

# **The United States Innovation and Competition Act of 2021**

## **Section-by-section summary**

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## Division A - CHIPS Act and ORAN 5G Emergency Appropriations

### Sec. 1001. Table of contents.

### Sec.1002.Creating helpful incentives to produce semiconductors (CHIPS) for America funds.

In order to support the rapid implementation of the semiconductor provisions included in the FY21 NDAA, this division provides **\$52 billion** in emergency supplemental appropriations to implement these programs. This includes:

- **\$49.5 billion allocated over 5 years for a CHIPS for America Fund.** Funding must be used to implement the Commerce Department semiconductor incentive and R&D programs authorized by the FY21 NDAA (Sec. 9902 & 9906). Each fiscal year, up to 2 percent of funds are made available for salaries and expenses, administration, and oversight, of which \$5 million is available each year for the inspector general. Within the fund, the following appropriations are available:
  - **Incentive Program:** \$39 billion appropriated upfront and allocated over 5 years to implement the programs **authorized in Sec. 9902**. \$2 billion is provided to solely focus on legacy chip production to advance economic and national security interests, as these chips are essential to the auto industry, the military, and other critical industries.
    - \$19 billion in FY22, including the \$2 billion legacy chip production funding
    - \$5 billion each year, FY23 through FY26
    - **Commerce R&D programs:** \$10.5 billion appropriated upfront and allocated over 5 years to implement programs authorized in Sec. 9906, including the National Semiconductor Technology Center (NSTC), National Advanced Packaging Manufacturing Program, and other R&D programs **authorized in Sec. 9906**.
    - \$5 billion in FY22
      - \$2 billion for NSTC
      - \$2.5 billion for advanced packaging
      - \$500 million for other related R&D programs

For use across the NSTC, advanced packaging, and other related R&D programs, the following would be provided:

- \$2 billion in FY23
- \$1.3 billion in FY24
- \$1.1 for FY25 and FY26

- **\$2 billion for a CHIPS for America Defense Fund:** Funding is appropriated up front and \$400 million is allocated each year, over 5 years for the purposes of implementing programs authorized in Sec. 9903(b), providing support for R&D, testing and evaluation, workforce development, and other related activities, in coordination with the private sector, universities, and other Federal agencies to support the needs of the Department of Defense and the intelligence community.
- **\$500 million for an O-RAN & CHIPS for America International Technology Security and Innovation Fund:** Funding is appropriated upfront and \$100 million each year, allocated over 5 years to the Department of State, in coordination with the U.S. Agency for International Development, the Export-Import Bank, and the U.S. International Development Finance Corporation, for the purposes of coordinating with foreign government partners to support international information and communications technology security and semiconductor supply chain activities, including supporting the development and adoption of secure and trusted telecommunications technologies, semiconductors, and other emerging technologies. Each fiscal year, up to \$5 million of funds are made available for salaries and expenses, administration, and oversight, of which \$500,000 is available each year for the inspector general.

**Sec.1003.Appropriations for wireless supply chain innovation.**

This division includes:

- \$1.5 billion for the Public Wireless Supply Chain Innovation Fund to spur movement towards open-architecture, software-based wireless technologies, funding innovative, ‘leap-ahead’ technologies in the U.S. mobile broadband market. The fund would be managed by the National Telecommunications and Information Administration (NTIA), with input from the NIST, DHS, and IARPA, among others.

## **Division B - Endless Frontier Act**

### **Sec. 2001. Short Title; Table of Contents**

Would state the Act may be cited as the “Endless Frontier Act.”

### **Sec. 2002. Definitions**

Would set forth definitions of terms used in the bill.

### **Sec. 2003. Sense of Congress**

Would add a Sense of Congress on the importance of bipartisan authorization and funding for innovation, including research at the National Science Foundation (“NSF”) and the Department of Energy (DOE).

### **Sec. 2004. Interagency Working Group**

Would create an interagency working group, led by the Office of Science and Technology Policy (“OSTP”) and including the NSF, DOE, and DOC, among other agencies to coordinate the activities authorized in the legislation and existing activities. It would also direct the working group to ensure that Federal research efforts are complementary and avoid duplication.

Would require, within 180 days, a review of Federal programs in the key technology focus areas and identification of potential overlap and areas for cooperation.

### **Sec. 2005. Key Technology Focus Areas (“FTFAs”)**

Would task NSF and DOE, in coordination with the interagency working group, with annually reviewing and, if needed, updating the ten key technology focus areas, such as artificial intelligence and quantum science, to guide research and technology development activities.

*Originally 8Ad(2) in introduced bill*

## *TITLE I*

### **Sec.2101. Definitions.**

Would set forth definitions of terms used in title I of the bill.

### **Sec.2102. Directorate Establishment and Purpose.**

Would establish a Directorate for Technology and Innovation within NSF to strengthen U.S. leadership in critical technologies, accelerate technology commercialization, and engage more students.

Would direct basic and applied research, advanced technology development, and commercialization support in the key technology focus areas. Would direct partnership with

other directorates of the Foundation, other Federal research agencies, and stakeholders in academia, the private sector, and nonprofit entities.

Would require a 10% transfer from the Directorate to the existing offices and directorates of the Foundation, to support basic research in the KTFAs.

*Originally 8A(b) and (d) of the introduced bill.*

### **Sec.2103. Personnel Management.**

Would allow designation of term-limited program directors to establish research and development (R&D) goals, build research collaborations, and monitor progress.

*Originally 8A(c) of the introduced bill.*

### **Sec.2104. Innovation Centers.**

Would authorize \$9.57 billion from FY 2022 – FY 2026 for university technology centers and innovation institutes to conduct multi-disciplinary, collaborative research relevant to the key technology focus areas.

Would require award selection to account for regional and geographic diversity and the capacity to engage industry, workforce, and other organizations.

*Originally 8A(d)(6) of the introduced bill.*

### **Sec.2105. Transition of NSF Programs.**

Would enable the NSF Director to transfer the management of relevant existing programs to the Directorate, such as convergence accelerators, AI research institutes, and the NSF Innovation Corps.

### **Sec.2106. Providing Scholarships, Fellowships, and Other Student Support.**

Would authorize the Director to fund scholarships, fellowships, traineeships, and postdoctoral awards at \$5.22 billion from FY 2022 – FY 2026 in support for STEM education and workforce development in the key technology focus areas, with direction to target populations underrepresented in STEM and to improve geographic diversity.

Would require that not less than 20% of authorized funds be dedicated to jurisdictions eligible for the NSF EPSCoR program.

*Originally 8A(e) and 8A(d)(5) of the introduced bill.*

**Sec.2107. Research and development.**

Would authorize \$4.35 billion from FY 2022 – FY 2026 for research and development awards in the key technology focus areas.

The purpose of the R&D would be to demonstrate revolutionary technological advances in the KTFAs (similar to DARPA), including advances that expedite short-term technology deployment.

**Sec.2108. Test beds.**

Would authorize \$2.9 billion from FY 2022 – FY 2026 for NSF, in coordination with NIST and DOE, for the establishment and operation of testbeds.

Would require annual interagency meetings of all agencies with testbed programs to coordinate their investments and avoid inappropriate duplication.

*Text pulled from 8A(d)(8) of the introduced bill.*

**Sec.2109. Academic technology transfer.**

Would authorize the Director, in coordination with NIST, to make awards to advance the development and commercialization of technologies, particularly those in the key technology focus area.

Would authorize \$4.06 billion from FY 2022 – FY 2026 for an NSF program to improve technology transfer in academia, to be carried out in coordination with NIST.

Would authorize the creation of regional collaborative tech transfer resource centers.

*Originally 8A(d)(7) of the introduced bill.*

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

Would create an intensive capacity building program for minority-serving institutions or institutions with established STEM capacity building programs focused on traditionally underrepresented populations at NSF.

Would authorize \$150 million per year for FY 2022 – FY 2026 for the program from otherwise authorized funds.

**Sec.2111. Technical assistance.**

Would authorize NSF to seek or fund technical assistance from other federal agencies.

*Originally 8A(f) of the introduced bill.*

**Sec.2112.Coordination of activities.**

Would require NSF coordination with NIST and DOE to avoid duplication of effort.

Would require GAO to report to Congress on this interagency coordination.

*Originally 7(h)(1) of the introduced legislation in tech hubs.*

**Sec.2113.Reporting requirements.**

Would require NSF to provide an annual report on the implementation of the Directorate and the Directorate’s research security plan, provide the agency with information dissemination authority, and require NSF and DOE to request and receive a research security briefing annually from intelligence agencies.

*Originally 8A(d)(3)(B) and 3(a) of the introduced bill.*

**Sec. 2114.Hands-on learning program**

Would require NSF to establish a grant program for hands-on learning opportunities in STEM education, including in informal environments, and the evaluation of those opportunities.

Would authorize \$25 million for this program from FY 2022 – FY2026 from otherwise authorized funds.

**Sec.2115.Intellectual Property Protection**

Would require that intellectual property developed through NSF not be transferred to foreign entities of concern.

**Sec.2116.Authorization of appropriations for NSF.**

Would authorize \$81 billion for NSF from FY 2022 to 2026. This would include \$29 billion for the Directorate and \$52 billion for other directorates and offices at NSF (“core” or “existing” NSF), not inclusive of a \$2.9 billion transfer of funds from the Directorate to core NSF to fund basic research in the key technology focus areas.

Would authorize an increase of \$33 million for the NSF Inspector General over existing levels.

Would prohibit the Directorate from making new awards in any year when appropriations to the NSF outside of the Directorate do not grow.

*This replaces the Endless Frontier Fund in the introduced bill.*

**Sec.2117.Authorization of appropriations for the DOE.**

Would authorize \$16.9 billion for the DOE from FY 2022 to 2026 for research and development and energy-related supply chain activities in the key technology focus areas. The authorizations would supplement existing authorizations.

*TITLE II*

**Sec.2201.Chief Diversity Officer of the NSF**

Would establish a Senate-confirmed Chief Diversity Officer at NSF.

The Chief Diversity Officer would provide advice on policy, oversight, guidance, and coordination with respect to diversity and inclusion and direct the NSF Office of Diversity and Inclusion.

The NSF Office of Diversity and Inclusion would be authorized at \$5 million/year from FY 2022 to 2026.

*Originally section 3(c) of the introduced legislation.*

**Sec. 2202. Programs to address the STEM Workforce**

Would authorize NSF direct student support programs, including scholarships and fellowships to address potential gaps in the skills and availability of the STEM workforce.

Would create a new program for postdoctoral professional development.

**Sec.2203.Emerging research institution pilot program**

Would direct the Director to establish a 5-year pilot program for emerging research institutions to build research and education capacity in partnership with research intensive universities.

*Originally section 3(e) of the introduced bill.*

**Sec.2204.Personnel management authorities for the Foundation**

Provides NSF with DARPA-like hiring authorities and flexibilities.

Requires a National Academy of Public Administration (“NAPA”) review on administrative recommendations to effectively implement the Directorate and the new DARPA authorities at NSF.

*Originally section 8A(c) of the introduced bill.*

### **Sec.2205.Advanced Technological Manufacturing Act**

Would reauthorize the NSF Advanced Technological Education (“ATE”) program.

*S. 725, Advanced Technological Manufacturing Act (Wicker, Cantwell, Rosen)*

### **Sec.2206.Intramural emerging institutions pilot program**

Would direct the NSF director to establish a series of pilot programs to expand the number of institutions of higher education that can successfully compete for NSF grants.

*S. 725, Advanced Technological Manufacturing Act (Wicker, Cantwell, Rosen)*

### **Sec.2207.Public-private partnerships**

Would direct NSF to pursue partnerships with private industry and foundations.

### **Sec.2208.AI Scholarship-for-Service Act**

Would offer scholarships to undergraduate and graduate students studying AI and related fields in exchange for service in the public sector equal to the period of time of their scholarship upon completion of their degree.

*S. 1257, AI Scholarship for Service Act (Peters, Thune)*

### **Sec.2209. Geographic Diversity**

Would set aside at least 20 percent of the funds allocated to NSF, including at the new Directorate, and DOE to support the EPSCoR program, which builds research capacity in states that historically receive low R&D funding. There are currently 28 states and jurisdictions in the program. The EPSCoR states and jurisdictions currently together receive less than 13 percent of NSF funds.

### **Sec.2210. Rural STEM Education Act**

Would direct NSF and DOC to improve STEM education and training access in rural communities.

Would direct NSF to provide grants to support training for STEM teachers in rural schools, conduct research to identify barriers rural students face in STEM education, and establish partnerships between community colleges and rural high schools. The funds would assist the improvement of online STEM education and hands-on training at rural schools.

Would direct the Secretary of Commerce to establish a prize competition to encourage innovative ideas to deploy broadband connectivity to rural communities.

Would direct the NSF Director and the National Academy of Sciences to evaluate federal programming for rural STEM education and make recommendations for ways in which it can be improved.

*S. 1374, Rural STEM Education Act (Wicker, Rosen, Cornyn, Hassan)*

### **Sec.2211.Quantum Network Infrastructure and Workforce Development Act**

Would direct NSF, OSTP, and NIST to advance quantum research and education.

Would direct NIST to undertake research on the standardization of quantum networking technologies and applications.

Would direct NSF conduct a study on quantum education gaps in K-12 education and coordinate a related National Academy of Sciences report on the acceleration of a quantum workforce.

Would direct DOE to supplement the Energy Sciences Network User Facility.

*S. 1161, Quantum Network Infrastructure and Workforce Development Act (Thune, Hassan)*

### **Sec.2212.Supporting Early-Career Researchers Act**

Would create an NSF 2-year pilot program to award grants to early-career researchers at higher education institutions or federal research facilities for up to two years. Priority would be given to those that are underrepresented or at a minority-serving institution or EPSCoR jurisdiction.

Would require grant recipients to submit a report on their use of grant funds and a report to Congress summarizing the use of grant funds and impact of the pilot program.

*S. 637, Supporting Early-Career Researchers Act (Blumenthal, Merkley, Coons, Brown, Van Hollen, Klobuchar, Hirono)*

### **Sec.2213.Advancing Precision Agriculture Capabilities Act**

Would update considerations for precision agriculture technology within NSF's advanced technological education program and support NSF research on the advancement of Internet of Things (IoT) technology for precision agriculture.

Would require GAO to perform a technology assessment of precision agriculture innovations and evaluate all existing federal programs that support precision agriculture.

*S. 1395, Advancing Precision Agriculture Capabilities (Fischer, Klobuchar)*

**Sec.2214. Critical minerals mining research**

Would direct NSF to fund research to advance critical minerals mining strategies.

Would direct OSTP to coordinate federal science efforts to ensure secure and reliable supplies of critical minerals to the U.S.

Would direct DOC, in coordination with the Department of Interior, to establish a grant program for pilot programs for the development of critical minerals and metals in the United States, including secondary recovery. Would authorize \$100 million annually for FY 2021 through 2024 for the grant program.

**Sec.2215. Caregiver policies**

Would direct OSTP to provide guidance to each federal science agency to establish policies to offer flexibility and supplements in grants for those with caregiving responsibilities, such as care for a newborn or sick family member.

**Sec.2216. Presidential Awards**

Would authorize Presidential Awards for Excellence in Technology and Science Research to populations underrepresented in STEM, including women and minorities, who have demonstrated outstanding achievements in science.

**Sec.2217. Bioeconomy Research and Development Act of 2021**

Would create the National Engineering Biology Research and Development Initiative and a supporting interagency coordinating body.

Would create an advisory committee on engineering biology research for the Initiative that would issue reports of their actions to Congress.

Would require a National Academies of Sciences review on ethical, legal, environmental, safety, security, and societal issues related to engineering biology research and development.

*S. 1418, the Bioeconomy Research and Development Act (Markey, Rubio, Gillibrand, Capito)*

**Sec.2218. Microgravity Utilization Policy**

Would authorize NSF to facilitate access to the microgravity environment, including in private sector platforms, for NSF funding awardees.

Would require a report on NSF plans for facilitating awardee access to the microgravity environment.

### *TITLE III*

#### **Sec 2301. NSF Research Security**

Would establish a Research Security and Policy Office in the Office of the Director responsible for coordinating all research security policy issues for the NSF. Duties would include outreach and education, communication of requirements, identifying potential security risks, and performing risk assessments.

Would direct the Director to develop an online resource containing explanations of Foundation security policies and guidance on potential security risks, among other things.

Would direct the Director to award research grants to support research on the conduct of research and the research environment, including research on research misconduct, breaches of research integrity, and detrimental research practices.

Would amend the America COMPETES Act (PL 110-69) to expand the requirement for institutions of higher education applying for NSF grants to include faculty, and other senior university personnel in the institutions' plan to conduct responsible research training.

Would authorize \$5 million in appropriations for the Office per year from FY 2022 – FY 2026.

#### **Sec 2302. Research Security and Integrity Information Sharing Analysis Organization**

Would direct the OSTP Director to contract with an independent organization to establish a Research Security and Integrity Information Sharing Analysis Organization.

Would requires the RSI-ISAO to serve as a clearinghouse for research community members to share and access information to understand and identify improper or illegal efforts by foreign entities to obtain research results, know how, materials, and intellectual property; develop a set of standard risk assessment frameworks and best practices; share information concerning security threats and lessons learned; provide timely reports on research security risks; provide training and support; enable standardized information gathering and data compilation, storage, and analysis for compiled incident reports; and support analysis of patterns of risk and identification of bad actors.

Would authorize NSF to provide initial funds for RSI-ISAO and direct a transition to a fee-based model at the earliest feasible time.

#### **Sec 2303. Foreign Government Talent Recruitment Program Prohibition**

Would require the OSTP Director and an interagency working group to develop a uniform set of policy guidelines covering Federal science agencies. The policy guidelines would:

- prohibit all personnel of each covered agency from participating in a foreign government talent recruitment program;
- prohibit awards from being made for any proposal in which the principal investigator, co-principal investigator, or any individual listed on the proposal with direct involvement in the proposal are participating in a talent recruitment program of the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, or the Islamic Republic of Iran; and
- require institutions receiving funding to prohibit awards from being used by any individuals participating in a talent recruitment program of the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, or the Islamic Republic of Iran.

Would require each Federal science agency to issue a policy implementing the OSTP policy guidance.

Would require the senior personnel designated by the U.S. institutions applying for Federal funding to submit foreign government talent recruitment program contracts to the relevant Federal science agency. The relevant Federal science agency would review the contract and may prohibit funding to the awardee if appropriate.

#### **Sec. 2304. Additional Requirements for Directorate Research Security**

Would require the Director to work with institutions of higher education on initiatives to support IP protection, limit undue influence, and support domestic talent development.

Would require as part of this work to develop training to promote information security, identification of foreign talent program participants, opportunities to collaborate with Directorate awardees to promote the protection of controlled information, regulations for government and academic organizations to support the goal of this initiative, and also policies to limit or prohibit funding to researchers or universities who knowingly violate regulations.

Would require the Director to submit an annual report on the description of the activities under the initiative, finding, recommendations, gaps in legal authorities to improve research security, and information on relevant Foundation Inspector General cases.

#### **Sec. 2305. Protecting Research from Cyber Theft**

Would require the NIST Director to disseminate and make publicly available resources to help research institutions and institutions of higher education identify, assess, manage, and reduce their cybersecurity risk related to conducting research.

**Sec. 2306. International Standards Development**

Would require the NIST Director, in consultation with DOE as appropriate, to build capacity and training opportunities to help create a pipeline of talent and leadership in key standards development positions; partner with private sector entities to support strategic engagement and leadership in the development of international standards; and prioritize efforts on standards development for emerging technologies, identify organizations in which to develop these standards, identify leadership positions of interest to the United States, and identify key contributors for technical and leadership expertise in these areas.

**Sec. 2307. Research Funds Accounting**

Would require the Comptroller General to conduct a study on Federal funding made available to foreign entities of concern for research during the past 5 years.

**Sec. 2308. Plan With Respect To Sensitive or Controlled Information and Background Screening**

Would require NSF to develop a plan to identify research areas that may contain sensitive information and to provide for background screening for individuals employed or funded by the Foundation.

*TITLE IV*

**Sec. 2401: Regional Technology Hubs**

Would authorize a regional tech hub program at the Department of Commerce focused on building regional innovation capacity. Activities funded include workforce education, entrepreneur development, and technology maturation.

Would designate at least 3 hubs in each EDA region and require that that at least 1/3 of the hubs are located in rural areas and 1/3 of the hubs are located in EPSCoR jurisdictions (the criteria are not mutually inclusive), and at least one eligible consortium designated as a regional technology hub is in a low population State.

Would authorize the regional technology hub program at \$10 billion of FY 2022-2026.

**Sec. 2402: Manufacturing USA Program**

Would: (1) authorize appropriations sufficient to expand the existing network of Manufacturing USA institutes; (2) create a preference for institutes that increase the geographical diversity of the Manufacturing USA Program, are located in an area with a low per capita income and a high proportion of socially disadvantaged residents; (3) encourage greater collaboration between Manufacturing USA and the Manufacturing Extension Partnership; (4) require the Secretary to seek advice from the National Manufacturing Advisory Council; and (5) require the Secretary to integrate minority-serving institutions, historically Black colleges or universities, Tribal colleges or universities, or a minority business enterprises as active members of the Manufacturing USA institutes.

Would require agency heads and the Secretary of Defense, in consultation with the Secretary of Commerce, to establish policies to promote domestic production of technologies developed by the Manufacturing USA Network.

Would require the National Program Office to establish a council of heads of any Manufacturing USA institute to foster collaboration between Manufacturing USA institutes and to assist the National Program Office.

Would require the National Program Office to develop strategies for retaining domestic public benefit after the cease of federal funding.

Would modify the function of the National Program Office to include the development of industry credentials.

Would authorize the Manufacturing USA Program at \$1.2 billion over FY 2022-2026.

*S. 1240, Manufacturing USA Expansion Act of 2021 (Brown, Blunt)*

#### **Sec. 2403: Manufacturing Extension Partnership (MEP)**

Would create an expansion awards program available to the MEP centers to fund public good activities, including cybersecurity, advanced technology services, workforce training, and promoting supply chain resiliency.

Would authorize the MEP program at \$2.4 billion over FY 2022-2026.

#### **Sec. 2404: National Manufacturing Advisory Council**

Would establish the National Manufacturing Advisory Council at the Department of Commerce to ensure communication between the Federal government and the manufacturing sector and enable discussion regarding Federal policies and programs that affect manufacturing in the U.S.

Would receive all functions of the United States Manufacturing Council of the International Trade Administration.

*S. 1044, National Manufacturing Advisory Council for the 21<sup>st</sup> Century Act (Peters, Rubio)*

#### *TITLE V*

### **Sec. 2501: Strategy and Report on Economic Security, Science, Research, and Innovation to Support the National Security Strategy**

Would require submission to Congress of an interagency economic security strategy in conjunction with each national security strategy. This strategy would provide a holistic overview of the state of research investments, key technologies, manufacturing capabilities, workforce needs, and technology commercialization, along with a strategy for retaining United States competitiveness.

*Originally sections 5 and 10 of the introduced legislation.*

### **Sec. 2502: Person or Entity of Concern Prohibition**

Would prohibit Chinese military entities from participating in the programs authorized under this legislation.

*Originally section 13 of the introduced legislation.*

### **Sec. 2503: Study on Emerging Science and Technology Challenges faced by the United States and Recommendations to address them (SEAL Study)**

Would require the National Academies to study what are the top ten technology areas of highest importance and recommend federal action to address them.

*S. 1216, National Strategy to Ensure American Leadership Act (Van Hollen, Blunt). Originally section 11 of the introduced bill.*

### **Sec. 2504: Report on Global Semiconductor Shortage**

Would require the Comptroller General to submit a report to Congress on the global semiconductor supply shortage and its impact on U.S. manufacturing.

### **Sec. 2505: Supply Chain Resiliency Program**

Would establish a supply chain resiliency program at the Department of Commerce to work with the private sector to identify and work with non-federal entities to recommend opportunities to mitigate or address supply chain vulnerabilities, including semiconductors.

Would make clear that the protections, including liability and enforcement protections, under the Protected Critical Infrastructure Protection Act would apply to supply chain information submitted to the Secretary under the section.

Would direct the Secretary to carry out the CHIPS semiconductor incentives program authorized under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) under this program.

Would require the Secretary to commence a process to determine whether optical transmission equipment from China poses an unacceptable risk to national security or safety.

*Originally Section 6 of the introduced bill.*

#### **Sec. 2506: Semiconductor Incentives**

Would amend the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) to include, in the provision of incentives for semiconductor manufacturing, consideration of a broad range of semiconductors and the relevance of the technology to addressing supply chain vulnerabilities.

Would authorize \$2 billion in additional financial incentives for manufacturing at mature technology nodes, with priority for critical manufacturing industries, such as the automotive industry.

#### **Sec. 2507: Research Investment to Spark the Economy (RISE) Act**

Would authorize administrative flexibilities and financial support for researchers impacted by COVID-19.

*S. 289, the Research Investment to Spark the Economy (RISE) Act (Markey, Tillis, Collins, Peters, Warren, Brown, Stabenow, Coons, Rosen, Van Hollen, Baldwin, Cardin, Kelly)*

#### **Sec. 2508: Office of Manufacturing and Industrial Innovation Policy**

Would create an Office of Manufacturing and Industrial Innovation Policy within the White House, a Senate-confirmed Chief Manufacturing Officer, two interagency working groups, an annual national strategic manufacturing plan, a triennial manufacturing and industrial innovation report, a national medal of manufacturing and industrial innovation, and a central home within the federal government for manufacturing policy.

Would authorize \$50 million for FY 2022 through 2026 for the office.

*S. 997, Office of Manufacturing and Industrial Innovation Policy Act (Klobuchar, Wicker, Coons, Portman)*

**Sec. 2509: Telecommunications Workforce Training Grant Program**

Would create a grant program for telecom workforce training at the Office of Minority Broadband Initiatives, with funds that could be used to hire and train faculty, design courses and degree programs, pay for costs of instruction, and recruit and support students.

Would authorize \$100 million for this grant program over FY 2022 through 2027, and specify that at least 30 percent of grant funding go to historically Black colleges and universities and at least 30 percent go to tribal colleges and universities.

*S. 996, Improving Minority Participation and Careers in Telecommunications (IMPACT) Act (Wicker, Sinema, Tim Scott)*

**Sec. 2510: Country of Origin Labeling Online Act.**

Would require online sellers offering products required to be labeled under Sec. 304 of the Tariff Act of 1930 to include the country-of-origin in the website description of the product.

Would authorize the Federal Trade Commission to enforce the Act; require an agreement between the Federal Trade Commission and Customs and Border Protection to ensure consistent implementation and to publish the agreement as guidance.

*S. 3707 (115<sup>th</sup>), Country of Origin Labeling Online Act (COOL) Online Act (Baldwin, Rick Scott, Murphy, Loeffler)*

**Sec. 2511. Country of Origin Labeling for King Crab and Tanner Crab**

Would amend Section 281(7)B) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638(7)(B)) to include whole cooked king crab and tanner crab and cooked king crab and tanner crab sections.

**Sec. 2512. Internet Exchanges and Submarine Cables**

Would direct the Assistant Secretary of Commerce for Communications and Information to award grants to acquire real property and necessary equipment to establish internet exchange facilities in a core based statistical area where there are no facilities or expand facilities in areas where there is only one exchange facility.

Would provide a 50 percent federal cost share for exchange facilities under this section

Would direct the Assistant Secretary to award grants to establish or expand submarine cable landing stations that serve a military facility.

*S. 1166 (115<sup>th</sup>), Internet Exchanges and Submarine Cable Act of 2020 (Blackburn, Baldwin, Duckworth, Blunt)*

**Sec. 2513. Study of Sister City Partnerships Operating Within the United States Involving Foreign Communities in Countries with Significant Public Sector Corruption**

Would direct the Comptroller General to study and report to Congress the activities of sister city partnerships involving foreign communities with significant corruption.

*S. 710, Sister City Transparency Act (Blackburn, Hawley, Cramer, Tillis, Rubio, Marshall, Daines)*

**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 of the Government of the People's Republic of China**

Would prohibit the Federal Communications Commission from transferring, assigning, or disposing of construction permits and station licenses to an entity that is subject to undue Chinese governmental influence.

**Sec. 2515. Limitation on Nuclear Cooperation with The People's Republic of China**

Would prohibit the President from engaging in any nuclear cooperation with the Chinese Government, or with entities owned by the Chinese government or incorporated in China, subject to exceptions relating to counterterrorism, nonproliferation, and other national security or emergency interests.

Would prohibit Federal agencies from hosting certain Chinese visitors.

Would direct the Secretary of State and National Academy to review and assess the implications of past nuclear cooperation with China.

**Sec. 2516. Certification.**

Would amend Section 1260I(a) of the National Defense Authorization Act for Fiscal Year 2020, preventing the Secretary of Commerce from removing Huawei technologies from the entity list unless the Secretary certified that Huawei did not pose an ongoing threat to the U.S. or allied critical infrastructure, even if the Secretary had taken regulatory measures to mitigate risk

**Sec. 2517. Fairness and Due Process in Standard-Setting Bodies.**

Would direct the Assistant Secretary of Commerce for Communications and Information to study opportunities for improved participation by U.S. Government experts in telecommunications standardization activities.

**Sec. 2518. Shark Fin Sales Elimination.**

Would prohibit the possession, transport, sale, offer for sale, or purchase of shark fins or products containing shark fins; with certain exceptions, including dogfish.

*S. 1106, Shark Fin Sales Elimination Act of 2021(Booker, Capito, Cantwell, Portman, Blumenthal, Collins, Braun, Duckworth, Schatz, Whitehouse)*

**Sec. 2519. Sense of Congress on Forced Labor**

Would express Congress' belief that the Federal government should not engage in research, partnerships, contracts, or other agreements with any entity, including institutions of higher education, that have any affiliation with a country that engages in forced labor

**Sec. 2520. Open Network Architecture**

Would direct the Department of Commerce Assistant Secretary for Communications and Information Administration to establish an applied research open network architecture testbed at the National Telecommunications and Information Administration.

Would direct Commerce to establish a grant program to encourage U.S.-based private sector entities to participate in international standards-setting bodies.

*S. 1563, Telecommunications Supply Chain Diversity Promotion Act (Wicker, Hickenlooper)*

**Sec. 2521. Combatting Sexual Harassment in Science**

Would award grants to expand research to better understand the factors contributing to, and consequences of, sexual harassment in STEM workforce and education.

Would direct the Director of OSTP, in consultation with relevant Federal agencies, to review existing Federal science agencies policies addressing sexual harassment and develop a set of policy guidelines for Federal science agencies.

Would require National Academies of Sciences, Engineering, and Medicine and the General Accountability Office to do studies.

*S. 1379, Combatting Sexual Harassment in Science (Blumenthal, Smith, Reed, Van Hollen, Klobuchar, Hirono, Shaheen, Sanders, Wyden, Markey, Rosen, Brown, Padilla)*

**Sec. 2522. National Science Corps**

Would require a 5-year pilot program to create a National Science Corps comprised of exceptional STEM educators and a STEM Education Advisory Board to oversee the Corps.

Would establish no less than 10 Regional Centers to support Corps members.

Would authorize \$100 million in FY 2022 through 2026.

**Sec. 2523. Annual Report on Foreign Research**

Would require a report detailing National Science Foundation-funded research conducted in foreign countries within 180 days of enactment and then every 2 years thereafter.

**Sec. 2524. Accelerating Unmanned Maritime Systems Research**

Would require the Director of the National Science Foundation to make awards to higher education institutions or nonprofits for research to advance unmanned maritime systems.

**Sec. 2525. Foundation Funding to Institutions Hosting or Supporting Confucius Institutions**

Would prohibit, for 5 years, the NSF from providing funds to an institution of higher education that has an agreement or contract with the Confucius Institute unless the Director grants a waiver subject to conditions, or unless the institution already received a waiver pursuant to the NDAA or HEA.

**Sec. 2526. Supporting Documents**

Requires the NSF Director to annually request awardee institutions submit final copies of any contracts, agreements, or documentation of financial transactions between the institution or its affiliated student or faculty groups, foundations, or related entities and any educational, cultural, or language entity that is directly or indirectly funded by the Government of the People's Republic of China and a detailed description of any financial contributions from the Government of the People's Republic of China or its affiliates to any student or faculty groups affiliated with such institution.

The NSF OIG is authorized to investigate the research security practices of any university and revoke funding if information is not provided or the investigation indicates threats to research security.

**Sec. 2527. BASIC Research**

Would prohibit disclosure to grant recipients the identity of the grant review panel members for the grant.

Would require Federal agencies awarding more than \$100 million in outside grants to follow common procedure for collecting and providing public access to federally-funded research

papers. Provides for exclusions as appropriate. GAO is required to produce a report on implementation.

Requires any person or institution awarded a federal science grant to notify and seek authorization from the agency to award a subgrant or subsequent grant and ensure that the subgrant or subsequent grant is within the scope of the grant.

Requires federal agencies to award research grants impartially, without seeking to advance a political position or reach a predetermined conclusion.

## *TITLE VI*

### **Sec. 2601. Short Title**

The short title of the subtitle would be “Space Preservation and Conjunction Emergency Act of 2021” or the “SPACE Act”.

S. 4827 (116th), Space Preservation And Conjunction Emergency Act (SPACE) Act (Wicker)

### **Sec. 2602. Sense of Congress**

Would declare the sense of Congress on several topics related to space safety.

### **Sec. 2603. Definitions**

Would establish definitions used throughout the subtitle.

### **Sec. 2604. Space Situational Awareness Data, Information, and Service: Provision to Non-United States Government Entities**

Would direct the Director of Space Commerce, in consultation with appropriate federal entities, to carry out a program to improve the collection, processing, and dissemination of space situational awareness data, information, and services.

Would authorize \$15 million for fiscal year 2021 to carry out the section.

### **Sec. 2605. Centers of Excellence for Space Situational Awareness**

Would require the Secretary of Commerce to award grants to consortiums led by institutions of higher education or non-profit organizations to establish one or more Centers of Excellence for Space Situational Awareness to advance scientific, technological, transdisciplinary, and policy research in space situational awareness.

Would authorize \$20 million to carry out this section.

## **Subtitle B – National Aeronautics and Space Administration Authorization Act.**

### **Sec 2611. Short Title**

The subtitle would be the “National Aeronautics and Space Administration Authorization Act of 2021.”

S. 2800 (116th), National Aeronautics and Space Administration Act (Cruz, Sinema, Wicker, Cantwell)

### **Sec 2612. Definitions**

Would establish definitions used throughout the subtitle.

Part I—Authorization of Appropriations

### **Sec 2613. Authorization of Appropriations**

Would authorize appropriations for NASA for fiscal year 2021.

Part II—Human Spaceflight and Exploration

### **Sec 2614. Competitiveness Within the Human Landing System Program**

This section would require the NASA Administrator to maintain competitiveness within the human landing system by funding design, development, testing, and evaluation for at least two entities.

It would also authorize, in addition to amounts otherwise appropriated for the Artemis program, for fiscal years 2021 through 2026, \$10.032 billion to NASA to carry out the human landing system program.

### **Sec 2615. Space Launch System Configurations**

The SLS with EUS will be the most powerful rocket ever built. Without EUS, it is not an exceptional rocket. However, NASA has not prioritized development of EUS and attempted to “defer” its development under prior administrations. This legislation would require NASA to develop EUS in time for the third launch of SLS, currently planned for 2024. Boeing is the lead contractor building the SLS and Aerojet Rocketdyne produces the engines for SLS.

### **Sec 2616. Advanced Space Suits**

NASA does not have space suits ready for deep space exploration missions. This section would require a plan for the development and manufacture of advanced spacesuits, applicable to a diverse astronaut core, and for testing these suits aboard the ISS.

#### **Sec 2617. Acquisition of Domestic Space Transportation and Logistics Resupply Services**

Between 2011 and 2020, NASA relied exclusively on Russia to transport astronauts and goods to the ISS via the Russian Soyuz. No domestic transportation option existed. This provision would require all future missions to use a domestic launch vehicle, unless a domestic vehicle is not available or if an international partner provides the launch vehicle as part of no-exchange-of-funds collaborative agreement supporting NASA's deep space exploration plans. Boeing, SpaceX, and Blue Origin all provide these services.

#### **Sec 2618. Rocket Engine Test Infrastructure**

Would require NASA to continue its program to modernize its rocket engine test infrastructure with priority given to projects that can be used by multiple users and propulsion systems. Also requires a study on the use of a working capital fund to promote increased use of NASA rocket propulsion test infrastructure.

#### **Sec 2619. Pearl River Maintenance**

Would require NASA to coordinate with the Army Corps of Engineers to ensure the continued navigability of the Pearl River and Little Lake channels sufficient to support NASA barge operations surrounding Stennis Space Center and the Michoud Assembly Facility.

#### **Sec. 2620. Value of ISS and Capabilities in Low-Earth Orbit**

Would require that NASA maintain the capability for a continuous human presence in LEO. This addresses concerns that NASA will retire ISS without a follow-on capability, risking U.S. leadership and expertise.

#### **Sec. 2621. Extension and Modification Relating to International Space Station**

Would require NASA to extend ISS operations through 2030 and to continue reports to Congress on the technical feasibility of such an extension. Currently the station is authorized through 2024. Boeing manages the ISS for NASA.

#### **Sec. 2622. DOD Activities on the ISS**

Would require DOD to submit a report to Congress on their activities, programs and projects ongoing, planned, and completed on the ISS.

### **Sec 2623. Commercial Development in Low-Earth Orbit**

Would state that it is United States policy to encourage the development of a thriving and robust United States commercial sector in LEO. Directs NASA to continue to expand its utilization of U.S. commercial products and services in LEO. Additionally, states that NASA is not allowed to offer non-ISS international partner governments space flight products or services that the United States commercial sector offers. Explicitly authorizes commercial missions to the ISS with commercial passengers on a reimbursable basis. Authorizes a LEO Commercialization Program, which would fund activities to stimulate demand in LEO, improve the ISS to accommodate commercial users, and accelerate development of commercial space stations or habitats. The bill sets parameters for the program, such as requiring investment from the commercial sector for the development of commercial platforms and habitats. If NASA enters into an agreement or funds a commercial space station or habitat, NASA is required to submit a report explaining the utility of the activity and reviewing of the viability of its business case.

### **Sec 2624. Maintaining a National Laboratory in Space**

Would establish the sense of Congress on the importance of the existing national laboratory in space. States that a national laboratory in space should be maintained beyond the life of the ISS. Requires a report on the feasibility of establishing a Federally Funded Research and Development Center in space.

### **Sec 2625. ISS National Laboratory; Property Rights in Inventions**

Would allow NASA to waive claims to intellectual property rights or government purpose rights for inventions made on the ISS National Laboratory if NASA is fully reimbursed for its services. NASA is required to notify Congress when it exercises this authority. This is intended to spur commercial use of the ISS. NASA can grant these rights without reimbursement if NASA determines that the relevant field of commercial endeavor is sufficiently immature that granting exclusive property rights is necessary to help bolster demand for products and services produced on crewed or crew-tended space stations.

### **Sec. 2626. Data First Produced During Non-NASA Scientific Use of the ISS National Laboratory**

Would allow NASA to waive claims for the federal government's use of data made on the ISS National Laboratory if NASA is fully reimbursed for its services.

### **Sec 2627. Payments Received for Commercial Space-Enabled Production on the ISS**

Would authorize NASA to negotiate reimbursements of costs or a portion of profit for inventions made on the ISS if it was invented using government funds, facilities, or employees on a non-reimbursable basis. These royalties would be placed in a newly-created fund at the Treasury called the Space Exploration Fund, which would go towards space exploration activities.

### **Sec 2628. Stepping Stone Approach to Exploration**

Would specify that interim destinations to Mars, such as the Moon, should advance technology or operational concept that will enable future human missions to Mars. Would direct NASA to utilize a mix of commercial and SLS launches for exploration programs. Would set a tempo of at least one SLS launch per year after the first successful crewed launch. Would require the Gateway outpost, which would orbit around the Moon to demonstrate technologies, systems, and operational concepts directly applicable to a Mars mission. Would direct the agency to engage international partners in human exploration activities related to a crewed mission to Mars. Boeing and Aerojet Rocketdyne are both involved in producing SLS. Blue Origin and SpaceX have both developed crew transportation vehicles.

### **Sec 2629. Technical Amendments Relating to Artemis Missions.**

Replaces references in code to reflect current NASA nomenclature.

## **Part III–Science**

### **Sec. 2631. Science Priorities**

Would reaffirm the importance of a balanced portfolio of science activities guided by the National Academies’ decadal surveys. Would direct NASA to consult with National Academies committees when scientific discoveries or external factors compel the agency to reassess decadal survey priorities.

### **Sec 2632. Lunar Discovery Program**

Would authorize a lunar science research program, require the agency to procure domestic, commercial landers to carry out the research, and require science funded by the program to be consistent with the National Academies’ recommendations. Would require NASA to consider missions that would evaluate lunar polar volatiles.

### **Sec. 2633. Search for Life**

Would require NASA to continue its multidisciplinary science and technology development program to search for life beyond Earth.

Would require NASA to fund activities under this program to search for and analyze technosignatures and authorize the development of new instrumentation and sensor technology.

**Sec. 2634. James Webb Space Telescope**

Would require NASA to monitor the performance of the James Webb Space Telescope project and improve the reliability of cost estimates and contractor performance data as the project continues.

Would require NASA to submit to Congress an estimated revised launch date and cost estimate if the cost estimate breaches the current cost cap.

**Sec 2635. Nancy Grace Roman Space Telescope**

Would declare a sense of Congress that flagship class mission cost growth has harmed the Science Mission Directorate's portfolio balance.

Would direct NASA to continue developing the telescope to meet decadal priorities.

**Sec. 2636. Study on Satellite Servicing for Science Missions**

Would require NASA to study the feasibility of in-space servicing for NASA science missions currently operational or in development.

**Sec. 2637. Earth Science Missions and Programs**

Would direct NASA to implement recommendations and guidance from the 2017 National Academies Earth science decadal.

**Sec. 2638. Life Science and Physical Science Research**

Would authorize multidisciplinary life science and physical science fundamental research program to investigate the basis of changes to biological systems when those systems are exposed to space, including the effects of long-duration exposure to deep space-related environmental factors on those systems.

**Sec. 2639. Science Missions to Mars**

Would require a Mars mission for human landing site selection.

Would authorize a Mars sample return program, the highest priority of the most recent decadal survey on planetary science.

#### **Sec. 2640. Planetary Defense Coordination Office**

Would authorize a Planetary Defense Coordination Office at NASA to survey threats posed by near-Earth objects equal to or greater than 140 meters in diameter.

Would require NASA to launch, not later than September 30, 2025, a space-based infrared survey telescope that is capable of detecting near-Earth objects equal to or greater than 140 meters in diameter.

Would require an annual report on their progress toward this goal. If a timely annual report is not delivered, the NASA Administrator's funds will be fenced.

#### **Sec. 2641. Suborbital Science Flights**

Would require a report evaluating how suborbital flight platforms can contribute to NASA's science objectives.

#### **Sec 2642. Earth Science Data and Observations**

Would require NASA to establish an open data program and make as much Earth science data public and easily accessible as possible.

#### **Sec. 2643. Sense of Congress on Small Satellite Science**

Sense of Congress on the functionality and cost-effectiveness of small satellites that would state NASA should continue to support their development and use.

#### **Sec. 2644. Sense of Congress on Commercial Space Services**

Sense of Congress on the potential benefits of partnering with commercial space companies for science missions.

#### **Sec. 2645. Procedures for Identifying and Addressing Alleged Violations of Scientific Integrity Policy**

Would require NASA to develop and document procedures for identifying and addressing alleged violations of their scientific integrity policy.

Part IV—Aeronautics

#### **Sec. 2646. Short Title**

The short title for the title would be the “Aeronautics Innovation Act.” This title is adapted from a Warner-Moran bill.

**Sec. 2647. Definitions**

Establishes definitions to be used throughout the part.

**Sec. 2648. Experimental Aircraft Projects**

Would authorize the low-boom supersonic aircraft project followed by a subsonic flight demonstrator aircraft project to advance aircraft designs and technologies that enable significant increases in energy efficiency and reduced life-cycle emissions.

Would further authorize a series of experimental X-plane demo projects to advance aviation technology.

Would establish an advanced materials and manufacturing technology program, which includes composite materials.

**Sec. 2649. Unmanned Aircraft Systems**

Would require NASA to continue to work to integrate unmanned aircraft systems (“UAS”) into the national airspace system (“NAS”) and partner with industry and the Federal Aviation Administration (“FAA”) to advance these technologies.

**Sec. 2650. 21st Century Aeronautics Capabilities Initiative**

Would establish an initiative to ensure NASA has the infrastructure and computational skills to continue high-quality aeronautics research.

**Sec. 2651. Sense of Congress on On-Demand Air Transportation**

Sense of Congress that would state the benefits of on-demand air transportation and that NASA should continue to develop and test such technologies.

**Sec. 2652. Sense of Congress on Hypersonic Technology Research**

Sense of Congress on the importance of hypersonic vehicles and NASA’s role in bringing them to fruition.

Would encourage the agency to partner with industry.

## Part V–Space Technology

### **Sec. 2653. Space Technology Mission Directorate**

Would require that NASA maintain an independent Space Technology Mission Directorate (“STMD”) that supports technology development across NASA, not just human exploration programs. This is in response to a Trump administration proposal that would have eliminated STMD and folded it into the Human Exploration and Operations Directorate.

### **Sec. 2654. Flight Opportunities Program**

Would update statute for the Flight Opportunities Program.

Would prohibit funding the development of new commercial suborbital launch vehicles.

### **Sec. 2655. Small Spacecraft Technology Program**

Sense of Congress on the importance of the Small Spacecraft Technology Program.

Would require NASA to accommodate science payloads that further the goal of human exploration to the Moon and Mars through this program.

### **Sec. 2656. Nuclear Propulsion Technologies**

Would require NASA to continue the development of nuclear propulsion technology, which is required for travel to Mars.

Would require an in-space demonstration by 2026. The National Academies reports that space nuclear propulsion must be developed faster to enable efficient human exploration missions to Mars.

### **Sec. 2657. Mars-Forward Technologies**

Would require NASA to prioritize STMD research, testing, and development of long-lead technologies for Mars.

### **Sec. 2658. Prioritization of Low-Enriched Uranium Technology**

Would require NASA to establish a program for the research, testing, and development of in-space reactor designs, including a surface power reactor, that uses low-enriched uranium fuel.

Would require that NASA prioritize these designs over designs that utilize highly enriched uranium. The Ultra-Safe Nuclear Corporation, headquartered in Seattle, is developing a lunar surface power reactor.

**Sec. 2659. Sense of Congress on Next Generation Communications Technology**

Sense of Congress on the importance of NASA continuing to invest in research and development of optical communications and quantum encryption capabilities.

**Sec. 2660. Lunar Surface Technologies**

Would require NASA to conduct technology development and demonstrations to enable human and robotic exploration on the lunar surface. In doing so, the agency is required to establish a research consortium to assist in the effort.

Part VI–STEM Engagement

**Sec. 2661. Sense of Congress**

Sense of Congress on NASA’s inspirational capacity to engage students in science, technology, engineering, and mathematics (“STEM”) that would state NASA should work to increase K-12 involvement in their projects, enhance higher education, and support underrepresented communities in STEM.

**Sec. 2662. STEM Education Engagement Activities**

Would require that NASA continue educational activities, including Established Programs to Stimulate Competitive Research (“EPSCoR”), the Minority University Research and Education Project (“MUREP”), and the National Space Grant College and Fellowship Program. Also would require a briefing on their education activities. NASA has proposed in its last few budget requests to eliminate these programs.

**Sec 2663. Skilled Technical Education Outreach Program**

Would direct NASA to establish an outreach program to expose secondary school students to career and technical education careers. Each NASA center would be required to participate.

**Sec. 2664. National Space Grant College and Fellowship Program:**

Would update the authorization of this program, which funds educational opportunities in all 50 states and some U.S. territories.

#### Part VII—Workforce and Industrial Base

##### **Sec. 2665. Appointment and Compensation Pilot Program**

Would authorize a limited excepted service pilot program at NASA in order to accelerate hiring for key positions and compete with the private sector in hiring. Other federal science agencies have this authority.

##### **Sec. 2666. Establishment of Multi-Institution Consortia**

Would reaffirm that NASA has the authority to establish multi-institution consortia to support their missions.

Would require NASA to develop and implement policies governing the establishment of such a consortium.

##### **Sec. 2667. Expedited Access to Technical Talent and Expertise**

Would clarify that NASA can use the multi-institution consortia to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers.

##### **Sec. 2668. Report on Industrial Base for Civil Space Missions and Operations**

Would require NASA to report to Congress on the status of the domestic space industrial base, including any weaknesses and corresponding responses to those weaknesses.

##### **Sec. 2669. Separations and Retirement Incentives**

Would increase the authorized Voluntary Separation Incentive Pay (VSIP) from the current ceiling of \$25,000 to \$40,000. NASA has traditionally offered incentives such as VSIP to encourage voluntary separations as one means to minimize the impact of workforce restructuring and to avoid involuntary reductions in force.

##### **Sec. 2670. Confidentiality of Medical Quality Assurance Records**

Would establish that records created by NASA as part of its medical quality assurance program are confidential and privileged. NASA's medical quality assurance program is a comprehensive program within NASA to systematically review and improve the quality of medical and

behavioral health services within NASA to assure the safety and security of persons receiving such services, and the efficiency and effectiveness of the utilization of staff and resources in the delivery of these services. Having such records confidential and privileged is the standard of practice in other medical settings and Federal agencies (e.g., VA, 38 USC Section 5705; DoD, 10 USC Section 1102).

## Part VIII–Miscellaneous

### **Sec. 2671. Contracting Authority**

Would allow NASA to consider commercial users’ needs when contracting for supplies or services (e.g., for commercial launch companies operating on NASA property). Commercial users would reimburse the government for the cost of their share of such goods or services. This action would enable NASA to take advantage of better economy-of-scale pricing for these services and enable its providers to make more informed business decisions about the infrastructure investments that may be necessary to satisfy both government and commercial needs. This is similar to the flexibilities that the Department of Defense (“DoD”) has under 10 U.S.C. § 2276(b)(2).

### **Sec. 2672. Authority for Transaction Prototype Projects and Follow-on Production Contracts**

Would give NASA the authority to carry out prototype projects as other transactions, and award follow-on production contracts without the use of competitive procedures provided that competitive procedures were used for the underlying prototype transaction. This authority could enable more rapid production and availability of technologies by reducing the time between the development phase and the production phase of a project.

### **Sec. 2673. Protection of Data and Information from Public Disclosure**

Would allow NASA to exempt technical data that is export-controlled from public disclosure (e.g., FOIA). Also would protect voluntarily-provided safety information obtained during NASA-led mishap investigation boards from public disclosure.

### **Sec. 2674. Physical Security Modernization**

Would clarify, consistent with recommendations by NASA’s Inspector General, certain authorities for NASA security contractors when said personnel or performing duties off NASA’s physical property.

**Sec. 2675. Lease of Non-Excess Property**

Would extend NASA's enhanced use leasing authority for four years.

**Sec. 2676. Cybersecurity**

Would require NASA maintain a Security Operations Center to respond to cybersecurity threats, require that NASA implement Inspector General cybersecurity recommendations from a 2018 report within 18 months, and require that NASA implement Government Accountability Office ("GAO") priority cybersecurity recommendations from a 2016 report within 18 months. Would authorize a cyber threat hunt capability.

**Sec. 2677. Limitation on Cooperation with the People's Republic of China**

Would reaffirm prohibition on NASA and Office of Science and Technology Policy ("OSTP") working on a bilateral basis with China or a Chinese-owned company unless specifically authorized. Also would apply the prohibition to the National Space Council. Would bar the entities from hosting official Chinese visitors at NASA facilities. Would require certification be submitted to Congress within 30 days for exempted activities. Also would require GAO to review of NASA contracts that may subject the Administration to unacceptable transfers of intellectual property or technology to Chinese entities.

**Sec. 2678. Consideration of Issues Related to Contracting with Entities Receiving Assistance From or Affiliated with the People's Republic of China**

Would require entities looking to do business with NASA that involved critical technology to certify that they are in compliance with all applicable export control laws and other laws meant to protect critical technologies. Any entity found to have made a false statement would be disbarred for no less than one year and NASA would be required to submit an annual report to Congress on violations.

**Sec. 2679. Small Satellite Launch Services Program**

Would require NASA to procure dedicated launch services for small satellites for conducting science and technology missions.

Would require the agency to engage with the academic community on these opportunities.

**Sec. 2680. 21st Century Space Launch Infrastructure**

Would authorize a program to modernize launch infrastructure at NASA facilities.

Would require NASA to prioritize investments in infrastructure that can be used by multiple users.

Would limit investment to projects not funded by other NASA programs.

#### **Sec. 2681. Missions of National Need**

Would direct OSTP to study how NASA could fund missions of national need (e.g., space debris removal, asteroid detection for planetary defense) that do not necessarily provide the highest value science and therefore are often not selected for development through NASA's current funding process.

#### **Sec. 2682. Drinking Water Well Replacement for Chincoteague, Virginia**

Would authorize NASA to reimburse the Town of Chincoteague, VA, for the purchase of property and installation of new production wells to replace all production wells located on NASA property. The Town of Chincoteague, Virginia, has a number of wells located on NASA Wallops Flight Facility property. Four of these wells have been contaminated by per- and polyfluoroalkyl substances ("PFAS"). The town has stopped using the contaminated wells and is receiving temporary water supply from NASA until a permanent solution to this issue can be implemented.

#### **Sec. 2683. Passenger Carrier Use**

Would allow NASA to provide transportation for government astronauts when they return from space and in the immediate period thereafter when they are not medically cleared to drive, but need to attend medical appointments.

#### **Sec. 2684. Use of Commercial Near-Space Balloons**

Would direct NASA to use commercial near-space balloons when practicable to efficiently and effectively meet its goals.

#### **Sec. 2685. President's Space Advisory Board**

Would rename the existing Users' Advisory Group.

#### **Sec. 2686. Initiative on Technologies for Noise and Emissions Reduction**

Would require NASA to establish an initiative to build upon and accelerate previous or ongoing work to develop and demonstrate new technologies in electric aircraft propulsion concepts that are capable of substantially reducing both emissions and noise from aircraft.

**Sec. 2687. Remediation of Sites Contaminated with Trichloroethylene**

Would require NASA to identify all sites the agency has contaminated with trichloroethylene and submit a report to Congress with a recommended plan, including a cost estimate, for remediating the sites.

**Sec. 2688. Review on Preference for Domestic Suppliers**

Would require NASA to conduct a review of the domestic supplier preferences of the agency and its obligations under the Federal acquisition regulations to ensure compliance, including whether NASA has provided funding to a foreign-owned company or state-sponsored entity in recent years.

**Sec. 2689. Report on Use of Commercial Spaceports Licensed by the Federal Aviation Administration**

Would require NASA to compile a report on the current utilization of licensed spaceports, potential benefits of increased utilization, and the steps required for increased utilization.

**Sec. 2690. Active Orbital Debris Mitigation**

Would direct NASA to support the development of active orbital debris mitigation technologies and report to Congress on its progress.

**Sec. 2691. Study on Commercial Communications Services**

Would require NASA to conduct a study on the feasibility, impact, and cost of using commercial communications programs services for suborbital flight programs and low-Earth orbit research and submit the results of such study to Congress.

## **Division C - Strategic Competition Act of 2021**

### **Sec. 3001. Short Title, Table of Contents**

### **Sec. 3002. Findings**

This section states various findings related to the U.S. and China.

### **Sec. 3003. Definitions**

This section includes several definitions that apply throughout the bill.

### **Sec. 3004. Statement of policy.**

Identifies key objectives for a U.S. policy of strategic competition with China (subsection a) and identifies the core tenets of U.S. diplomatic, economic, military, technology, and information policy needed to achieve those objectives (subsection b).

### **Sec. 3005. Sense of Congress.**

States that China is the greatest geopolitical and geo-economic challenge for United States foreign policy, and outlines steps related to organization, budget, coordination among domestic stakeholders, workforce development, allied cooperation, and other elements necessary to marshal sustained political will to protect U.S. interests and values in effective strategic competition with China.

### **Sec. 3006. Rules of construction.**

States that nothing in the bill shall be construed to supersede any of the Leahy Laws on foreign assistance or be construed as authorizing the use of military force.

## *Title I—Investing in a Competitive Future*

### **Subtitle A—Science and Technology**

#### **Sec. 3101. Authorization to assist United States companies with global supply chain diversification and management.**

Authorizes \$75M over five years for a State Department program to allow U.S. embassies to hire contractors to assist U.S. persons and businesses with supply chain management issues related to China. Prohibits appropriation of these funds to entities under PRC ownership, control, or influence.

### **Subtitle B—Global Infrastructure and Energy Development**

#### **Sec. 3111. Appropriate committees of Congress defined.**

**Sec. 3112. Sense of Congress on international quality infrastructure investment standards.**  
States that it is the Sense of Congress that the U.S. should initiate collaboration to encourage the adoption of the standards for quality global infrastructure development advanced by the G20 in 2018, and that the U.S. should launch a series of fora to showcase U.S. and partner commitment to high-quality development cooperation.

**Sec. 3113. United States support for infrastructure.**

Endorses the Global Infrastructure Coordinating Committee (GICC) to coordinate deployment of U.S. government economic tools to support infrastructure projects. Requires a report to Congress on current and pending or future infrastructure projects that the U.S. is supporting or will support through financing, foreign assistance, technical assistance, or other means.

**Sec. 3114. Infrastructure Transaction and Assistance Network.**

Authorizes \$375M over five years for the “Infrastructure Transaction and Assistance Network” to promote quality infrastructure through technical assistance and capacity-building programs in the Indo-Pacific. This includes \$100M of authorized funds to the Transaction Advisory Fund and \$275M for a Strategic Infrastructure Fund.

**Sec. 3115. Strategy for advanced and reliable energy infrastructure.**

Directs the President to create a whole of government effort to counter predatory lending and financing by the PRC Government in the energy sectors of developing countries. Directs the Secretary of State to develop a strategy to increase U.S. exports of advanced energy technologies.

**Sec. 3116. Report on China’s investments in foreign energy development.**

Requires a report from USAID on priority countries for deepening U.S. engagement on energy, PRC government and companies involved in energy infrastructure development in those countries, and current and planned efforts to partner with those countries.

**Subtitle C—Digital Technology and Connectivity**

**Sec. 3121. Sense of Congress on digital technology issues.**

States the Sense of Congress on important technological issues.

**Sec. 3122. Digital connectivity and cybersecurity partnership.**

Authorizes \$500M over five years for the Secretary of State to create the “Digital Connectivity and Cybersecurity Partnership” to help foreign countries expand and increase secure internet access and digital infrastructure in emerging markets, protect technological assets, adopt policies that foster open models of internet governance, promote exports of U.S. ICT goods and services, and build cybersecurity capacity.

**Sec. 3123. Strategy for digital investment by United States International Development Finance Operation**

Requires the DFC to submit a strategy for private sector digital investment that supports information-connectivity projects, prioritizes projects of strategic value to the U.S. and its allies and partners, helps bridge the digital gap for less developed countries, and facilitates appropriate coordination with multilateral development banks.

**Subtitle D—Countering Chinese Communist Party Malign Influence**

**Sec. 3131. Short title.**

**Sec. 3132. Authorization.**

Authorizes \$1.5B over five years for the Countering Chinese Influence Fund to counter the malign influence of the Chinese Communist Party globally. Requires the Secretary of State to designate an existing senior official at the rank of Assistant Secretary or above to provide policy guidance, strategic priorities, coordination, and monitoring and evaluation to ensure that the Fund advances U.S. interests and counters CCP malign influence.

**Sec. 3133. Findings on Chinese information warfare and malign influence operations.**

Presents a broad range of malign activities conducted by the Government of China and its agents and entities, and directs the President to order the heads of the appropriate Federal departments and agencies to implement Acts of Congress to counter and deter Chinese and other foreign information warfare and malign influence operations without delay.

**Sec. 3134. Authorization of appropriations for the Fulbright-Hays Program.**

Authorizes \$105M over five years to promote international and foreign language education through the Fulbright-Hays Program.

**Sec. 3135. Sense of Congress condemning anti-Asian racism and discrimination.**

States that it is the Sense of Congress that the U.S. is a diverse nation with a proud tradition of immigration, and that its strength and vibrancy is enhanced by the diverse ethnic backgrounds and tolerance of its citizens, including Asian Americans and Pacific Islanders; that the U.S. should encourage other foreign governments to use the official and scientific names for the COVID–19 pandemic, as recommended by the World Health Organization and the Centers for Disease Control and Prevention; and that the U.S. and other governments around the world must actively oppose racism and intolerance, and use all available and appropriate tools to combat the spread of anti-Asian racism and discrimination.

**Sec. 3136. Supporting independent media and countering disinformation.**

Authorizes \$500M over five years for various U.S. Agency for Global Media (USAGM) programs to support independent journalism, counter disinformation, expand media access to U.S. culture and values, ensure credible news coverage of the Chinese government’s actions in

Xinjiang, among other programs. Directs the Department of State to support and train journalists on investigative techniques necessary to ensure public accountability in relation to Chinese influence operations abroad. Also directs the CEO of USAGM to submit a report that includes information on the progress of efforts to invest in technology to subvert CCP censorship.

Authorizes \$850M over five years for programs in support of press freedom, training, and protection of journalists.

**Sec. 3137. Global Engagement Center.**

Extends the GEC’s authorization through December 2027, states the sense of Congress that the GEC should expand coordination through exchange of liaison officers with federal departments and agencies, and authorizes new hiring authorities for the GEC. Authorizes \$150M for fiscal year 2022 for the Global Engagement Center to counter foreign state and non-state propaganda and disinformation.

**Sec. 3138. Review by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.**

Expands CFIUS reviews to cover certain foreign gifts and contracts to higher education institutions that equal or exceed \$1,000,000 in a single year or aggregate gifts or contracts from the same foreign source of a value over \$1M during a two-year period.

**Sec. 3139. Post-employment restrictions on Senate-confirmed officials at the Department of State**

States the Sense of Congress that Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of interest following government service. Amends Section 841 of the State Department Basic Authorities Act of 1956 to add extended post-employment restrictions for the Secretary and Deputy Secretary of State, Under Secretaries, Assistant Secretaries, and Ambassadors that restricts their ability to work for any foreign government.

**Sec. 3140. Sense of Congress on prioritizing nomination of qualified ambassadors to ensure proper diplomatic positioning to counter Chinese influence.**

States the Sense of Congress of the critical importance of the President nominating qualified ambassadors as quickly as possible, especially for countries in Central and South America, to better counter Chinese influence efforts in foreign countries.

**Sec. 3141. China Censorship Monitor and Action Group**

Requires the President to establish an interagency task force called the “China Censorship Monitor to oversee an integrated Federal Government strategy to address the Government of the PRC’s attempts to censor or intimidate any U.S. person, including U.S. companies, exercising the right to freedom of speech. Mandates a study by a qualified research entity on the PRC

government efforts to censor or intimidate U.S. persons exercising their right to freedom of speech.

## *TITLE II—INVESTING IN ALLIANCES AND PARTNERSHIPS*

### **Subtitle A—Strategic and Diplomatic Matters**

#### **Sec. 3201. Appropriate committees of Congress defined.**

#### **Sec. 3202. United States commitment and support for allies and partners in the Indo-Pacific.**

Expresses the Sense of Congress and Statement of Policy on importance of allies and partners is critical to the U.S. strategy in the Indo-Pacific region, and that the U.S. will work with allies to prioritize human rights in the region.

#### **Sec. 3203. Sense of Congress on cooperation with the Quad.**

Expresses the Sense of Congress that the U.S. should reaffirm its commitment and seek to expand sustained dialogue and cooperation with Australia, India, and Japan (the “Quad”).

#### **Sec. 3204. Establishment of Quad Intra-Parliamentary Working Group**

Directs the Secretary of State to enter into negotiations with U.S. Quad partners (Japan, Australia, and India) to establish a Quad Intra-Parliamentary Working Group. Authorizes \$4M from fiscal year 2022 through fiscal year 2025 for the United States Group, which shall represent the United States at the Quad Intra-Parliamentary Working Group.

#### **Sec. 3205. Statement of policy on cooperation with ASEAN.**

Provides a Statement of Policy on the importance of U.S. cooperation with ASEAN.

#### **Sec. 3206. Sense of Congress on enhancing U.S.–ASEAN cooperation on technology issues with respect to the People’s Republic of China.**

Expresses the Sense of Congress that the U.S. and ASEAN should enhance cooperation on technology issues with respect to the PRC.

#### **Sec. 3207. Report on Chinese influence in international organizations.**

Requires an unclassified report, which may include a classified annex, on Chinese influence in international organizations, from the Secretary of State, in coordination with the Director of National Intelligence, to include analysis of the expansion of PRC and CCP influence in international organizations, the purpose and ultimate goals of this influence, and the tactics and means employed.

#### **Sec. 3208. Regulatory exchanges with allies and partners.**

Directs the Secretary of State to establish a program to facilitate regular dialogues with allied and

partner countries to promote best practices and harmonize technical and regulatory standards. Authorizes \$12.5M over five years for this purpose.

**Sec. 3209. Technology partnership office at the Department of State.**

Directs the Secretary of State to establish an interagency-staffed Technology Partnership Office, to be headed by an Ambassador-at-Large and administer the semiconductor and telecommunications security funds created by the FY2021 NDAA. Encourages establishment of an International Technology Partnership with other advanced democracies. Requires an annual report to Congress on Chinese and Russian government activities in key technology sectors, and to describe the activities of the office.

**Sec. 3210. United States representation in standards-setting bodies.**

Directs the President to establish an interagency working group to enhance the leadership of the U.S. at international standards-setting bodies, and requires regular congressional briefings on these activities.

**Sec. 3211. Sense of Congress on centrality of sanctions and other restrictions to strategic competition with China.**

Puts forward Findings on the importance of sanctions as a powerful tool to advance U.S. foreign policy and national security interests, and expresses the Sense of Congress that the executive branch has not fully implemented certain sanctions and other restrictions despite statutory and constitutional requirements to do so.

**Sec. 3212. Sense of Congress on negotiations with G7 and G20 countries.**

Expresses the Sense of Congress that the President should initiate an agenda at the G7 and G20 on matters relevant to economic and democratic freedoms.

**Sec. 3213. Enhancing the United States-Taiwan partnership.**

Reaffirms U.S. commitment to Taiwan, recognizes Taiwan as a vital part of the U.S. Indo-Pacific strategy, and encourages the Secretary of State to consider establishing a United States-Taiwan cultural exchange program.

**Sec. 3214. Taiwan Fellowship Program**

Directs the Secretary of State to establish the “Taiwan Fellowship Program” to provide eligible U.S. citizens a fellowship opportunity in Taiwan of up to 2 years. Authorizes \$17.3 million over seven years for the program.

**Sec. 3215. Treatment of Taiwan government.**

Specifies that the U.S. Government shall engage with the democratically elected government of Taiwan as the legitimate representative of the people of Taiwan, end the outdated practice of referring to the government in Taiwan as the “Taiwan authorities,” and not place restrictions on routine and direct engagement with counterparts in Taiwan.

**Sec. 3216. Taiwan Symbols of Sovereignty.**

Requires the Secretary of State to rescind any guideline, restriction, or policy limiting the ability of the armed forces and government representatives of the Republic of China (Taiwan) or the Taipei Economic and Cultural Representative Office (TECRO) to display symbols of the Republic of China's sovereignty for official purposes.

**Sec. 3217. Report on origins of the COVID-19 pandemic.**

Requires an unclassified report, which may include a classified annex, from the Director of National Intelligence, in coordination with the Secretary of State, the Secretary of Health and Human Services, the Secretary of Energy, and other relevant executive departments, on the origins of the COVID-19 pandemic.

**Sec. 3218. Enhancement of diplomatic support and economic engagement with Pacific island countries.**

Authorizes up to \$10M for fiscal year 2022 for the Secretary of State and Secretary of Commerce to hire Locally Employed Staff to enhance diplomatic and economic engagement in Pacific Island countries. Requires a report on the impact of said activities.

**Sec. 3219. Increasing Department of State personnel and resources devoted to the Indo-Pacific.**

States that the United States will increase funding and personnel resources dedicated to the Indo-Pacific region, and requires an action plan from the Secretary of State to implement this change. Authorizes \$2B for bilateral and regional foreign assistance to the Indo-Pacific and \$1.25B for diplomatic engagement. Requires the Secretary of State to certify two years after enactment that action plan benchmarks have been satisfied.

**Sec. 3219A. Advancing United States leadership in the United Nations System.**

Authorizes the Secretary of State to establish in the Bureau of International Organization Affairs a Special Representative for Advancing United States Leadership in the United Nations, who shall serve concurrently as a Deputy Assistant Secretary, to promote United States leadership in the United Nations system and countering the malign influence of authoritarian nations, including the People's Republic of China, within the United Nations System. Authorizes \$25M over five years for this purpose.

**Sec. 3219B. Asia Reassurance Initiative Act of 2018.**

Amends the Asia Reassurance Initiative Act of 2018 to authorize \$2B each year from fiscal year 2022 through fiscal year 2026 to the Department of State, the United States Agency for International Development, and, as appropriate, the Department of Defense, for the purpose of advancing U.S. interests in the Indo-Pacific region. States that it is the Sense of Congress that the People's Republic of China poses a threat to U.S. interests in the region.

**Sec. 3219C. Statement of policy on need for reciprocity in the relationship between the United States and the People’s Republic of China.**

Directs the Secretary of State, in consultation with other relevant Federal departments and agencies, to submit a report on how the Government of the People’s Republic of China obstructs the work of United States diplomats and other officials, journalists, and businesses, and nongovernmental organizations in the People’s Republic of China.

**Sec. 3219D. Opposition to Provision of Assistance to People’s Republic of China By Asian Development Bank.**

States that the United States shall oppose any additional lending from the Asian Development Bank to the People’s Republic of China because the country has successfully graduated from the Bank’s eligibility requirements for assistance. Requires the U.S. Treasury Secretary to instruct the U.S. Executive Director of the Bank to use the voice, vote, and influence of the United States to oppose any loan or extension of financial or technical assistance from the Bank to the People’s Republic of China.

**Sec. 3219E. Opposition to Provision of Assistance to People’s Republic of China By International Bank for Reconstruction and Development.**

States that the United States shall oppose any additional lending from the International Bank for Reconstruction and Development to the People’s Republic of China because the country has successfully graduated from the Bank’s eligibility requirements for assistance. Requires the Treasury Secretary to instruct the U.S. Executive Director of the Bank to use the voice, vote, and influence of the United States to oppose any loan or extension of financial or technical assistance from the Bank to the People’s Republic of China and to end lending and assistance to other countries that have similarly graduated from the eligibility requirements for assistance. Requires the U.S. Treasury Secretary to submit a report to Congress on these matters.

**Sec. 3219F. United States Policy on Chinese and Russian Government efforts to undermine the United Nations Security Council Action on Human Rights**

Acknowledges the growing concerns regarding the combined PRC and Russian activity against Security Council action on countries accused of committing human rights abuses. Reaffirms U.S. commitment to maintaining international peace and security and increase the presence of the U.S. at the UN and its constituent bodies to mitigate Chinese and Russian influence in both unilateral and multilateral efforts.

**Sec. 3219G. Deterring PRC Use of Force Against Taiwan.**

States that the U.S. will oppose and deter any show of force by the PRC changing the status quo of Taiwan. Requires a government review on all available measures to deter PRC use of force against Taiwan and an annual briefing to Congress. Requires coordination with allies and partners to deter use of force by the PRC against Taiwan.

**Sec. 3219H.Strategy to respond to sharp power operations targeting Taiwan.**

Directs the Secretary of State to develop and implement a strategy to respond to sharp power operations and the united front campaign supported by the Government of the PRC and the CCP that are directed toward persons or entities in Taiwan.

**Sec. 3219I.Study and report on bilateral efforts to address Chinese fentanyl trafficking.**

Directs the Secretary of State and Attorney General to submit to the appropriate committees of Congress a written report that includes a description and plan of U.S. Government efforts to push the PRC government to counter the illicit trafficking of fentanyl, fentanyl analogues, and their precursors. Requires a briefing on efforts to establish Drug Enforcement Agency offices in Shanghai and Guangzhou, China.

**Sec. 3219J.Investment, trade, and development in Africa and Latin America and the Caribbean.**

Directs the President to establish a comprehensive U.S. strategy for public and private investment, trade, and development in Africa and Latin America and the Caribbean with the goal of increasing exports of U.S. goods and services in the region. Requires the President to submit the strategy and subsequent reports on the implementation of the strategy to Congress. Directs the President to designate individuals to serve as Special Africa Export Strategy Coordinator and Special Latin America and the Caribbean Export Strategy Coordinator.

**Sec. 3219K. Facilitation of Increased Equity Investments under the Better Utilization of Investments Leading to Development Act of 2018**

Expresses the Sense of Congress that equity investments for the Development Finance Corporation should be treated as loans instead of spending by CBO. Increases the cap for DFC's maximum contingent liability from \$60 billion to \$100 billion.

**Subtitle B—International Security Matters**

**Sec. 3221.Definitions.**

Includes definitions applicable to this subtitle.

**Sec. 3222.Findings.**

Puts forward findings on the strategic and military aims of the People's Republic of China in the Indo-Pacific, and the increasingly unfavorable military balance of power in the region, citing specific developments.

**Sec. 3223.Sense of Congress regarding bolstering security partnerships in the Indo-Pacific.**

Expresses the Sense of Congress on key steps needed to bolster security partnerships with Japan, Australia, Taiwan, and other allies and partners.

**Sec. 3224.Statement of policy.**

Provides a Statement of Policy that the U.S. shall prioritize the Indo-Pacific region in its foreign policy, including a series of steps the U.S. will take in support of that objective in collaboration with allies and partners.

**Sec. 3225.Foreign military financing in the Indo-Pacific and authorization of appropriations for Southeast Asia maritime security programs and diplomatic outreach activities.**

Authorizes \$655M over five years in foreign military financing funding for activities in the Indo-Pacific, \$50M over five years for support of the Southeast Asia Maritime Law Enforcement Initiative, and \$5M over five years for diplomatic outreach activities. Establishes an “Indo-Pacific Maritime Security Initiative” run out of the Department of State that includes existing programs.

**Sec. 3226.Foreign military financing compact pilot program in the Indo-Pacific.**

Authorizes \$40M over two years for the Secretary of State to create the Foreign Military Financing Compact Pilot Program to provide assistance for eligible countries that enter into an FMF Challenge Compact with the United States. Requires consultation with and reporting to Congress.

**Sec. 3227.Additional funding for international military education and training in the Indo-Pacific.**

Authorizes \$225M over five years for State Department international military education and training (IMET) assistance in the Indo-Pacific region.

**Sec. 3228.Prioritizing excess defense article transfers for the Indo-Pacific.**

Amends the Foreign Assistance Act to prioritize the delivery of excess defense articles to Thailand, Indonesia, Vietnam, Malaysia, and Taiwan, and directs the President to develop a five-year plan for such purposes and report to Congress.

**Sec. 3229.Prioritizing excess naval vessel transfers for the Indo-Pacific.**

Authorizes the President to transfer two OLIVER HAZARD PERRY class guided missile frigates to eligible countries in the Indo-Pacific region on a grant basis.

**Sec. 3230.Statement of policy on maritime freedom of operations in international waterways and airspace of the Indo-Pacific and on artificial land features in the South China Sea.**

Expresses the Sense of Congress that Congress condemns the use of force to impede freedom of operations in the Indo-Pacific region, and presents a Statement of Policy with respect to PRC claims in the South China Sea.

**Sec. 3231. Report on capability development of Indo-Pacific allies and partners.**

Expresses the Sense of Congress that the Secretary of State should expand measures under the U.S. Conventional Arms Transfer Policy to provide capabilities to allies and partners in the Indo-Pacific region, and, in coordination with the Secretary of Defense, urge allies and partners to invest in sufficient quantities of munitions to meet contingency requirements. Requires a report from the Secretary of State, in coordination with the Secretary of Defense, on U.S. priorities for building more capable security partners in the Indo-Pacific, focusing on areas in which the U.S. can help develop allies' capabilities.

**Sec. 3232. Report on national technology and industrial base.**

Encourages a more streamlined approach to defense technology and innovation with U.S. allies and partners in the Indo-Pacific, and reduces unnecessary export and transfer constraints to ensure the U.S. and its allies cooperate closely on issues of emerging technology. Requires a report by the Secretary of State that describes the Department of State's efforts to facilitate access among members of the national technology and industrial base to defense articles, as well as challenges that present obstacles to these efforts.

**Sec. 3233. Report on diplomatic outreach with respect to Chinese military installations overseas.**

Requires a classified report, which may include an unclassified summary, from the Secretary of State, in coordination with the Secretary of Defense, on U.S. diplomatic engagement with other nations that host or are considering hosting any military installation of the Government of the People's Republic of China.

**Sec. 3234. Statement of policy regarding universal implementation of United Nations sanctions on North Korea.**

Provides a Statement of Policy that presses all nations, including the PRC, to sustain maximum economic pressure on the Government of the Democratic People's Republic of Korea until the regime undertakes complete, verifiable, and irreversible actions toward denuclearization.

**Sec. 3235. Limitation on assistance to countries hosting Chinese military installations.**

Expresses the Sense of Congress that the People's Republic of China is using the Belt and Road Initiative (BRI) to advance its own security interests, and that the People's Liberation Army is expanding globally. Establishes a limitation on U.S. assistance under the Millennium Challenge Act of 2003 to countries that host Chinese military installations, subject to a national interest waiver.

**Subtitle C—Regional Strategies to Counter the People's Republic of China**

**Sec. 3241. Statement of policy on cooperation with allies and partners around the world with respect to the People's Republic of China.**

States that it is the policy of the U.S. to strengthen alliances and partnerships with Europe and with like-minded countries to compete with the PRC.

*PART I—Western Hemisphere*

**Sec. 3245. Sense of Congress regarding United States-Canada Relations**

Outlines priorities for cooperation between the U.S. and Canada in a number of areas, including areas related to challenges posed by the PRC.

**Sec. 3246. Sense of Congress regarding the Government of China’s arbitrary imprisonment of Canadian citizens.**

Calls for the immediate release of Michael Spavor and Michael Kovrig, two Canadian nationals detained by the People’s Republic of China in apparent retaliation for Canada’s arrest of Meng Wanzhou.

**Sec. 3247. Strategy to enhance cooperation with Canada.**

Instructs the President to submit a strategy describing U.S. efforts to cooperate with the Government of Canada in managing relations with the Government of China in economic, democratic and human rights, technological, and defense policy areas.

**Sec. 3248. Strategy to strengthen economic competitiveness, governance, human rights, and the rule of law in Latin America and the Caribbean.**

Instructs the Secretary of State to submit a multi-year strategy for increasing U.S. economic competitiveness and promoting good governance, human rights, and the rule of law in Latin American and Caribbean countries.

**Sec. 3249. Engagement in regional and international organizations in Latin America and the Caribbean.**

Requires the Secretary of State to submit a report on Chinese diplomatic activity aimed at influencing multilateral organizations in Latin America and the Caribbean and Chinese military activity in region.

**Sec. 3250. Addressing China’s sovereign lending practices in Latin America and the Caribbean.**

Instructs the President to support a tenth general capital increase of \$ 80 billion for the Inter-American Development Bank to counteract China’s predatory economic and sovereign lending practices in Latin America and the Caribbean. To implement the capital increase, authorizes a U.S. share of \$24B of which \$600 million shall be for paid in shares and \$23.4 billion shall be for callable shares of the Bank. Further instructs the Treasury Secretary to pursue appropriate safeguards, transparency and conditionality measures to protect debt-vulnerable member countries from predatory bilateral lending.

**Sec. 3251. Defense cooperation in Latin America and the Caribbean.**

Authorizes \$60M million over five years to the Department of State for the International Military Education and Training Program for Latin America and the Caribbean.

**Sec. 3252. Engagement with civil society in Latin America and the Caribbean regarding accountability, human rights, and the risks of pervasive surveillance technologies.**

Instructs the Secretary of State and the U.S. Agency for Global Media to prioritize technology cooperation with Latin America and the Caribbean that promotes good governance, human rights, and freedom of information, and counters censorship and corruption.

*PART II—Transatlantic Alliance*

**Sec. 3255. Sense of Congress on the Transatlantic alliance.**

Proposes a wide-ranging agenda for transatlantic cooperation on matters, including COVID recovery, human rights abuses and threats to democratic governance posed by the Chinese government, supply chains, a U.S.-European Union trade agreement, intelligence sharing on Huawei, and the possible establishment of a body like the Coordinating Committee for Multilateral Export Controls (CoCom) to coordinate the export control policies with respect to China.

**Sec. 3256. Strategy to enhance transatlantic cooperation with respect to the People’s Republic of China.**

Directs the President to develop a U.S. strategy for enhancing cooperation with the European Union, NATO, and European partner countries on economic, human rights, technology, defense, and infrastructure challenges related to the PRC.

**Sec. 3257. Enhancing Transatlantic cooperation on promoting private sector finance.**

Instructs the President to work with transatlantic partners to foster private sector-led development and provide market-based alternatives China’s Belt and Road Initiative (BRI), and to address China’s use of the UN to promote the BRI and ensure the highest possible standards in BRI contracts with developing countries.

**Sec. 3258. Report and briefing on cooperation between China and Iran and between China and Russia.**

Directs the Director of National Intelligence to report and brief on cooperation between China and Iran and between China and Russia including in areas such as diplomatic, energy, infrastructure, banking, financial, economic, military, and space cooperation.

**Sec. 3259. Promoting Responsible Development Alternatives to the Belt and Road Initiative**

Encourages the President to seek partnerships with multilateral development financial institutions in developing countries that support low carbon economic development and promote

resiliency and adaptations to environmental changes, including through co-financing arrangements and other partnerships.

*PART III—South and Central Asia*

**Sec. 3261. Sense of Congress on South and Central Asia.**

Expresses support for the Comprehensive Global Strategic Partnership with India and to stand with partners in the region facing challenges with the PRC.

**Sec. 3262. Strategy to enhance cooperation with South and Central Asia.**

Directs the President to submit a strategy for how the U.S. will engage with the countries of South and Central Asia in managing relations with China, including through the C5+1 mechanism.

*PART IV—Africa*

**Sec. 3271 Assessment of Political, Economic, and Security Activity of the People’s Republic of China in Africa**

Requires the Secretary of State, in coordination with Director of National Intelligence, to submit a report to Congress that assesses the PRC’s political, economic, security sector activity in Africa and its impact on U.S. strategic interests.

**Sec. 3272 Increasing the Competitiveness of the United States in Africa**

Requires a report to Congress setting forth a multi-year strategy for increasing U.S. economic competitiveness and promoting improvements in the investment climate in Africa, including through support for democratic institutions, the rule of law, including property rights, and for improved transparency, anti-corruption and governance.

**Sec. 3273 Digital Security Cooperation with respect to Africa**

Requires the President to establish an interagency Working Group on countering PRC cyber aggression with respect to Africa.

**Sec. 3274 Increasing Personnel in United States Embassies in Sub-Saharan Africa Focused on The People’s Republic of China**

Authorizes the Secretary of State to station personnel at U.S. embassies in Sub-Saharan African as necessary to focus on the activities, policies, and investments of the People’s Republic of China.

**Sec. 3275 Support for Young African Leaders Initiative**

Establishes the Young African Leaders Initiative to be carried out by the Secretary of State to provide fellows from Africa education and training in leadership and professional development. Requires the USAID Administrator establish not fewer than four regional centers in Africa to

provide in-person and an online network to engage with African leaders. Expresses support for increasing the number of fellows in the Initiative.

**Sec. 3276 Africa Broadcasting Networks**

Requires the CEO of the U.S. Agency for Global Media to submit a report on the resources and timeline needed to establish within the Agency an organization with the mission of promoting democratic values and institutions in Africa and of countering disinformation from malign actors through the provision of objective, accurate, and relevant news and information to the people of Africa.

*PART V—Middle East and North Africa*

**Sec. 3281 Strategy to Counter Chinese Influence In, And Access To, The Middle East and North Africa**

Requires that the Secretary of State, in consultation with USAID and other appropriate federal agencies, submit to Congress a strategy for countering and limiting PRC influence in, and access to, the Middle East and North Africa.

**Sec. 3282 Sense of Congress on Middle East and North Africa Engagement**

Articulates long-term U.S. interests in the Middle East and North Africa, states that the United States should compete with CCP influence in the region, and prioritizes economic opportunity, rule of law, and other issues as key engagement areas.

*PART VI—Arctic Region*

**Sec. 3285.Arctic diplomacy.**

Mandates a duties for the Deputy Assistant Secretary for Arctic Affairs and authorizes designation of the DAS as a Special Representative or Special Envoy if nominated by the President and confirmed by the Senate. Requires that the Bureau of European and Eurasian Affairs be the lead bureau for developing and implementing the United States’ Arctic Region Security Policy.

*PART VII—Oceania*

**Sec. 3291.Statement of policy on United States engagement in Oceania.**

Articulates U.S. policy with respect to engagement with Oceania.

**Sec. 3292.Oceania strategic roadmap.**

Requires the Secretary of State to submit to Congress a strategy for strengthening engagement with Oceania, including an analysis of the opportunities to cooperate with Australia, New Zealand, and Japan to address their shared concerns in the region.

**Sec. 3293. Review of USAID Programming in Oceania.**

Encourages the Administrator of USAID, in coordination with the Secretary of State, to include all countries of Oceania in existing USAID strategic planning and multi-sector program evaluation processes.

**Sec. 3294. Oceania Security Dialogue**

Directs the Secretary of State to brief Congress on the feasibility and advisability of establishing a United States-based public-private sponsored security dialogue (to be known as the “Oceania Security Dialogue”) with the countries of Oceania.

**Sec. 3295. Report on countering illegal, unreported, and unregulated fishing in Oceania.**

Requires a report to Congress on assessing the use of advanced maritime domain awareness technologies to combat illegal, unreported, and unregulated fishing in Oceania.

**Sec. 3296. Oceania Peace Corps partnerships.**

Directs the Director of the Peace Corps to submit to Congress a report on strategies to reasonably and safely expand the number of Peace Corps volunteers in Oceania.

*TITLE III—INVESTING IN OUR VALUES*

**Sec. 3301. Authorization of appropriations for promotion of democracy in Hong Kong.**

Authorizes \$10M for the State Department’s Bureau of Democracy, Human Rights, and Labor to promote democracy in Hong Kong.

**Sec. 3302. Imposition of sanctions relating to forced labor in the Xinjiang Uyghur Autonomous Region.**

Amends Uyghur Human Rights Policy Act of 2020 to require the imposition of sanctions for serious human right abuses in connection with forced labor.

**Sec. 3303. Imposition of sanctions with respect to systematic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation in the Xinjiang Uyghur Autonomous Region.**

Amends the Uyghur Human Rights Policy Act of 2020 to require the imposition of sanctions for systemic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation policies and practices.

**Sec. 3304. Report on Corrupt Activities of Senior Officials of Government of China.**

Requires the Director of the CIA, in consultation with the Secretary of State and other relevant officials, to submit a report to Congress on the corruption and corrupt activities of the senior officials of the Government of the People’s Republic of China.

**Sec. 3305. Removal of Members of the United Nations Human Rights Council That Commit Human Rights Abuses.**

Requires that the President direct the U.S. Permanent Representative to the U.N. to use the voice, vote, and influence of the United States to reform the process for removing members of the UN Human Rights Council that commit gross and systemic violations of human rights; reform the rules of election to the Council to ensure that members that have committed gross and systemic human rights violations are not elected; and oppose the election of such UN members.

**Sec. 3306. Policy with respect to Tibet.**

Requires that the Special Coordinator for Tibetan Issues be appointed by the President, with the advice and consent of the Senate, or that the individual already hold the rank of Under Secretary of State or higher. Establishes a Tibet Unit in the Political Section of the United States Embassy in Beijing.

**Sec. 3307. United States Policy and International Engagement of the Succession of Reincarnation of the Dalai Lama and Religious Freedom of Tibetan Buddhists**

Reaffirms U.S. policy regarding the succession or reincarnation of the Dalai Lama and religious freedom of Tibetan Buddhists and encourages the Secretary of State to engage with the U.S. allies and partners in furtherance of such policy.

**Sec. 3308. Sense of Congress on Treatment of Uyghurs and other Ethnic Minorities in the Xinjiang Uyghur Autonomous Region.**

Documents findings on human rights abuses committed by the PRC government in Xinjiang and expresses the Sense of Congress with respect to U.S. policy in Xinjiang.

**Sec. 3309. Development and deployment of internet freedom and Great Firewall circumvention tools for the people of Hong Kong.**

Authorizes the Secretary of State to establish a working group to promote internet freedom in Hong Kong. Directs the President of the Technology Fund to establish a separate Hong Kong Internet Freedom Program. Authorizes \$10M to the Open Technology Fund and \$20M to the Office of Internet Freedom Programs in the Bureau of Democracy, Human Rights, and Labor of the Department of State for internet freedom in Hong Kong.

**Sec. 3310. Enhancing Transparency on International Agreements and Qualifying Non-Binding Instruments**

Establishes limited requirements for the Department of State to notify Congress about the negotiation and conclusion of international agreements and certain non-binding arrangements, and to make publicly available the text of unclassified agreements and arrangements after entry into force. Authorizes \$5M for implementation of these requirements. This section applies prospectively and does not require congressional approval prior to negotiation and/or conclusion of an international agreement or non-binding arrangement.

**Sec. 3311. Authorization of Appropriations for Protecting Human Rights in the People’s Republic of China**

Authorizes appropriations to carry out section 409 of the Asia Reassurance Initiative Act to fund NGOs within the Indo-Pacific region focused on the protection and advancement of the freedoms of association, assembly, religion, and expression of women, labor activists, and ethnic minorities in the PRC.

**Sec. 3312. Diplomatic boycott of the XXIV Olympic Winter Games and the XIII Paralympic Winter Games.**

Establishes as policy of the United States to implement a diplomatic boycott of the 2022 Olympic Winter Games and the Paralympic Winter Games in the PRC given the CCP’s ongoing human rights abuses. Prohibits the Secretary of State from obligating or expending any Federal funds to support or facilitate attendance by USG employees at either of the Games, with a national interest waiver.

**Sec. 3313. Repeal of sunset applicable to authority under Global Magnitsky Human Rights Accountability Act.**

Repeals the sunset provision in Section 1265 of the Global Magnitsky Act.

*TITLE IV—INVESTING IN OUR ECONOMIC STATECRAFT*

**Sec. 3401. Findings and sense of Congress regarding the PRC’s industrial policy.**

Presents options to tackle various aspects of the PRC’s state-directed ecosystem of industrial policies that negatively impact the U.S. economy and global competition, with a focus on Chinese intellectual property theft and mass subsidization of state-directed and ostensibly private enterprises.

**Sec. 3402. Intellectual property violators list.**

Directs the Secretary of State to publish a list of all state-owned enterprises in the PRC who have engaged in a significant act or series of acts of intellectual property theft or the transfer of technology owned by a company incorporated in the U.S.

**Sec. 3403. Government of the People’s Republic of China subsidies list.**

Directs the Secretary of State to identify subsidies provided by the PRC government to centrally-administered state-owned enterprises and discriminatory treatment favoring PRC enterprises over foreign market participants.

**Sec. 3404. Countering foreign corrupt practices.**

Requires the Secretary of State, in coordination with the Attorney General, to offer partner governments technical assistance to combat fraudulent business practices and increase government and private sector accountability.

**Sec. 3405. Debt relief for countries eligible for assistance from the International Development Association.**

Establishes that it is U.S. policy to work with the international community to provide debt relief to countries eligible for assistance from the International Development Association and countries that request forbearance in light of the COVID-19 pandemic. Directs the Secretary of the Treasury, in consultation with the Secretary of State, to engage with international financial institutions to advance policy discussions on sovereign debt relief.

**Sec. 3406. Report on manner and extent to which the Government of China exploits Hong Kong to circumvent United States laws and protections.**

Amends Title III of the U.S.-Hong Kong Policy Act of 1992 to direct the Secretary of State to submit a report on the manner and extent to which the PRC exploits Hong Kong to circumvent the laws and protections of the U.S.

**Sec. 3407. Annual review on the presence of Chinese companies in United States capital markets.**

Requires an annual report to Congress by the Secretary of State regarding the risks posed to the U.S. by the presence of companies incorporated in the PRC that are listed or traded on stock exchanges in the U.S.

**Sec. 3408. Economic Defense Response Teams.**

Establishes a pilot program for the creation of deployable economic defense response teams to help provide emergency technical assistance and support to a country subjected to the threat or use of coercive economic measures.

*TITLE V—ENSURING STRATEGIC SECURITY*

**Sec. 3501. Findings on strategic security and arms control.**

Establishes findings regarding U.S. and PRC commitments to strategic security through arms control and non-proliferation agreements and negotiations.

**Sec. 3502. Cooperation on a strategic nuclear dialogue.**

States that it is U.S. policy to pursue arms control negotiations with the PRC, ensure the U.S. and allies and partners have the relevant capabilities in the face of the PRC's military modernization and expansion, and maintain U.S. extended nuclear deterrence and appropriate missiles defense capabilities. Expresses the sense of Congress that it is in the interest of the U.S. and China to reduce risks of escalation and that the U.S. and its allies should promote international norms on space, cyber, and artificial intelligence.

**Sec. 3503. Report on United States efforts to engage the People's Republic of China on nuclear issues and ballistic missile issues.**

Directs the Secretary of State, in coordination with the Secretaries of Defense and Energy, to

submit a report on the approaches and strategic effects of engaging the PRC on arms control and a report on a plan for arms control talks including both the PRC and Russia.

**Sec. 3504. Countering China's Proliferation of Ballistic Missiles and Nuclear Technology to the Middle East.**

Requires the President to submit to Congress a written determination detailing whether any foreign person in China knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex to any foreign person and any sanctions the President has imposed or intends to impose. Requires also that the President submit a report to Congress detailing whether any foreign person in China engaged in cooperation with any other foreign person in the construction of any nuclear-related fuel cycle or activity that has not been notified to the IAEA and policy options to prevent and respond to a future effort by China to export certain nuclear-related items.

## **Division D – Securing America’s Future Act**

### ***TITLE I – ENSURING DOMESTIC MANUFACTURING CAPABILITIES***

#### **Subtitle A – Build America, Buy America.**

##### **Sec. 4101. Short Title.**

This subtitle may be cited as the “Build America, Buy America Act.”

### **PART I – BUY AMERICA SOURCING REQUIREMENTS**

##### **Sec. 4111. Findings.**

Provides findings by Congress related to the determination that when the federal government makes investments in the infrastructure of the United States the iron, steel, manufactured products and construction materials used in federally assisted infrastructure projects should be produced in the United States by American workers.

##### **Sec. 4112. Definitions.**

Provides definitions of terms used in the Act, including terms that inform the scope and application of domestic content procurement preferences to all infrastructure projects that receive federal financial assistance, commonly known as “Buy America” requirements. The definition of “produced in the United States” establishes standard for manufactured products, ensuring that Buy America coverage for manufactured products is not weaker than current regulations.

##### **Sec. 4113. Identification of deficient programs.**

Domestic content procurement preferences apply to most but not all federal programs that provide federal financial assistance for infrastructure, and some programs have partial or severely deficient “Buy America” requirements. Section 4 requires the head of each federal agency to submit to the Office of Management and Budget and to Congress a report that identifies each program that provides financial assistance for infrastructure administered by the federal agency. The head of each federal agency must include in the report a list of deficient programs for which “Buy America” requirements specified in the Act do not apply or are subject to blanket waivers.

##### **Sec. 4114. Application of Buy American preference.**

This section establishes a government-wide requirement that not later than 180 days after the date of enactment of the Act, no federal financial assistance for infrastructure may be used for a project unless all of the iron, steel, manufactured products and construction materials used in the project are produced in the United States. The application of “Buy America” preference to construction materials is a new requirement in law.

The government-wide “Buy America” requirement is applied to all federal infrastructure programs, including programs identified as deficient under Section 4. This section also establishes a waiver process that is consistent with most current “Buy America” requirements: domestic procurement preferences may be waived if the head of a federal agency determines that (1) applying the domestic content procurement preference would be inconsistent with the public interest, (2) the applicable products are not made in the United States in reasonable quantities or are not of satisfactory quality, or (3) applying the domestic preference would increase the cost of the overall project by more than 25 percent.

**Sec. 4115. OMB guidance and standards.**

This section authorizes the Office of Management and Budget to issue guidance to assist federal agencies in complying with the Act and to update federal regulations related to the terms and conditions of awards of federal financial assistance with regard to “Buy America” requirements under this Act. The section also directs the Director of the Office of Management and Budget to issue standards for determining if a product is manufactured domestically in the case of construction materials.

**Sec. 4116. Technical assistance partnership and consultation supporting Department of Transportation Buy America requirements.**

This section authorizes a technical assistance partnership between the Secretary of Transportation and the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology and consultation process regarding waivers. USDOT is directed to consult with the Director of the Hollings Manufacturing Extension Partnership regarding whether there is a domestic entity that can provide the iron, steel, manufactured product, or construction material that is the subject of the proposed waiver of a Buy America requirement. This section also asks the Secretary to submit an annual report to relevant Senate and House Committees on the consultation process, waivers requested and granted, and an update on the challenges and gaps in the domestic supply base.

**Sec. 4117. Application.**

This section clarifies that the government-wide requirement established under this Act applies to a federal program only to the extent that current “Buy America” requirements do not apply or are deficient, as specified in this Act. If present “Buy America” requirements for an infrastructure program meet the minimum standards established by this Act, the government-wide requirement has no effect.

**PART II—MAKE IT IN AMERICA**

**Sec. 4121. Regulations relating to Buy American Act.**

This section would mandate that within 1 year of enactment, OMB, in consultation with the Federal Acquisition Regulatory Council (FAR Council), shall standardize how federal agencies comply with and report on procurements subject to the Buy American Act (chapter 83 of title 41, U.S.C). The process shall include the following:

- Guidelines to determine public interest exceptions
- Guidelines to ensure non-availability waivers are tied to appropriate considerations, including anticipated project delays and lack of substitutable articles, materials, and supplies mined, produced, or manufactured in the United States.
- Uniform procedures for each federal agency to post on their website each BAA waiver issued by the head of the agency (with justifications) within 30 days of the waiver’s issuance.
- Guidelines to ensure a project is not disaggregated for purposes of avoiding the applicability of the requirements under the BAA.
- An increase to the price preference for domestic offers.
- Amending the definition of “domestic end products” and “domestic construction material” to ensure that iron and steel products purchased by the federal government maximize domestic components.

This section also sets up guidelines that will minimize the use of the “public interest waiver” to the Buy American Act (BAA) if the waiver will result in a decrease in U.S. employment or prevent a boost in domestic employment. Furthermore, before issuing a public interest waiver to purchase a foreign sourced product, federal agencies must assess whether the cost advantage between a foreign offer and a domestic offer is due to dumped steel, iron, or manufactured products. This requirement was included in President Biden’s Buy American executive order.

It includes a Sense of Congress provision which calls on the FAR Council to raise domestic content requirements for products purchased for federal use and construction material used in federal public works projects. This provision calls for increasing domestic content from 50 percent to 75 percent. If there are no qualifying offers, then content requirements will be scaled back to 60 percent.

Finally, this section includes a directive to the FAR Council to amend Part 25 of the Federal Acquisition Regulations to define “end product manufactured in the United States”. This definition will ensure federal agencies purchase products that are manufactured domestically in addition to meeting domestic content requirements.

#### **Sec. 4122. Amendments relating to Buy American Act.**

This section would amend the BAA to require that iron and steel products/construction material purchased for federal use be 100 percent made in America. This section also adds new guardrails to the domestic non-availability waiver in the Buy American Act. This BAA waiver allows for

federal agencies to bypass its requirements if an end product is unavailable in “sufficient and reasonably available commercial quantities and of a satisfactory quality”. The Make It in America Act ensures that before this waiver is utilized, federal agencies certify that domestic production for the item being sought could not be initiated within a reasonable timeline and a substitute item could not be found to meet the federal mission/purpose.

Finally, this section would require OMB to issue a report to Congress on procurement spending outside the United States 180 days after the enactment of the Make It in America Act and annually thereafter for 4 years. This report will exclude procurement spending for any intelligence agency.

**Sec. 4123. Made in America Office.**

This section codifies the Made in America Office that was established through President Biden’s Buy American executive order. This office will be charged with overseeing and enforcing compliance with domestic preference statutes which includes the Buy American Act (chapter 83 of title 41), Buy America requirements in federal transportation programs, the Berry Amendment, and other domestic preference statutes (as defined in the text). This section also outlines numerous activities for the Made in America Office to carry out including bolstering the use of the Hollings MEP network for federal procurement purposes, review the Defense Department’s use of Reciprocal Defense Procurement Agreements, and issuing annual reports on federal procurement spending.

**Sec. 4124. Hollings Manufacturing Extension Partnership activities.**

This section directs the head of each Federal agency to ensure that businesses participating in the MEP network are made aware of Federal contracting opportunities. This section also calls for businesses participating in the MEP network to be automatically enrolled in GSA Advantage.

**Sec. 4125. United States obligations under international agreements.**

This section calls for all amendments and directives in this title to be applied in a manner consistent with U.S. international trade agreements.

**Sec. 4126. Definitions.**

**Sec. 4127. Prospective amendments to internal cross-references.**

**Subtitle B – BuyAmerican.gov**

**Sec. 4131. Short Title.**

This subtitle may be cited as the “BuyAmerican.gov Act of 2021.”

**Sec. 4132. Definitions.**

This bill defines Buy American law broadly to include the Buy American Act (chapter 83 of title 41), Buy America requirements (section 5323(j) of title 49), the Berry Amendment (section 2533a of title 10), the specialty metal provisions in section 2533b of title 10, and the Buy American rules in the American Recovery and Reinvestment Act (6 U.S.C. 453b).

**Sec. 4133. Sense of Congress on buying American.**

Expresses the sense of Congress that every agency should maximize federal awards and procurements for items made in the United States by American workers and businesses.

**Sec. 4134. Assessment of impact of free trade agreements.**

This section requires the Secretary of Commerce, the U.S. Trade Representative, and the Director of the Office of Management and Budget to assess the impacts of all United States free trade agreements and the World Trade Organization Agreement on Government Procurement on the operation of Buy American Laws, including their impacts on the implementation of domestic procurement preferences. It also requires an assessment of federal permitting processes on the operation of Buy American laws.

**Sec. 4135. Judicious use of waivers.**

This section requires that public interest waivers shall be construed to ensure that maximum utilization of items produced in the United States and be made by the head of the agency issuing the public interest waiver.

**Sec. 4136. Establishment of BuyAmerican.gov website.**

This section directs the General Services Administration (GSA) to establish a website with the address BuyAmerican.gov. The website will include information on all waivers of Buy American laws that have been requested, are under consideration, or have been granted by executive agencies and be designed to enable manufacturers and other interested parties to easily identify waivers. GSA already possesses BuyAmerican.gov. If you visit that address it will take you to the FedBizOpps webpage.

**Sec. 4137. Waiver Transparency and Streamlining for contracts.**

This section requires that waivers to Buy American laws for federal grants be posted on BuyAmerican.gov. Specifically, it requires the administration to develop a mechanism to collect information on requests to waive Buy American laws and other domestic content restrictions, utilizing existing reporting requirements whenever possible in order to make BuyAmerican.gov timely and effective.

Not less than 15 days prior to issuing a waiver, the head of an executive agency shall make available to the public, by posting on BuyAmerican.gov, a copy of the request to waive a Buy

American law, and information available to the executive agency concerning the request. The agency will then allow informal public comment on the waiver request for at least 20 days prior to making a finding based on the request. A waiver may not be granted if the waiver request was not made available to the public, or there was no opportunity for public comment on the waiver request.

**Sec. 4138. Comptroller General report.**

This section requires the Comptroller General to produce a report not later than two years after enactment on the implementation of this bill.

**Sec. 4139. Rules of construction.**

This section future proofs the legislation by ensuring BuyAmerican.gov can be moved to a successor information system.

**Sec. 4140. Consistency with international agreements.**

This section ensures that the legislation is applied in a manner consistent with U.S. obligations under international agreements.

**Sec. 4141. Prospective amendments to internal cross-references.**

This section future-proofs the citation for the Berry Amendment in the U.S. Code.

**Subtitle C – Make PPE in America**

**Sec. 4151. Short title.**

This subtitle may be cited as the “Make PPE in America Act.”

**Sec. 4152. Findings.**

This section explains why long-term contracts for PPE are helpful to incentivize reshoring. Long-term contracts send a powerful demand signal to industry which gives business certainty to know that if they make investments in the United States to re-shore or expand existing production, there will actually be a buyer for that new production.

**Sec. 4153. Requirement of long-term contracts for domestically manufactured personal protective equipment.**

This section requires agencies which purchase PPE (DHS, HHS, and VA) to ensure that any contracts those agencies issue for PPE are at least two years in length. It further specifies that these long-term contracts must be for PPE that is grown, reprocessed, reused, or produced in the United States—which is to say that it is compliant with the Berry Amendment. By capturing the

PPE components, in addition to the final product, under the scope of the domestic content requirement, this legislation helps incentivize the re-shoring of the full PPE supply chain.

This section also includes three exceptions to the domestic content requirement. These exceptions are: non-availability of certain components of PPE, PPE for which a covered Secretary determines is not available or too expensive, and if a covered Secretary, after exhausting domestic production, determines every 120 days that the public health emergency requires alternatives to long-term contracts for PPE produced domestically.

Further, this section requires the Office of Management and Budget to produce a report on re-shoring and supply chain diversification as it relates to PPE.

#### **SEC. 529. Transfer of Equipment During a Public Health Emergency.**

This section provides transfer authority to DHS so that DHS can transfer PPE to HHS during a public health emergency and in response to an HHS request. It also requires an inventory of PPE supplies at DHS. This section also ensures compliance with U.S. obligations under international agreements.

### ***TITLE II – CYBER AND ARTIFICIAL INTELLIGENCE***

#### **Subtitle A – Advancing American AI**

##### **Sec. 4201. Short title.**

This subtitle may be cited as the “Advancing American AI Act.”

##### **Sec. 4202. Purpose.**

##### **Sec. 4203. Definitions.**

##### **Sec. 4204. Principles and policies for use of artificial intelligence in Government.**

The first part of this section ties back to the AI in Government Act passed by HSGAC in the 116th Congress and enacted into law last year as part of the omnibus. When the OMB Director issues guidance for use of AI that is required under the AI in Government Act, the OMB Director must also consider the “Key Considerations and Practices” published in April 2021 by the National Security Commission on Artificial Intelligence and the Principles articulated in the Trump Administration’s December 2020 Executive Order related to the use of trustworthy AI in government.

Second, the DHS Secretary is required to issue policies for use of AI in DHS. This is a recommendation of the National Security Commission on Artificial Intelligence.

Third, the DHS Inspector General is required to assess what training and investments are needed to advance the understanding of AI by his staff to ensure accurate and credible audits and investigations.

Fourth, the OMB Director, working with interagency councils, is required to develop a way to ensure that federal contracts for AI systems address privacy, civil rights, civil liberties and the security and ownership of government information.

There is a sunset clause of 5 years from enactment.

**Sec. 4205. Agency inventories and artificial intelligence use cases.**

Requires OMB and agency heads to inventory AI use cases and to share use cases across agencies. The OMB Director is encouraged to establish a central, online public directory to make use cases available to the public and those wishing to do business with the Federal government.

There is a sunset clause of five years from enactment.

**Sec. 4206. Rapid pilot, deployment and scale of applied artificial intelligence capabilities to demonstrate modernization activities related to use cases.**

Requires the OMB Director along with relevant interagency councils (e.g., CIO Council, Chief Data Officers Council) to identify and pilot four new use cases to apply artificial intelligence in support of interagency or intra-agency modernization initiatives that require linking multiple siloed data sources. [Note: Herein lies the promise of a United States approach to AI that leverages U.S. strengths of entrepreneurialism and innovation.]

The pilots are to leverage commercially available technologies and systems to support the use cases. Priority for selection of pilots goes to those that would benefit from privacy-preserving AI or otherwise take into account considerations of civil rights and civil liberties.

Of the four use case pilots:

- At least one must drive agency productivity and efficiency in predictive supply chain and logistics (e.g., predictive logistics for disaster response).
- At least one must address management challenges, such as workforce upskilling, tasks requiring laborious analysis, compliance, or portfolio management.

Within three years, the Director and agencies are required, in each of the four pilot programs, to establish an AI capability that enables collaboration across agencies and leapfrogs the current need for manual scrubbing and harmonization of data. [This is key to accelerating a U.S. approach to applied AI.]

There are reporting requirements throughout, and a sunset clause of five years after enactment.

**Sec. 4207. Enabling entrepreneurs and agency missions.**

This section utilizes existing acquisition avenues to facilitate the ability of agencies to appropriately acquire entrepreneurial AI capabilities.

The section fixes what we believe was an inadvertent mistake in the 2017 NDAA that cut services out of the definition of a commercial product; raises the threshold at which DHS can purchase innovative commercial items (to \$25M from \$10M); and extends DHS other transaction authorities by three years.

Further, the section authorizes appropriations to GSA of \$4 million dollars to renew piloting of a commercial off the shelf supply chain risk management tool; this is to monitor and respond to supply chain threats and vulnerabilities using applied entrepreneurial AI and reflects recent Congressional requirements that GSA and contractors secure their supply chains.

**Subtitle B – Cyber Response and Recovery**

**Sec. 4251. Short title.**

This subtitle may be cited as the “Cyber Response and Recovery Act.”

**Sec. 4252. Declaration of a significant incident.**

This section creates a new Subtitle C within Title XXII of the Homeland Security Act to grant the authority to the Secretary of the Department of Homeland Security (DHS) to declare a Significant Incident for the establishment of a Response and Recovery Fund. Below outlines the new sections of law within the new subtitle.

**SEC. 2231. Sense of Congress.**

This section includes a Sense of Congress that the purpose of the subtitle is to authorize the Secretary to declare significant incidents, allowing for the use of authorities to respond and recover from the incident. The Sense of Congress also clarifies that any authorities established under the subtitle with regard to non-Federal entities is voluntary.

**SEC 2232. Definitions.**

This section establishes the relevant definitions for the new subtitle. Of note, a significant incident is defined as a cyber incident that results or would likely result in demonstrable harm to the national security, foreign relations, or economy of the United States, or the public confidence, civil liberties, or public health and safety of the people of the United States.

**SEC 2233. Declaration.**

This section authorizes the Secretary of DHS, in consultation with the National Cyber Director, to declare a Significant Incident in the event a specific significant has occurred or is likely to occur imminently. The Secretary must also determine that resources other than the Response and Recovery fund are unlikely to allow for sufficient response to the significant incident.

Upon a Declaration, the Director of the Cybersecurity and Infrastructure Security Agency (CISA) is required to coordinate asset response activities, supporting the victims of the incident, with other Federal and non-federal entities, including law enforcement. The duration of the Declaration is 120 days, unless the Secretary determines it is no longer necessary. The Secretary is allowed to renew a Declaration. In the event the Secretary makes a Declaration or renewal, they shall publish the Declaration or renewal in the Federal Register within 72 hours. This section also allows the Secretary to take advance actions to prepare for possible Declarations.

**SEC 2234. Cyber Response and Recovery Fund.**

This section establishes a Cyber Response and Recovery Fund that is made available in the event of a Declaration for CISA's coordination activities, technical support to the victims of the significant incident, and direct grants to victims.

**SEC 2235. Notification and Reporting.**

This section requires that upon making a Declaration or renewal, the Secretary immediately inform the appropriate Congressional committees and the National Cyber Director. The notification includes specific information about the incident and planned activities in response to the incident.

This section also requires a report be delivered to the appropriate Congressional committees no later than 180 days after a Declaration updating information from the notification and providing an accounting of any expenditures from the Response and Recovery Fund.

**SEC 2236. Rule of Construction.**

This section has a rule of construction noting that nothing in this bill changes any authority of the Director of CISA.

**SEC 2237. Authorization of Appropriations.**

This section authorizes appropriations of \$20 million for FY2022 to remain available until September 30, 2028.

**SEC 2238. Sunset.**

This section creates a sunset provision, expiring these authorities 7 years after the passage of the Act.

## ***TITLE III – PERSONNEL***

### **Subtitle A – Facilitating Federal Employee Reskilling**

#### **Sec. 4301. Short title.**

This subtitle may be cited as the “Facilitating Federal Employee Reskilling Act.”

#### **Sec. 4302. Reskilling Federal employees.**

The Facilitating Federal Employee Reskilling Act sets requirements for federal reskilling programs in order to create fair and commonsense guardrails on such programs, as well as incentivize employees who wish to participate in the programs.

- 2(c) Requires that the OPM Director establish reporting requirements for Federal reskilling programs within one year of enactment.
- 2(d) Requires GAO conduct a study on Federal reskilling programs within three years of enactment.
- 2(e) Requires OPM establish regulations for the reporting requirements for Federal reskilling programs and gives flexibility for OPM to prescribe additional requirements as the Director sees fit. Adds provision that OPM brief the committees of jurisdiction no later than 30 days before the date the final regulations are published.
- 2(f) Clarifies that a Federal agency is not required to establish a Federal reskilling program.
- 2(g) Clarifies that funding for Federal reskilling programs shall come from the agency or OPM, as applicable.

### **Subtitle B – Federal Rotational Cyber Workforce Program**

#### **Sec. 4351. Short title.**

This section establishes the short title of the bill as the “Federal Rotational Cyber Workforce Program of 2021.”

#### **Sec. 4352. Definitions.**

This section defines the terms “agency,” “competitive service,” “Councils,” “cyber workforce position,” “Director,” “employee,” “employing agency,” “excepted service,” “rotational cyber workforce position,” “rotational cyber workforce program,” and “Secretary.”

#### **Sec. 4353. Rotational cyber workforce positions.**

This section determines how agencies will select positions that are eligible for participation in the Federal rotational cyber workforce program.

- Under subsection (a), the head of an agency determines whether a cyber workforce position is eligible for participation in the program and submits to the OPM Director a notice of such determination.
- Subsection (b) requires the OPM Director, with assistance from the Chief Human Capital Officers Council, the Chief Information Officers Council, and the Department of Homeland Security, to develop a list of rotational cyber workforce positions in the program and information about each position.
- Subsection (c) requires the OPM Director to distribute the list developed under subsection (b) on an annual basis to each agency.

**Sec. 4354. Rotational cyber workforce program.**

This section prescribes the development and operation of the Federal rotational cyber workforce program.

- Subsection (a) requires the OPM Director to consult with the Chief Human Capital Officers Council, the Chief Information Officers Council, and the Secretary of Homeland Security and develop and issue an operation plan for the Federal rotational cyber workforce program, which may be implemented through existing mechanisms.
- Subsection (b) lists requirements for the operation plan developed in subsection (a). The operation plan must identify agencies and establish procedures for participation in the program, such as requirements for training, education, and career development for participation and any other prerequisites or other requirements to participate. The operation plan for the program must also include performance measures and other accountability measures in order to evaluate the program. The plan must ensure voluntary participation in the program and agency approval of any participating employee. The operation plan must also establish the logistics of detailing employees between agencies or at other agencies on a non-reimbursable basis, of managing employees detailed in the program, and of returning program participants to their positions in their employing agencies after participating in the program.
- Subsection (c) establishes the process by which employees are selected to participate in the program. An employee in a cyber workforce position must seek approval from their agency to apply for a rotational cyber workforce position included in the list of eligible program positions under subsection 3(b). Employees serving in the excepted service must get prior approval from OPM in order to be selected for a rotational cyber workforce position in the competitive service. When selecting participants for a rotational cyber workforce position, the agency in which that position is located must adhere to the merit system principles. The duration of a detail to the rotational cyber workforce position under this program is for a period of 180 days to up to 1 year, with an option to extend this period for up to an additional 60 days. Under this subsection, an employee participating in the program must enter into a written service agreement with the employing agency to complete a period of employment after participating in the program.

**Sec. 4355. Reporting by GAO.**

This section requires GAO to assess and report on the operation of the Federal rotational cyber workforce program and any effect the program has on improving employees' cyber-related skills or on intra-agency and interagency coordination of cyber functions and personnel management.

**Sec. 4356. Sunset.**

Under this section, the Federal rotational cyber workforce program terminates five years after the date of enactment.

***TITLE IV – OTHER MATTERS***

**Subtitle A – Ensuring Security of Unmanned Aircraft Systems**

**Sec. 4401. Short title.**

This Act may be cited as the “American Security Drone Act of 2021.”

**Sec. 4402. Definitions.**

This section defines “covered foreign entity” and “covered unmanned aircraft system” used in relation to this Act.

**Sec. 4403. Prohibition on procurement of covered unmanned aircraft systems from covered foreign entities.**

- (a) In General - This section establishes that the head of an executive agency may not procure any covered unmanned aircraft system that are manufactured or assembled by a covered foreign entity.
- (b) Exemptions – This section authorizes certain exemptions for the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General.
- (c) Federal Aviation Administration Center of Excellence for Unmanned Aircraft Systems Exemption – This section authorizes an exemption for the Secretary of Transportation for certain purposes.
- (d) National Transportation Safety Board Exemption – This section authorizes an exemption for the National Transportation Safety Board for a certain purpose.
- (e) National Oceanic Atmospheric Administration Exemption – This section authorizes an exemption for the Administrator of the National Oceanic Atmospheric Administration for a certain purpose.
- (f) Waiver – This section authorizes the head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis.

**Sec. 4404. Prohibition on operation of covered unmanned aircraft systems from covered foreign entities.**

- (a) Prohibition – This section states that beginning on the date that is 2 years after the date of enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity. This section also applies to contracted services.
- (b) Exemption – The section authorizes certain exemptions for the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General.
- (c) Federal Aviation Administration Center of Excellence for Unmanned Aircraft Systems Exemption – This section authorizes an exemption for the Secretary of Transportation for certain purposes.
- (d) National Transportation Safety Board Exemption – This section authorizes an exemption for the National Transportation Safety Board for a certain purpose.
- (e) National Oceanic Atmospheric Administration Exemption – This section authorizes an exemption for the Administrator of the National Oceanic Atmospheric Administration for a certain purpose.
- (f) Waiver – This section authorizes the head of an executive agency to waive the prohibition under subsection (a) on a case-by-case basis.
- (g) Regulations and Guidance – This section requires the Secretary of Homeland Security to prescribe regulations or guidance to implement this section not later than 180 days after the date of enactment.

**Sec. 4405. Prohibition on use of Federal funds for purchases and operation of covered unmanned aircraft systems from covered foreign entities.**

- (a) In General – This section states that beginning on the date that is 2 years after the date of enactment, no Federal funds awarded through a contract, grant, or cooperate agreement, or otherwise made available may be used to purchase a covered unmanned aircraft system.
- (b) Exemption – This section authorizes an exemption to a Federal department or agency for certain purposes.
- (c) Waiver – This section authorizes the head of an executive agency to waive the prohibition under subsection (a) on a case-by-case basis.
- (d) Regulations – This section requires the Federal Acquisition Regulatory Council to prescribe regulations or guidance to implement the requirements of this section pertaining to Federal contracts not later than 180 days after the date of enactment.

**Sec. 4406. Prohibition on use of Government-issued Purchase Cards to purchase covered unmanned aircraft systems from covered foreign entities.**

This section prohibits the use of Government-issued Purchase Cards to be used to procure any covered unmanned aircraft system from a covered foreign entity.

**Sec. 4407. Management of existing inventories of covered unmanned aircraft systems from covered foreign entities.**

- (a) In General – This section requires all executive agencies to account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems.
- (b) Classified Tracking – This section authorizes tracking to be conducted at a classified level.
- (c) Exceptions – This section authorizes the Department of Defense and Department of Homeland Security to exclude certain covered unmanned aircraft systems deemed expendable due to mission risk from the full inventory process.

**Sec. 4408. Comptroller General report.**

This section requires the Comptroller General of the United States to submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from foreign covered entities not later than 275 days after the date of enactment.

**Sec. 4409. Government-wide policy for procurement of unmanned aircraft systems.**

- (a) In General - This section requires the Director of the Office of Management and Budget to establish a government-wide policy for the procurement of unmanned aircraft systems not later than 180 days after the date of enactment.
- (b) Information Security – This section requires the policy developed under subsection (a) to include certain specifications.
- (c) Requirement – This section requires the policy developed under subsection (a) to reflect an appropriate risk-based approach to information security.
- (d) Revision of Acquisition Regulations – This section requires Federal revision of acquisition regulations not later than 180 days after the date on which the policy under subsection (a) is issued.
- (e) Exemption – This section requires the Director of the Office of Management and Budget to incorporate an exemption to the policy under subsection (a) for certain reasons.

**Sec. 4410. Study.**

- (a) Independent Study – This section requires the Director of the Office of Management and Budget to conduct a study for certain purposes no later than 3 years after the date of enactment.
- (b) Submission to OMB – This section requires the study under subsection (a) to be submitted to the Director of the Office of Management and Budget upon completion.

- (c) Submission to Congress – This section requires the Director of the Office of Management and Budget to submit the study under subsection (a) to be submitted to Congress not later than 30 days after receipt.

**Sec. 4411. Sunset.**

This section requires that Sections 3, 4, and 5 shall cease to have effect on the date that is 5 years after the date of enactment.

**Subtitle B – No TikTok on Government Devices**

**Sec. 4431. Short title.**

This subtitle may be cited as the “No TikTok on Government Devices Act.”

**Sec. 4432. Prohibition on the use of TikTok.**

Requires the Director of the Office of Management and Budget—through consultation with GSA, CISA, the Director of National Intelligence, and the Secretary of Defense—to publish guidance within 60 days requiring the removal of TikTok from federal information technology, which includes cell phones and computers issued by executive agencies and government corporations.

This prohibition applies to TikTok or any successor application owned by ByteDance Ltd., the Chinese-based parent company. The OMB guidance must adhere to applicable laws governing federal information security.

The standards issued by OMB must include exceptions for national security, federal investigations, and security research. For these uses, agencies are required to document and develop risk mitigation actions.

**Subtitle C – National Risk Management**

**Sec. 4461. Short title.**

This subtitle may be cited as the “National Risk Management Act of 2021.”

**Sec. 4462. National risk management cycle.**

The Act inserts a new Section 2218 in the Homeland Security Act of 2002.

**Sec. 2218. National Risk Management Cycle.**

- (a) defines National Critical Functions of the government and private sector, which, if disrupted, would have a debilitating impact on national security, the economy, or public health or safety.

- (b) codifies the requirement for CISA to utilize a National Risk Management Cycle to evaluate the risks to critical infrastructure, prioritize risks to act upon, and periodically reevaluate and update its analysis. Specifically, this section:

Paragraph (1) – Risk Identification and Assessment:

- This paragraph directs the Cybersecurity and Infrastructure Security Agency (CISA) Director to establish a process to identify, assess, and prioritize risks to critical infrastructure, including the resources needed to address those risks;
- The Director must consult with Sector Risk Management Agencies (formerly Sector Specific Agencies, the federal agencies most directly responsible for the security of particular critical infrastructure sectors), critical infrastructure owners and operators (since most critical infrastructure is private owned and operated), the National Security Advisor, the Homeland Security Advisor, and the National Cyber Director;
- The Director must publish this process in the Federal Register within 180 days, to ensure transparency, subject to any redactions needed to protect classified or other sensitive information; and
- Finally, DHS must repeat this process every five years (no later than one year after the Secretary evaluates which sectors should be deemed critical infrastructure) to ensure the analysis and strategy are reflective of current risks and deliver a report on the risks to critical infrastructure to both the President and the homeland security committees of Congress.

Paragraph (2) – National Critical Infrastructure Resilience Strategy:

- Within one year of receiving each Risk Identification and Assessment report, the President must deliver to Congress a strategy to address the risks identified in the report. The strategy shall include:
  - Any risks that would compromise the national critical functions;
  - Assessment of the implementation of the previous national critical infrastructure resilience strategy;
  - The actions, programs, and efforts that will be taken to address the risks, including identifying the federal departments or agencies responsible; and
  - Identifying any additional authorities needed to carry out the strategy

Paragraph (3) – Congressional Briefing:

- Following delivery of the strategy, the appropriate Congressional committees shall be briefed annually by the Secretary of Homeland Security and the appropriate Sector Risk Management Agencies on the implementation of the strategy and what resources and timeline the strategy needs to be fully implemented.

**Subtitle D – Safeguarding American Innovation**

**Sec. 4491. Short title.**

This subtitle may be cited as the “Safeguarding American Innovation Act”.

**Sec. 4492. Definitions.**

This section defines a Federal science agency as any federal department that was appropriated more than \$100,000,000 in basic and applied research and development funds during the previous fiscal year. This section also defines the terms “research and development,” “development,” “experimental development,” and “research” for the purposes of this subtitle.

**Sec. 4493. Federal Research Security Council.**

This section adds Chapter 79 – Federal Research Council, to the end of Subtitle V of title 31, United States Code. This section establishes a Federal Research Security Council in the Office of Management and Budget, which “shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.” The section further defines membership requirements, designation of a chairperson, designations of lead science and security advisors, and requirements to hold meetings. The section also defines functions and authorities of the Council. This section further outlines requirements for a uniform grant application process, requirements for information sharing criteria, requirements for insider threat program guidance, and establishing a process to issue warnings related to risks and vulnerabilities in international scientific cooperation. Finally, this section defines an annual reporting requirement and requirements for executive agencies.

**Sec. 4494. Federal grant application fraud.**

This section amends Chapter 47 of title 18, United States Code, by adding a provision on federal grant application fraud. The added provision makes it unlawful for any individual to knowingly:

- (1) Prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by an individual;
- (2) Forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or;
- (3) Prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that:
  - a. Contains a false statement;
  - b. Contains a material misrepresentation;
  - c. Has no basis in law or fact; or
  - d. Fails to disclose a material fact.

This section further provides exemptions to certain activities carried out in connection with a legally authorized investigative, protective, activity of a law enforcement agency or Federal intelligence agency. The section also provides penalties for violating the subsection on

prohibition. Finally, this section adds a clerical amendment to the he analysis for chapter 47 of title 18, United States Code.

**Sec. 4495. Restricting the acquisition of emerging technologies by certain aliens.**

This section allows the Secretary of State to determine that an alien is inadmissible if the Secretary determines such alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government’s security or strategic capabilities. The section addresses relevant factors for the Secretary to determine if an alien is inadmissible and establishes a requirement for a report to be submitted to appropriate congressional committees regarding alien inadmissibility. The section provides a sunset of this section 2 years after the date of enactment.

**Sec. 4496. Machine readable visa documents.**

This section requires the Secretary of State to use a machine-readable visa application form one year after enactment in order to identify fraud, conduct lawful law enforcement activities; and determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). This section also provides a waiver for that requirement.

**Sec. 4497. Certifications regarding access to export controlled technology in educational and cultural exchange programs.**

This section amends Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) to ensure that sponsors of exchange programs for foreign researchers and scientists are required to protect technologies regulated by export control laws important to the national security interests of the United States.

**Sec. 4498. Privacy and confidentiality.**

This section clarifies that nothing in this subtitle may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”) or subchapter III of chapter 35 of 1 title 44, United States Code (commonly known as the “Confidential Information Protection and Statistical Efficiency Act of 2018”).

## **Division E – Meeting the China Challenge Act of 2021**

### *Title I – Financial Services*

#### **Section: 5001: Short title, table of contents.**

#### **Sec. 5101. Findings on transparency and disclosure; sense of Congress.**

Includes Congressional findings on corporate transparency and urges the Treasury Department to fully implement anti- money laundering and transparency reforms in the Anti-Money Laundering Act of 2020, including those designed to combat the use of anonymous shell companies by Chinese actors.

#### **Sec. 5102. Establishment of interagency task force to address Chinese market manipulation in the United States.**

Establishes an interagency task force, including the Department of Justice, Federal Trade Commission, and Treasury Department, to investigate allegations of systemic market manipulation and other potential violations of antitrust and competition laws in the United States by companies established in the People’s Republic of China.

#### **Sec. 5103. Expansion of study and strategy on money laundering by the People’s Republic of China to include risks of contributing to corruption.**

Amends the Anti-Money Laundering Act of 2020 to expand a study and strategy requirement on money laundering by the People’s Republic of China to include ways to address corruption-related risks involving Chinese firms.

#### **Sec. 5104. Statement of policy to encourage the development of a corporate code of conduct for countering malign influence in the private sector.**

States the policy of the United States to encourage the development of a corporate code of conduct for countering malign influence in the private sector, including by protecting free speech rights, ensuring that products and services made by firms do not undermine fundamental rights and freedoms, maintaining robust due diligence programs, and disclosing any funding or support from entities linked to the Government of the People’s Republic of China.

### *Title II – Protecting United States National Security*

#### **Subtitle A – Sanctions with Respect to People’s Republic of China**

#### **Sec. 5201. Definitions.**

Establishes definitions that apply to sections 5201-5206.

**Sec. 5202. Use of sanctions authorities with respect to the People’s Republic of China.**

Describes authorities Congress has provided to the President to impose sanctions to address various forms of malign behavior by the Government of the People’s Republic of China and others, and recommends that the President use the full range of those authorities to combat such behavior by that government, entities owned or controlled by that government, and other Chinese individuals and entities responsible for such behavior.

**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.**

Directs the President to identify those persons or entities who knowingly engaged in undermining U.S. cybersecurity on behalf of the Government of the People’s Republic of China or who knowingly assisted such activity, including by conducting cyber-attacks against targets in the U.S., and requires mandatory imposition of sanctions. Specifically directs the President to impose property blocking and visa restrictions for individuals; for entities, it directs the President to impose at least five mandatory menu-based sanctions, and enumerates available sanctions.

**Sec. 5204. Imposition of sanctions with respect to theft of trade secrets of United States persons.**

Directs the President to submit a report that identifies foreign individuals or entities that knowingly engaged in, benefitted from, or provided support for significant theft of trade secrets of United States persons. It also directs the President to impose at least five mandatory menu-based sanctions for each foreign entity identified in the report. For individuals identified in the report, it directs the President to block their property and revoke or restrict visas. Provides for a national interest waiver and termination authorities.

**Sec. 5205. Implementation; penalties.**

Provides for the use of International Emergency Economic Powers Act authorities and penalties to carry out sections 5201-5206.

**Sec. 5206. Exceptions.**

Provides for certain exceptions (law enforcement, intelligence, international agreements, others) that apply to sections 5201-5206.

**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.**

Establishes the policy of the United States to use export controls to further the protection of internationally recognized human rights. Directs the Commerce Secretary to review items

subject to controls for crime control reasons, and requires the Commerce Secretary to determine whether additional controls are needed to protect human rights, including item-based, end use, and end user controls. The provisions also amend existing law to allow for end use controls to address human rights abuses.

**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.**

Prohibits the Committee on Foreign Investment in the United States from reviewing or investigating a gift to an institution of higher education from a foreign person or the entry into a contract by such an institution with a foreign person.

**Sec. 5213. Conforming amendments to Treasury positions established by Foreign Investment Risk Review Modernization Act of 2018.**

Makes a technical conforming amendment to the Treasury positions established by the Foreign Investment Risk Review Modernization Act of 2018.

*Title III – Reports to Congress*

**Sec. 5301. Review of the presence of Chinese entities in United States capital markets.**

Requires a review of the presence of Chinese entities in U.S. capital markets that have knowingly and materially contributed to: activities that undermine U.S. national security, serious abuses of internationally recognized human rights, or substantially increased financial risk exposure for U.S.-based investors.

**Sec. 5302. Report on malign activity involving Chinese state-owned enterprises.**

Requires a report that assesses whether state-owned enterprises (SOEs) or their large subsidiaries with a market capitalization of \$5 billion or more in the People’s Republic of China are engaged in or knowingly facilitating serious human rights abuses, the use of forced or child labor, or actions that erode or undermine the autonomy of Hong Kong. Requires identification of SOEs, certain Communist Chinese military companies, and their large subsidiaries; requires information on any US financial assistance to such entities, an assessment as to whether such SOEs entities engaged in malign activities; and requires any legislative or administrative recommendations which may be necessary to address any such activities, including any additional limitations on US financial assistance.

**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.**

Requires a report on the use and applicability of sanctions to Chinese officials complicit in human rights violations and violations of U.S. 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.**

Requires a report that identifies current or projected domestic shortfalls of industrial resources, materials, or critical technology items essential to the national defense; assesses materials for which the United States relies on China as the sole or primary source; and includes recommendations for the use of the Defense Production Act to reduce U.S. reliance on China for those items.

**Sec. 5304. Report on domestic shortfalls of industrial resources, materials, and critical technology items essential to the national defense.**

Requires a report on the implementation of the formal process for the exchange of information between the Committee on Foreign Investment of the United States and governments of countries that are allies or partners of the United States.

**Sec. 5306. Report on economic and national security implications of changes to cross-border payment and financial messaging systems.**

Requires a report on the economic and national security implications of changes to evolving 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.**

Requires a report on the 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.**

Requires a report on the economic effects of the People's Republic of China's movement toward a free floating currency, including the effects on U.S. exports, economic growth and job creation in the United States.

**Sec. 5309. Report on exposure of the United States to the financial system of the People's Republic of China.**

Requires a report on the exposure of the United States to the financial sector of the People's Republic of China.

**Sec. 5310. Report on investment reciprocity between the United States and the People's Republic of China.**

Requires a report on investment reciprocity between the United States and the People's Republic of China, including recommendations to ensure and strengthen such reciprocity.

## **Division F – Other Matters**

### *Title I – Competitiveness and Security for Education and Medical Research*

#### **Subtitle A – Department of Health and Human Services Programs**

##### **Sec. 6101. Foreign talent programs.**

This section requires NIH extramural researchers to disclose participation in foreign talent programs, which includes providing to NIH copies of all grants, contracts, or other agreements related to their participation in such programs.

##### **Sec. 6102. Securing identifiable, sensitive information.**

This section requires the HHS Secretary to consult with national security experts (e.g., Director of National Intelligence, Secretary of State, Secretary of Defense) to ensure that HHS biomedical research involving human genomic information appropriately considers national security risks. Also requires the Secretary to (1) develop a risk framework for assessing and managing such national security risks, including criteria for conducting risk assessments, security controls and training, and risk-reduction methods; and (2) develop and implement controls related to the risk framework to ensure appropriate data access and involve individuals with national security expertise in the evaluation of certain data access requests. Two years after the date of enactment of this section, the HHS Secretary shall update human genomic data access and sharing policies related to human genomic data based on emerging national security threats. Additionally, this section requires a briefing to appropriate Congressional committees on the activities carried out under this section.

##### **Sec. 6103. Duties of the Director.**

This section adds two new duties for the Director of the National Institutes of Health related to national security. This section requires the NIH Director to consult with HHS Office of National Security (ONS), the HHS Assistant Secretary for Preparedness and Response, and other relevant agencies (e.g., Director of National Intelligence, Director of FBI) regarding HHS biomedical research that may be relevant to national security matters. It also requires the NIH Director to ensure that recipients of NIH funding and related entities adhere to appropriate technology practices to secure identifiable, sensitive information.

##### **Sec. 6104. Protecting America’s biomedical research enterprise.**

This section requires the HHS Secretary to consult with the National Security Advisor, the Director of National Intelligence, the Director of the FBI, and the heads of other relevant agencies, research institutions and advocacy groups, to (1) identify ways to improve the protection of intellectual property and other types of sensitive information in biomedical

research, (2) develop strategies to address national security threats in biomedical research, including through foreign talent programs, (3) make recommendations to protect proprietary information from potential misuse that may pose national security risks, and (4) develop a framework to identify areas of federally supported biomedical research that are emerging areas of interest for adversaries and may pose national security risks, if subjected to foreign influence. Additionally, under this section, the HHS Secretary shall regularly review policies made under this section and provide updates as appropriate, as well as submit a report to the President and relevant congressional committees that addresses the findings and recommendations of this section.

**Sec. 6105. GAO Study.**

This section authorizes the Government Accountability Office (GAO) to assess the extent to which HHS funds are used for human genomic sequencing services or genetic services provided by entities, or subsidiaries of such entities, organized under the laws of a country or countries of concern, as determined by the Director of National Intelligence or the head of another Federal departments and agencies. As part of this study, GAO is required to make recommendations to address any vulnerabilities identified and submit a report to Congress no later than two years after enactment.

**Sec. 6106. Report on progress to address undue foreign influence.**

This section requires the HHS Secretary to submit an annual report to Congress on actions taken to (1) address cases of research misconduct related to foreign influence; (2) document the number of potential cases reported to NIH, cases referred to law enforcement agencies, and enforcement actions taken; and (3) prevent, address, and mitigate research misconduct related to foreign influence.

**Subtitle B – Elementary and Secondary Education**

**Sec. 6131: Postsecondary STEM pathway grants.**

This section authorizes a new competitive grant program operated by the U.S. Department of Education to support equitable access to postsecondary STEM pathways to increase the number of high school students exposed to high-quality, advanced STEM coursework, support students by reducing college costs, and improve postsecondary credit transfers. Under this new program, a state consortium (which includes the state educational agency, school districts, and the state's public higher education system) will be eligible to receive a grant to increase the number of public high school students enrolled in postsecondary STEM pathways. Such pathways are a sequence of courses focused on STEM education that provide at least 12 credit hours or the equivalent toward a recognized postsecondary credential, and may include Advanced Placement, International Baccalaureate, a dual or concurrent enrollment program, or an early college high school program. Grantees would have to ensure that credits earned under such pathways: 1)

count as credit towards the State’s regular high school diploma; and 2) are included as part of a statewide articulation agreement. Such articulation agreements would guarantee all credit earned under a postsecondary STEM pathway would fully transfer to all public institutions of higher education in the state (and any private institution of higher education who chooses to participate in the statewide articulation agreement) and ensure such credit counts toward degree or certificate requirements. States would be required to take steps to ensure marginalized students equitably participate in such pathways, including students from families with low incomes, students of color, children with disabilities, English learners, migrant students, students experiencing homelessness, children or youth in the foster care system, and first-generation college students.

**Sec. 6132: Improving access to elementary and secondary computer science education.**

This section authorizes a new competitive grant program operated by the U.S. Department of Education to improve the United States’ global competitiveness by improving access to computer science education and computational thinking skills for students enrolled in elementary schools and secondary schools operated by local educational agencies, particularly for students facing systemic barriers. Under this new program, state educational agencies will be eligible to receive a grant and be required to subgrant at least 90 percent of grant funds to local educational agencies, particularly high-need local educational agencies. Grant funds will be used to: 1) develop and implement a data-driven plan to provide equitable access to computer science education and the development of computational thinking skills, particularly for students facing systemic barriers (which include female students, students from families with low incomes, Black and Latino students, Native American and Alaskan Native students, Native Hawaiian and Pacific Islander students, students with disabilities, English learners, students in rural areas, migrant students, students experiencing homelessness, and children and youth in foster care); 2) support and diversify the computer science educator workforce; 3) implement evidence-based instructional practices; and 4) increase access extracurricular opportunities, career exploration and exposure activities, career information and advising, and high-quality work-based learning opportunities.

**Subtitle C – Higher Education**

**Sec. 6241. Reauthorization of international education programs under title VI of the Higher Education Act of 1965.**

This section extends authorization of six currently funded international education programs: National Resource Centers; Foreign Language and Area Studies Fellowships; Language Resource Centers; Undergraduate International Studies and Foreign Language Programs; American Overseas Research Centers; and Centers for International Business Education and Research. It also consolidates, modernizes and aligns existing programs into two new programs that address the 21st century needs for educational opportunities that promote language, cultural,

and business competencies for students, teachers, and employers;. And, it codifies a process that allows the Secretary of Education to give priority to qualified minority-serving institutions or institutions of higher education that apply for grants and propose significant and sustained collaboration with a minority-serving institution. Finally, the section authorizes \$208,059,000 for the Title VI programs for fiscal year 2022 and such sums as may be necessary for the next succeeding five fiscal years.

**Sec. 6242. Confucius Institutes.**

This section establishes new transparency and managerial conditions for institutions of higher education that maintain a Confucius Institute (which is a cultural institute established as a partnership between a United States institution of higher education and a Chinese institution of higher education to promote and teach Chinese language and culture that is funded, directly or indirectly, by the Government of the People’s Republic of China) on campus, in order for the institution to continue to be eligible for Federal funds provided under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.). The conditions do not apply to Federal student aid provided under title IV of such Act.

**Sec. 6243. Sustaining the Truman Foundation and the Madison Foundation.**

This section expands the Harry S. Truman Memorial Scholarship Trust Fund’s investment authorities to include all public debt securities of the United States with maturities suitable to the fund. The section also updates investment authorities for the James Madison Memorial Fellowship Trust Fund, including by permitting the investment of funds in securities other than public debt securities of the United States that are traded in established U.S. markets.

**Sec. 6244. Disclosures of foreign gifts and contracts at institutions of higher education.**

This section amends Section 117 of the Higher Education Act of 1965 related to institutional reporting of foreign gifts and contracts. The threshold of required reporting of gifts and contracts is lowered from \$250,000 under current law to \$50,000, to capture additional gifts and contracts received by institutions of higher education in any given year. The section further creates a consistent annual reporting timeline. Institutions will be required to designate a compliance officer and the U.S. Department of Education will be required to maintain a designated point of contact to respond to questions and provide technical assistance to institutions. Institutions will be required to maintain a true copy of each gift or contract for additional periods of time, and in the case that such gift or contract is restricted, or requested by the U.S. Department of Education for a compliance audit or investigation, produce the copies of such gifts or contracts translated into English by an independent third-party. Current law definitions of gifts and contracts are updated by this section and will include any affiliation, agreement, or similar transaction with a foreign source that is based on the use or exchange of an institution’s name, likeness, time, services, or resources. Contracts with an undetermined monetary value must also be reported. Scholarships for small groups of students will be exempt from being considered as a gift.

This section also creates a new Section 124 in the Higher Education Act of 1965 related to the reporting of foreign gifts and contracts received by individual faculty, and by staff involved in research and development (as determined by the institution), to their respective institutions. Institutions that have more than \$5 million in research and development expenditures in any given year will be required to maintain a policy requiring the applicable faculty and staff to report such foreign gifts and contracts to the institution; to maintain a database of such reporting; and to have a plan to effectively identify and manage potential information gathering by foreign sources through espionage targeting faculty and staff.

Financial penalties are established for noncompliance with the requirements of Section 117, as amended, and the new Section 124, and a compliance plan will be required for noncompliance in two consecutive years. The U.S. Department of Education will be required to commence negotiated rulemaking for the policies in both sections within one year of enactment. The amendments made by this section will take effect upon the issuance of regulations developed under such negotiated rulemaking process.

## ***Title II – Committee on the Judiciary***

### **Sec. 6201: Short Title**

Merger Filing Fee Modernization Act of 2021.

### **Sec. 6202: Premerger Notification Filing Fees**

Section 2 modernizes merger filing fees by reducing the burden on smaller transactions and increasing fee levels for multi-billion dollar transactions, generating significant fee revenue.

The chart below summarizes these changes:

Deal Size	Old Fee	New Fee
Less than \$161.5 million	\$45,000	\$30,000
\$161.5 - \$500 million	\$125,000	\$100,000
\$500 - \$1 billion	\$125,000 - \$280,000	\$250,000
\$1 - \$2 billion	\$280,000	\$400,000
\$2 - \$5 billion	\$280,000	\$800,000

Each fiscal year, the filing fees will be adjusted by an amount equal to the increase in the Consumer Price Index rounded to the nearest multiple of \$5,000, provided that the fees shall not adjust if the increase is less than one percent.

**Sec. 6203: Authorization of Appropriations for FY2022**

- Authorizes \$252,000,000 for the Antitrust Division of the DOJ
- Authorizes \$418,000,000 for the FTC

*Title III – Other Matters*

**Sec. 6301: Enhancing entrepreneurship for the 21st century.**

The bill would require the Secretary of Commerce to work with partners at all relevant government agencies to conduct a comprehensive study into the underlying factors driving the current “startup slump.” Economists have identified several factors that may explain the reasons for the slowdown in entrepreneurship, including demographic changes caused by an aging workforce, increased industry concentration, increased risk-aversion following the last recession, difficulties related to access to capital (particularly difficulties encountered by underserved populations, minorities, and women), the concentration of venture capital in only a few cities, record levels of student loan debt, and difficulties faced by entrepreneurs in making use of federally funded research and innovation.

In conducting the study, the Secretary will be required to consult with leaders and utilize key data sets housed at the Census Department, Bureau of Economic Analysis, Bureau of Labor Statistics, Treasury Department, Federal Reserve, and Small Business Administration—in addition to consulting with entrepreneurs and representatives from consumer, community, and entrepreneurship advocacy organizations. The Secretary will be required to consider each of the potential factors identified above and will be required to make distinctions between industries, which economists believe may be affected by disparate factors.