted under this section shall be
24 rounded to the nearest multiple of \$5,000.”.

1 **SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated for fiscal year
3 2022—

4 (1) \$252,000,000 for the Antitrust Division of
5 the Department of Justice; and

6 (2) \$418,000,000 for the Federal Trade Com-
7 mission.

8 **TITLE III—MISCELLANEOUS**

9 **SEC. 6301. ENHANCING ENTREPRENEURSHIP FOR THE 21ST**
10 **CENTURY.**

11 (a) **DEFINITIONS.**—In this section:

12 (1) **APPROPRIATE COMMITTEES OF CON-**
13 **GRESS.**—The term “appropriate committees of Con-
14 gress” means—

15 (A) the Committee on Commerce, Science,
16 and Transportation of the Senate; and

17 (B) the Committee on Energy and Com-
18 merce of the House of Representatives.

19 (2) **ENTREPRENEUR.**—The term “entre-
20 preneur” means an individual who founded, or is a
21 member of a group that founded, a United States
22 business.

23 (3) **SECRETARY.**—The term “Secretary” means
24 the Secretary of Commerce.

25 (4) **UNITED STATES BUSINESS.**—The term
26 “United States business” means a corporation, part-

1 nership, association, joint-stock company, business
2 trust, unincorporated organization, or sole propri-
3 etorship that—

4 (A) has its principal place of business in
5 the United States; or

6 (B) is organized under the laws of a State
7 of the United States or a territory, possession,
8 or commonwealth of the United States.

9 (b) FINDINGS.—Congress finds the following:

10 (1) Recent research has demonstrated that—

11 (A) new businesses (commonly referred to
12 as “startups”)—

13 (i) are disproportionately responsible
14 for the innovations that drive economic
15 growth; and

16 (ii) account for virtually all net new
17 job creation;

18 (B) the rate of formation of United States
19 businesses has fallen significantly in recent
20 years; and

21 (C) as determined by widely cited research,
22 the decline in the rate described in subpara-
23 graph (B) is occurring in all 50 States, in all
24 but a handful of 360 metro areas examined,
25 and across a broad range of industry sectors.

1 (2) Before policymakers can identify ways in
2 which the decline in the rate described in paragraph
3 (1)(B) may be counteracted, the underlying causes
4 of the decline must be identified.

5 (3) Economists have identified several factors
6 that may explain the decline in the rate described in
7 paragraph (1)(B), including—

8 (A) demographic changes caused by an
9 aging workforce and slowing population growth;

10 (B) increased industry concentration that
11 may make it more difficult for new market en-
12 trants to compete with established companies;

13 (C) increased risk-aversion following the fi-
14 nancial crisis and recession that occurred in
15 2008 and 2009 and deterioration of household
16 balance sheets;

17 (D) difficulties relating to access to cap-
18 ital, particularly difficulties encountered by un-
19 derserved populations, women, and members of
20 minority groups;

21 (E) the concentration of venture capital in
22 only a few cities;

23 (F) record levels of student debt; and

1 (G) inefficiencies or other difficulties relat-
2 ing to the commercialization of federally funded
3 research and innovation.

4 (c) ASSESSMENT AND ANALYSIS.—

5 (1) ASSESSMENT AND ANALYSIS REQUIRED.—

6 Not later than 2 years after the date of enactment
7 of this Act, the Secretary, in consultation with the
8 Director of the Bureau of the Census and the Direc-
9 tor of the Bureau of Economic Analysis of the De-
10 partment of Commerce, shall conduct an assessment
11 and analysis regarding the reasons for the state of
12 the formation of new United States businesses dur-
13 ing a period—

14 (A) that the Secretary determines appro-
15 priate based on the data described in paragraph
16 (2)(A)(i); and

17 (B) ending on the date on which the as-
18 sessment and analysis is conducted.

19 (2) CONSIDERATIONS AND CONSULTATION.—

20 (A) IN GENERAL.—In conducting the as-
21 sessment and analysis required under para-
22 graph (1), the Secretary shall—

23 (i) notwithstanding any other provi-
24 sion of Federal law, and subject to sub-

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1 paragraph (B), review data collected and
2 maintained by—

3 (I) the Bureau of the Census;

4 (II) the Bureau of Economic
5 Analysis;

6 (III) the Bureau of Labor Statis-
7 tics;

8 (IV) the Small Business Admin-
9 istration;

10 (V) the Department of the Treas-
11 ury;

12 (VI) the Board of Governors of
13 the Federal Reserve System; and

14 (VII) any other Federal or State
15 agency, or public or private sector or-
16 ganization, that the Secretary deter-
17 mines appropriate;

18 (ii) with respect to the formation of
19 new United States businesses, consider the
20 impact of—

21 (I) demographic changes caused
22 by an aging workforce and slowing
23 population growth;

24 (II) increased industry concentra-
25 tion and whether such concentration

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1 may make it more difficult for new
2 market entrants to compete with es-
3 tablished companies;

4 (III) increased risk-aversion fol-
5 lowing the financial crisis and reces-
6 sion that occurred in 2008 and 2009
7 and deterioration of household balance
8 sheets;

9 (IV) difficulties relating to access
10 to capital, particularly difficulties en-
11 countered by underserved populations,
12 women, and members of minority
13 groups;

14 (V) the concentration of venture
15 capital in only a few cities;

16 (VI) record levels of student
17 debt;

18 (VII) inefficiencies or other dif-
19 ficulties relating to the commercializa-
20 tion of federally funded research and
21 innovation;

22 (VIII) the use of federally funded
23 research and innovation in the com-
24 mercial market;

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1 (IX) regulatory burden, overlap,
2 complexity, and uncertainty at the
3 Federal and State levels;

4 (X) aspects of the Internal Rev-
5 enue Code of 1986 that penalize, ob-
6 struct, or otherwise disadvantage new
7 businesses, or investors in new busi-
8 nesses, relative to incumbent busi-
9 nesses, or investors in incumbent busi-
10 nesses, respectively;

11 (XI) foreign-born entrepreneurs
12 and the impact of those entrepreneurs
13 on job creation; and

14 (XII) any other factor that the
15 Secretary determines appropriate; and
16 (iii) consult with—

17 (I) the heads of any agencies and
18 offices of the Federal Government
19 that the Secretary determines appro-
20 priate, including—

21 (aa) the Secretary of the
22 Treasury;

23 (bb) the Secretary of Labor;

24 (cc) the Administrator of the
25 Small Business Administration;

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1 (dd) the Chief Counsel of
2 the Office of Advocacy of the
3 Small Business Administration;
4 and

5 (ee) the Board of Governors
6 of the Federal Reserve System;

7 (II) entrepreneurs, including en-
8 trepreneurs who are women or mem-
9 bers of minority groups, and especially
10 entrepreneurs who founded United
11 States businesses that experienced
12 rapid growth; and

13 (III) representatives from con-
14 sumer, community, and entrepreneur-
15 ship advocacy organizations.

16 (B) CONFIDENTIALITY.—With respect to
17 data reviewed by the Secretary under subpara-
18 graph (A)(i), the Secretary shall ensure that
19 the data is subject to the same confidentiality
20 requirements and protections as the confiden-
21 tiality requirements and protections of the
22 agency or entity, as applicable, providing the
23 data.

24 (3) REPORT.—The Secretary shall submit to
25 the appropriate committees of Congress a report re-

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1 garding the findings of the Secretary with respect to
2 the assessment and analysis conducted under para-
3 graph (1).