to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1522. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1498. Mr. SASSÉ submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2307. International standards development.

Notwithstanding any other provision of law, there is authorized to be appropriated for the Defense Advanced Research Projects Agency $7,000,000,000 for each of fiscal years 2022 through 2026.

SA 1499. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division B, add the following:

SEC. 2309. PROHIBITION AGAINST FEDERAL FUNDING FOR FOREIGN ENTITIES OF CONCERN.

(a) INeligibility for Federal funding.—Notwithstanding any other provision of law, a foreign entity of concern (as defined in section 2302) and a contractor of a foreign entity of concern (as defined in section 2302) may not receive any Federal funding under this division.

SA 1500. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2308. Plan with respect to sensitive or critical commodities.

Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that—

(1) assesses how limited supply chain visibility hinders the ability of U.S. Customs and Border Protection to identify and conduct enforcement actions with respect to articles imported in violation of the customs and trade laws of the United States, including articles produced with forced labor or with respect to which unfair subsidies were provided;

(2) identifies the types of information U.S. Customs and Border Protection would require to achieve supply chain transparency;

(3) identifies the parties who would be required to submit the types of information to U.S. Customs and Border Protection;

(4) assesses how U.S. Customs and Border Protection would store and utilize that information.

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

1. Short title; table of contents.
2. Definitions.
4. Interagency working group.
5. Key technology areas.
6. National Science Foundation technology hub program.
8. Trilateral intellectual property cooperation.
10. Plan with respect to sensitive or critical commodities.
11. Research, development, and high-value manufacturing.
14. Authorizations for research programs.
15. Authorization of appropriations for the National Science Foundation.
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24. Bioeconomy research and development.
26. National Science Foundation research security.
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28. Foreign government talent recruitment program prohibition.
29. Additional requirements for Director research security.
30. Protecting research from cyber theft.
31. International standards development.
32. Research funds accounting.
33. Plan with respect to sensitive or controlled information and background screening.

SA 1501. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. REPORT ON ACHIEVING SUPPLY CHAIN TRANSPARENCY.

Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that—

(a) I NELIGIBILITY FOR FEDERAL FUNDING.—Notwithstanding any other provision of law, there is authorized to be appropriated for the Defense Advanced Research Projects Agency $7,000,000,000 for each of fiscal years 2022 through 2026.

(a) ENHANCED AUTHORITY TO SHARE INFORMATION WITH RESPECT TO MERCHANDISE SusPECTED OF VIOLATING INTELLIGENT PROPERTY RIGHTS.

Section 623a of the Tariff Act of 1930 (19 U.S.C. 1623a) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) shall provide to the person information that appears on the merchandise, including—

(A) its packaging, materials, and containers, including labels; and

(B) its packaging materials and containers, including labels; and"

and

(2) in subsection (b)—

(A) in paragraph (3), by striking "; and" and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) any other party with an interest in the merchandise as determined appropriate by the Commissioner."
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Sec. 2504. Report on global semiconductor supply chain resiliency program.
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Sec. 2507. Research Investment to Spark the Economy Act.
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Sec. 2512. Internet exchanges and submarine cables.
Sec. 2513. Study of sister city partnerships operating within the United States involving foreign communities in countries with significant public sector corruption.
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DIVISION III—REPORTS

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

SEC. 1001. TABLE OF CONTENTS.

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

SEC. 1002. CREATING HELPFUL INCENTIVES TO PRODUCE SEMICONDUCTORS (CHIPS) FOR AMERICA FUND.

(a) CHIPS FOR AMERICA FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Fund” (referred to in this sub-section as the “Fund”) for the Secretary of Commerce to carry out sections 9902 and 9906 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283). Amounts in the Fund to carry out section 9906 of Public Law 116–283 shall be transferred to and merged with such amounts within the Fund to carry out section 9902 of Public Law 116–283.

(2) APPROPRIATION.—

(A) In addition to amounts otherwise available for such purposes, there is appropriated to the Fund established in subsection (a)(1), out of amounts in the Treasury not otherwise appropriated—

(i) for fiscal year 2022, $24,000,000,000, to remain available until expended, of which $19,000,000,000 shall be for section 9902 of Public Law 116–283, $2,000,000,000 shall be for subsection (c) of section 9906 of Public Law 116–283, $2,500,000,000 shall be for subsection (d) of section 9906 of Public Law 116–283, and $500,000,000 shall be for subsections (e) and (f) of section 9906 of Public Law 116–283;

(ii) for fiscal year 2023, $7,000,000,000 to remain available until expended, of which $5,000,000,000 shall be for section 9902 of Public Law 116–283 and $2,000,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283;

(iii) for fiscal year 2024, $6,300,000,000, to remain available until expended, of which $5,000,000,000 shall be for section 9902 of Public Law 116–283 and $1,300,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283;

(iv) for fiscal year 2025, $6,100,000,000, to remain available until expended, of which $5,000,000,000 shall be for section 9902 of Public Law 116–283 and $1,100,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283;

(v) for fiscal year 2026, $6,800,000,000, to remain available until expended, of which $5,000,000,000 shall be for section 9902 of Public Law 116–283 and $1,800,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283;

(B) In carrying out this subsection, the Secretary of Commerce may use up to 2 percent of the amounts made available in each fiscal year for salaries and expenses, administration, and oversight, of which $5,000,000 in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Commerce to oversee expenditures from the Fund.

(3) ASSISTANCE FOR MATURE TECHNOLOGY NODES.—

(i) Of the amount available in fiscal year 2022 to implement section 9902 of Public Law 116–283, $2,000,000,000 shall be to provide Federal financial assistance to covered entities to incentivize investment in facilities and equipment in the United States for the fabrication, assembly, testing, or advanced packaging of semiconductors at mature technology nodes.

(ii) In addition to the procedures, eligibility, and considerations for review specified in subsection 9902a(a)(2) of Public Law 116–283, in order to be an entity to qualify to receive Federal financial assistance under this paragraph, the covered entity shall—

(1) provide equipment or materials for the fabrication, assembly, testing, or advanced packaging of semiconductors at mature technology nodes in the United States; and

(2) fabricate, assemble using advanced packaging, or test semiconductors at mature technology nodes in the United States; and
(ii) commit to using any Federal financial assistance received under this section to increase the production of semiconductors at mature technology nodes.

(C) In addition to the considerations described in subsection 992(a)(2)(C) of Public Law 116–283, in granting Federal financial assistance under this paragraph, the Secretary may give priority to any State that has a semiconductor manufacturing or testing facility or has the potential to develop such a facility.

(D) In awarding Federal financial assistance to covered entities under this paragraph, the Secretary shall give priority to covered entities that support the resiliency of semiconductor supply chains for critical manufacturing industries in the United States.

(E) In this paragraph, the term ‘critical manufacturing industry’—

(i) means an industry that is assigned a North American Industry Classification System code beginning with 31, 32, or 33, and for which there are no other industries that are assigned a North American Industry Classification System code beginning with the same 4 digits as the industry.

(ii) includes semiconductor manufacturing, and

(iii) may include any other manufacturing industry the President determines to be on the relevance of the manufacturing industry to the national and economic security of the United States, including the impacts of job losses.

(F) In this paragraph, the term ‘mature technology node’ has the meaning given the term by the Secretary of Commerce.

(A) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations of the full amount made available under subsection (a)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation to the Senate shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(B) CHIPS FOR AMERICA DEFENSE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund that may be known as the ‘‘Fund’’ to provide for international information and communications technologies security and semiconductor supply chain activities, including to support the development and adoption of secure and trusted telecommunications technologies, secure semiconductors, secure semiconductor supply chains, and other emerging technologies that are unique to the Department of Defense.

(2) FUND AMOUNTS.—Amounts made available under subsection (a)(2) that are necessary to carry out section 9903(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), for research, development, deployment and evaluation, workforce development, and other requirements that are unique to the Department of Defense and the intelligence community, including the term ‘‘mature technology nodes’’ has the meaning given the term by the Secretary of Commerce.

(III) ALLOCATIONS.—The President shall submit to Congress detailed account, program, and project allocations of the full amount made available under subsection (b)(1), out of amounts in the Treasury of the United States.

(A) for fiscal year 2022, $400,000,000, to remain available until September 30, 2022;

(B) for fiscal year 2023, $400,000,000, to remain available until September 30, 2023;

(C) for fiscal year 2024, $400,000,000, to remain available until September 30, 2024;

(D) for fiscal year 2025, $400,000,000, to remain available until September 30, 2025;

(E) for fiscal year 2026, $400,000,000, to remain available until September 30, 2026.

(3) ESTABLISHMENT.—There is established in the Treasury of the United States a fund that may be known as the ‘‘CHIPS for America Defense Innovation Fund’’ (referred to in this subsection as the ‘‘Fund’’) to provide for international information and communications technologies security and semiconductor supply chain activities, including to support the development and adoption of secure and trusted telecommunications technologies, secure semiconductors, secure semiconductor supply chains, and other emerging technologies that are unique to the Department of Defense.

(IV) ALLOCATIONS.—The President shall submit to Congress detailed account, program, and project allocations of the full amount made available under subsection (b)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation to the Senate shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(B) ALTERNATE ALLOCATION.—

(i) I N GENERAL.—The Committees on Appropriations of the House of Representatives and the Senate may provide for alternate allocation of amounts made available under subsection (a)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation to the Senate shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(ii) FOR FISCAL YEARS 2022 TO 2026.—(I) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, and project, for amounts made available under subsection (a)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, and project, for amounts made available under subsection (a)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(c) CHIPS FOR AMERICA INTERNATIONAL TECHNOLOGY SECURITY AND INNOVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund that may be known as the ‘‘CHIPS for America International Technology Security and Innovation Fund’’ (referred to in this subsection as the ‘‘Fund’’) to provide for international information and communications technologies security and semiconductor supply chain activities, including to support the development and adoption of secure and trusted telecommunications technologies, secure semiconductors, secure semiconductor supply chains, and other emerging technologies that are unique to the Department of Defense.

(i) I N GENERAL.—The Committees on Appropriations of the House of Representatives and the Senate may provide for alternate allocation of amounts made available under subsection (a)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation to the Senate shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(ii) ALTERNATE ALLOCATION.—

(I) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, and project, for amounts made available under subsection (a)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, and project, for amounts made available under subsection (a)(2) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President or apportioned and allotted by account, program, and project pursuant to title 31, United States Code.
law, only then shall amounts made available under subsection (c)(2) be allocated by the President or apportioned or allotted by account, program, project, and activity pursuant to title 31, United States Code.

(II) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations, including by account, program, project, and activity pursuant to title 31, United States Code, then the amount recommended for allocation in subsection (a) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President and apportioned and allotted by account, program, project, and activity pursuant to title 31, United States Code.

(d) SEQUESTRATION.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 933(g)(1)) is amended by inserting after “Continuing Count, program, project, and activity pursuant to title 31, United States Code.”

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 412(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SEC. 2003. APPROPRIATIONS FOR WIRELESS SUPPLY CHAIN INNOVATION.

(a) DIRECT APPROPRIATIONS.—In addition to amounts otherwise available for such purposes, there is appropriated to the Public Wireless Supply Chain Innovation Fund established under section 923(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), out of amounts in the Treasury not otherwise appropriated, $1,500,000,000 for fiscal year 2022, to remain available through September 30, 2023.

(b) USE OF FUNDS, ADMINISTRATION, AND OVERSIGHT.—The amounts made available under subsection (a), (1) more than 5 percent of the amounts allocated pursuant to subsection (c) in a given fiscal year may be used by the Director of the National Institute of Standards and Technology (the “Director”) to enter into contracts, agreements, or any other arrangement to carry out any of the activities conducted using amounts provided under this section.

(2) not less than $2,000,000 per fiscal year shall be transferred to the Office of Inspector General of the National Science Foundation for the purpose of conducting audits and investigations of the Public Wireless Supply Chain Innovation Fund.

(c) ALLOCATION AUTHORITY.—

(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations of the amount recommended for allocation in a fiscal year from amounts made available under subsection (a) to:

(A) for fiscal year 2022, not later than 90 days after the date of enactment of this Act; and

(B) for each subsequent fiscal year through 2031, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code.

(2) SUBMISSION OF ALLOCATION.—

(A) IN GENERAL.—The Committees on Appropriations of the House of Representatives and the Senate may provide for alternate allocation of amounts recommended for allocation in a given fiscal year from amounts made available under subsection (a), including by account, program, project, and activity pursuant to title 31, United States Code.

(B) ALLOCATION BY PRESIDENT.—

(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, project, and activity pursuant to title 31, United States Code.

(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations, including by account, program, project, and activity pursuant to title 31, United States Code.


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

SEC. 2201. Chief Diversity Officer of the NSF.

SEC. 2202. Programs to address the STEM workforce.

SEC. 2203. Emerging research institution pilot program.

SEC. 2204. Personnel management authorities for the Foundation.

SEC. 2205. Advanced Technological Manufacturing Act.

SEC. 2206. Intramural emerging institutions pilot program.

SEC. 2207. Public-private partnerships.

SEC. 2208. AI Scholars Service Act.

SEC. 2209. Geographic diversity.

SEC. 2210. Rural STEM Education Act.

SEC. 2211. Quantum Network Infrastructure and Workforce Development Act.

SEC. 2212. Supporting Early-Career Researchers Act.

SEC. 2213. Advancing Precision Agriculture Capabilities Act.

SEC. 2214. Critical minerals mining research. CAREER program.

SEC. 2215. CAREER program.

SEC. 2216. Presidential awards.


SEC. 2218. Microgrid utilization policy.

TITLE III—RESEARCH SECURITY

SEC. 2301. National Science Foundation research security.

SEC. 2302. Research security and integrity information sharing analysis organization.

SEC. 2303. Foreign government talent recruitment program prohibition.

SEC. 2304. Additional requirements for Director.

TITLE IV—REGIONAL INNOVATION CAPACITY

SEC. 2401. Regional technology hubs.

SEC. 2402. Manufacturing USA Program.

SEC. 2403. Establishment of expansion awards program in Hollings Manufacturing Extension Partnership and authorization of appropriations for the Partnership.


TITLE V—MISCELLANEOUS


SEC. 2509. Authorization of appropriations for the Department of Energy.


SEC. 2003. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the National Science Foundation, the Department of Energy and its National Laboratory system, and other key Federal agencies have carried out vital work supporting basic and applied research to create knowledge that is a key driver of the economy of the United States and a critical component of national security;

(2) openness to diverse perspectives and a focus on freedom from censorship and political bias will continue to make educational and research institutions in the United States beacons to thousands of students from across the world;

(3) increasing research and technology transfer investments, building regional capacity and reducing geographic disparity, strengthening supply chains, and increasing capabilities in key technology focus areas will enhance the competitive advantage and leadership of the United States in the global economy;

(4) the Federal Government must utilize the full talent and potential of the entire Nation by avoiding undue geographic concentration of research and education funding, particularly of populations underrepresented in STEM, and collaborating with non-government partners to ensure the leadership of the United States in technological innovation; and

(5) authorization and funding for investments in research, education, technology transfer, intellectual property, manufacturing, and other core strengths of the United States innovation ecosystem, including at the National Science Foundation and at Federal laboratories, as defined in section 4 of the Stevenson-Wydler Act of 1980 (15 U.S.C. 3703), and facilities and equipment used in partnership with such national laboratories or the Department of Energy; and

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

(5) Authorization and funding for interagency working group shall—

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish or designate an interagency working group to coordinate the activities specified in subsection (c).

(b) COMPOSITION.—The interagency working group shall be composed of the following members (or their designees), who may be organized into subcommittees, as appropriate:

(1) The Director of the National Science Foundation.

(2) The Director of the National Economic Council.

(3) The Director of the Office of Management and Budget.

(4) The Director of the Department of Commerce.

(5) The Director of the Federal Bureau of Investigation.

(6) Such other Federal officials as the Director of the Office of Science and Technology Policy considers appropriate, including members of the National Science and Technology Council Committee on Technology.

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

(1) the activities of the Department of Commerce under this division, including regional technology hubs under section 28 of the Stevenson-Wydler Act of 1980 (15 U.S.C. 276c-1, et seq.), as adopted by section 104 of this division, the Manufacturing USA Program established under section 34(b)(1) of the National Institute of Standards and Technology Act of 2011 (15 U.S.C. 276h(b)(1)), and the Hollings Manufacturing Extension Partnership;

(2) the activities of the Department of Energy in the key technology focus areas, including at the national laboratories, and at Federal laboratories, as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703), and facilities and equipment used in partnership with such national laboratories or the Department of Energy; and

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

(6) REPORT.—The interagency working group shall—

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

(i) assess best efforts and characterize existing research infrastructure, as of the date of the review;

(ii) identify potential areas of overlap or duplication with respect to the key technology focus areas; and

(iii) identify potential cross-agency collaborations and joint funding opportunities; and

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

(c) seek stakeholder input and recommendations in the course of such review; and

(d) carry out the annual reviews and updates required under section 2005.

(e) CONFLICTS.—If any conflicts between Federal agencies arise while carrying out the activities under this section, the President shall make the final decision regarding resolution of the conflict.

SEC. 2004. INTERAGENCY WORKING GROUP.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish or designate an interagency working group to coordinate the activities specified in subsection (c).

(b) COMPOSITION.—The interagency working group shall be composed of the following members (or their designees), who may be organized into subcommittees, as appropriate:

(1) The Director of the Office of Science and Technology Policy.

(2) The Director of the National Science Foundation.

(3) The Secretary of Commerce.

(4) The Secretary of Defense.

(5) The Director of the National Economic Council.

(6) The President shall make the final decision regarding the selection of members for their selection;

(7) the initial key technology focus areas for purposes of this division.

(c) LIMIT ON KEY TECHNOLOGY FOCUS AREAS.—Not more than 10 key technology focus areas shall be included on the list of key technology focus areas at any time. Engineering and exploration relevant to the key technology focus areas described in this section shall be considered part of the relevant key technology focus area.

(d) REPORTING.—At the conclusion of the annual review and update process required by section 2005(a)(2), the Director and the Secretary of Energy shall deliver a report to Congress detailing—

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

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

(3) the impact, including to the academic research community, of any changes to the key technology focus areas.

(e) DETAILED DESCRIPTION.—The National Science Foundation and the Department of Energy shall, in coordination with the Office of Management and Budget, and as part of their annual budget requests to Congress, a detailed description of the activities to be funded under this division, including an explanation of how the requested funding is complementary and not redundant of programs, efforts, and infrastructure under taken or supported by other relevant Federal agencies.

(f) NATIONAL ACADEMIES.—Not later than 5 years after the date of enactment of this division, the Director shall consult with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the key technology focus areas, including whether Federal investment in the key technology focus areas have resulted in new domestic manufacturing capacity and job creation.

TITLE I—NSF TECHNOLOGY AND INNOVATION ACT SEC. 2101. DEFINITIONS.

In this title:

(1) DESIGNATED COUNTRY.—

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

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

(i) an area or territory of the United States; or

(ii) a United States possession designated as such by the Secretary of Commerce; and

(B) EXCEPTION.—The term “designated country” does not include sovereign countries.
(I) Australia;
(II) Canada;
(III) New Zealand;
(IV) the United Kingdom;
(V) the State of Israel; and
(VI) Taiwan; and
(VII) any other country that has been approved and designated in writing by the President for purposes of this division, after providing—
(a) not less than 30 days of advance notification and explanation to the relevant congressional committees before the designation; and
(b) in-person briefings to such committees if requested during the 30-day advance notification period described in item (a); and
(ii) excludes any country that takes actions to boycott, divest from, or sanction Israel.
(B) ACTIONS TO BOYCOTT, DIVEST FROM, OR SANCTION ISRAEL.—For purposes of subparagraph (A)(i), the term "actions to boycott, divest from, or sanction Israel" has the meaning given such term in section 102(b)(20)(B) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201(b)(20)(B)).

(2) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 152 of the National Labor Relations Act (29 U.S.C. 152), except that such term shall also include—
(A) any organization composed of labor organizations, such as a labor union federation or a State or municipal labor body; and
(B) any organization which would be included in the definition for such term under such section 2(5) but for the fact that the organization represents—
(i) individuals employed by the United States, any wholly owned Government corporation, any Federal Reserve Bank, or any State or political subdivision thereof;
(ii) individuals employed by persons subject to the Railway Labor Act (45 U.S.C. 151 et seq.); or
(iii) individuals employed as agricultural laborers.

(3) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) COLLEGE OR UNIVERSITY.—The term "Tribal College or University" has the meaning given the term in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1008(c)(3)).

SEC. 2102. DIRECTORATE ESTABLISHMENT AND PURPOSE.

(a) ESTABLISHMENT OF DIRECTORATE FOR TECHNOLOGY AND INNOVATION.—Subject to the availability of appropriations and not later than 180 days after the date of enactment of this division, the Director shall establish a Directorate for Technology and Innovation in the Foundation.

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

(1) Strengthening the leadership of the United States in critical technologies, including relevant to the critical national needs described in section 7016 of the America COMPETES Act (42 U.S.C. 1626o–5).

(2) Addressing and mitigating technology challenges integral to the geostategic position of the United States through the activities authorized by this title.

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

(4) Accelerating the translation and development of technology advances in the key technology focus areas into processes and products in the United States.

(5) Utilizing the full potential of the United States workforce by avoiding undue geographic concentration of research and development and education funding across the United States and encouraging broader participation in the key technology focus areas by populations underrepresented in STEM.

(6) Ensuring the programmatic work of the Directorate and Foundation incorporates a workforce perspective from labor organizations and workforce training organizations.

(c) ACTIVITIES.—The Directorate—

(1) shall establish applied research, and technology development of such research, including through awards to individual researchers, entities, or consortia and through diverse funding mechanisms and models;

(2) shall identify and develop opportunities to coordinate and collaborate on research, development, and commercialization—
(A) with other directorates and offices of the Foundation;
(B) with stakeholders in academia, the private sector, and nonprofit entities; and
(C) with other Federal research agencies, as well as State and local governments;

(3) shall provide awards for research and development projects designed to achieve specific technology metrics or objectives;

(4) may support research and technology development infrastructure, including testbeds, open, or advanced manufacturing, application, integration, and deployment of innovation;

(5) shall identify and develop opportunities to reduce barriers for technology transfer, including intellectual property frameworks between academia and industry, nonprofit entities, and the venture capital communities;

(6) shall build capacity for research at institutions of higher education across the United States;

(7) shall partner with other directorates and offices of the Foundation for projects or research, including—
(A) to pursue basic questions about natural, human, and physical phenomena that could enable advances in the key technology focus areas;
(B) to study questions that could affect the design (including interfaces), safety, security, operation, deployment, or the social and ethical consequences of technologies in the key technology focus areas, including the development of technologies that complement or enhance the abilities of workers and impact of specific innovations on domestic jobs and equitable opportunity; and
(C) to further the creation of a domestic workforce capable of advancing, using, and adapting to key technology focus areas and understanding and improving the impact of key technology focus areas on STEM teaching and learning by advancing the key technology focus areas, including engaging relevant partners in research and innovation programs;

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

(9) may enter into and perform such contracts, make such financial assistance awards, carry out such other transactions, or make such other arrangements, or modifications thereof, as may be necessary in the conduct of the work of the Directorate and on such terms as the Director considers appropriate, in furtherance of the purposes of this title;

(d) ASSISTANT DIRECTOR.—

(1) APPOINTMENT.—The Director shall appoint an Assistant Director for the Directorate, at the discretion of the Assistant Directors of the Foundation are appointed.

(2) QUALIFICATIONS.—Each Assistant Director for the Directorate shall be an individual, who by reason of professional background and experience is specially qualified to serve as the Director pursuant to the responsibilities pertaining to research, development, and commercialization at the Foundation, including partnerships with the private sector and organizations funded by the Foundation.

(e) CONSIDERATIONS.—After completion of the studies regarding emerging technologies conducted by the Secretary of Commerce under title XV of division FF of the Consolidated Appropriations Act, 2020 (Public Law 116-92), the Director shall consider the results of such studies in carrying out the activities of the Directorate.

SEC. 2103. PERSONNEL MANAGEMENT.

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

(b) PROGRAM DIRECTOR.—

(1) DESIGNATION.—The Director may designate employees to serve as program directors for the programs established within the Directorate pursuant to the responsibilities established under paragraph (2). The Director shall ensure that program directors—

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

(B) come from a variety of backgrounds, including industry, and from a variety of institutions of higher education.

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

(A) establishing research and development goals for the program, including through the convening of workshops and conferences with outside experts and by publicizing the goals of the program to the public and private sector;

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

(C) identifying areas for research and development;

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

(E) reviewing applications for projects to be supported under the program, and considering—

(i) the novelty and scientific and technical merit of the proposed projects;

(ii) broader impacts under section 526 of the National Science Foundation Authorization Act of 2010 (42 U.S.C. 1862p–14);

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

(iv) the consideration by the applicant of future commercial applications of the research, including the feasibility of partnering with 1 or more commercial entities; and

(v) any other criteria as are established by the Director; and

(F) monitoring the progress of projects supported under the program and recommending program restructuring or termination, as needed.

(3) TERMS.—Program directors of the Directorate may be appointed by the Director for a limited term, renewable at the discretion of the Director.

(c) SELECTION CRITERIA AND REPORT.—

(1) PEER REVIEW.—The Directorate may use a peer review process to inform the selection of program directors.

(2) REPORT.—Not later than 18 months after the establishment of the Directorate,
the Director shall prepare and submit a report to Congress regarding the use of alternative methods for the selection of award recipients and the distribution of funding to recipients in a manner consistent with the requirements of the relevant award; and
(G) the plan and capability of the applicant to support proof-of-concept development and early-stage research and technology transfer and commercialization activities.
(5) REQUIREMENTS.—(A) IN GENERAL.—The Director shall ensure that any eligible entity receiving an award under this subsection has—
(i) the capacity or the ability to acquire the capacity to advance the purposes described in section 2102(b); and
(ii) secured contributions for establishing the university technology center under this subsection from industry or other non-Federal organizations in an amount not less than 10 percent of the amount of the award the eligible entity would receive under this subsection.
(B) CONSORTIUM ELIGIBILITY.—To be eligible to receive an award for the establishment and operation of a university technology center, a consortium shall be composed of no fewer than 2 entities as described in paragraph (3)(C) and operate subject to a binding agreement, entered into by each member of the consortium, that documents—
(i) the proposed partnership agreement, including the roles and responsibilities and management structure of the university technology center;
(ii) the structure of the activities of the university technology center; and
(v) another entity, if that entity is determined by the Director to be vital to the success of the program.
(C) CO-EQUAL.—Each entity comprising the consortium shall, to the extent practicable, work as co-equal partners in terms of funding and research efforts in support of the innovation institute.
(D) INSTITUTIONAL OR ORGANIZATIONAL LEVEL.—The Director shall work to ensure that partnerships exist at the institutional or organization level, rather than solely at the principal investigator level.
(3) COST SHARE.—To the extent practicable, not less than half of the funding for an institution shall be provided by non-Federal entities.
(4) NUMBER OF CENTERS AND INSTITUTES ESTABLISHED.—The Director shall endeavor to establish a balance in the number of university technology centers and innovation institutes.
SEC. 2105. TRANSITION OF NSF PROGRAMS.
The Director may transition the management and administration of existing programs of the National Science Foundation that conduct activities in addition to basic research to the Director, including—
(1) Convergence Accelerator;
(2) Industry-University Cooperative Research Centers;
(3) National AI Research Institutes;
(4) Innovation Corps (I-Corps), as described in section 601 of the American Innovation and Competitiveness Act (42 U.S.C. 1862c-8); and
(5) any other programs that the Director considers appropriate.
SEC. 2106. PROVIDING SCHOLARSHIPS, FELLOWSHIPS, AND OTHER STUDENT SUPPORT.
(a) IN GENERAL.—The Director, acting through the Directorate, shall fund undergraduate scholarships (including at community colleges), graduate fellowships and traineeships, and postdoctoral awards in the key technology focus areas.
(b) IMPLEMENTATION.—The Director may carry out subsection (a) by making awards—
(1) directly to students; and
(2) to institutions of higher education or consortia of institutions of higher education,
including those institutions or consortia involved in operating university technology centers established under section 2104(a).

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

(1) developing programs targeted at populations that are underrepresented in STEM;
(2) supporting traineeships or other relevant programs at minority-serving institutions (or institutions of higher education with an established STEM capacity building program focused on traditionally underrepresented populations in STEM, including Native Hawaiians, Alaska Natives, and Indians);
(3) addressing current and expected gaps in the availability or skills of the STEM workforce, or addressing needs of the STEM workforce, including by increasing educational capacity at institutions and by prioritizing awards to United States citizens, permanent residents, and individuals that will grow the domestic workforce; and
(4) addressing geographic diversity in the STEM workforce, or addressing needs of the STEM workforce, including by increasing educational capacity at institutions and by prioritizing awards to United States citizens, permanent residents, and individuals that will grow the domestic workforce; and

(d) INNOVATION.—In carrying out this section, the Director shall encourage innovation in graduate education, including through enhancements to institutions of higher education to offer graduate students opportunities to gain experience in industry or Government as part of their graduate training, and through support for students in professional masters programs related to the key technology focus areas.

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

(1) issue—
(A) postdoctoral awards,
(B) stipends for traineeships and traineeships, inclusive of the NSF Research Traineeships and fellowships awarded under the Graduate Research Fellowship Program; and
(C) scholarships, including undergraduate scholarships, research experiences, and internships, including—
(i) scholarships to attend community colleges;
(ii) research experiences and internships under sections 513, 514, and 515 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 16007-16007p);
(2) ensure that not less than 10 percent of the funds made available to carry out this section are used to support additional awards to minorities, women, or persons with disabilities, to students in training, education, and teaching programs that increase the participation of populations that are underrepresented in STEM, including technical programs through programs such as the Advanced Technological Education program;
(3) ensure that not less than 20 percent of the funds made available to carry out this section are used to support institutions of higher education, and other institutions, located in jurisdictions that participate in the program under section 115 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1620c); and
(4) if funds remain after carrying out paragraphs (1), (2), and (3), make awards to institutions of higher education to enable the institutions to fund the development and establishment of new or specialized programs of study, including undergraduate or technical college students and the evaluation of the effectiveness of those programs of study.

(O) EXISTING PROGRAMS.—The Director may use or augment existing STEM education programs of the Foundation and leverage education or entrepreneurial partners to carry out this section.

SEC. 2107. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—From amounts made available for the Directorate, the Director shall make awards on the basis for research and technology development within the key technology focus areas.

(b) PURPOSE.—Of the awards under this section shall be to demonstrate revolutionary technological advances in the key technology focus areas, including advances that expedite short-term technology deployment.

(c) RECIPIENTS.—Funds under this section shall include institutions of higher education, nonprofit entities, private sector entities, consortia, or other entities as defined by the Director.

(d) METRICS.—The Director may set metrics, including goals and deadlines, for development of such technology as determined in the terms of the award, and may use such metrics to determine whether an award recipient shall be eligible for continued or follow-on funding.

(e) SOUTHERN CALIFORNIA.—In selecting recipients for an award under this section, the Director shall consider, at a minimum—

(1) the relevance of the project to the key technology focus areas;
(2) the current status of the technology, the limits of current practice, and the likelihood of the private sector to independently demonstrate a similar technological advance;
(3) the potential of the project to generate revolutionary technological advance, including the advances that can expedite short-term technology deployment;
(4) the potential impact of the project on the economic security, national security, or technological competitiveness of the United States;
(5) the likelihood of the project’s success; and
(6) the cost and time associated with the project;

(f) OPPORTUNITIES.—The Director may set opportunities for evaluating the project, including the appropriateness of quantitative goals and metrics for evaluating the project and a plan for evaluating those metrics; and

(g) APPLICATIONS.—In selecting award recipients for an award under this section, the Director shall ensure that the application contains—

(1) the relevance of the project to the key technology focus areas;
(2) the current status of the technology, the limits of current practice, and the likelihood of the private sector to independently demonstrate a similar technological advance;
(3) the potential of the project to generate revolutionary technological advance, including the advances that can expedite short-term technology deployment;
(4) the potential impact of the project on the economic security, national security, or technological competitiveness of the United States;
(5) the likelihood of the project’s success; and
(6) the cost and time associated with the project;

(h) PRIORITY.—In selecting award recipients under this section, the Director shall give priority to applicants with proposals that demonstrate a similar technological advance;

(i) INTERRAGENCY ANNUAL MEETINGS.—The Director, in coordination with the Secretary of Commerce, the Secretary of Energy, and other Federal agencies, as determined appropriate by the Secretary of Commerce, shall hold an annual meeting to coordinate the respective test bed related investments, future plans, and other appropriate matters, to avoid conflicts and duplication of efforts. Upon request by Congress, Congress shall be briefed on the results of the meetings.

SEC. 2108. TEST BEDS.

(a) PROGRAM AUTHORIZED.—From amounts made available for the Directorate, the Director, in coordination with the Director of the National Institute of Standards and Technology, the Secretary of Energy, and other Federal agencies, as determined appropriate by the Director, shall establish a program in the Directorate to make awards, on a competitive basis, to institutions of higher education, nonprofit organizations, or consortia (as defined in section 2104(a)(7)(C)) to establish and operate test beds, which may include—

(1) research, education, and training facilities and equipment and for the support of students, equipment and for the support of students, faculty and staff, and postdoctoral researchers;
(2) a nonprofit entity that is either affiliated with the Foundation or other Federal agencies, as determined appropriate by the Director, at such time, in such manner, and containing such information as the Director may reasonably require.

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

(1) an institution of higher education, which may be a community college;
(2) a nonprofit entity that is affiliated with an institution of higher education or designed to support technology development or entrepreneurship; or
(3) a consortium that includes—
(A) an entity described in paragraph (1) or
(B) one or more additional individuals or entities which shall include—
(i) an economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship in travel and tourism, or
(ii) an industry organization or firm in a relevant technology or innovation sector; and
(iii) an industry-experienced executive with relevant experience that is focused primarily on de-risking technologies from both a scientific and a business perspective; or
(iv) an individual or entity with industry- and startup- experienced business expertise, including a mentor network, across relevant technology or innovation sectors.
(c) PROPOSALS.—An eligible entity desiring an award under this section shall submit a proposal to the Director at such time, in such manner, and containing such information as the Director may require. The proposal shall include, at a minimum, a description of—
(1) the steps the applicant will take to enable technology transfer and to reduce the risks for commercialization for new technology, and why such steps are likely to be effective;
(2) how the applicant will encourage the training and participation of students and potential entrepreneurs and the transition of research results to practice, including the development of new businesses;
(3) as relevant, potential steps to drive economic growth in a particular region, by collaborating with industry, venture capital entities, nonprofit entities, and State and local governments within that region; and
(4) information that the Director determines is relevant to demonstrate the success of the innovation and entrepreneurship support models proposed by the applicant to commercialize technologies.
(d) ACADEMIC TECHNOLOGY TRANSFER ENHANCEMENT PROGRAM.—
(1) IN GENERAL.—The Director, in coordination with the Director of the National Institute of Standards and Technology, shall make awards, on a competitive basis, to support excellence in building sustainable technology transfer capacity.
(2) USE OF FUNDS.—An eligible entity that receives an award under this subsection shall use award funds to carry out one or more of the following:
(A) Identifying academic research with the potential for technology transfer and commercialization, and testing the market receptivity to technologies available to students as relevant to the key technology focus areas.
(B) Providing training and support to scientists, engineers, and inventors on technology transfer, commercialization, and research protection.
(C) Offsetting the costs of patenting and licensing research products, both domestically and internationally.
(D) Revising institution policies, including policies related to intellectual property and faculty entrepreneurship, and taking other necessary steps to implement relevant best practices for academic technology transfer.
(E) Ensuring the availability of staff, including technology transfer professionals, entrepreneurs in residence, and other mentors as required to accomplish the purpose of this subsection.
(F) Identifying and facilitating relationships with potential early and late-stage investors, leaders, including investors, and potential entrepreneurs to encourage successful commercialization.
(G) Providing training and funding competitions to allow entrepreneurial ideas to demonstrate their commercialization potential, including through venture funds of institutions of higher education.
(H) Creating or supporting entities that could enable researchers to further develop new technologies through capital investment, advice, staff support, or other means.
(I) Building technology transfer capacity at institutions of higher education.
(3) LIBRARY.—In awarding funding under this subsection, the Director shall—
(A) award not more than $1,000,000 per fiscal year toward
(B) in determining the duration of funding, endeavor to ensure the creation of sustainable technology transfer practices at the eligible entity; and
(C) ensure that grants under this subsection shall not support the development or operation of capital investment funds.
(e) COLLABORATIVE INNOVATION RESOURCE CENTER PROGRAM.—
(1) IN GENERAL.—The Director shall make awards under this subsection to eligible entities to establish collaborative innovation resource centers that promote regional technology transfer and technology development activities available to more than one institution of higher education and to other entities in a region.
(2) COLLABORATION PRIORITY.—In making awards under this subsection, the Director shall give priority to eligible entities that are consortia described in subsection (b)(3) and that have a cost share, which may include an in-kind cost share, from members of a consortium, at levels as required by the Director.
(3) USE OF FUNDS.—An eligible entity that receives an award under this subsection shall use award funds to carry out one or more of the following activities, to the benefit of the region in which the center is located:
(A) Providing small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) within the region with access to facilities, scientific infrastructure, personnel, and other assets as required for technology maturation.
(B) Supporting entrepreneurial training for start-up and small business personnel.
(C) Providing engineering and entrepreneurship experiences and hands-on training for students enrolled in participating institutions of higher education.
(D) REPORTING COMMERCIALIZATION BASED ON METRICS.—The Director shall establish—
(i) metrics related to commercialization for an award under this section; and
(ii) a reporting schedule for recipients of such awards that takes into account both short- and long-term goals of the programs under this section.
(f) GEOGRAPHIC DIVERSITY.—The Director shall ensure regional and geographic diversification in issuing awards under this section.
(h) SUPPLEMENT NOT SUPPLANT.—The Director shall ensure that funds made available under this section shall be used to create additional support to transfer activities at eligible entities. For the duration of the awards, recipients shall be required to maintain funding for such activities at similar levels as those activities for the 2 fiscal years preceding the award.
SEC. 2110. CAPACITY-BUILDING PROGRAM FOR CLASSROOM UNIVERSITIES.
(a) IN GENERAL.—The Director shall establish a program in the Directorate to make awards, on a competitive basis, to classroom universities to support the mission of the Directorate and to build institutional research capacity at eligible institutions.
(b) ELIGIBLE INSTITUTION.—
(1) IN GENERAL.—To be eligible to receive an award under this section, an institution—
(A) shall be—
(i) a historically Black college or university;
(ii) a minority-serving institution; or
(iii) an institution of higher education with an established STEM capacity building program focused on traditionally underrepresented populations in STEM, including Native Hawaiians, Alaska Natives, and Indians; and
(B) shall have not more than $50,000,000 in annual federally-financed research and development expenditures for the Small Business Act (15 U.S.C. 638(e)) and direct contracts at an eligible institution; and
(C) shall ensure that funds made available under this section shall be extended for periods of not more than 5 years.
(e) FUNDING.—From the amounts made available to carry out section 2104 under section 2116 for each of fiscal years 2022 through 2026, the Director shall use $150,000,000 for each such fiscal year to carry out this section;
SEC. 2111. TECHNICAL ASSISTANCE.
The Director may—
(1) coordinate with other Federal agencies to establish interagency and multidisciplinary teams to provide technical assistance to recipients of, and prospective applicants for, awards under this title; and
(2) by Federal interagency agreement and notwithstanding any other provision of law, make available to eligible entities, including small business personnel, commercialization, and startup- experienced business expertise, including a mentor network, across relevant technology or innovation sectors.

to facilitate and support the provision of
such technical assistance; and
(3) enter into contracts with third parties
to provide such technical assistance.

SEC. 2114. HANDS-ON ACTIVITIES.

(a) In General.—In carrying out the activities of the Directorate, the Director shall coordinate and work cooperatively with the Secretaries of the Department of Education and the National Science Foundation, and the heads of other Federal research agencies, as appropriate, to further the goals of this title in the key technology focus areas.

(b) Avoid Duplication.—The Director shall ensure that the activities that the Federal agencies, as appropriate, to further the goals of this title in the key technology focus areas.

(c) Comptroller General Report.—Not later than 3 years after the date of enactment of this division, the Comptroller General of the United States shall submit to Congress a report with respect to the following:

(1) to provide for the widest practicable and appropriate dissemination of information within the United States concerning the Foundation’s activities and the results of those activities.’’.

SEC. 2114. HANDS-ON LEARNING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Developing a robust, talented, and homegrown workforce, particularly in the fields of STEM, is critical to the success of the United States innovation economy.

(2) The University system and the Nation’s K-12 education system are not producing a sufficient number of workers with the necessary STEM expertise to meet the needs of the United States industry in STEM fields.

(3) Hands-on and experiential learning opportunities outside of the classroom are critical for student success in STEM subjects and careers, stimulating students’ interest, increasing confidence, and creating motivation to pursue a related career.

(4) Hands-on and experiential learning opportunities are especially successful in inspiring interest in students who traditionally have been underrepresented in STEM fields, including girls, students of color, and students from disadvantaged backgrounds.

(5) An expansion of hands-on and experiential learning programs across the United States would expand the STEM workforce pipeline, developing and training students for careers in STEM fields.

(b) DEFINITIONS.—

(1) ESEA TRANSITION.—The term ‘‘elementary school’’, ‘‘high school’’, ‘‘secondary school’’, and ‘‘State’’ have the meanings given in the sections in 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601).

(2) ELIGIBLE NONPROFIT PROGRAM.—The term ‘‘eligible nonprofit program’’ is—

(A) a nonprofit program serving pre-kindergarten, elementary school, or secondary school students; and

(B) includes a program described in subparagraph (A) that covers the continuum of education from pre-kindergarten through high school and is available in every State.

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

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

(2) expand the STEM workforce pipeline by developing and training students for careers in STEM fields; and

(3) broaden participation in the STEM workforce by underrepresented population groups.

(d) PROGRAM AUTHORIZED.—

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

(A) pursuant to eligible nonprofit programs for supporting hands-on learning opportunities in STEM education, including via after-school activities and innovative learning opportunities such as robotics competitions; and

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

(2) PRIORITY.—In awarding grants under the program, the Director shall give priority to eligible nonprofit programs serving students that attend elementary, secondary, or high schools that—

(A) are implementing comprehensive support and improvement activities or targeted support and improvement activities under paragraph (1) or (2) of section 1111(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(d)); or

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

(e) AUTHORIZATION OF APPROPRIATIONS.—From the amounts made available to carry out this section—

(i) $1,056,000,000 shall be available to carry out the activities of the Foundation outside of the Directorate, of which $1,000,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(ii) $8,800,000,000 shall be for activities under the program, the Director shall give priority to eligible nonprofit programs serving students that attend elementary, secondary, or high schools that—

(1) are implementing comprehensive support and improvement activities or targeted support and improvement activities under paragraph (1) or (2) of section 1111(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(d)); or

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

(f) Authorization of Appropriations.—From the amounts made available to carry out this section—

(i) $1,056,000,000 shall be available to carry out the activities of the Foundation outside of the Directorate, of which $1,000,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(ii) $8,800,000,000 shall be for activities under the program, the Director shall give priority to eligible nonprofit programs serving students that attend elementary, secondary, or high schools that—

(1) are implementing comprehensive support and improvement activities or targeted support and improvement activities under paragraph (1) or (2) of section 1111(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(d)); or

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

SEC. 2115. INTELLECTUAL PROPERTY PROTECTION.

Consistent with the requirements for the award, all intellectual property that is developed through the Foundation, or any program that has received funding through this division (or an amendment made by this division), shall not be transferred to—

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

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

(3) any for-profit, or nonprofit, partnership that includes such a foreign entity of concern;

(4) any for-profit or nonprofit organization that is not controlled by the United States Government; or

(5) any for-profit or nonprofit organization that is controlled by the United States Government, that is not primarily engaged in the pursuit of the public interest, and whose intellectual property would not be exclusively available to the United States Government.

SEC. 2116. AUTHORIZATION OF APPROPRIATIONS FOR THE FOUNDATION.

(a) FISCAL YEAR 2022.—

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

(2) SPECIFIC NSF ALLOCATIONS.—Of the amounts authorized under paragraph (1) (A) $9,000,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $1,000,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $1,800,000,000 shall be made available to the Directorate, of which—

(i) $594,000,000 shall be for the innovation centers under section 2104; and

(ii) $324,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(3) any for-profit, or nonprofit, partnership that includes such a foreign entity of concern;

(iii) $252,000,000 shall be for academic technology transfer under section 2109;

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

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

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with the National Science Foundation, the National Institute of Standards and Technology, the National Institute of Health, the National Institute of Justice, and the National Oceanic and Atmospheric Administration.

SEC. 2117. USE OF NET INCOME FROM INVESTMENTS.

(1) USE OF NET INCOME.—Of the amounts authorized under paragraph (1) (A) $9,000,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $1,000,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $1,800,000,000 shall be made available to the Directorate, of which—

(i) $1,056,000,000 shall be for the innovation centers under section 2104; and

(ii) $744,000,000 shall be for scholarships, fellowships, and other activities under section 2106;
(iii) $448,000,000 shall be for academic technology transfer under section 2109; and
(B) $320,000,000 shall be for test beds under section 2109;
(iv) $155,000,000 shall be for research and development activities under section 2107; and
(v) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directors and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).
(2) SPECIFIC NSF ALLOCATIONS.—Of the amount authorized under paragraph (1)—
(A) $12,000,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $2,540,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and
(B) $9,300,000,000 shall be made available to the Directorate, of which $1,674,000,000 shall be for scholarships, fellowships, and other activities under section 2108;
(ii) $1,392,000,000 shall be for academic technology transfer under section 2109;
(iii) $930,000,000 shall be for test beds under section 2109;
(v) $1,355,000,000 shall be for research and development activities under section 2107; and
(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directors and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).
(1) ALLOCATION AND LIMITATIONS.—
(f) ALLOCATION AND LIMITATIONS.—
(1) ALLOCATION FOR THE OFFICE OF INSPECTOR GENERAL.—From any amounts appropriated for the Foundation for a fiscal year, the Director shall allocate for necessary expenses of the Office of Inspector General of the Foundation an amount of not less than $53,000,000 for oversight of the programs and activities funded under this section in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).
(ii) $1,134,000,000 shall be for scholarships, fellowships, and other activities under section 2108;
(b) DUTIES.—The Chief Diversity Officer is responsible for providing advice on policy, oversight, guidance, and coordination with respect to matters of the Foundation related to diversity and inclusion, including ensuring the geographic diversity of the Foundation programs. Other duties may include—
(1) establishing and maintaining a strategic plan that publicly states a diversity definition, vision, and goals for the Foundation;
(2) defining a set of strategic metrics that are—
(A) directly linked to key organizational priorities and goals;
(B) actionable; and
(C) actively used to implement the strategic plan under paragraph (1);
(3) advising in the establishment of a strategic plan for diverse participation by individuals and institutions of higher education, including community colleges, historically Black colleges and universities, Tribal colleges or universities, minority-serving institutions, and institutions with an established STEM capacity building program focused on traditionally underrepresented populations in STEM, including Native Hawaiians, Alaska Natives, and institutions and other entities that are—
(a) responsible for the implementation of the National Science Foundation’s GEOGRAPHIC DIVERSITY INITIATIVES.
(2) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated under this section shall supplement, and not supplant, any other amounts previously appropriated to the Office of the Inspector General of the Foundation.
(3) NO NEW AWARDS.—The Director shall not make any new awards for the activities described in subparagraph (A) of paragraph (1) for fiscal year 2023 in which the total amount appropriated to the Foundation (not including amounts appropriated for the Directorate) is less than the total amount appropriated to the Foundation (not including such amounts), adjusted by the rate of inflation, for the previous fiscal year.
(4) NO FUNDS FOR CONSTRUCTION.—No funds provided to the Directorate under this section shall be used for construction.
(1) CHIEF DIVERSITY OFFICER.—The President shall appoint, by and with the consent of the Senate, a Chief Diversity Officer of the Foundation.
(2) QUALIFICATIONS.—The Chief Diversity Officer shall have a demonstrated commitment to diversity, equity, and inclusion-related matters, including—
(A) civil rights compliance;
(B) harassment policy, reviews, and investigations;
(C) equal employment opportunity; and
(D) disability policy.
(2) DUTIES.—The Chief Diversity Officer shall direct the Office of Diversity and Inclusion of the Foundation and report directly to the Director for in the performance of the duties of the Chief Diversity Officer under this section.
SEC. 2202. PROGRAMS TO ADDRESS THE STEM WORKFORCE.
(a) IN GENERAL.—The Director shall issue undergraduate scholarships, including at community colleges, graduate fellowships and traineeships, postdoctoral awards, and, as appropriate, other awards.
(b) IMPLEMENTATION.—The Director may carry out subsection (a) by making awards—
(1) directly to students; or
(2) to institutions of higher education or consortia of institutions of higher education, including those institutions or consortia involved in the recruitment and retention of underrepresented in STEM, which may include—
(a) establishing or augmenting programs targeted at populations that are underrepresented in STEM;
(b) supporting traineeships or other relevant programs at minority-serving institutions of higher education with an established STEM capacity building program focused on traditionally underrepresented populations in STEM, including Native Hawaiians, Alaska Natives, and Indians; (c) addressing current and expected gaps in the availability and skills of the STEM workforce, including by prioritizing awards to United States citizens, permanent residents, and individuals that will grow the domestic workforce; and
(d) addressing geographic diversity in the STEM workforce; and
(5) awarding grants to institutions of higher education and STEM workforce, including for programs that recruit, retain, and progress students to a bachelor’s degree in a STEM discipline concurrent with a secondary school diploma, such as through existing and new partnerships with State educational agencies.

(d) INNOVATION.—
(1) GRADUATE EDUCATION.—In carrying out this section, the Director shall encourage innovation in graduate education, and studying the impacts of such innovations, including by encouraging institutions of higher education to offer graduate students opportunities to gain experience in industry or government as part of their graduate training, and through support for students in professional masters programs related to the key technology focus areas.

(2) POSTDOCTORAL PROFESSIONAL DEVELOPMENT.—In carrying out this section, the Director shall encourage innovation in postdoctoral professional development, support the development and diversity of the STEM workforce, study the impacts of such innovation and support. To do so, the Director may use postdoctoral awards established under subsection (a) or leveraged under this paragraph shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate requirements related to the fellowship or temporary rotational posting described under this subsection.

(e) EXISTING PROGRAMS.—In carrying out this section, the Director may leverage existing programs, including programs that issue—
(1) postdoctoral awards;
(2) graduate fellowships and traineeships, inclusive of the NSF Research Traineeships and fellowships awarded under the Graduate Research Fellowship Program; and
(3) scholarships, research experiences, and internships, including—
(A) scholarships to attend community colleges; and
(B) research experiences and internships under sections 513, 514, and 515 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1629b–2; 42 U.S.C. 1629g–7); and
(4) awards to institutions of higher education to enable those funds to innovate in undergraduate and graduate education, increased educational capacity, and the development and establishment of new or existing programs for graduate, undergraduate, or technical college students, and the evaluation of the effectiveness of the programs of study.

(f) SIST ASIST.—The Director shall ensure that not less than 20 percent of the funds available to carry out this section shall be used to support institutions of higher education, and other institutions, located in jurisdictions that participate in the program under section 113 of the National Science Foundation Authorization Act of 1986 (42 U.S.C. 1629).

SEC. 2203. EMERGING RESEARCH INSTITUTION PILOT PROGRAM.

(a) IN GENERAL.—The Director shall establish a 5-year pilot program for awarding grants to eligible partnerships, by led by 1 or more emerging research institutions, to build research and education capacity at emerging research institutions to enable such institutions to contribute to programs run by the Director.

(b) APPLICATIONS.—An eligible partnership seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including a statement of how the partnership will use the funds awarded through the grant to achieve a lasting, sustainable increase in the research and education capacity of each emerging research institution included in the eligible partnership.

(c) ACTIVITIES.—An eligible partnership receiving a grant under this section may use the funds awarded through such grant for—
(1) faculty training and resources, including joint resources;
(2) resources for undergraduate and graduate students; and
(3) maintenance and repair of research equipment and instrumentation.

(d) QUALIFIED EXPERT.—In this section, the term ‘qualified expert’ means an individual hired by the Director through such...
authority may include individuals with expertise in business creativity, innovation management, design thinking, entrepreneurship, venture capital, and related fields.

(2) EFFECT OF THE PROGRAM. Under the program, the Foundation may—

(A) appoint personnel from outside the civil service and uniformed services (as such terms are defined in section 30101 of title 5, United States Code) to positions in the Foundation without regard to any provision of title 5, United States Code, governing the appointment of employees to positions in the Foundation;

(B) prescribe the rates of basic pay for positions to which employees are appointed under subparagraph (A) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5307 of title 5, United States Code, as increased by locality-based comparability payments under section 5304 of such title, notwithstanding any provision of such title governing the rates of pay or classification of employees in the executive branch; and

(C) pay any employee appointed under subparagraph (A) payments in addition to basic pay that are technical to the employee under paragraph (4).

(3) LIMITATION ON TERM OF APPOINTMENT.—

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

(B) ADDITIONAL LIMITATION.—In the case of a particular employee, the service of an employee under an appointment may, for purposes of this paragraph, be extended, to the extent necessary to promote the Foundation's national security missions.

(4) LIMITATIONS ON ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—The total amount of the additional payments paid to an employee under this subsection for any 12-month period may not exceed the lesser of—

(i) $50,000 in fiscal year 2021, and which may be adjusted annually thereafter by the Foundation, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the preceding calendar year.

(ii) the amount equal to 50 percent of the employee's annual rate of basic pay.

(5) SERVICE OF BASE QUARTER.—For purposes of this paragraph, the term "service of base quarter" has the meaning given such term by section 5302(3) of title 5, United States Code.

(6) ELIGIBILITY FOR PAYMENTS.—An employee appointed under this subsection is not eligible for any bonus, monetary award, or other incentive or special allowance for service or for payments authorized under this subsection.

(7) ADDITIONAL LIMITATION.—Notwithstanding any provision of this paragraph or of section 5307 of title 5, United States Code, no additional payments may be paid to an employee under this subsection in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 314 of title 3, United States Code.

SEC. 2205. ADVANCED TECHNOLOGICAL MANUFACTURING ACT.

(a) FINDINGS AND PURPOSE.—Section 2 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 16622h) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "science, mathematics, and technology" and inserting "science, technology, engineering, and mathematics or STEM";

(B) in paragraph (4), by inserting "and on building a pipeline to STEM education";

(2) in subsection (b)—

(A) in paragraph (2), by striking "mathematics and science" and inserting "STEM fields"; and

(B) in paragraph (4), by striking "mathematics and science instruction" and inserting "STEM instruction";

(b) MODERNIZING REFERENCES TO STEM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 16622i) is amended—

(1) in the section heading, by striking "SCIENTIFIC AND TECHNICAL EDUCATION" and inserting "STEM EDUCATION";

(2) in subsection (a), by inserting "and introducing STEM EDUCATION";

(3) in the matter preceding paragraph (1)—

(i) by inserting "and preparing the skilled technical workforce to meet workforce demands" before ", and to improve";

(4) in the matter preceding paragraph (2), by striking "core education courses in science and mathematics" and inserting "core education courses in STEM fields";

(iii) by inserting "veterans and individuals engaged in" before "work in the home"; and

(iv) by inserting "and on building a pathway from secondary schools, to associate-degree-granting institutions, to careers that require "STEM training" before ", and shall be designed";

(5) in paragraph (1)—

(A) by inserting "and study" after "development"; and

(B) by striking "core science and mathematics courses" and inserting "core STEM courses";

(6) in paragraph (2), by striking "science, mathematics, and advanced-technology fields" and inserting "STEM and advanced-technology fields";

(7) in paragraph (3)(A), by inserting "to support the advanced-technology industries that drive the competitiveness of the United States in the global economy" before the semicolon at the end;

(F) in paragraph (4), by striking "scientific and advanced-technology fields" and inserting "STEM and advanced-technology fields";

(G) in paragraph (5), by striking "advanced scientific and technical education" and inserting "advanced STEM and advanced-technology education";

(H) in paragraph (6), by striking "Centers of Scientific and Technical Education.—";

(I) in the matter preceding paragraph (1), by striking "to ensure" before "are not exceeded" and inserting "in advanced-technology fields";

(C) in paragraph (2), by striking "education in mathematics and science" and inserting "STEM education";

(D) in the matter following paragraph (2), by striking "in the geographic region served by the center";

(E) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(ii) in the matter preceding clause (i), by striking "and technical education" and inserting "and on building a pipeline to STEM education";

(3) in subsection (b)—

(A) in paragraph (2), by striking "mathematics and science instruction" and inserting "STEM education"; and

(B) in paragraph (4), by striking "mathematics and science instruction" and inserting "STEM instruction";

(2) in subsection (c)—

(A) in paragraph (2), by striking "mathematics and science" and inserting "STEM fields"; and

(B) in paragraph (4), by striking "mathematics and science instruction" and inserting "STEM instruction";

(3) in the matter preceding paragraph (1)—

(i) by inserting "and preparing the skilled technical workforce to meet workforce demands" before ", and to improve";

(4) in the matter preceding paragraph (2), by striking "core education courses in science and mathematics" and inserting "core education courses in STEM fields";

(iii) by inserting "veterans and individuals engaged in" before "work in the home"; and

(iv) by inserting "and on building a pathway from secondary schools, to associate-degree-granting institutions, to careers that require "STEM training" before ", and shall be designed";

(5) in paragraph (1)—

(A) by inserting "and study" after "development"; and

(B) by striking "core science and mathematics courses" and inserting "core STEM courses";

(6) in paragraph (2), by striking "science, mathematics, and advanced-technology fields" and inserting "STEM and advanced-technology fields";

(E) in paragraph (3)(A), by inserting "to support the advanced-technology industries that drive the competitiveness of the United States in the global economy" before the semicolon at the end;

(F) in paragraph (4), by striking "scientific and advanced-technology fields" and inserting "STEM and advanced-technology fields";

(G) in paragraph (5), by striking "advanced scientific and technical education" and inserting "advanced STEM and advanced-technology education";

(H) in paragraph (6), by striking "Centers of Scientific and Technical Education.—";

(I) in the matter preceding paragraph (1), by striking "to ensure" before "are not exceeded" and inserting "in advanced-technology fields";

(C) in paragraph (2), by striking "education in mathematics and science" and inserting "STEM education";

(D) in the matter following paragraph (2), by striking "in the geographic region served by the center";

(E) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(ii) in the matter preceding clause (i), by striking "and technical education" and inserting "and on building a pipeline to STEM education";

(3) in subsection (b)—

(A) in paragraph (2), by striking "mathematics and science instruction" and inserting "STEM education"; and

(B) in paragraph (4), by striking "mathematics and science instruction" and inserting "STEM instruction";

(2) in subsection (c)—

(A) in paragraph (2), by striking "mathematics and science" and inserting "STEM fields"; and

(B) in paragraph (4), by striking "mathematics and science instruction" and inserting "STEM instruction";

(c) MODERNIZING REFERENCES TO STEM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 16622i) is amended—

(1) in the section heading, by striking "SCIENTIFIC AND TECHNICAL EDUCATION" and inserting "STEM EDUCATION";

(2) in subsection (a), by inserting "and introducing STEM EDUCATION";

(3) in the matter preceding paragraph (1)—

(i) by inserting "and preparing the skilled technical workforce to meet workforce demands" before ", and to improve";

(4) by striking "core education courses in science and mathematics" and inserting "core education courses in STEM fields";

(iii) by inserting "veterans and individuals engaged in" before "work in the home"; and

(iv) by inserting "and on building a pathway from secondary schools, to associate-degree-granting institutions, to careers that require "STEM training" before ", and shall be designed";

(F) in paragraph (1)—

(A) by inserting "and study" after "development"; and

(B) by striking "core science and mathematics courses" and inserting "core STEM courses";

(6) in paragraph (2), by striking "science, mathematics, and advanced-technology fields" and inserting "STEM and advanced-technology fields";

(E) in paragraph (3)(A), by inserting "to support the advanced-technology industries that drive the competitiveness of the United States in the global economy" before the semicolon at the end;

(F) in paragraph (4), by striking "scientific and advanced-technology fields" and inserting "STEM and advanced-technology fields";

(G) in paragraph (5), by striking "advanced scientific and technical education" and inserting "advanced STEM and advanced-technology education";
(I) in clause (1), by inserting “veterans and individuals engaged in” before “work in the home’’;
(II) in clause (iii); 
(a) by striking “bachelor’s-degree-granting institutions” and inserting “institutions or entities that do not have an institutional office”;
(b) by inserting “or industry internships” after “summer programs” and 
(III) by striking the flush text following clause (iv); and
(iii) by striking paragraph (C); 
5) in subparagraph (B), by striking “2022”;
(6) in subsection (g), by striking the second paragraph (3)—
(i) by striking subparagraph (C); 
(ii) by striking paragraphs (8) and (9), respectively; and
(F) in paragraph (8), as redesignated by subparagraph (D)—
(1) by striking “mathematics, science, engineering, and technical knowledge; and
(B) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively;
(E) in paragraph (7), as redesignated by subparagraph (D), by striking “and” after the semicolon;
(F) in paragraph (8), as redesignated by subparagraph (D)—
(i) by striking “mathematics, science, engineering, and technical knowledge; and
(ii) by striking the period at the end and inserting “after the end’’;
and
(G) by adding at the end the following:
“(9) the term technical professional means workers—
(A) in occupations that use significant levels of science and engineering expertise and technical knowledge; and
(B) whose level of educational attainment is less than a bachelor degree.”
(c) AUTHORIZATION OF APPROPRIATIONS.—
Section 7 of the Higher Education Act of 1965 (20 U.S.C. 1024c) is amended to read as follows:
“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated for carrying out sections 2 through 4, $150,000,000 for fiscal years 2022 through 2026.”

SEC. 2296. INTRAMURAL EMERGING INSTITUTIONS PILOT PROGRAM.
(a) ESTABLISHMENT.—The Director shall conduct multiple pilot programs within the Foundation to expand the number of institutions of higher education (including such institutions that are community colleges), and other eligible entities that the Director determines appropriate, that are able to successfully compete for Foundation grants.
(b) COMPONENTS.—Each pilot program described in subsection (a) shall include at least 1 of the following elements:
(1) A mentorship program.
(2) Grant writing technical assistance.
(3) Targeted outreach, including to a minority-serving institution (including a historically Black college or university, a Tribal college or university, or a Hispanic-serving institution or an institution of higher education that has not traditionally received funds from the Foundation).
(4) Programmatic support or solutions for institutions or entities that do not have an experienced grant management office.
(5) An independent grant reviewer from institutions of higher education that have not traditionally received funds from the Foundation.
(6) An increase of the term and funding, for a period of 3 years or less, as appropriate, to a principal investigator that is a first-time grant awardee, when paired with regular mentoring of grant administrative aspects of grant management.
(c) LIMITATION.—As appropriate, each pilot program described in subsection (a) shall work to reduce administrative burdens.
(d) AGENCY-WIDE PROGRAMS.—Not later than 5 years after the date of enactment of this division, the Director shall—
(1) develop a grant strategy for the Foundation that would support the sustainability of the programs described in subsection (a); and
(2) develop agency-wide best practices from the pilot programs and share them across the Foundation, in order to fulfill the requirement under section 3(e) of the National Science Foundation Act of 1950 (20 U.S.C. 3102).

SEC. 2297. PUBLIC-PRIVATE PARTNERSHIPS.
(a) IN GENERAL.—The Director shall pursue partnerships with private industry, private foundations, or other appropriate private entities to—
(1) enhance the impact of the Foundation’s investments and contributions to the United States economic competitiveness and security; and
(2) make available infrastructure, expertise, and financial resources to the United States economic competitiveness and security.
(b) MERIT REVIEW.—Nothing in this section shall be construed as altering any intellectual or broader impacts criteria at the Foundation for evaluating grant applications.

SEC. 2298. AI SCHOLARSHIP-FOR-SERVICE ACT.
(a) DEFINITIONS.—In this section:
(1) ARTIFICIAL INTELLIGENCE.—The term “artificial intelligence” or “AI” has the meaning given the term “artificial intelligence” in section 238g of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 238g note).
(2) REGISTRED INTERNSHIP.—The term “registered internship” means a Federal Registered Internship Program coordinated through the Department of Labor.

(b) IN GENERAL.—In coordination with the Director of the Office of Personnel Management, the Director of the National Institute of Standards and Technology, and the heads of other agencies with appropriate scientific knowledge, shall establish criteria to designate qualified institutions of higher education that shall be eligible to participate in the Federal AI Scholarship-for-Service Program to train and retain artificial intelligence professionals to lead and support the application of artificial intelligence to the intelligence to the Federal, State, local, and Tribal governments.
(c) QUALIFIED INSTITUTION OF HIGHER EDUCATION.—The term “qualified institution of higher education” has the meaning given the term “institution of higher education” in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).
(5) support capacity-building education research programs that will enable postsecondary educational institutions to expand their ability to train the next-generation AI workforce, including AI researchers and practitioners.

(e) SCHOLARSHIP AMOUNTS.—Each scholarship under subsection (d) shall be in an amount sufficient to meet the student's tuition and fees at the institution for not more than 3 years and provides the student with an additional stipend.

(f) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student's degree, in an AI mission of—

(1) an executive agency;
(2) Congress, including any agency, entity, office, or commission established in the legislative branch;
(3) an interstate agency;
(4) a State, local, or Tribal government, which may include instruction in AI-related skill sets in the public school system; or
(5) a State, local, or Tribal government-affiliated nonprofit entity that is considered to be critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 19195c(e))).

(g) HIRING AUTHORITY.

(1) POST-HIRE EXCEPTED SERVICE.—Notwithstanding any provision of chapter 33 of title 5, United States Code, governing appointments in the competitive service, an executive agency may appoint an individual who has completed the eligible degree program for which a scholarship was awarded to a position in the excepted service in the executive agency.

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

(h) TIMING OF CONVERSION.—An executive agency may not convert an employee to noncompeting conversion if the employee is eligible to receive a scholarship under this section, an individual shall—

(1) be a citizen or lawful permanent resident of the United States;
(2) demonstrate a commitment to a career in advancing the field of AI;
(3) be in full-time employment;
(4) have completed a full-time degree program at a qualified institution of higher education, as determined by the Director;
(5) be a student attending an eligible degree program for less than full-time basis, but not less than half-time basis; or
(6) be an AI faculty member on sabbatical to advance knowledge in the field; and
(7) accept the terms of a scholarship under this section.

(i) CONDITIONS OF SUPPORT.—In the event of receiving a scholarship under this section, a recipient shall agree to provide the qualified institution of higher education with annual verifiable documentation of post-award employment and up-to-date contact information.

(j) TERMS.—A scholarship recipient under this subsection shall meet the following conditions:

(A) fails to maintain an acceptable level of academic standing at the applicable institution of higher education, as determined by the Director;
(B) is expelled from the applicable institution of higher education for disciplinary reasons;
(C) withdraws from the eligible degree program before graduating the program;
(D) declares that the individual does not intend to fulfill the post-award employment obligation under this section; or
(E) fails to fulfill the post-award employment obligation of the individual under this section.

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

(1) enter into an agreement with the Director to comply with the post-award employment responsibilities of scholarship recipients with respect to their post-award employment obligations; and
(2) provide to the Director, on an annual basis, the post-award employment document required under subsection (i) for scholarship recipients with the completion of their post-award employment obligations.

(l) AMOUNT OF REPAYMENT.—

(1) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of subsection (i) occurs before the completion of 1 year of a post-award employment obligation under this section, the total amount of scholarship awards received by the individual under this section shall—

(A) be repaid; or
(B) be treated as a loan to be repaid in accordance with subsection (i).

(2) 1 OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of subsection (i) occurs after the completion of 1 year of a post-award employment obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall—

(A) be repaid; or
(B) be treated as a loan to be repaid in accordance with subsection (i).

(m) COLLECTION OF REPAYMENT.—

(1) IN GENERAL.—In exchange for that a scholarship recipient is required to repay the scholarship award under this section, the qualified institution of higher education providing a degree shall—

(A) determine the repayment amounts and notify the recipient and the Director of the amounts owed; and
(B) collect the repayment amounts within a period of time as determined by the Director, or the repayment amounts shall be treated as a loan in accordance with subsection (l).

(2) RETURNED TO TREASURY.—Except as provided in paragraph (3), any repayment under this subsection shall be returned to the Treasury of the United States.

(3) RETAIN PERCENTAGE.—A qualified institution of higher education may retain a percentage of any repayment the institution collects to reflect administrative costs associated with the collection. The Director shall establish a fixed percentage that will apply to all eligible entities, and may update this percentage as needed, in the determination of the Director.

(n) EXCEPTIONS.—The Director may provide for the partial or total waiver or suspension of any service or payment obligation by an individual under this section whenever compliance by the individual with the obligation is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

(o) PUBLIC EMPLOYMENT.

(1) EVALUATION.—The Director, in coordination with the Director of the Office of Personnel Management, shall annually evaluate and make public the effectiveness of the program that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector AI workforce, including information on—

(A) placement rates;
(B) where students are placed, including job titles and descriptions;
(C) salary ranges for students not released from obligations under this section;
(D) how long after graduation students are placed;
(E) how long students stay in the positions they enter upon graduation; and
(F) how many students are released from obligations; and
(G) what, if any, remedial training is required.

(2) REPORTS.—The Director, in coordination with the Office of Personnel Management, shall submit, not less frequently than once every 3 years, to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives a report, including the results of the evaluation under paragraph (1) and any recent statistics regarding the size, composition, and educational requirements of the Federal AI workforce.

(p) RESOURCES.—The Director, in coordination with the Director of the Office of Personnel Management, shall provide resources that will ensure that students are informed of potential career paths and opportunities related to the AI field and provide information about the programs to prospective scholarship recipients, including, to the extent practicable—

(A) searchable, up-to-date, and accurate information about participating institutions of higher education and job opportunities related to the AI field; and
(B) a modernized description of AI careers.

(q) REFRESH.—Not less than once every 2 years, the Director, in coordination with the Director of the Office of Personnel Management, shall review and update the Federal AI Scholarship-for-Service Program to reflect advances in technology.

SEC. 2209. GEOGRAPHIC DIVERSITY.

(a) DIRECTORATE.—The Director shall use not less than 20 percent of the funds provided to the Directorate, for each fiscal year, to carry out the program under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g) for the purpose of supporting institutions of higher education and job opportunities related to the AI field; and
(b) NATIONAL SCIENCE FOUNDATION.—The Director shall use not less than 20 percent of the funds provided under this section to carry out the program under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g) for the purpose of supporting institutions of higher education and job opportunities related to the AI field; and
(c) DEPARTMENT OF ENERGY.—The Secretary of Energy shall use not less than 20...
percent of the funds provided to the Department of Energy under section 2117 for each fiscal year to carry out the program under section 2203(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)(3)).

(d) CONSORTIA.—In the case of an award to a consortium under this division, the Director may count the entire award toward meeting the requirements of this section if the lead entity of the consortium is located in a jurisdiction that is eligible to participate in the program under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1626g). In the case of an award to a consortium under this division, the Secretary shall count the entire award toward meeting the requirements of this section if the lead entity of the consortium is located in a jurisdiction that is eligible to participate in the program under section 113(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)(3)).

SEC. 2210. RURAL STEM EDUCATION ACT.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LABORATORY.—The term ‘‘Federal laboratory’’ has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3702).

(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 101(a)).

(3) STEM.—The term ‘‘STEM’’ has the meaning given the term in section 2 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

(4) STEM EDUCATION.—The term ‘‘STEM education’’ has the meaning given the term in section 2 of the STEM Education Act of 2015 (42 U.S.C. 6621 note).

(b) NATIONAL SCIENCE FOUNDATION RURAL STEM ACTIVITIES.—

(1) PREPARING RURAL STEM EDUCATORS.—

(A) IN GENERAL.—The Director shall provide grants on a merit-reviewed, competitive basis to institutions of higher education or nonprofit organizations (or a consortium thereof) for research and development to advance innovative approaches to support and sustain high-quality STEM teaching in rural schools.

(B) USE OF FUNDS.—

(i) IN GENERAL.—Grants awarded under this paragraph shall be used for the research and development activities referred to in subparagraph (A), which may include—

(I) engaging rural educators of students in prekindergarten through grade 12 in professional learning opportunities to enhance STEM knowledge, including computer science, and develop best practices;

(II) supporting research on effective STEM teaching practices in rural settings, including the use of rubrics and mastery-based grading practices to assess student performance when employing the transdisciplinary STEM discipline assets in rural teaching settings;

(III) developing and implementing professional development courses and experiences, including mentoring, for rural educators described in clause (I) that combine face-to-face and online experiences; and

(VIII) other any other activity the Director determines will accomplish the goals of this paragraph.

(ii) any recommendations for administration or improvement of STEM education; and

(iii) any other activity the Director determines will accomplish the goals of this paragraph.

(2) BROADER PARTICIPATION OF RURAL STUDENTS IN STEM.—

(A) IN GENERAL.—The Director shall provide grants on a merit-reviewed, competitive basis to teachers or nonprofit organizations (or a consortium thereof) for—

(I) research and development of programmatic strategies to identify the barriers rural students face in accessing high-quality STEM education; and

(II) development of innovative solutions to improve the participation and advancement of rural students in prekindergarten through grade 12 in STEM studies.

(B) USE OF FUNDS.—

(i) IN GENERAL.—Grants awarded under this paragraph shall be used for the research and development activities referred to in subparagraph (A), which may include—

(I) partnerships with community colleges to offer advanced STEM coursework, including computer science, to rural high school students;

(II) providing training and professional development opportunities to improve rural students’ access to STEM education; and

(III) implementing a school-wide STEM approach;

(IV) supporting research on effective STEM teaching practices in rural schools;

(V) establishing a council for rural STEM education; and

(VI) connecting rural school districts and institutions of higher education, to improve precolligate STEM education and engagement;

(VII) providing resources to rural teachers, students, and parents to support the STEM education of rural students;

(VIII) any other activity the Director determines will accomplish the goals of this paragraph.

(3) EVALUATION.—All proposals for grants awarded under paragraphs (1) and (2) shall include an evaluation plan that includes the use of outcome-oriented measures to assess the impact and effectiveness of the grant. Each grant made under paragraphs (1) and (2) shall include an evaluation of the findings of research resulting from the activities or activities funded under this subsection.

(4) REPORT ON EVALUATIONS.—Not later than 180 days after the completion of the activities funded under subparagraph (A), the Director shall submit to Congress a report that includes—

(i) an analysis of the results conducted under such grants and identify best practices; and

(ii) to the extent practicable, integrate the findings of research resulting from the activities or activities funded through such grants with the findings of other research on rural students’ pursuit of degrees or careers in STEM.

(5) ACCOUNTABILITY AND DISSEMINATION.—

(A) EVALUATION REQUIRED.—The Director shall evaluate the portfolio of grants awarded under paragraphs (1) and (2). Such evaluation shall—

(i) assess the results of research conducted under such grants and identify best practices; and

(ii) to the extent practicable, integrate the findings of research resulting from the activity or activities funded through such grants with the findings of other research on rural students’ pursuit of degrees or careers in STEM.

(6) REPORT BY COMMITTEE ON EQUAL OPPORTUNITIES IN SCIENCE AND ENGINEERING.—As part of the first report required by section 302(e) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885c(e)) transmitted to Congress after the date of enactment of this division, the Committee on Equal Opportunities in Science and Engineering shall include—

(A) a description of past and present policies and activities of the Foundation to encourage participation of students in rural communities in science, mathematics, engineering, and computer science fields; and

(B) an assessment of the policies and activities of the Foundation, along with proposals for new strategies or the broadening
of existing successful strategies towards facilitating the goal of increasing participation of rural students in prekindergarten through grade 12 in Foundation activities.

(b) Cooperation.—In carrying out this subsection, the Director shall, for purposes of enhancing program effectiveness and avoiding duplication of activities, consult, cooperate, and coordinate with the programs and policies of other relevant Federal agencies. (c) OPPORTUNITIES FOR ONLINE EDUCATION.—(1) IN GENERAL.—The Director shall award competitive grants to institutions of higher education or nonprofit organizations (or a consortium thereof, which may include a private sector partner) to conduct research on online STEM education courses for rural communities.

(2) RESEARCH AREAS.—The research areas eligible for funding under this subsection shall include:

(A) evaluating the learning and achievement of rural students in prekindergarten through grade 12 in STEM subjects;

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

(C) combining computer-based and online STEM education and training with apprenticeships, mentoring, or other applied learning opportunities;

(D) leveraging online programs to supplement STEM studies for rural students that need physical and academic accommodation; and

(E) any other activity the Director determines will accomplish the goals of this subsection.

(3) EVALUATIONS.—All proposals for grants under this subsection shall include an evaluation plan that includes the use of outcome-oriented measures to assess the impact and efficacy of the grant. Each recipient of a grant under this subsection shall include results from these evaluative activities in annual and final projects.

(4) ACCOUNTABILITY AND DISSEMINATION.—(A) EVALUATION REQUIRED.—The Director shall evaluate the portfolio of grants awarded under this subsection. Such evaluation shall include:

(i) use a common set of benchmarks and tools to assess the results of research conducted under such grants and identify best practices.

(ii) to the extent practicable, integrate findings from activities carried out pursuant to research conducted under this subsection, with respect to the pursuit of careers and degrees in STEM, with those activities carried out pursuant to other research on serving rural students and communities.

(B) REPORT ON THE EVALUATIONS.—Not later than 180 days after the completion of the evaluation under subparagraph (A), the Director shall submit to Congress and make widely available to the public a report that includes:

(i) the results of the evaluation; and

(ii) any recommendations for administrative and legislative action that could optimize the effectiveness of the grants awarded under this subsection.

(C) REPORT TO THE DIRECTOR.—The agreement entered into under paragraph (1) shall require the National Academies of Sciences, Engineering, and Medicine, not later than 24 months after the date of enactment of this division, to submit to the Director a report on the study conducted under such paragraph, including the National Academies’ findings and recommendations.

(D) GAO REVIEW.—Not later than 3 years after the date of enactment of this division, the Comptroller General of the United States shall conduct a study to assess the quality and quantity of STEM education and workforce development programs conducted under this subsection, the effect of those programs on rural and underserved communities, the effect of those programs on meeting the needs of educators of rural students and local high schools, community colleges, and area career and technical education schools, including those in underserved urban communities.

(2) RURAL CONNECTIVITY PRIZE COMPETITION.—(A) PRIZE COMPETITION.—Pursuant to section 21 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary of Commerce shall carry out a program to award prizes competitively to stimulate research and development of creative technologies to support the deployment of affordable and reliable broadband connectivity in rural communities, including underserved rural communities.

(B) PLAN FOR DEPLOYMENT IN RURAL COMMUNITIES.—Each proposal submitted pursuant to subparagraph (A) shall include a proposed plan for deployment of the technology that is the subject of such proposal.

(C) PRIZE AMOUNT.—In carrying out the program under subparagraph (A), the Secretary may award not more than a total of $5,000,000 to one or more winners of the prize competition.

(D) REPORT.—Not later than 60 days after the date on which a prize is awarded under the prize competition, the Secretary shall submit to the relevant committees of Congress a report that describes the winning proposal of the prize competition.

(E) CONSULTATION.—In carrying out the program under this paragraph, the Secretary shall consult with the Federal Communications Commission and the heads of relevant departments and agencies of the Federal Government.

SEC. 2211. QUANTUM NETWORK INFRASTRUCTURE AND WORKFORCE DEVELOPMENT ACT.

(a) DEFINITIONS.—In this section:

(ESEA DEFINITIONS.—The terms ''elementary school'', ''high school'', ''local educational agency'', and ''secondary school'' have the meanings given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' has the meaning given such term in section 2 of the National Quantum Initiative Act (15 U.S.C. 8801).

INTERAGENCY WORKING GROUP.—The term ''Interagency Working Group'' means the QIS Workforce Working Group under the Subcommittee on Quantum Information Science of the National Science and Technology Council.

2) A PPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' has the meaning given such term in section 2 of the National Quantum Initiative Act (15 U.S.C. 8801).

3) Q2 WORK PROGRAM.—The term ''Q2Work Program'' means the Q2Work Program supported by the National Science Foundation.

4) NIST ENGAGEMENT WITH RURAL COMMUNITIES.—Each proposal submitted pursuant to subparagraph (A) shall include a proposed plan for deployment in rural communities.

5) RURAL CONNECTIVITY PRIZE COMPETITION.—(A) PRIZE COMPETITION.—Pursuant to section 21 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary of Commerce shall carry out a program to award prizes competitively to stimulate research and development of creative technologies to support the deployment of affordable and reliable broadband connectivity in rural communities, including underserved rural communities.

(b) REPORT.—Not later than 3 years after the date of the enactment of this division, the Secretary shall submit to the relevant committees of Congress a report on the quantum networking and quantum information science of the National Science and Technology Council.
Technology Council shall submit to the appropriate committees of Congress a report detailing a plan for the advancement of quantum networking and communications technology in the United States, building on A Strategic Vision for America’s Quantum Networks and A Coordinated Approach for Quantum Networking Research.

2 Requirements.—The report under paragraph (1) shall include—
(A) a framework for interagency collaboration on the advancement of quantum networking and communications technology;
(B) a plan for interagency collaboration on the development and drafting of international standards for quantum communications technology, including standards relating to—
(i) quantum cryptography and post-quantum classical cryptography;
(ii) network security;
(iii) quantum network infrastructure;
(iv) transmission of quantum information through telecommunication networks; and
(v) any other technologies considered appropriate by the Working Group;
(C) a proposal for the protection of national security interests relating to the advancement of quantum networking and communications technology;
(D) recommendations to Congress for legislative action to support the quantum revolution, plan, and proposal set forth pursuant to subparagraphs (A), (B), and (C), respectively; and
(E) such other matters as the Working Group considers necessary to advance the security of communications and network infrastructure, remain at the forefront of scientific discovery in the quantum information science domain, and transition quantum information science research into the emerging quantum economy.

(c) QUANTUM NETWORKING AND COMMUNICATIONS RESEARCH.—
(1) Research.—The Under Secretary of Commerce for Standards and Technology shall carry out research to facilitate the development and standardization of quantum networking and communications technologies and applications, including research on the following:
(A) Quantum cryptography and post-quantum classical cryptography;
(B) Quantum repeater technology.
(C) Quantum network traffic management.
(D) Quantum transduction.
(E) Such other technologies, processes, or applications as the Under Secretary considers appropriate.

(2) Implementation.—The Under Secretary shall carry out the research required by paragraph (1) through such divisions, laboratories, programs, and services of the National Institute of Standards and Technology as the Under Secretary considers appropriate and actively engaged in activities relating to quantum security interests, including—
(A) the Quantum Science Laboratory;
(B) the National Quantum Information Science and Technology Laboratory;
(C) the Quantum National Laboratory;
(D) the Quantum National Laboratory, including the Quantum National Laboratory, the Quantum National Laboratory, and the Quantum National Laboratory.

(3) DEVELOPMENT OF STANDARDS.—For quantum technologies deemed by the Under Secretary to be at a readiness level sufficient for standardization, the Under Secretary shall provide technical review and assistance to such other Federal agencies as the Under Secretary considers appropriate for the development of quantum network infrastructure standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2026.

(2) SUPPLEMENT, NOT SUPPLANT.—The amounts authorized to be appropriated under subparagraph (A) shall supplement and not supplant amounts already appropriated to the account described in such subparagraph.

(3) QUANTUM WORKFORCE EVALUATION AND ACCELERATION.—
(1) IDENTIFICATION OF GAPS.—The Foundation shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study of ways to support the next generation of quantum leaders.

(2) SCOPE OF STUDY.—In carrying out the study described in paragraph (1), the National Academies of Sciences, Engineering, and Medicine shall identify—
(A) education gaps, including foundational courses in areas of standardization, in elementary school, middle school, high school, and higher education curricula, that need to be rectified in order to prepare students to participate in the quantum workforce;
(B) the skills and workforce needs of industry, specifically identifying the cross-disciplinary academic degrees or academic courses necessary—
(i) to qualify students for multiple career pathways in quantum information sciences and related fields;
(ii) to ensure the United States is competitive in the field of quantum information science while preserving national security; and
(iii) to support the development of quantum applications; and
(C) the resources and materials needed to train elementary, middle, and high school educators to effectively teach curricula relevant to the development of a quantum workforce.

(3) REPORTS.—
(A) EXECUTIVE SUMMARY.—Not later than 2 years after the date of enactment of this division, the National Academies of Science, Engineering, and Medicine shall prepare and submit to the Foundation, and programs or projects funded by the Foundation, an executive summary of progress regarding the study conducted under paragraph (1) that outlines the findings of the Academies as of such date.

(B) REPORT.—Not later than 4 years after the date of enactment of this division, the National Academies of Science, Engineering, and Medicine shall prepare and submit to the Foundation, and programs or projects funded by the Foundation, an executive summary of progress regarding the study conducted under paragraph (1) that outlines the findings of the Academies as of such date.

(4) REQUIREMENTS.—
(A) REQUIREMENTS.—In selecting program participants under paragraph (1)(iv), the Director of the Foundation shall give priority to elementary schools, secondary schools, and local educational agencies as determined appropriate by the Foundation.

(B) PRIORITIZATION.—In selecting program participants under paragraph (1)(iv), the Director of the Foundation shall give priority to elementary schools, secondary schools, and local educational agencies as determined appropriate by the Foundation.

(3) CONSULTATION.—The Foundation shall carry out this subsection in consultation with the QIS Workforce Working Group and the QIS Workforce Working Group, in coordination with the National Q–12 Education Partnership.

(4) REPORTING.—
(A) REPORT AND SELECTED PARTICIPANTS.—Not later than 90 days after the end of the application period under paragraph (2)(A)(iii), the Director of the Foundation shall submit to Congress a report on the education and training institutions selected to participate in the pilot program required under paragraph (1), specifying the percentage to account for the skills and workforce needs identified through the study.

(3) COORDINATION.—In carrying out this subsection, the Foundation, including the Education and Training Authoritative Model for Advancing Informal STEM Learning program and through the Foundation’s role in the National Q–12 Education Partnership and the QIS Workforce Working Group as such as the Q2Work Program, shall coordinate with the Office of Science and Technology Policy, EPSCoR eligible universities, and any Federal agencies or working groups determined necessary by the Foundation.

(4) REVIEW.—In implementing this subsection, the Foundation shall carry out the responsibilities established in paragraph (E), the National Academies of Sciences, Engineering, and Technology Policy, EPSCoR eligible universities, and any Federal agencies or working groups determined necessary by the Foundation.

(e) INTEGRATING QISE INTO STEM CURRICULUM.—
(1) IN GENERAL.—The Foundation shall, through programs carried out or supported by the Foundation, prioritize the better integration of quantum information science and engineering (referred to in this subsection as QISE) into the STEM curriculum for each grade level from kindergarten through grade 12, and community colleges.

(2) REQUIREMENTS.—The curriculum integration under paragraph (1) shall include—
(A) methods to conceptualize QISE for elementary, middle, and high school curricula;
(B) methods for strengthening foundational mathematics and science curricula;
(C) age-appropriate materials that apply the principles of quantum information science in STEM fields;
(D) recommendations for the standardization of key concepts, definitions, and curriculum criteria across government, academia, and industry; and
(E) methods to specifically address the findings and outcomes of the study conducted under subsection (d) and strategies to
nontraditional geographies, including Tribal or rural school districts.

(B) REPORT ON IMPLEMENTATION OF CURRICULUM.—Not later than 2 years after the date of enactment of this division, the Director of the Foundation shall submit to Congress a report on implementation of the curriculum and materials under the pilot program, including the feasibility and acceptability of expanding such pilot program to include additional educational institutions beyond those originally selected to participate in the pilot program.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(6) TERMINATION.—This subsection shall cease to have effect on the date that is 3 years after the date of the enactment of this division.

(g) ENERGY SCIENCE NETWORK.—

(1) IN GENERAL.—The Secretary of Energy (referred to in this subsection as the Secretary), in coordination with the National Science Foundation and the National Aeronautics and Space Administration, shall supplement the Energy Sciences Network User Facilities that are included in this subsection (as the Network) with dedicated quantum network infrastructure to advance development of quantum networking and communications technologies.

(2) PURPOSE.—The purpose of paragraph (1) is to utilize the Network to advance a broad range of testing and research, including relating to—

(A) the establishment of stable, long-base-line quantum entanglement and teleportation;

(B) quantum repeater technologies for long-base-line communication purposes;

(C) quantum transduction;

(D) the coexistence of quantum and classical information;

(E) multiplexing, forward error correction, wavelength routing algorithms, and other quantum networking infrastructure; and

(F) any other technologies or applications determined necessary by the Secretary.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of this subsection—

$10,000,000 for each of fiscal years 2022 through 2026.

SEC. 212. SUPPORTING EARLY-CAREER RESEARCHERS.

(a) SHORT TITLE.—This section may be cited as the “Supporting Early-Career Researchers Act”.

(b) IN GENERAL.—The Director may establish a 2-year pilot program to award grants to highly qualified early-career investigators to carry out an independent research program at the institution of higher education or participating Federal research facility chosen by such investigator, to last for a period not greater than 2 years.

(c) BROADENING PARTICIPATION.—In awarding grants under this section, the Director shall give priority to—

(1) early-career investigators who are from groups that are underrepresented in science, technology, engineering, and mathematics research;

(2) early-career investigators who choose to carry out independent research at a minority-serving institution (or an institution of higher education with an established STEM capacity building program focused on training and retaining highly qualified underrepresented populations in STEM, including Native Hawaiians, Alaskan Natives, and Indians); and

(3) early-career investigators in a jurisdiction or division that participate under section 112 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g).

(d) REPORTS FROM GRANTEES.—Not later than 180 days after the end of the pilot program under this section, each early-career investigator who receives a grant under the pilot program shall submit a report to the Director that describes how the early-career investigator used the grant funds.

(2) IN GENERAL.—Not later than 180 days after submission of the reports described in subsection (d), the Director shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that contains a summary of the uses of grant funds under this section and the impact of the pilot program under this section.

SEC. 213. ADVANCING PRECISION AGRICULTURE CAPABILITIES ACT.

(a) SHORT TITLE.—This section may be cited as the “Advancing IoT for Precision Agriculture Act of 2021”.

(b) PURPOSE.—It is the purpose of this section to promote scientific research and development opportunities for connected technologies that advance precision agriculture capabilities.

(1) IN GENERAL.—In awarding grants under paragraph (2), the Secretary shall give priority to—

(A) direct gateway access for locally stored data;

(B) attenuation of signal transmission;

(C) loss of connectivity; and

(D) at-scale performance for wireless power.

(2) IN GENERAL.—In awarding grants under paragraph (2), the Secretary shall give priority to—

(A) to improve the reliable use of advance sensing systems in rural and agricultural areas; and

(B) the establishment of stable, long-base-line quantum entanglement and teleportation;

(C) quantum transduction;

(D) the coexistence of quantum and classical information;

(E) multiplexing, forward error correction, wavelength routing algorithms, and other quantum networking infrastructure; and

(F) any other technologies or applications determined necessary by the Secretary.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of this section and the impact of the pilot program under this section.

SEC. 2214. CRITICAL MINERALS MINING RESEARCH.

(a) CRITICAL MINERALS MINING RESEARCH AND DEVELOPMENT AT THE FOUNDATION.—

(1) IN GENERAL.—In order to support supply chain resiliency, the Critical Minerals Subcommittee of the National Science and Technology Council (referred to in this subsection as the Subcommittee) shall coordinate Federal science and technology efforts to ensure secure and reliable supplies of critical minerals to the United States.

(2) PURPOSES.—The purposes of the Subcommittee are—

(A) to advise and assist the Committee on Homeland and National Security and the National Science and Technology Council on United States policies, procedures, and plans related to critical minerals and the Department of Energy and its laboratories, as it relates to critical minerals, including—

(i) Federal research, development, and deployment efforts to optimize methods for extracting, concentrating, and purifying conventional, secondary, and unconventional sources of critical minerals;
(ii) efficient use and reuse of critical minerals;
(iii) the critical minerals workforce of the United States; and
(iv) United States private industry investments in innovation and technology transfer from federally funded science and technology.

(B) To identify emerging opportunities, stimulate international cooperation, and foster the development of secure and reliable supply chains of critical minerals;

(C) To ensure the transparency of information and data related to critical minerals; and

(D) To provide recommendations on coordination and integration among the research, development, and deployment programs and activities of Federal agencies to promote a secure and reliable supply of critical minerals necessary to maintain national security, economic well-being, and industrial production.

(3) RESPONSIBILITIES.—In carrying out paragraphs (1) and (2), the Subcommittee may, taking into account the findings and recommendations of relevant advisory committees:

(A) provide recommendations on how Federal agencies may improve the topographic, geologic, and geophysical mapping of the United States and improve the discoverability, accessibility, and usability of the resulting and existing data, to the extent permitted by law and subject to appropriate limitation for purposes of privacy and security;

(B) assess the progress toward developing critical minerals recycling and reprocessing technologies, and technological alternatives to critical minerals;

(C) examine options for accessing and developing critical minerals through investment and trade with allies and partners of the United States and provide recommendations;

(D) evaluate and provide recommendations to incentivize the development and use of advances in science and technology in the private industry;

(E) assess the need for and make recommendations to address the challenges the United States faces with its critical minerals supply chain workforce faces, including—

(i) aging and retiring personnel and faculty;

(ii) public perceptions about the nature of mining and mineral processing; and

(iii) foreign competition for United States talent;

(F) develop, and update as necessary, a strategic plan to guide Federal programs and activities to enhance—

(i) scientific and technical capabilities across critical mineral supply chains, including a roadmap that identifies key research and development needs and coordinates on-going activities for source diversification, more efficient use, recycling, and substitution for critical minerals; and

(ii) cross-cutting mining science, data science, and materials science, manufacturing science and engineering, computational modeling, and environmental health and safety research and development; and

(G) establish and maintain the appropriate committees of Congress on activities and findings under this subsection.

(4) MANDATORY RESPONSIBILITIES.—In carrying out paragraphs (1) and (2), the Subcommittee shall, taking into account the findings and recommendations of the relevant advisory committees, identify and evaluate policies and programs that restrict the mining of critical minerals.

(a) GRANT PROGRAM FOR DEVELOPMENT OF CRITICAL MINERALS AND METALS.—

(1) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Director and the Secretary of the Interior, shall establish a grant program to finance pilot projects for the development of critical minerals and metals in the United States.

(2) LIMITATION ON GRANT AWARDS.—A grant awarded under paragraph (1) may not exceed $10,000,000.

(b) ECONOMIC VIABILITY.—In awarding grants under paragraph (1), the Secretary of Commerce shall give priority to projects that the Secretary of Commerce determines are likely to be economically viable over the long term.

(c) SECONDARY RECOVERY.—In awarding grants under paragraph (1), the Secretary of Commerce shall seek to award not less than 30 percent of the total amount of grants awarded during the fiscal year for projects relating to secondary recovery of critical minerals and metals.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce $100,000,000 for each of fiscal years 2021 through 2024 to carry out the grant program established under paragraph (1).

(e) REPORTS.—In each of fiscal years 2022 through 2024, the Secretary shall submit to the Committee on Appropriations a report that—

(i) examines funding under this section by the Secretary of Commerce for the fiscal year that is the most recent fiscal year;

(ii) includes a description of the projects funded; and

(iii) includes an evaluation of the grant program.

(f) PUBLIC PARTICIPATION.—In awarding grants under paragraph (1), the Secretary shall—

(i) provide for public participation in the process of awarding grants;

(ii) provide for public input into the process of awarding grants; and

(iii) consider public input in awarding grants.

SEC. 2216. PRESIDENTIAL AWARDS.

(a) IN GENERAL.—The President is authorized to make Presidential Awards for Excellence in Technology and Science Research to researchers in underrepresented populations, including women and underrepresented minorities, who have demonstrated outstanding achievements in technology or science research.

(b) NUMBER AND DISTRIBUTION OF AWARD RECIPIENTS.—If the President elects to make Presidential Awards for Excellence in Technology and Science Research under subsection (a), the President shall make no fewer than 104 Awards. In selecting researchers for the Awards, the President shall select at least 2 researchers—

(1) from each of the States;

(2) from the District of Columbia; and

(3) from the Commonwealth of Puerto Rico.

(c) SELECTION PROCEDURES.—The President shall carry out this section, including the establishment of the selection procedures, after consultation with the Director of the Office of Science and Technology Policy and other appropriate officials of Federal agencies.

SEC. 2217. BIOECONOMY RESEARCH AND DEVELOPMENT ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the “Bioeconomy Research and Development Act of 2021”.

(b) FINDINGS.—The Congress makes the following findings:

(1) Cellular and molecular processes may be used, mimicked, or redesigned to develop new products, processes, and systems that improve societal well-being, strengthen national security, and contribute to the economy.

(2) Engineering biology relies on a workforce with a diverse and unique set of skills coming from the biological, physical, chemical, and information sciences and engineering.

(3) Long-term research and development is necessary to create breakthroughs in engineering biology. Such research and development requires government investment, as many of the benefits are too distant or uncertain for industry to support alone.

(4) Research is necessary to inform evidence-based governance of engineering biology and to support the growth of the engineering biology industry.

The Federal Government has an obligation to ensure that ethical, legal, environmental, safety, security, and societal implications of its science and technology research and development investment follows policies of responsible innovation and fosters public transparency.
(6) The Federal Government can play an important role by facilitating the development of tools and technologies to further advance engineering biology, including user facilities and other capabilities, by supporting risk research, and by facilitating the commercial application in the United States of research funded by the Federal Government.

(7) The United States led the development of the science and engineering techniques that created the field of engineering biology, but due to increasing international competition, the United States is at risk of losing its competitive advantage if it does not strategically invest the necessary resources.

(8) The Engineering Biology Initiative can serve to establish new research directions and technology goals, improve interagency coordination and planning processes, drive technology transfer to the private sector, and help ensure optimal returns on the Federal investment.

(c) DEFINITIONS.—In this section:

(1) BIOMANUFACTURING.—The term ‘‘biomanufacturing’’ means the utilization of biological systems to develop new and advance existing products, tools, and processes at commercial scale.

(2) ENGINEERING BIOLOGY.—The term ‘‘engineering biology’’ means the application of engineering design principles and practices to bioinformatics, molecular and cellular systems, to advance fundamental understanding of complex natural systems and to enable novel or optimize functionalities and capabilities.

(3) INITIATIVE.—The term ‘‘Initiative’’ means the National Engineering Biology Research and Development Initiative established under subsection (d).

(4) OMICS.—The term ‘‘omics’’ refers to the collective technologies used to explore the roles, relationships, and actions of the various types of molecules that make up the cells of an organism.

(d) NATIONAL ENGINEERING BIOLOGY RESEARCH AND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—The President, acting through the Office of Science and Technology Policy, shall implement a National Engineering Biology Research and Development Initiative to advance societal well-being, national security, sustainability, and economic productivity and competitiveness through—

(A) accelerating the translation and commercialization of engineering biology research and development by the private sector, and

(B) improving the interagency planning and coordination of Federal Government activities related to engineering biology.

(ii) facilitating public-private partnerships in engineering biology research and development;

(iii) connecting researchers, graduate students, and postdoctoral fellows with entrepreneurship education and training opportunities; and

(iv) supporting proof of concept activities and the formation of startup businesses including through programs such as the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(iii) awards under the Small Business Innovation Research Program and the Small Business Technology Transfer Program, as described in section 9 of the Small Business Act (15 U.S.C. 638);

(iv) grants to fund the work of individual investigators, including interdisciplinary teams;

(B) supporting research and other activities related to the safety and security implications of engineering biology research, including outreach to increase awareness among Federal researchers and Federally-funded researchers at institutions of higher education, the National Aeronautics and Space Administration, the Department of Energy, the Department of Defense, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the Environmental Protection Agency, the Department of Agriculture, the Department of
subsection (f), the results of the workshop established under this section referred to as the Interagency Committee shall oversee the planning, management, and coordination of the Initiative. The Interagency Committee shall—

(a) provide for interagency coordination of Federal engineering biology research, development, and other activities undertaken pursuant to this Initiative;

(b) establish and periodically update goals and priorities for the Initiative;

(c) develop, not later than 12 months after the date of enactment of this Act, and update every 3 years thereafter, a strategic plan submitted to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate that—

(i) guides the activities of the Initiative for purposes of meeting the goals and priorities established under (a) and (b) pursuant to this section referred to as the Interagency Office established under this paragraph (1)(C), including—

(A) a summarized agency budget in support of the Initiative for the fiscal year to which the plan is submitted; and

(B) an estimate of the funding necessary to carry out the activities of the Initiative for the fiscal year to which the plan is submitted; and

(ii) describes—

(I) the Initiative’s support for long-term funding for interdisciplinary engineering biology research and development;

(II) the Initiative’s support for education and public outreach activities;

(iii) the Initiative’s support for research and other activities on ethical, legal, environmental, safety, security, and other appropriate societal issues related to engineering biology and the authority of the Interagency Committee to provide technical and administrative support to the interagency committee and the advisory committee established under subsection (f);

(iv) serve as the point of contact on Federal engineering biology activities for government organizations, academia, industry, professional societies, State governments, interested citizen groups, and others to exchange technical and programmatic information;

(v) oversee interagency coordination of the Initiative, including initiating and supporting joint agency solicitation and selection of applications for funding of activities under this Initiative;

(vi) conduct public outreach, including dissemination of findings and recommendations of the advisory committee established under subsection (f);

(vii) serve as the coordinator of ethical, legal, environmental, safety, security, and other appropriate societal input; and

(viii) provide technical and administrative support to the interagency committee and the advisory committee established under subsection (f), and appropriate societal input; and

(vii) provide technical and administrative support to the interagency committee and the advisory committee established under subsection (f);

(b) recommendations for integrating security into biological data access and international reciprocity agreements;

(c) recommendations for manufacturing restructuring to support engineering biology research, development, and scaling-up initiatives; and

(d) an evaluation of existing biosecurity governance policies, guidance, and directives for incorporating an evidence-based framework to respond to emerging biosecurity challenges created by advances in engineering biology;

(iv) how the Initiative will contribute to moving results out of the laboratory and into application for the benefit of society and United States competitiveness;

(v) how the Initiative will measure and track the contributions of engineering biology to United States economic growth and other societal indicators;

(vi) a national genomic sequencing strategy to ensure engineering biology research fully leverages plant, animal, and microbe genomic diversity, as appropriate and in a manner that does not compromise national security or the privacy or security of human genetic information, to enhance long-term innovation and competitiveness in engineering biology in the United States;

(vii) develop a national genomic sequencing strategy to ensure engineering biology research fully leverages plant, animal, and microbial genomic diversity, as appropriate and in a manner that does not compromise national security or the privacy or security of human genetic information, to enhance long-term innovation and competitiveness in engineering biology in the United States;

(viii) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Program as described in section 9 of the Small Business Act (15 U.S.C. 638), in support of the activities described in paragraph (d)(2)(C); and

(ix) carry out this subsection, take into consideration the recommendations of the advisory committee established under subsection (f) and the results of the workshop convened under subsection (d)(4)(D), existing reports on related topics, and the views of academic, State, industry, and other appropriate groups.

(2) TRIENNIAL REPORT.—Beginning with fiscal year 2022 and ending in fiscal year 2028, the President’s annual budget request and every third fiscal year thereafter, the Interagency Committee shall prepare and submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(A) a description of the amount and number of awards made under the Small Business Innovation Research Program and the Small Business Technology Transfer Program (as described in section 9 of the Small Business Act (15 U.S.C. 638)) in support of the Initiative;

(B) a description of the amount and number of projects funded under joint solicitations by a collaboration involving fewer than 2 agencies participating in the Initiative, and

(C) a description of the effect of the newly funded projects by the Initiative.

(3) INITIATIVE OFFICE.—

(A) IN GENERAL.—The President shall establish an Initiative Coordination Office, with a Director and full-time staff, which shall—

(i) provide technical and administrative support to the interagency committee and the advisory committee established under subsection (f);

(ii) serve as the point of contact on Federal engineering biology activities for government organizations, academia, industry, professional societies, State governments, interested citizen groups, and others to exchange technical and programmatic information;

(iii) oversee interagency coordination of the Initiative, including initiating and supporting joint agency solicitation and selection of applications for funding of activities under this Initiative;

(iv) conduct public outreach, including dissemination of findings and recommendations of the advisory committee established under subsection (f);

(v) serve as the coordinator of ethical, legal, environmental, safety, security, and other appropriate societal input; and

(vi) provide technical and administrative support to the interagency committee and the advisory committee established under subsection (f); and

(B) FUNDING.—The Director of the Office of Science and Technology Policy, in coordination with each participating Federal department and agency, as appropriate, shall—

(i) develop and annually update an estimate of the funds necessary to carry out the activities of the Initiative Coordination Office and submit such estimate with an agreed summary of contributions from each agency to Congress as part of the President’s annual budget request for each fiscal year;

(ii) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

(iii) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

(iv) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

(v) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

(vi) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

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(XXXXVII) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

(XXXXVIII) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

(XXXXIX) oversee the development and coordination of the Initiative for the fiscal year to which the plan is submitted;

(XL) OVERSIGHT.—The Director of the Office of Science and Technology Policy, in coordination with the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, shall—

(A) review the findings of the Interagency Committee’s assessment under paragraph (2); and

(B) report on to Congress on the findings of the Interagency Committee’s assessment under paragraph (2); and

(C) receive and discuss the advisory committee’s recommendations for ways to improve the Initiative;

(D) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.

(e) External Review of Ethical, Legal, Environmental, Safety, Security, and Societal Issues.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a review, and make recommendations with respect to, the ethical, legal, environmental, safety, security, and other appropriate societal issues related to engineering biology research and development. The review shall include—

(i) an assessment of the current research on such issues;
(C) recommendations on how the Initiative can address the research needs identified pursuant to subparagraph (B); and

(D) recommendations on how researchers engaged in engineering biology can ensure that corporate considerations of ethical, legal, environmental, safety, security, and other societal issues into the development of research and the conduct of research.

(2) REPORT TO CONGRESS.—The agreement entered into under paragraph (1) shall require the National Academies of Sciences, Engineering, and Medicine to, not later than 2 years after the date of the enactment of this division—

(A) submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, for the first time during the first report, and recommendations of the review conducted under paragraph (1); and

(B) make a copy of such report available on a publicly accessible website.

(h) AGENCY ACTIVITIES.—

(1) NATIONAL SCIENCE FOUNDATION.—As part of the Initiative, the Foundation shall—

(A) support basic research in engineering biology; and

(B) support research in engineering biology through individual grants, collaborative grants, and through interdisciplinary research development;

(C) provide support for research instrumentation for engineering biology disciplines, including support for research, development, optimization and validation of novel technologies to enable the dynamic study of molecular processes in situ;

(D) support curriculum development and research experiences for secondary, undergraduate, graduate, and postdoctoral education in engineering biology;

(E) provide support for research instrumentation for engineering biology disciplines, including support for research, development, optimization and validation of novel technologies to enable the dynamic study of molecular processes in situ; and

(F) provide access to user facilities with advanced, unique equipment, services, materials, and other resources to industry, institutions of higher education, nonprofit organizations, and government agencies to perform some of their engineering biology research in an industry setting.

(2) DEPARTMENT OF COMMERCE.—

(A) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—As part of the Initiative, the Director of the National Institute of Standards and Technology shall—

(i) establish a bioscience research program to advance the development of standard reference materials and measurements and to create and validate new analytic techniques, and processes necessary to advance engineering biology and biomanufacturing; and

(ii) provide access to user facilities with advanced, unique equipment, services, materials, and other resources to industry, institutions of higher education, nonprofit organizations, and government agencies to perform some of their engineering biology research in an industry setting.

(3) DEPARTMENT OF ENERGY.—As part of the Initiative, the Secretary of Energy shall—

(A) conduct and support research, development, demonstration, and commercial application activities in engineering biology, including in the areas of synthetic biology, advanced biotechnology, biofuels, and biobased materials, and environmental remediation;

(B) support the development, optimization and validation of novel, scalable tools and technologies for the genetic and genomic study of molecular processes in situ; and

(C) provide access to user facilities with advanced, unique equipment, services, materials, and other resources to industry, institutions of higher education, nonprofit organizations, and government agencies to perform research and testing.

(4) DEPARTMENT OF DEFENSE.—As part of the Initiative, the Secretary of Defense shall—

(A) conduct and support research and development in engineering biology and associated data and information sciences;

(B) support curriculum development and research experiences in engineering biology and associated data and information sciences across the military education system, to include service high schools, military service academies, military educational institutions and graduate military education;

(C) assess risks of potential national security and economic security threats relating to engineering biology.

(5) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—As part of the Initiative, the National Aeronautics and Space Administration shall—

(A) conduct and support basic and applied research in engineering biology, including in synthetic biology; and

(B) provide grants to support research in engineering biology and associated data and information sciences at educational institutions.

(6) DEPARTMENT OF AGRICULTURE.—As part of the Initiative, the Secretary of Agriculture shall—

(A) support research and development in engineering biology, including in synthetic biology and advanced biotechnology; and

(B) support development of agriculture in engineering biology.

(7) ENVIRONMENTAL PROTECTION AGENCY.—As part of the Initiative, the Environmental Protection Agency shall support research on how products, processes, and systems of engineering biology will affect or can protect human health.

(8) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—As part of the Initiative, the Secretary of Health and Human Services shall—

(A) support research and development to advance the understanding and application of engineering biology for human health;

(B) support relevant interdisciplinary research and coordination; and

(C) support activities necessary to facilitate oversight of relevant emerging biotechnologies.

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require public disclosure of information that is exempt from mandatory disclosure under section 552 of title 5, United States Code.

SEC. 2218. MICROGRAVITY UTILIZATION POLICY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that space technology and the utilization of the microgravity environment for scientific, engineering, and technology development is critical to long-term competitiveness with near-peer competitors, including China.

(b) POLICY.—To the greatest extent appropriate, the Foundation shall facilitate access to the microgravity environment for awarding of funding from the Foundation, including Federal and non-Federal awards, to support research, development of science, engineering, and technology.

(3) Department of Commerce.

SEC. 2301. NATIONAL SCIENCE FOUNDATION RESEARCH SECURITY.

(a) RESEARCH SECURITY AND POLICY OFFICE.—The Director shall establish and maintain a research security and policy office within the Office of the Director. The functions of the research security and policy office shall include service as a resource at the Foundation for all policy issues related to the security and integrity of the conduct of research supported by the Foundation;

(b) conducting outreach and education activities for awardees on research policies and potential security risks;

(c) educating Foundation program managers and other staff on evaluating Foundation proposals and awards for potential security risks;

(d) communicating reporting and disclosure requirements to awardees and applicants for funding;

(e) consulting and coordinating with the Foundation Office of Inspector General and with other Federal science agencies, as appropriate, and through the National Science and Technology Council in accordance with the authority provided under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note), to identify and address potential security risks that threaten research integrity and other risks to the research enterprise and to develop research security policy and best practices;

(f) performing risk assessments, in consultation as appropriate, with other Federal agencies, of Foundation proposals and awards using analytical tools to assess non-disclosures of required information that may indicate breaches of research integrity or potentially fraudulent activity that would be referred to the Foundation Office of Inspector General;

(g) establishing policies and procedures for safeguarding sensitive research information and technology, working in consultation, as appropriate, with other Federal agencies, to ensure compliance with National Security Presidential Memorandum-33 (relating to strengthening protections of United States Government–supported research and development against foreign government interference and exploitation) or a successor policy document; and

(h) in accordance with relevant policies of the Director, conducting reviews with regard to applicants for grant funding from the Foundation prior to awarding such funding.

(i) Chief of Research Security.—The Director shall appoint a senior agency official within the Office of the Director as a Chief of
Research Security, whose primary responsibility is to manage the office established in subsection (a).

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this division, the Director shall provide a report on the resources and the number of full-time employees needed to carry out the functions of the division in subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(d) ONLINE RESOURCE.—The Director shall develop an online resource hosted on the Foundation’s publicly accessible website containing up-to-date information, tailored for institutions of higher education and individual researchers, including—

(1) an explanation of Foundation research security policies;
(2) unclassified guidance on potential security risks that threaten research integrity and other risks to the research enterprise;
(3) additional reference materials, including tools that assist organizations seeking Foundation awards in information disclosure to the Foundation.

(e) RESEARCH GRANTS.—The Director shall continue to award grants on a competitive basis, to institutions of higher education or nonprofit research institutions or organizations to support research on the conduct of research and the research security risks; and

(f) RESPONSIBLE CONDUCT IN RESEARCH TRAINING.—Section 7009 of the America COMPETES Reauthorization Act of 2007 (42 U.S.C. 1862o–1) is amended—

(1) by striking “and postdoctoral researchers” and “and faculty, and other senior personnel”;
(2) by inserting before the period at the end of the following: “, including training and mentoring employees, management, and institutional officials on research misconduct, breaches of research integrity, and detrimental research practices.”;
(3) by striking the period at the end of “such grants” and inserting “such grants shall serve as a clearinghouse for information on topics relevant to research security.”;

(g) FUNDING.—From any amounts appropriated for the Foundation for each of fiscal years 2022 through 2026, the Director shall allocate $5,000,000 to carry out this section for each such year.

SEC. 2302. RESEARCH SECURITY AND INTEGRITY INFORMATION SHARING ANALYSIS ORGANIZATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall enter into an agreement with a qualified independent organization to establish a research security and integrity information sharing analysis organization (referred to in this section as the “RSI-ISAQ”), which shall include members described in subsection (d) and carry out the duties described in subsection (b).

(b) DUTIES.—The RSI-ISAQ shall—

(1) function as a clearinghouse for information to help enable the members and other entities in the research community to understand the context of their research and identify improper or illegal efforts by foreign entities or organizations) to support research security risks; and

(2) develop a set of standard risk assessment frameworks and best practices, relevant to the research community, to assess research security risks in different contexts;

(3) share information on research security threats and lessons learned from protection and response efforts through forums and other forms of communication;

(4) provide training and other support to research security risks to provide situational awareness tailored to the research and education community;

(5) provide training and support, including through webinars, for relevant faculty and staff employed by institutions of higher education on topics relevant to research security risks or other risks to the research enterprise;

(6) enable standardized information gathering and data compilation, storage, and analysis for compiled incident reports;

(7) support analysis of patterns of risk and identification of bad actors and enhance the ability of members to prevent and respond to research security risks; and

(8) take appropriate steps to enhance research security.

(c) FUNDING.—The Foundation may provide initial funding to the RSI-ISAQ, and such funding shall—

(1) serve as a clearinghouse for information on topics relevant to research security.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The RSI-ISAQ shall serve and include members representing institutions of higher education, nonprofit research institutions, and small and medium-sized businesses.

(2) FEES.—As soon as practicable, members of the RSI-ISAQ shall be charged an annual fee to support the costs of the RSI-ISAQ to cover its costs. Rates shall be set on a sliding scale based on research and development spent to ensure that membership is accessible to a diverse cross-section of research and to ensure broad participation. The RSI-ISAQ shall develop a plan to sustain the RSI-ISAQ without Federal funding, as practicable.

(e) BOARD OF DIRECTORS.—The RSI-ISAQ may establish a board of directors to provide guidance for policies, legal issues, and plans and strategies for the entity’s operations. The board shall include a diverse group of stakeholders representing the research community, including academia, industry, and experienced personnel designated by the United States intelligence community.

(f) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term “institutions of higher education” by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 2303. FOREIGN GOVERNMENT TALENT RECRUITMENT PROGRAMS.

(a) GUIDANCE.—Not later than 180 days after the date of enactment of this division, the Director of the Office of Science and Technology Policy shall, in coordination with the interagency working group established under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note), publish and widely distribute a uniform set of policy guidelines for Federal science agencies to use when preparing foreign government talent recruitment programs. These policy guidelines shall—

(1) prohibit all personnel of each Federal science agency, including Federal employees, contract employees, independent contractors, individuals serving under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 2181 et seq.), and awardees of Federal fellowships or special research or educator appointments, and special government employees, from participating in a foreign government talent recruitment program or awardee if the obligations in the contract or agreement are to be performed, or co-principal investigator, any individual listed on the application for the award with direct involvement in the proposal, or co-principal investigator is participating in a foreign government 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

(b) CONSISTENCY.—The Director of the Office of Science and Technology Policy shall ensure that the policies issued by Federal science agencies under subsection (b) are consistent to the greatest extent practicable with the policy guidelines issued pursuant to section 2303 of the term “foreign government talent recruitment program” has the meaning given the term “foreign government talent recruitment program” in National Security Presidential Memorandum–33 (relating to strengthening protections of United States Government-supported research from foreign government interference and exploitation) or a successor policy document.

SEC. 2304. ADDITIONAL REQUIREMENTS FOR FOREIGN GOVERNMENT TALENT RECRUITMENT PROGRAMS.

(a) INITIATIVE REQUIRED.—The Director shall, in consultation with other appropriate
Federal agencies, establish an initiative to work with institutions of higher education that perform research and technology development activities under the Directorate—

(1) Voluntary protection of intellectual property, consistent with the controls relevant to the grant or award, key personnel, and information about critical technologies relevant to national security.

(2) To limit undue influence, including through foreign government talent recruitment programs, by countries to exploit United States talent and knowledge within the Foundation, science and technology, and innovation enterprise, including research funded by the Directorate, and

(3) To promote the growth and development of domestic talent in relevant scientific and engineering fields.

(b) COORDINATION.—The initiative established under subsection (a) shall be developed and executed to the maximum extent practicable with academic research institutions and other educational and research organizations.

(c) REQUIREMENTS.—The initiative established under subsection (a) shall include the following:

(1) An assessment of the activities conducted and the progress made under the initiative.

(b) The findings of the Director with respect to the initiative.

(c) Such recommendations as the Director may have for legislative or administrative action related to the matters described in subsection (a).

(d) Identification and discussion of the gaps in legal authorities that need to be improved to protect research institutions of higher education performing Directorate research.

(e) Information on Foundation Inspector General controls appropriate, relating to undue influence to security threats to academic research activities funded by the Foundation, theft of research intellectual property relating to a project funded by the Department at an institution of higher education.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in both unclassified and classified formats, as appropriate.

SEC. 2305. PROTECTING RESEARCH FROM CYBER THREAT.

(a) IMPROVING CYBERSECURITY OF INSTITUTIONS OF HIGHER EDUCATION.—Section 2(e)(1)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 7462(e)(1)(A)) is amended—

(1) by inserting after clause (iv) the following: “(vii) by striking “and” after the semicolon; and

(2) by redesigning clause (ix) as clause (x); and

(3) by inserting after clause (vii) the following:

“(ix) consider institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and: “

(b) DISSEMINATION OF RESOURCES FOR RESEARCH INSTITUTIONS.—

(1) In general.—Not later than 90 days after the date of enactment of this division, the Director shall, using the authorities of the Director under subsection (e)(1)(A)(ix) of section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272), as amended by subsection (a), disseminate and make publicly available resources to help research institutions and institutions of higher education identify, protect the institution involved from, detect, respond to, and recover to manage the cybersecurity risk of the institution involved related to conducting research.

(2) REQUIREMENTS.—The Director shall ensure that the resources disseminated pursuant to paragraph (1) are:

(A) generally applicable and usable by a wide range of research institutions and institutions of higher education;

(B) vary with the nature and size of the implementing research institutions or institutions of higher education, and the nature and sensitivity of the data collected or stored on the information systems or devices of the implementing research institutions or institutions of higher education;

(C) include elements that promote awareness of simple, basic controls, a workplace cybersecurity culture, and third-party stakeholder relationships, to assist research institutions or institutions of higher education in mitigating common cybersecurity risks;

(D) include case studies of practical application; and

(E) are technology-neutral and can be implemented using simple controls, a workplace cybersecurity culture, and third-party stakeholder relationships, to assist research institutions or institutions of higher education in mitigating common cybersecurity risks;

(F) to the extent practicable, are based on international standards.

(3) CYBERSECURITY AWARENESS AND EDUCATION PROGRAM.—The Director shall ensure that the resources disseminated under paragraph (1) are consistent with the principles of openness, transparency, due process, and consensus in the development of international standards.

(4) UPDATES.—The Director shall review periodically and update the resources under paragraph (1) as the Director determines appropriate.

(5) VOLUNTARY RESOURCES.—The use of the resources disseminated under paragraph (1) shall be considered voluntary.

(6) OTHER FEDERAL CYBERSECURITY REQUIREMENTS.—Nothing in this section may be construed to supersede, alter, or otherwise affect any cybersecurity requirements applicable to Federal agencies.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the National Institute of Standards and Technology.

(2) RESOURCES.—The term “resources” means guidelines, tools, best practices, standards, methodologies, and other ways of publishing information.

(3) RESEARCH INSTITUTION.—The term “research institution” means a nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 270d)) and includes Federally funded research and development centers, as identified by the National Science Foundation in accordance with the Federal Acquisition Regulation issued in accordance with section 3703 of title 41 or any successor regulation.

SEC. 2306. INTERNATIONAL STANDARDS DEVELOPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Widespread use of standards facilitates technology advancement by defining and establishing common foundations for interoperability, product differentiation, technological innovation, and other value-added services.

(2) Standards also promote an expanded, more interoperable, and efficient marketplace.

(3) Global cooperation and coordination on standards for emerging technologies will be critical for having a consistent set of approaches to enable market competition, preclude barriers to trade, and allow innovation to flourish.

(4) The People’s Republic of China’s Standardization Reform Plan and Five-Year Plan for Standardization highlight its high-level goal of establishing China as a standards power by 2020, participate in at least half of all standards drafting and revision efforts in recognized international standards setting organizations, and achieve full participation in the governance of international standards setting organizations.

(5) As emerging technologies develop for global deployment, it is critical that the United States and its allies continue to participate in the development of standards that underpin the technologies themselves, and the future international governance of these technologies.

(6) The United States position on standardization in emerging technologies will be critical to United States economic competitiveness.

(7) The National Institute of Standards and Technology is in a unique position to strengthen United States leadership in standards development, particularly for emerging technologies, to ensure continuing United States and its allies continue to participate in the development of standards that underpin the technologies themselves, and the future international governance of these technologies.

(8) The United States position on standardization in emerging technologies will be critical to United States economic competitiveness.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) the principles of openness, transparency, due process, and consensus in the development of international standards are critical.

(2) Voluntary consensus standards, developed through an industry-led process, serve as the cornerstone of the United States...
standardization system and have become the basis of a sound national economy and the key to global market access; (3) strengthening the unique United States public-private partnership approach to standards development is critical to United States economic competitiveness; and (4) the United States Government should ensure reciprocal coordination and cooperation with Federal agencies to partner with and support private sector stakeholders to continue to shape international dialogues in regard to standards development for emerging technologies.

(c) ACTIVITIES AND ENGAGEMENT.—The Secretary of Commerce, acting through the Director, and in consultation with the Secretary of Energy as relevant, shall—

(1) build capacity and training opportunities to thepline of talent and leadership in key standards development positions;

(2) partner with private sector entities to support strategic engagement and leadership in the development of international standards for digital economy technologies, including partnering with industry to assist private sector partners to develop standards strategies and support engagement and participation in the relevant standards activities; and

(3) prioritize efforts on standards development for emerging technologies, identify organizations to develop these standards, identify benefactors of interest across the United States, and identify key contributors for technical and leadership expertise in these areas.

SEC. 2297. RESEARCH FUNDS ACCOUNTING.

(a) DEFINITIONS.—In this section:

(1) FOREIGN ENTITY OF CONCERN.—The term ‘foreign entity of concern’ means a foreign entity of concern.

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) alleged by the Attorney General to be engaged in unauthorized commerce, in consultation with the Secretary of Economic Powers Act (50 U.S.C. 4801 et seq.); or

(C) owned by, controlled by, or subject to control by a ‘designated foreign terrorist organization’ as defined in section 2533c(d) of title 10, United States Code;

(2) COMPETITIVENESS.—The term ‘competitiveness’ means the factors that contribute to the economic well-being of the United States and the key to global market access;

(3) SMALL AND RURAL COMMUNITIES.—The term ‘small and rural community’ means a noncore area, a micropolitan area, or a small metropolitan statistical area with a population greater than 200,000 as reported in the 2010 decennial census.

(b) REGIONAL TECHNOLOGY HUBS.


(1) by redesignating sections 28 as section 29, and

(2) by inserting after section 27 the following:

"SEC. 28. REGIONAL TECHNOLOGY HUB PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term ‘committee’ means a committee of Congress.

(2) MANUFACTURING EXTENSION CENTER.—The term ‘manufacturing extension center’ has the meaning given the term ‘center’ in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278d(a)).

(3) MANUFACTURING USA INSTITUTE.—The term ‘Manufacturing USA institute’ means an Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278d)."
“(B) Strategy implementation grants or cooperative agreements to regional technology hubs under subsection (f).

(3) ADMINISTRATION.—The Secretary shall carry out subsection (f) through the Assistant Secretary of Commerce for Economic Development in coordination with the Under Secretary of Commerce for Standards and Technology, and the Under Secretary for Economic Affairs, in coordination with the Under Secretary of Commerce for International Trade and Development.

“(c) ELIGIBLE CONSORTIA.—For purposes of this section, an eligible consortium is a consortium that:

“(1) includes 1 or more—

“(A) institutions of higher education;

“(B) local or Tribal governments or other political subdivisions of a State;

“(C) State governments represented by an agency designated by the governor of the State or States that is representative of the geographic area served by the consortium;

“(D) economic development organizations or similar entities that are focused primarily on improving science, technology, innovation, or entrepreneurship;

“(E) industry or firms in relevant technology or innovation sectors;

“(F) labor organizations or workforce training organizations, including State and local workforce development boards as established under section 101 and 107 of the Workforce Investment Act of 1998 (29 U.S.C. 3111; 3122); and

“(2) may include 1 or more—

“(A) nonprofit economic development entities within the State, including a regional or local economic development organization (as defined in section 300.3 of title 13, Code of Federal Regulations, or successor regulation);

“(B) venture development organizations;

“(C) financial institutions and investment funds;

“(D) primary and secondary educational institutions, including career and technical education schools;


“(F) Federal laboratories;

“(G) Manufacturing extension centers;

“(H) Manufacturing USA institutes;

“(I) institutions receiving an award under section 2104 of the Endless Frontier Act; and

“(J) a cooperative extension.

“(d) DESIGNATION OF REGIONAL TECHNOLOGY HUBS.—

“(1) IN GENERAL.—In carrying out subsection (b)(1)(C), the Secretary shall use a competitive process to designate eligible consortia as regional technology hubs.

“(2) GEOGRAPHIC DISTRIBUTION.—In conducting the competitive process under paragraph (1), the Secretary shall ensure geographic distribution in the designation of regional technology hubs by—

“(A) seeking to designate at least three technology hubs in each region covered by a regional office of the Economic Development Administration;

“(B) focusing on localities that are not leading technology centers;

“(C) ensuring that not fewer than one-third of eligible consortia designated as regional technology hubs significantly benefit a small and rural community, which may include a State described in subparagraph (D);

“(D) ensuring that not fewer than one-third of eligible consortia designated as regional technology hubs include a member of the eligible consortium at least 1 member that is a State that is eligible to receive funding from the Established Program to Stimulate Competitive Research of the National Science Foundation.

“(3) RELATION TO CERTAIN GRANT AWARDS.—The Secretary shall not require an eligible consortium to enter into a cooperative agreement under subsection (e) in order to be designated as a regional technology hub under paragraph (1) of this subsection.

“(e) STRATEGY DEVELOPMENT GRANTS AND COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall use a competitive process to award grants or cooperative agreements to eligible consortia for the development of regional innovation strategies.

“(2) NUMBER OF RECIPIENTS.—The Secretary shall award a grant or cooperative agreement under paragraph (1) to not fewer than 20 eligible consortia.

“(3) GEOGRAPHIC DIVERSITY AND REPRESENTATION.—

“(A) IN GENERAL.—The Secretary shall carry out paragraph (1) in a manner that ensures geographic diversity and representation from communities of differing populations.

“(B) AWARDS TO SMALL AND RURAL COMMUNITIES.—In carrying out paragraph (1), the Secretary shall—

“(i) award not fewer than one-third of the grants and cooperative agreements under such paragraph to eligible consortia that significantly benefit a small and rural community, which may include a State described in clause (i); and

“(ii) award not fewer than one-third of the grants and cooperative agreements under such paragraph to eligible consortia that include as a member of the eligible consortium at least 1 member that is a State that is eligible to receive funding from the Established Program to Stimulate Competitive Research of the National Science Foundation.

“(4) USE OF FUNDS.—The amount of a grant or cooperative agreement awarded under paragraph (1) shall be as follows:

“(A) To coordinate locally defined planning processes, across jurisdictions and agencies, relating to developing a comprehensive regional technology strategy.

“(B) To identify regional partnerships for developing and implementing a comprehensive regional technology strategy.

“(C) To conduct or update assessments to determine the status of the regional technology strategy.

“(D) To develop or update goals and strategies to implement an existing comprehensive regional plan.

“(4) USE OF FUNDS.—The amount of a grant or cooperative agreement awarded under paragraph (1) shall be as follows:

“(A) To coordinate locally defined planning processes, across jurisdictions and agencies, relating to developing a comprehensive regional technology strategy.

“(B) To identify regional partnerships for developing and implementing a comprehensive regional technology strategy.

“(C) To conduct or update assessments to determine the status of the regional technology strategy.

“(D) To develop or update goals and strategies to implement an existing comprehensive regional plan.

“(E) To develop or update goals and strategies to implement a comprehensive regional technology strategy.

“(F) To develop or update goals and strategies to implement a comprehensive regional technology strategy.

“(G) Federal share.—The Federal share of the cost of an effort carried out using a cooperative agreement awarded under this subsection may not exceed 80 percent.

“(A) where in-kind contributions may be used for all or part of the non-Federal share, but Federal funding from other Government sources may not count towards the non-Federal share;

“(B) except in the case of an eligible consortium that represents all or part of a small and rural community, the Federal share may be up to 90 percent of the total cost, subject to subparagraph (A); and

“(C) except in the case of an eligible consortium that is led by a Tribal government, the Federal share may be up to 100 percent of the total cost of the project.

“(4) IMPLEMENTATION GRANTS AND COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall use a competitive process to award grants or cooperative agreements to eligible consortia that are a regional technology hub for the implementation of regional innovation strategies, including regional strategies for infrastructure and site development, in support of the regional technology hub’s plans and programs.

“(2) USE OF FUNDS.—The amount of a grant or cooperative agreement awarded under subparagraph (A) to a regional technology hub may be used by the regional technology hub to support any of the following activities, consistent with the regional innovation strategy of the regional technology hub:

“(A) WORKFORCE DEVELOPMENT ACTIVITIES.—Workforce development activities, including activities relating to the following:

“(i) The creation of partnerships between industry and workforce groups, which may include community colleges, to create and align technical training and educational programs;

“(ii) The design, development, and updating of educational and training curricula;

“(iii) The procurement of facilities and equipment, as required to train a technical workforce;

“(iv) The development and execution of programs to rapidly award certificates or credentials recognized by regional industry groups;

“(v) The matching of regional employers with a potential new entrant, underemployed, or incumbent workforce;

“(vi) The expansion of workforce development and training programs at a scale required by the region served by the regional technology hub, including through the use of online platforms;

“(B) BUSINESS AND ENTREPRENEUR DEVELOPMENT ACTIVITIES.—Business and entrepreneur development activities, including activities relating to the following:

“(i) The development and growth of regional businesses and the training of entrepreneurs;

“(ii) The support of technology commercialization, including funding for activities relevant to the protection of intellectual property;

“(iii) The development of networks for business and entrepreneur mentorship;

“(C) TECHNOLOGY MATURATION ACTIVITIES.—Technology maturation activities, including activities relating to the following:

“(i) The development and deployment of technologies in sectors critical to the region served by the regional technology hub or to regional and economic security, including prototyping, proof of concept, prototype development, and testing;

“(ii) The provision of facilities for technology maturation, including incubators for collaborative development of technologies by private sector, academic, and other entities.

“(D) INFRASTRUCTURE-RELATED ACTIVITIES.—The building of facilities and site connectivity infrastructure necessary to carry out activities described in subparagraphs (A), (B), and (C), including activities relating to the following:

“(i) Establishing a workforce training center with required tools and instrumentation.

“(ii) Establishing a facility for technology development, demonstration, and testing.

“(iii) Establishing collaborative incubators to support technology commercialization and entrepreneur training.

“(4) LIMITATION ON AMOUNT OF AWARDS.—The Secretary shall ensure that no single regional technology hub receives more than 10 percent of the total amount of all grants and cooperative agreements awarded under this subsection.
“(A) in general.—Except in the case of a regional technology hub described in subparagraph (C), 90 percent of the total funding of the regional technology hub is awarded under this subsection to support the operational costs of the regional technology hub in that year.

“(B) in the third year of the grant or cooperative agreement, 80 percent of the total operating costs of the regional technology hub in that year.

“(C) in the fourth year of the grant or cooperative agreement and each year thereafter, 75 percent of the total operating costs of the regional technology hub in that fiscal year.

“(D) in the case of a regional technology hub that represents a small and rural community, in a fiscal year, 90 percent of the total funding of the regional technology hub in that fiscal year.

“(E) MINIMUM THRESHOLD OF RURAL REPRESENTATION.—For purposes of clause (I)(i), the Secretary shall establish a minimum threshold of rural representation in the regional technology hub.

“(F) IN-KIND CONTRIBUTIONS.—For purposes of this paragraph, in-kind contributions may be used in part toward the non-Federal share of the total funding of a regional technology hub in a fiscal year.

“(G) GRANTS FOR INFRASTRUCTURE.—Any grant or cooperative agreement awarded under this subsection to support the construction of facilities and site connectivity infrastructure shall be awarded pursuant to section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) and subject to the provisions of such Act, except that subsection (b) of such section and subsection (a) of such Act (42 U.S.C. 3144, 3161) shall not apply.

“(H) RELATION TO CERTAIN GRANT AWARDS.—The Secretary shall not require a regional technology hub to receive a grant or cooperative agreement under subsection (e) in order to receive a grant or cooperative agreement under this subsection.

“(I) ELIGIBILITY.—(1) In general.—An eligible consortium seeking designation as a regional technology hub under subsection (d) or a grant or cooperative agreement under subsection (e) or (f) may, if the Secretary determines that the performance of the regional technology hub is satisfactory, extend the term of such grant or cooperative agreement.

“(2) Terms of agreements.—In awarding a grant or cooperative agreement under subsection (d) or (e), the Secretary shall, at a minimum, require:

“(A) the potential of the eligible consortium to advance the research, development, deployment, and domestic manufacturing of technologies in a key technology focus area or other technology or innovation sector critical to national and economic security.

“(B) the likelihood of positive regional economic effect, including increasing the number of jobs in the region and creating new economic opportunities for economically disadvantaged and underrepresented populations.

“(C) the extent to which the consortium plans to integrate with and leverage the resources of 1 or more federally funded research and development centers, National Laboratories, Federal laboratories, and workforce development and other related activities authorizing under section 2107 of the such Act, other Federal research entities.

“(D) the eligibility consortium will engage with the private sector, including small- and medium-sized businesses, to commercialize new technologies and improve the resiliency of domestic supply chains in a key technology focus area or other technology or innovation sector critical to national and economic security.

“(E) the eligibility consortium will carry out workforce development and skills acquisition programs, including through partnerships with entities that include State and local workforce development boards, institutions of higher education, including community colleges, historically Black colleges and universities, Tribal colleges and universities, and minority serving institutions, labor organizations and workforce development programs, and other related activities authorized by the Secretary, to support the development of a key technology focus area or other technology or innovation sector critical to national and economic security.

“(F) the eligibility consortium will improve science, technology, engineering, and mathematics education, in the identified region in elementary and secondary school and higher education institutions located in the identified region to support the development of a key technology focus area or other technology or innovation sector critical to national and economic security.

“(G) the eligibility consortium plans to develop partnerships with venture development organizations and sources of private investment in support of private sector activity, including incubators, accelerators, and existing companies, in a key technology focus area or other technology or innovation sector critical to national and economic security.

“(H) the eligibility consortium plans to organize the activities of regional partners across sectors in support of a regional technology hub.

“(I) the eligibility consortium will ensure that growth in technology and innovation sectors produces broadly shared opportunity across the identified region, including for economically disadvantaged and underrepresented populations and rural areas.

“(J) the likelihood efforts served by the consortium will be sustained once Federal support ends.

“(K) the eligibility consortium will—

“(A) enhance the economic, environmental, and energy security of the United States by promoting domestic development, manufacture, and deployment of innovative clean technologies and advanced manufacturing practices; and

“(B) support translational research, technology development, manufacturing innovation, and workforce development and skills acquisition activities relating to clean technology.

“(L) coordination and collaboration.—

“(1) coordination with regional innovation programs.—The Secretary shall work to ensure the activities under this section do not duplicate activities or efforts under section 27, as the Secretary considers appropriate.

“(2) coordination with programs of the National Institute of Standards and Technology.—The Secretary shall coordinate the activities of regional technology hubs designated under this section, the Hollings Manufacturing Extension Partnership, and the Manufacturing USA Program, as the Secretary considers appropriate, to maintain the effectiveness of a manufacturing extension center or a Manufacturing USA Institute.

“(3) coordination with Department of Energy programs.—The Secretary shall, in collaboration with the Secretary of Energy, coordinate the activities and selection of regional technology hubs designated under this section, as the Secretary considers appropriate, to maintain the effectiveness of activities at the Department of Energy and the National Laboratories.

“(4) interagency collaboration.—In designating regional technology hubs under subsection (d) and awarding grants or cooperative agreements under subsection (f), the Secretary—

“(A) shall collaborate, to the extent possible, with the interagency working group established under section 2004 of the Endless Frontier Act;

“(B) shall collaborate with Federal departments and agencies whose missions contribute to the goals of the regional technology hub;

“(C) shall consult with the Director of the National Science Foundation for the purpose of ensuring that the regional technology hubs are aligned with relevant science, technology, and engineering expertise; and

“(D) may accept funds from other Federal agencies to support grants, cooperative agreements, and activities under this section.

“(5) performance measurement, transparency, and accountability.—

“(A) metrics, standards, and assessment.—For each grant and cooperative agreement awarded under subsection (f) for a regional technology hub, the Secretary shall—

“(1) develop metrics, which may include metrics relating to domestic job creation, patent awards, and business formation and expansion, to assess the effectiveness of the activities funded in making progress toward the purposes set forth under subsection (f);

“(2) establish standards for the performance of the regional technology hub that are based on the metrics developed under subparagraph (A); and

“(3) 4 years after the initial award under subsection (f) and every 2 years thereafter until Federal financial assistance under this section for the regional technology hub is discontinued, conduct an assessment of the regional technology hub to confirm whether the performance of the regional technology hub meets the performance established under subparagraph (B) of this paragraph.
“(2) FINAL REPORTS BY RECIPIENTS OF STRATEGY IMPLEMENTATION GRANTS AND COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall require each recipient of such grant or cooperative agreement under subsection (f) for the term of the regional technology hub to submit a final report to the Secretary, for the period covered by the report.

(B) CONTENTS OF REPORT.—Each report submitted by an eligible consortium under subparagraph (A) shall include the following:

(i) A detailed description of the activities carried out by the regional technology hub using the funds awarded under subparagraph (A) of section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 278s), including:

(aa) a description of each project the regional technology hub completed using such grant or cooperative agreement;

(bb) A discussion of how each project contributed to carrying out the regional innovation strategy of the regional technology hub with respect to—

(1) the mission of the Hollings Manufacturing Extension Partnership.

(cc) workforce training and development;

(dd) domestic job creation; or

(oo) any other factor the Secretary considers appropriate.

(ii) A discussion of any obstacles encountered by the regional technology hub in the implementation of the regional technology hub and how the regional technology hub overcame those obstacles.

(iii) An evaluation of the success of the projects of the regional technology hub using the performance and metrics established under paragraph (1), including an evaluation of the planning process and how the project contributes to carrying out the regional innovation strategy of the regional technology hub.

(iv) The effectiveness of the regional technology hub in ensuring that, in the region of the regional technology hub, growth in technology and innovation sectors produces broadly shared opportunity across the region, including for economic disadvantaged and underrepresented populations and rural areas.

(v) Information regarding such other matters as the Secretary may require.

(C) REPORTS ON INCENTIVES TO CONGRESS.—Not less frequently than once each year, the Secretary shall report to Congress concerning investment in and support of the manufacturing workforce within the Manufacturing USA Program, including those matters covered under section 2904(d)(7).

(3) DIVERSITY PREFERENCES.—Section 34(e) of the National Institute of Standards and Technology Act (15 U.S.C. 276a) is amended by inserting into agreements with a Center (as so defined) that the Secretary considers appropriate to provide services relating to the Manufacturing USA Program to such extent to each other to the degree that does so not diminish the effectiveness of the ongoing activities of a Manufacturing USA Institute or a Center (as the term is defined in section 28(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278a(a)), including by awarding agreements under subsection (f) for activities of a regional technology hub designated pursuant to subparagraph (A) of this paragraph.

SEC. 2402. MANUFACTURING USA PROGRAM.

(a) DEFINITIONS.—In this section:

(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘‘historically Black college or university’’ has the meaning given the term ‘‘part B institution’’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) MANUFACTURING USA INSTITUTE.—The term ‘‘Manufacturing USA institute’’ means an institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278d). (3) National program office.—The term ‘‘National Program Office’’ means the National Program Office established under section 34(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 276(b)(1)).

(3) MINORITY-SERVING INSTITUTION.—The term ‘‘minority-serving institution’’ means an eligible institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a)).

(4) NATIONAL PROGRAM OFFICE.—The term ‘‘National Program Office’’ means the National Program Office established under section 34(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 276(b)(1)).

(5) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘‘tribal college or university’’ has the meaning given the term in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

(b) AUTHORIZATION OF APPROPRIATIONS TO ENHANCE AND EXPAND MANUFACTURING USA PROGRAM AND INNOVATION AND GROWTH IN DOMESTIC MANUFACTURING.—

There is authorized to be appropriated $1,200,000,000 for the period of fiscal years 2022 through 2026 to carry out the Manufacturing USA Program, including by awarding financial assistance to any Manufacturing USA institute, to carry out the Manufacturing USA Program, including by awarding financial assistance under section 34(e) of the National Institute of Standards and Technology Act (15 U.S.C. 276a) for Manufacturing USA institutes that were in effect on the day before the date of the enactment of this division; and

(1) to carry out the Manufacturing USA Program, including by awarding financial assistance under section 34(e) of the National Institute of Standards and Technology Act (15 U.S.C. 276a) for Manufacturing USA institutes that were in effect on the day before the date of the enactment of this division; and

(2) to expand such program to support innovation and growth in domestic manufacturing.

(c) DIVERSITY PREFERENCES.—Section 9(a) of the National Institute of Standards and Technology Act (15 U.S.C. 276a) is amended by adding at the end the following:

‘‘(B) DIVERSITY PREFERENCES.—In awarding financial assistance under paragraph (1) for planning or establishing a Manufacturing USA institute, an agency head shall prioritize—

(A) contribute to the geographical diversity of the Manufacturing USA Program; and

(B) are located in an area with a low per capita income; and

(C) are located in an area with a high proportion of socially disadvantaged residents.

(d) COORDINATION BETWEEN MANUFACTURING USA PROGRAM AND HOLLINGS MANUFACTURING EXTENSION PARTNERSHIPS.—The Secretary shall facilitate the coordination of the activities of the Manufacturing USA Program and the activities of Hollings Manufacturing Extension Partnerships with each other to the degree that doing so does not diminish the effectiveness of the ongoing activities of a Manufacturing USA Institute or a Center (as the term is defined in section 28(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278a(a)), including by awarding agreements under subsection (f) for activities of a regional technology hub designated pursuant to subparagraph (A) of this paragraph.

SEC. 2403. MANUFACTURING USA PROGRAM.

(a) DEFINITIONS.—In this section:

(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘‘historically Black college or university’’ has the meaning given the term ‘‘part B institution’’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) COVERED ENTITIES.—For purposes of this subsection, a covered entity is—

(A) a minority-serving institution;

(B) an historically Black college or university;

(C) a Minority-serving Institution; or

(D) a minority business enterprise (as defined in section 1000.2 of title 15, Code of Federal Regulations, or successor regulation). (e) ADVISORY COUNCIL.—The Secretary shall seek advice from the National Manufacturing Advisory Council on matters concerning investment in and support of the manufacturing workforce within the Manufacturing USA Program, including those matters covered under section 2904(d)(7).

(f) PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, AND TRIBAL COLLEGES AND UNIVERSITIES.—

(1) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Education, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary of Commerce considers relevant, shall coordinate with existing and new Manufacturing USA institutes to integrate cooperatives as active participants in Manufacturing USA institutes, including through the development of preferences in selection criteria for proposals to create new Manufacturing USA institutes and Manufacturing USA institutes that are led by a covered entity.

(2) COVERED ENTITIES.—For purposes of this subsection, a covered entity is—

(A) a minority-serving institution;

(B) an historically Black college or university;

(C) a Tribal college or university; or

(D) a minority business enterprise (as defined in section 1000.2 of title 15, Code of Federal Regulations, or successor regulation).

(g) REIMBURSEMENT OF COSTS.—The Secretary shall coordinate with the National Science Foundation to provide to Manufacturing USA institutes costs associated with activities performed by Manufacturing USA institutes, including the development of preferences in selection criteria for proposals to create new Manufacturing USA institutes.
Manufacturing USA Network activities with domestic manufacturers and sources of financing.

(ii) Measures to develop and provide incentives to promote transfer of intellectual property and goods, services, or technologies developed by Manufacturing USA Network activities to domestic manufacturers.

(iii) To build capabilities with supplier scouting and other supply chain development, including the use of the Hollings Manufacturing Extension Partnership to carry out such processes.

(iv) A process to review and approve or deny membership in a Manufacturing USA institute by foreign-owned companies, especially those of concerns of concern, including the People’s Republic of China.

(v) Measures to prioritize Federal procurement of goods, services, or technologies developed by the Manufacturing USA Network activities from domestic sources, as appropriate.

(C) PROCESSES FOR WAIVERS.—The policies established under paragraph (2) shall include processes to permit waivers, on a case-by-case basis, for policies that promote domestic production based on cost, availability, technical or mission requirements, emergency requirements, operational needs, other legal or international treaty obligations, or other factors deemed important to the pursuit of the purposes of the Manufacturing USA Program.

(2) PROHIBITION.—

(A) DEFINED.—In this paragraph, the term “company” has the meaning given such term in section 847(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2507 note).

(B) A company of the People’s Republic of China may not participate in the Manufacturing USA Program or the Manufacturing USA Network without a waiver issued by the Director.

(b) COORDINATION OF MANUFACTURING USA INSTITUTES.—

(1) IN GENERAL.—Section 3(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278h-3) is amended by adding at the end the following:

“(7) COUNCIL FOR COORDINATION OF INSTITUTES.—

“(A) COUNCIL.—The National Program Office shall establish or designate a council of heads of any Manufacturing USA institute receiving funds for each fiscal year at any given time to foster collaboration between Manufacturing USA institutes.

“(B) MEETINGS.—The council established or designated under subparagraph (A) shall meet not less frequently than twice each year.

“(C) DUTIES OF THE COUNCIL.—The council established under subparagraph (A) shall assist the National Program Office in carrying out the functions of the National Program Office under paragraph (2).

“(D) REPORT REQUIRED.—Not later than 180 days after the date on which the council is established under section 34(h)(7)(A) of the National Institute of Standards and Technology Act, as amended by paragraph (1), the council shall submit to the National Program Office a report containing recommendations for improving inter-network collaboration.

“(E) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the report required by paragraph (2) is submitted to the Congress, the Director of the National Institute of Standards and Technology shall submit such report to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Armed Services of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

“(F) REQUIREMENT FOR NATIONAL PROGRAM OFFICE TO DEVELOP STRATEGIES FOR ENSURING MANUFACTURING USA PROGRAMS ARE FUNDED.—Section 34(h)(2)(C) of the National Institute of Standards and Technology Act (15 U.S.C. 278h-3) is amended by inserting “, including a strategy for retaining domestic public benefits from Manufacturing USA institutes once Federal funding has been discontinued” after “Program”.

“(G) MODIFICATION OF FUNCTIONS OF NATIONAL TECHNOLOGY COUNCIL TO INCLUDE DEVELOPMENT OF INDUSTRY CREDENTIALS.—Section 34(h)(2)(J) of the National Institute of Standards and Technology Act (15 U.S.C. 278h-3) is amended by inserting “, including the development of industry credentials” after “activities”.

SEC. 2403. ESTABLISHMENT OF EXPANSION AWARDS PROGRAM IN HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP AND AUTHORIZATION OF APPROPRIATIONS FOR THE PROGRAM.

(a) ESTABLISHMENT OF EXPANSION AWARDS PROGRAM.—The National Program of the Hollings Manufacturing Extension Partnership under sections 25 and 26 a program of expansion awards among participants described in subsection (c) of this section for the purposes described in subsection (b). The program shall be carried out by establishing an annuity for the development of advanced manufacturing.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out the Hollings Manufacturing Extension Partnership program under sections 25, 26, and 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278k-1 and 278k-1a), and section 25B of such Act, as added by subsection (a), $480,000,000 for each of fiscal years 2022 through 2026.

(2) BASE FUNDING.—Of the amounts appropriated pursuant to the authorization in paragraph (1), $216,000,000 shall be available in each fiscal year to carry out the Hollings Manufacturing Extension Partnership program under sections 25 and 25A of such Act (15 U.S.C. 278k and 278k-1), of which $90,000,000 shall not be subject to cost share requirements under subsection (e)(2) of such section: Provided, That the authority made available pursuant to this section shall be elective for any Manufacturing Extension Partnership Center that also receives funding from a State that is conditioned upon the application of a Federal cost sharing requirement.

SEC. 2404. NATIONAL MANUFACTURING ADVISORY COUNCIL.

(a) DEFINITIONS.—In this section—

(1) ADVISORY COUNCIL.—The term “Advisory Council” means the National Manufacturing Advisory Council established under subsection (b)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(B) the Committee on Education and Labor, the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the Committee on Armed Services of the Senate and the Committee on Appropriations of the Senate.

(b) ESTABLISHMENT OF NATIONAL MANUFACTURING ADVISORY COUNCIL.—

(1) IN GENERAL.—There is established in the Department of Defense a National Manufacturing Advisory Council, which shall be advisory to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) PURPOSE.—The purposes of the National Manufacturing Advisory Council are—

(A) to develop and carry out a national strategy for enhancing and advancing manufacturing technologies, processes, and capabilities, including those relating to defense, homeland security, and other critical industries;

(B) to assess the advanced manufacturing capabilities, expanded capacity for researching and deploying information on supply chain risk, hidden costs of reliance on offshore suppliers, and other relevant topics; and

(C) to provide an opportunity for industry-wide discussion and technical assistance to domestic manufacturers and related industries.

(d) DUTIES.—The purposes of the National Manufacturing Advisory Council are—

(1) to advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on issues related to advanced manufacturing, including smart manufacturing technologies, including smart manufacturing technologies, including those relating to defense, homeland security, and other critical industries;

(2) to carry out the provisions of this Act, which may include—

(A) development of employee ownership practices, including measures to ensure the economic resiliency of American manufacturers;

(B) to carry out the provisions of this Act, which may include—

(ii) Federal laboratories;

(C) the National Manufacturing Advisory Council (as described in section 2402 of the Endless Frontiers Act); and

(D) the National Research Council.

(3) To expand advanced technology services for the adoption of advanced technologies, including smart manufacturing technologies and practices, including—

(A) furnishing services to small- and medium-sized manufacturers and other small and medium-sized businesses for the development, demonstration, and deployment of advanced technologies, with—

(i) national laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); and

(ii) Federal laboratories;

ii. the National Manufacturing Advisory Council (as described in section 2402 of the Endless Frontiers Act); and

(E) the National Research Council.

(4) To carry out the provisions of this Act, which may include—

(A) to carry out the provisions of this Act, which may include—

(ii) Federal laboratories;

(B) the National Manufacturing Advisory Council (as described in section 2402 of the Endless Frontiers Act); and

(C) the National Research Council.
Services, and the Committee on Appropriations of the House of Representatives.

(3) Secretary.—The term ‘Secretary’ means the Secretary of Commerce.

(b) Establishment of advisory council.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, the Secretary of Defense, the Secretary of Energy, and the Secretary of Education, shall establish within the Department of Commerce the National Manufacturing Advisory Council.

(2) PURPOSE.—The purpose of the Advisory Council shall be to—

(A) provide worker education, training, development, and entrepreneurship training;

(B) expand educational and workforce development and support training and job placement, and nonprofit job training providers to serve as a clearinghouse for the development of new technologies and processes and assisting the development of those technologies and processes on the workforce and economy of the United States;

(C) management practices that lead to worker employment, job quality, worker protection, worker participation and power in decision making, and investment in worker career success;

(D) policies and procedures to prioritize diversity and inclusion in the manufacturing and technology workforce by expanding access to jobs, connecting the workforce, and job placement services and apprenticeship and online learning platforms for new and incumbent workers;

(E) develop programming to prevent job losses as entities adopt new technologies and processes; and

(F) develop best practices for employee ownership.

(c) Mission.—The mission of the Advisory Council shall be to—

(1) ensure regular communication between the Federal Government and the manufacturing sector in the United States;

(2) advise the Federal Government regarding policies and programs of the Federal Government that affect manufacturing in the United States;

(3) provide a forum for discussing and proposing solutions to problems relating to the manufacturing industry in the United States; and

(4) ensure that the United States remains the preeminent destination throughout the world for manufacturing.

(d) Duties.—The duties of the Advisory Council shall include—

(1) meeting no less frequently than every 180 days, to receive input and make recommendations to the Secretary regarding issues involving manufacturing in the United States;

(2) completing specific tasks requested by the Secretary;

(3) conveying input from key industry, labor, academic, defense, governmental, and other stakeholders to aid in the development of a national strategic plan for manufacturing in the United States;

(4) monitoring the status of technological developments and production capacity, skill availability, investment patterns, emerging defense needs, and other key indicators of manufacturing competitiveness to provide foresight for periodic updates to the national strategic plan for manufacturing developed under paragraph (3);

(5) soliciting input from the public and private sectors and academia relating to emerging trends in manufacturing, the responsiveness of Federal programming with respect to manufacturing, and suggestions for areas of increased Federal attention with respect to manufacturing;

(6) monitoring global manufacturing trends and global threats to manufacturing sectors in the United States;

(7) providing advice and recommendations to the Federal Government on matters relating to investing in and support of the manufacturing workforce relating to—

(A) worker participation, including through labor organizations and through job training; and

(B) the expansion of the Advisory Council, in the planning for deployment of new technologies across an industry and within workplaces;

(C) training and education priorities for the Federal Government and for employers to assist workers in adapting the skills and experiences of those workers to fit the demands of the 21st century economy;

(D) innovative suggestions from workers on the development of new technologies and processes and assessing the impact of those technologies and processes on the workforce and economy of the United States;

(E) advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(F) make that website more user-friendly and

(ii) receive feedback from manufacturers;

(b) including manufacturing.gov, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(c) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(d) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(e) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(f) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(g) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(h) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(i) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(j) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(k) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities;

(l) with respect to the manufacturing.gov website, or any successor thereto, providing advice on how to improve access to demand-driven education, training, and retraining for workers, including community and technical colleges, higher education, apprenticeships and work-based learning opportunities.

(iii) ensure that the United States remains the preeminent destination throughout the world for manufacturing;

(iv) small and medium manufacturer needs; and

(v) industrial commons and supply chain needs.

(e) Membership.—

(1) IN GENERAL.—The Advisory Council shall consist of individuals appointed by the Secretary with a balance of backgrounds, experience, and viewpoints, and include an equal proportion of individuals with manufacturing experience who represent private industry, academia, and labor organizations.

(2) PUBLIC PARTICIPATION.—The Secretary shall, to the maximum extent practicable, accept recommendations from the public regarding the appointment of individuals under paragraph (1).

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—Each member of the Advisory Council shall be appointed by the Secretary for a term of 3 years.

(B) RENEWAL.—The Secretary may renew an appointment made under subparagraph (A) for an additional term.

(C) STAGGER TERMS.—The Secretary may stagger the terms of the members of the Advisory Council to ensure that the terms of the members do not expire in the same calendar year.

(D) VACANCIES.—Any member appointed to fill a vacancy on the Advisory Council occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of the term until a successor has been appointed.

(4) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—All functions of the United States Manufacturing Council of the International Trade Administration of the Department of Commerce, including the personnel, assets, and obligations of the United States Manufacturing Council of the International Trade Administration of the Department of Commerce, as in existence on the day before the date of enactment of this Act, shall be transferred to the Advisory Council.

(2) DEEMING OF NAME.—Any reference in law, regulation, document, paper, or other record of the United States to the United States Manufacturing Council of the International Trade Administration of the Department of Commerce shall be deemed a reference to the Advisory Council.

(3) UNEXPIRED BALANCES.—Unexpired balances of appropriations, authorization, allocations, or other funds related to the United States Manufacturing Council of the International Trade Administration of the Department of Commerce shall be available for use by the Advisory Council for the purpose for which the appropriations, authorizations, allocations, or other funds were originally made available.

(4) Report.—Not later than 180 days after the date on which the Advisory Council holds the initial meeting of the Advisory Council and annually thereafter, the Advisory Council shall submit to the appropriate committees of Congress a report containing a detailed statement of the advice and recommendations of the Advisory Council required under subsection (d)(7).

TITLE V—MISCELLANEOUS

SEC. 2501. STRATEGY AND REPORT ON ECONOMIC SECURITY, SCIENCE, RESEARCH, AND INNOVATION TO SUPPORT THE NATIONAL SECURITY STRATEGY.

(a) NATIONAL SECURITY STRATEGY DEFINED.—In this section, the term ‘national security strategy’ means the national security strategy required under section 108(a) of the National Security Act of 1947 (50 U.S.C. 3043).

(b) STRATEGY AND REPORT.—

(1) IN GENERAL.—Not later than 90 days after the transmittal of each national security strategy under section 108(a) of the National Security Act of 1947 (50 U.S.C. 3043(a)), the Director of the Office of Science and Technology Policy shall, in coordination with the National Science and Technology Council, the Director of the National Economic Council, and the heads of such other relevant Federal agencies as the Director of the Office of Science and Technology Policy considers appropriate—

(A) review such strategy, programs, and resources as the Director of the Office of Science and Technology Policy considers appropriate and in consultation with such nongovernmental partners as the Director of the Office of Science and Technology Policy considers appropriate; and

(B) develop or revise a national strategy to improve the national competitiveness of the United States in science, technology, and innovation to support the national security strategy; and

(C) submit to Congress a report on the findings of the Director with respect to the review conducted under subparagraph (A); and
(ii) the strategy developed or revised under subparagraph (B).

(2) Termination.—The requirement of paragraph (1) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(c) Elements.—

(1) Report.—Each report submitted under subsection (b)(1)(C)(i) shall include the following:

(A) An assessment of public and private investment in civil, military, and scientific and technological capability and its implications for the national security and economic position of the United States;

(B) A description of the prioritized economic, security, and technological challenges and objectives, including near-term, medium-term, and long-term research priorities;

(C) An assessment of the effectiveness of the Federal Government, Federally funded research and development centers, and national labs in supporting and promoting the growth of technology commercialization and technology transfer, including an assessment of the adequacy of Federal research and development spending and oversight to advance commercialization, including developing new economic value and growth in the United States, and the role of national labs in technology commercialization and technology transfer;

(D) An assessment of the extent to which intellectual property developed with Federal funding is commercialized and advanced in the United States;

(E) An assessment of Department of Commerce efforts to encourage the governments of countries that are allies or partners of the United States to cooperate with the United States to promote the interoperability of critical technology systems and products, including to take advantage of the leadership of the United States in matters relating to security, research, and development, including with respect to education and workforce development, and international trade policies and efforts; and

(F) An assessment of—

(i) the effectiveness of key technology focus areas; and

(ii) any efforts needed—

(I) to expand pathways into key technology focus areas; and

(II) to improve workforce development and employment systems, as well as programs and practices to upskill incumbent workers.

(2) subsection (b)(1)(C)(ii) supports the national security and economic position of the United States;

(C) An assessment of the national economic competitiveness of the United States and to foster the use of public-private partnerships.

(3) An assessment of how public-private partnerships in technology commercialization, including in the United States, can advance those objectives.

(ii) another entity that is—

(aa) any governmental organization of the People’s Republic of China; or

(bb) organized under, or otherwise subject to, the laws of the People’s Republic of China.

(xii) An identification of additional requirements appropriate to the maximum extent practicable, make each report submitted under subsection (b)(1)(C)(ii) publicly available on an internet website of the Office of Science and Technology Policy. The report may include a classified annex if the working group determines appropriate.

SEC. 2502. PERSON OR ENTITY OF CONCERN PROHIBITION.

No person published on the list under section 123(f)(1) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 116-261; 50 U.S.C. 1701 note) or identified under section 123(f)(1) of the William M. (Mao) Thibonrette National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) may receive or participate in any grant or program, support, or other activity under—

1. The Directorate established in section 2102;

2. The supply chain resiliency program under section 2055;

3. Section 23(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 2102; or

4. The Manufacturing USA Program, as improved and expanded under section 2402.

SEC. 2503. STUDY ON EMERGING SCIENCE AND TECHNOLOGY FACED BY THE UNITED STATES AND RECOMMENDATIONS TO ADDRESS THEM.

(a) Short title.—The study conducted under paragraph (1) is commonly cited as the “National Strategy to Ensure American Leadership in Science and Technology” and the “National Innovation and Technology Strategy.”

(b) Study.—

1. In general.—The Secretary of Commerce shall seek to enter into an agreement with the National Academy of Sciences, Engineering, and Medicine to conduct a study—

(A) to identify the 10 most critical emerging science and technology challenges facing the United States; and

(B) to develop recommendations for legislation or administrative action to ensure United States leadership in matters relating to such challenges.

2. Elements.—The study conducted under paragraph (1) shall include identification, review, and evaluation of the following:

(A) Matters pertinent to identification of the challenges described in paragraph (1)(A).

(B) Matters relating to the recommendations developed under paragraph (1)(B), including with respect to education and workforce development necessary to address each of the challenges identified under paragraph (1)(B).

(C) Matters related to the review of key technology focus areas by the Director of the
National Science Foundation under section 2005.
(D) An assessment of the current relative balance in leadership in addressing the challenges identified in paragraph (A) between the United States, allies or key partners of the United States, and the People’s Republic of China.

SEC. 2504. REPORT ON GLOBAL SEMICONDUCTOR SHORTAGE.

Not later than 1 year after the date of enactment of this division, the Comptroller General of the United States shall submit to Congress a report on the global semiconductor supply shortage and the impact of that shortage on manufacturing in the United States.

SEC. 2505. SUPPLY CHAIN RESILIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term ‘‘critical infrastructure’’ means an industry identified under subsection (f)(1)(A). (2) CRITICAL INFRASTRUCTURE.—The term ‘‘critical infrastructure’’ means the medium infrastructure given the term in the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c).

(3) LABOR ORGANIZATION.—The term ‘‘labor organization’’ means the meaning given the term in section 2101.

(4) PROGRAM.—The term ‘‘program’’ means the supply chain resiliency and crisis response program established under subsection (b).

(5) RESILIENT SUPPLY CHAIN.—The term ‘‘resilient supply chain’’ means a supply chain that—

(A) ensures that the United States can sustain critical industry production, supply chains, services, and access to critical goods and services during supply chain shocks, including pandemic and biological threats, cyberattacks, extreme weather events, terrorist and geopolitical attacks, great power conflicts, and other threats to the national security of the United States; and

(B) has key components of resilience that include—

(i) effective private sector risk management and mitigation planning to sustain critical supply chains and supplier networks during a supply chain shock;

(ii) minimized or managed exposure to supply chain shocks; and

(iii) the financial and operational capacity to—

(I) sustain critical industry supply chains during shocks; and

(II) recover from supply chain shocks.

(b) ESTABLISHMENT.—The Secretary shall—

(1) in coordination with the private sector, to—

(A) promote resilient supply chains; and

(B) respond to critical industry supply chain shocks.

(c) ACTIVITIES.—Under the program, the Secretary, acting through 1 or more bureaus or other divisions of the Department of Commerce as appropriate, shall carry out activities described in section (d).

(d) RELEVANT COMMITTEES OF CONGRESS.—

(1) in coordination with the private sector, to—

(A) map and monitor critical industry supply chains; and

(B) identify high priority supply chain gaps and vulnerabilities in critical industries that—

(i) exist as of the date of enactment of this division; or

(ii) are anticipated in the future.

(2) in coordination with the private sector and State, local, territorial, and Tribal governments, and as appropriate, in cooperation with the governments of countries that are allies or key international partners of the United States, to—

(A) identify opportunities to reduce supply chain gaps and vulnerabilities in critical industries; (B) encourage partnerships between the Federal Government and industry, labor organizations, and State, local, territorial, and Tribal governments to better respond to supply chain shocks to critical industries and coordinate response efforts; (C) develop or identify opportunities to build the capacity of the United States, or countries that are allies of the United States, in critical industries; and

(D) develop contingency plans and coordination mechanisms to improve critical industry supply chain response to supply chain shocks; and

(3) acting within existing authorities of the Department of Commerce and in coordination with the Secretary of State and the United States Trade Representative, to—

(A) work with governments of countries that are allies or partners of the United States to promote diversified and resilient supply chains that ensure the supply of critical goods to both the United States and countries that are allies of the United States; and

(B) coordinate with other divisions of the Department of Commerce and other Federal agencies to leverage expertise and resources of the United States as appropriate, at any time after the date of enactment of this division, to encourage resilient supply chains.
(e) Coordination Group.—In carrying out the activities under subsection (d), the Secretary may—

(1) establish a unified coordination group, which shall include private sector partners, as appropriate, to serve as the primary method for coordinating between and among Federal agencies to plan for supply chain shocks;

(2) establish subgroups of the unified coordination group established under paragraph (1) to focus on the head of an appropriate Federal agency;

(3) through the unified coordination group established under paragraph (1) to—

(A) provide on a voluntary basis technical, engineering, and operational supply chain information from the private sector, in a manner that ensures any supply chain information provided by the private sector is not confidential and as required under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act’’);

(B) study the supply chain information acquired under subparagraph (A) to assess critical industry supply chain resilience and inform planning;

(C) convene with relevant private sector entities to share best practices, planning, and capabilities to respond to potential supply chain shocks;

(D) develop contingency plans and coordination mechanisms to ensure an effective and coordinated response to potential supply chain shocks; and

(E) enter into agreements with governments of countries that are allies or partners of the United States relating to enhancing critical industry supply chain security and resilience in response to supply chain shocks.

(2) Report on supply chain resiliency and domestic manufacturing.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this division, and from time to time thereafter, the Secretary, in coordination with relevant Federal agencies and relevant private sector entities, labor organizations, and State, local, territorial, and Tribal governments, shall submit to the relevant committees of Congress a report that—

(i) identifies—

(A) industries that are critical for the national security of the United States, considering the key technology focus areas under this division and critical infrastructure; and

(B) industries that are critical to the crisis preparedness of the United States;

(ii) describes—

(A) the manufacturing base and supply chains for critical industries in the United States as of the date of enactment of this division, including the manufacturing base and supply chains for—

(I) raw materials;

(II) production equipment; and

(III) other goods, including semiconductors, that are essential to the production of technologies and supplies for critical industries; and

(B) the ability of the United States to—

(I) maintain readiness; and

(II) in response to a supply chain shock—

(aa) surge production in critical industries; and

(bb) maintain access to critical goods and services;

(C) identifies defense, intelligence, homeland, economic, domestic labor supply, natural, and other sectoral contingencies that may disrupt, strain, compromise, or eliminate the supply chain for those critical industries;

(D) recommends—

(i) the resiliency and capacity of the manufacturing base, supply chains, and workforce of the United States, the allies of the United States, and the partners of the United States that can sustain critical industries through a supply chain shock; and

(ii) the likelihood of failure in the supply chains described in clause (i);

(E) assesses the flexible manufacturing capacity and capabilities available in the United States to mitigate supply chain shocks; and

(F) makes specific recommendations to improve the security and resiliency of manufacturing capacity and supply chains for critical industries by—

(i) developing long-term strategies;

(ii) increasing visibility into the networks and capabilities of suppliers; and

(iii) identifying industry best practices;

(iv) evaluating how diverse supplier networks, multi-platform and multi-region production capabilities and sources, and integrated global and regional supply chains can enhance the resilience of—

(I) critical industries in the United States;

(II) jobs in the United States; and

(III) capabilities of the United States; and

(v) the support access of the United States Trade Commission with respect to—

(A) the United States Trade Representative; or

(B) the Attorney General and the Federal Trade Commission with respect to—

(aa) surge production in critical industries;

(bb) sources of imports needed to sustain critical industries;

(cc) exposure to gaps and vulnerabilities in—

(aa) domestic capacity or capabilities; and

(bb) sources of imports needed to sustain critical industries;

(vi) identifying enterprise resource planning systems that—

(I) are compatible across supply chain tiers; and

(II) are affordable for small and medium-sized businesses;

(vii) ensuring the total cost of ownership, total value contribution, and other best practices that encourage strategic partnerships throughout supply chains;

(viii) understanding Federal procurement opportunities to increase resiliency of supply chains for goods and services and fill gaps in domestic procurements;

(ix) identifying policies that maximize job retention and creation in the United States, including workforce development programs;

(x) identifying opportunities to work with allies or key partners of the United States in building more resilient critical industry supply chains by coordination;

(xi) identifying areas requiring further investment in research and development or workforce education; and

(xii) identifying such other services as the Secretary determines necessary;

(G) provides guidance to the Department of Commerce, the National Science Foundation, and other relevant Federal agencies with respect to technologies and supplies that should be prioritized;

(H) with respect to countries that are allies or key partners of the United States—

(i) reviews and, if appropriate, provides recommendations for expanding the sourcing of goods associated with critical industries from those countries; and

(ii) recommends coordination with those countries on—

(I) sourcing critical raw materials, inputs, and intermediate products; and

(II) sustaining production and availability of critical supplies during a supply chain shock;

(i) monitors and makes recommendations for strengthening the financial and operational health of small and medium-sized businesses in supply chains of the United States and countries that are allies or partners of the United States to mitigate risks and ensure diverse and competitive supplier mixes that are less vulnerable to single points of failure; and

(J) assessment of policies, rules, and regulations that impact domestic manufacturing capacity and capabilities, and inhibits the ability of domestic manufacturing to compete with global competitors.

(3) Prohibition.—The report submitted under paragraph (1) may not include—

(A) supply chain information that is not aggregated; or

(B) confidential business information of a private sector entity.

(g) Semiconductors incentives.—

(1) IN GENERAL.—The Secretary shall carry out the program established under section 902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) as part of the program.

(2) Technical and Conforming Amendment.—Section 9002(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “in the Department of Commerce’’ and inserting “as part of the program established under section 2505 of the Endless Frontier Act’’.

(h) Report to Congress.—Concurrent with the annual submission by the President of the budget under section 1105 of title 31, United States Code, the Secretary shall submit to the relevant committees of Congress a report that contains a summary of every activity carried out under this section during the year covered by the report.

(1) Coordination.—

(A) IN GENERAL.—In implementing the program, the Secretary shall, as appropriate coordinate with—

(i) the Secretary of State; and

(ii) the United States Trade Representative;

(B) the heads of Federal agencies, including—

(i) the Secretary of Defense; and

(ii) the Secretary of Homeland Security;

(C) the Secretary of the Treasury;

(D) the Secretary of Energy;

(E) the Secretary of Transportation;

(F) the Secretary of Agriculture;

(G) the Director of National Intelligence; and

(H) the heads of other relevant agencies.

(2) Rule of Construction.—Nothing in this section shall be construed to require any private entity—

(A) to share information with the Secretary; or

(B) to request assistance from the Secretary; or

(C) that requests assistance from the Secretary to implement any measure or recommendation suggested by the Secretary.

(k) Protections.—

(1) IN GENERAL.—

(A) Protections.—Subsections (a)(1), (b), (c), and (d) of section 2224 of the Homeland Security Act of 2002 (6 U.S.C. 872) shall apply to the voluntary submission of supply chain information by a private entity under this
section in the same manner as those provisions apply to critical infrastructure information voluntarily submitted to a covered agency for an other informational purpose under subsection (a). The submission is accompanied by an express statement described in paragraph (2) of this subsection:

(i) the express statement described in subsection (a)(1) of that section shall be deemed to refer to the express statement described in paragraph (2) of this subsection;

(ii) the reference to ‘protecting critical infrastructure and protected systems’ in subsection (a)(1)(E)(iii) of that section shall be deemed to refer to carrying out this section; and

(iii) the reference to ‘critical infrastructure information’ in subsections (b) and (c) of that section shall be deemed to refer to supply chain information.

(2) COMMUNICATION OF DETERMINATION.—The express statement described in this paragraph, with respect to information or records, is—

(A) in the case of written information or records for which a claim is made under this subsection, or

(B) in the case of oral information, a written statement, or any other informational purpose information voluntarily submitted to a covered entity, any written communication, in a reasonable period following the oral communication.

(3) INAPPLICABILITY TO SEMICONDUCTOR INCENTIVE PROGRAM.—This subsection shall not apply to the voluntary submission of supply chain information by a private entity in an application for Federal financial assistance under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(4) RELATION TO OPTICAL TRANSMISSION EQUIPMENT.—

(1) PROCEEDING.—Not later than 45 days after the Secretary determines pursuant to paragraph (1) that such optical transmission equipment manufactured, produced, or distributed by an entity owned, controlled, or supported by the People’s Republic of China poses an unacceptable risk to the national security of the United States or the security and safety of United States persons.

(2) COMMUNICATION OF DETERMINATION.—If the Secretary determines pursuant to paragraph (1) that such optical transmission equipment poses an unacceptable risk consistent with the statement described in subparagraph (A) to this subsection, the Secretary shall immediately transmit the determination to the Federal Communications Commission consistent with section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1501).

(3) AUTHORIZATION OF APPROPRIATIONS.—

(1) DIRECT REIMBURSEMENT.—The term ‘critical manufacturing industry’—

(i) means an industry—

(II) is in the economic and national security interests of the United States; and

(iii) provides a supply of secure semiconductor supply chains of critical manufacturing industries.

(2) by adding at the end the following:

(‘‘(2) by adding at the end the following:

(‘‘(4) SENSE OF CONGRESS.—It is the sense of Congress that, in carrying out subsection (a), the Secretary should allocate funds in a manner that—

(1) strengthens the security and resilience of the semiconductor supply chain, including by mitigating gaps and vulnerabilities;

(2) provides a supply of secure semiconductors relevant for national security;

(3) strengthens the leadership of the United States in semiconductor technology;

(4) grows the economy of the United States and supports job creation in the United States;

and

(5) improves the resiliency of the semiconductor supply chains of critical manufacturing industries.

(e) ADDITIONAL ASSISTANCE FOR MATURE TECHNOLOGY NODES.—

(1) IN GENERAL.—The Secretary shall establish within the program established under subsection (a) an additional program that provides Federal financial assistance to covered entities to incentivize investment in facilities and equipment in the United States for the fabrication, assembly, testing, or advanced packaging of semiconductors at mature technology nodes.

(2) ELIGIBILITY AND REQUIREMENTS.—In order for an entity to be eligible to receive Federal financial assistance under this subsection, the covered entity shall—

(A) submit an application under subsection (a)(2)(A);

(B) meet the eligibility requirements under subsection (a)(2)(B);

(C) provide equipment or materials for the fabrication, assembly, testing, or advanced packaging of semiconductors in United States; and

(D) be subject to the considerations described in subsection (a)(2)(C).

(3) PROCEDURES.—In granting Federal financial assistance to covered entities under this subsection, the Secretary shall follow the procedures established under subsection (a).

(4) CONSIDERATIONS.—In addition to the considerations described in subsection (a), in granting Federal financial assistance under this section, the Secretary shall give priority to covered entities that support the resilience of semiconductor supply chains for critical manufacturing industries in the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—The Secretary is authorized to appropriate to the Secretary to carry out this subsection $2,000,000,000, which shall remain available until expended.

(g) CONSTRUCTION PROJECTS.—Section 602 of the Public Works and Economic Develop-ment Act of 1965 (42 U.S.C. 3212) shall apply to a construction project that receives financial assistance from the Secretary under this section.

(h) ADVANCED MICROELECTRONICS RESEARCH AND DEVELOPMENT.—Section 9006 of the William M. (Mac) Thornberry National Defense
Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by adding at the end the following: 

“(b) INFRASTRUCTURE GRANTS.—Section 602 of the Public Works and Economic Development Act of 1965 (2 U.S.C. 3212) shall apply to a construction project that receives financial assistance from the Secretary under this section.”.

SEC. 2507. RESEARCH INVESTMENT TO SPARK THE ECONOMY

(a) DEFINITIONS.—In this section:

(1) AWARD.—The term “award” includes a grant, cooperative agreement, or other financial assistance from the Secretary under this Act.

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term “COVID–19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the Coronavirus Disease 2019 (COVID–19).

(3) RESEARCH INSTITUTION.—The term “research institution” means the following:

(A) An institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

(B) A Tribal College or University (as defined in section 316 of the Higher Education Act of 2020 (20 U.S.C. 316)).

(C) A nonprofit entity that conducts Federally funded research.

(4) RESEARCH LABORATORY.—The term “research laboratory” means the following:

(A) A National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)).

(B) Federally Funded Research and Development Center for purposes of section 35.017 of title 48, Code of Federal Regulations, or a successor regulation.

(c) PROCEDURES.—The officers specified in subsection (a) shall each establish procedures to carry out subsection (b).

(1) OFFICERS.—The officers specified in this paragraph are as follows:

(A) The Secretary of Commerce, acting through the Director of the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology.

(B) The Secretary of Agriculture.

(C) The Secretary of Defense.

(D) The Secretary of Education.

(E) The Secretary of Energy, acting for the Department of Energy (with respect to Energy Efficiency and Renewable Energy, Nuclear Energy, and Fossil Research and Development) and through the Office of Science, the Advanced Research Projects Agency-Energy (ARPA-E), and the Office of Electricity.

(F) The Secretary of the Interior, acting through the Director of the United States Geological Survey.

(G) The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health.

(H) The Secretary of Transportation.

(I) The Administrator of the National Aeronautics and Space Administration.

(J) The Administrator of the Environmental Protection Agency.

(K) The Director of the National Science Foundation.

(2) AUTHORIZED.—The officers specified in paragraph (2) may—

(A) provide supplemental funding to extend the duration of the award, or to expand the purposes of such an award, in order to—

(i) enable a postsecondary student or post-doctoral researcher to complete work;

(ii) enable research scientists, technical staff, research associates, and principal investigators to complete work;

(iii) extend the training of a postsecondary student, or the employment of a post-doctoral researcher, on an ongoing research project for up to 2 years because of the disruption of the job market;

(iv) create research opportunities for up to 2 years for graduate students and post-doctoral researchers;

(v) replace, refurbish, or otherwise make usable laboratory animals, reagents, equipment, or other items required for research;

(vi) support training in online course delivery and virtual research experiences that will improve quality and access needed to continue undergraduate, graduate, and post-doctoral training;

(b) AWARDS.—The term “award” includes a grant, cooperative agreement, or other financial assistance from the Secretary under this Act.

(c) COOPERATIVE AGREEMENT.—The term “cooperative agreement” includes a cooperative research and development agreement under section 706 of the National Science Foundation Act of 1950 (7 U.S.C. 1921).

(d) OFFICER.—The term “officer” means the following:

(A) The Secretary of Commerce, acting through the Director of the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology.

(B) The Secretary of Agriculture.

(C) The Secretary of Defense.

(D) The Secretary of Education.

(E) The Secretary of Energy, acting for the Department of Energy (with respect to Energy Efficiency and Renewable Energy, Nuclear Energy, and Fossil Research and Development) and through the Office of Science, the Advanced Research Projects Agency-Energy (ARPA-E), and the Office of Electricity.

(F) The Secretary of the Interior, acting through the Director of the United States Geological Survey.

(G) The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health.

(H) The Secretary of Transportation.

(I) The Administrator of the National Aeronautics and Space Administration.

(J) The Administrator of the Environmental Protection Agency.

(K) The Director of the National Science Foundation.

(2) AUTHORIZED.—The officers specified in paragraph (2) may—

(A) provide supplemental funding to extend the duration of the award, or to expand the purposes of such an award, in order to—

(i) enable a postsecondary student or post-doctoral researcher to complete work;

(ii) enable research scientists, technical staff, research associates, and principal investigators to complete work;

(iii) extend the training of a postsecondary student, or the employment of a post-doctoral researcher, on an ongoing research project for up to 2 years because of the disruption of the job market;

(iv) create research opportunities for up to 2 years for graduate students and post-doctoral researchers;

(v) replace, refurbish, or otherwise make usable laboratory animals, reagents, equipment, or other items required for research;

(vi) facilitate other research (including field work), training, and ongoing construction activities, including at institutions that are disproportionately affected by the COVID–19 public health emergency (such as minority-serving institutions and 2-year institutions of higher education);

(vii) ensure maintenance and development of community capacity and resilience; and

(viii) provide flexibility on an award for funds made available to an agency, by any prior or subsequent Act, by modifying the terms and conditions of the award with a research institution, Research Laboratory, or individual due to facility closures or other limitations during the COVID–19 public health emergency.

(3) MODIFICATIONS.—The modifications authorized by paragraph (2)(C) include, but are not limited to:

(A) the provision of supplemental funding to extend the duration of the award concerned; and

(B) flexibility on the allowable expenses under such award.

(c) PROCEDURES.—The officers specified in subsection (b)(2) shall each establish procedures to carry out subsection (b).

(d) EXPEDITED AWARDS.—Awards under subsection (b) shall be issued as expeditiously as possible.

SEC. 2508. OFFICE OF MANUFACTURING AND INDUSTRIAL INNOVATION POLICY

(a) FINDINGS.—Congress finds the following:

(1) The general welfare, security, and economic health and stability of the United States depend on a strong, diverse, co-ordinated, and multidisciplinary strategy to maintain and improve the quality of life for people in the United States, in anticipating and addressing emerging international, national, and local problems, and strengthening the international economic engagement and pioneering leadership of the United States.

(2) Just as Federal funding for science and technology represents an investment in the future, strategically addressing gaps in the innovation pipeline of the United States will—

(A) contribute to converting research and development investments into high-value, quality jobs—creating product production and capture domestic and global markets; and

(B) strengthen the economic posture of the United States.

(3) The capabilities of the United States at both the Federal and State levels need enhanced strategic planning and influence over policy formulation for industrial innovation and technology development, as well as a means to ensure an adequate workforce.

(b) SENSE OF CONGRESS.—It is the sense of Congress that manufacturing and industrial innovation should include contributing to the following priority goals:

(1) Taking concrete national action to re-build, restore, and expand domestic manufacturing capabilities, skills, and production capacity, including world-class infrastructure.

(2) Rebuilding the industrial innovation commons, including common resources, technical knowledge, and entrepreneurial opportunities associated with technical concepts.

(3) Supporting domestic supply chains.

(4) Expanding production capabilities, cooperation, and knowledge.

(5) Revitalizing communities harmed by historically and poorly conceived, implemented, and enforced regulatory and trade policies.

(6) Developing a strategy for innovation and establishment of manufacturing industries and the future industrial technology, with production of Industry 4.0 technology to support domestic economic expansion, particularly manufacturers with fewer than 500 employees and in traditionally underserved communities.

(7) Contributing to national health and security and emergency readiness and resilience, including addressing environmental concerns.

(8) Strengthening the economy of the United States and promoting full employment in high-quality, high-wage jobs through useful industrial and technological innovation.

(9) Cultivating, utilizing, and enhancing academic and industrial thought-leadership with practical workforce development and training to the fullest extent possible.

(10) Implementing a national strategy that identifies and prioritizes high growth, high value-added industries, products, and components of national importance to the long-term economic, environmental, national security, and public health of the United States.

(b) NATIONAL POLICY.—In view of the findings under subsection (a), it is the sense of Congress that the Federal Government and public and private institutions in the United States should pursue a national policy of manufacturing and industrial innovation that includes the following:

(A) Ensuring global leadership in advanced manufacturing technologies critical to the
long-term economic, environmental, and public health of the United States, and to the long-term national security of the United States.

(1) working and strengthening the industrial commons of the United States, including—
   (i) essential engineering and production skills;
   (ii) infrastructure for research and development, standardization, and metrology;
   (iii) process innovations and manufacturing know-how;
   (iv) equipment; and
   (v) suppliers that provide the foundation for the design, building, and competitiveness of all manufacturers in the United States.

(C) Strengthening the technical, financial, and educational commons and assets necessary for the United States to be the best positioned nation for the creation and production of advanced technologies and products emerging from national research and development investments.

(D) Capitalizing on the scientific and technological advances produced by researchers and innovators in the United States by developing capable and responsive institutions focused on advancing the technology and manufacturing readiness levels of those advances.

(E) Supporting the discovery, invention, start-up, ramp-up, scale-up, and transition of new products and manufacturing technologies to full-scale production in the United States.

(F) Addressing the evolving needs of manufacturers for a diverse set of workers with the necessary skills, training, and expertise as manufacturers in the United States increase high-quality, high-wage employment opportunities.

(G) Accelerating and expanding manufacturing engineering and technology offerings within institutions of higher education, including 4-year engineering technology programs at polytechnic institutes and secondary schools, to be more closely aligned with the needs of manufacturers in the United States and the goal of strengthening the long-term competitiveness of such manufacturing.

(H) Working collaboratively with Federal agencies, State and local governments, Tribal governments, and institutional partners in the education, training, and recruitment of workers to manufacturing to leverage their knowledge, resources, applied research, experimental development, and programs to foster manufacturing and advanced materials and new industries.

(I) Enhancing the nation’s competitiveness through the development and deployment of advanced technologies, including the following—
   (i) competency in advanced manufacturing technologies relevant to the United States;
   (ii) leading-edge scientific research and development; and
   (iii) federal investment in high-technology research and development.

(J) Reforming rules, regulations, and policy that could be addressed or enhanced by public and private sector, that require attention at the Federal or State level.

(K) Reporting, in the annual report to the Congress, the results of the implementation of the plan.

(2) The Plan includes—
   (A) by such methods as may be appropriate; and
   (B) through efforts conducted by non-Federal governments, organizations, and institutions.

(L) The Plan shall—
   (i) identify and prioritize objectives and programs so identified by the President or the Chief Manufacturing Officer;
   (ii) anticipate future concerns to which industrial and innovative manufacturing can contribute and devise industrial strategies for such purposes;
   (iii) develop and institutionalize policy and programs of the Federal Government and recommend legislative amendments to those policies and programs when needed; and
   (iv) reforming policies, rules, and regulations that harm domestic manufacturing and international competitiveness manufacturing from competing with global competitors; and
   (v) the elements described in clause (i) should include a data collection, analysis, and advisory mechanism within the Executive Office of the President to provide the President with independent, expert judgment and assessments of the complex manufacturing and industrial features involved; and
   (vi) it is the responsibility of the Federal Government to—
      (I) enhance the competitiveness and productivity of the United States by providing a strong manufacturing policy to enhance global competitiveness, productivity, and innovation; and
      (II) coordinate and develop a manufacturing strategy and facilitate the close coupling of this manufacturing strategy with commercial manufacturing application; and
      (III) develop and implement innovative strategies to enhance the competitiveness of the United States.

(3) The President shall—
   (A) by such methods as may be appropriate; and
   (B) through efforts conducted by non-Federal governments, organizations, and institutions.

(4) The Plan shall—
   (A) by such methods as may be appropriate; and
   (B) through efforts conducted by non-Federal governments, organizations, and institutions.
(aa) the economy of the United States;
(bb) national security;
(cc) public health;
(dd) the workforce of the United States;
(ee) national defense;
(ff) foreign relations (including trade and supply chain issues);
(gg) the environment; and
(hh) technological innovation in the United States;

(II) convene stakeholders, including key industry stakeholders, academic stakeholders, governmental stakeholders, and other persons who are capable of contributing to the development of the national strategic plan required under subsection (f); and

(III) evaluate the scale, quality, and effectiveness of the efforts of the Federal Government to support manufacturing and industrial innovation by the Federal Government or by the private sector, and advise on appropriate actions;

(IV) to the extent consistent with law, report to the President, the Director of the National Economic Council, the Director of the Office of Management and Budget, and such agencies within the Executive Office of the President as may be appropriate, advise the President on the budgets, regulations, and regulatory activities of agencies of the executive branch of the Federal Government with respect to issues concerning manufacturing and industrial innovation;

(V) to the extent consistent with law, assist the President and the Director of the National Economic Council in providing leadership and coordination of activities and policies of the Federal Government relating to and impacting manufacturing and industrial innovation; and

(VI) perform such other functions, duties, and activities as the President and the Director of the National Economic Council may assign.

(B) AUTHORITIES.—In carrying out the duties and functions under this section, the Chief Manufacturing Officer may—

(i) appoint such officers and employees as may be determined necessary to perform the functions vested in the position and to prescribe the duties of such officers and employees;

(ii) obtain services as authorized under section 3109 of title 5, United States Code, at rates not to exceed the rate prescribed for level III of the General Schedule under section 5332 of title 5, United States Code; and

(iii) enter into contracts and other arrangements for studies, analysis, and other services with public agencies and with private persons, organizations, or institutions, and make such payments as determined necessary to carry out the provisions of this section without legal consideration, without performance bonds, and without regard to section 6101 of title 41, United States Code.

(2) IN GENERAL.—The Chief Manufacturing Officer may appoint not more than 5 Associate Directors, to be known as Associate Manufacturing Officers, to carry out such functions as may be prescribed by the Chief Manufacturing Officer.

(B) COMPENSATION.—Each Associate Manufacturing Officer shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(c) POLICY PLANNING, ANALYSIS, AND ADVICE.—

(1) IN GENERAL.—In carrying out the provisions of this section, the Chief Manufacturing Officer shall—

(i) monitor the status of technological developments, critical production capacity, skill availability, investment patterns, emerging defense needs, and other key indicators of manufacturing competitiveness to—

(A) provide foresight for periodic updates to the national strategic plan required under subsection (f); and

(B) guide investment decisions;

(ii) convene industry and public-private working groups to align Federal policies that drive implementation of the national strategic plan required under subsection (f); and

(iii) obtain services as authorized under section 3109 of title 5, United States Code, at rates not to exceed the daily rate prescribed for GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Panel.

(2) TRAVEL EXPENSES.—Each member of the Panel who is serving away from the home or regular place of business of the member in the performance of the duties of the Panel shall be reimbursed per diem in lieu of subsistence, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5701(b)(5) of title 5, United States Code, for persons in government service employed intermittently.

(f) NATIONAL STRATEGIC PLAN FOR MANUFACTURING AND INDUSTRIAL INNOVATION.—

(1) STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this division, the Chief Manufacturing Officer, in coordination with the Director of the National Economic Council, shall, to the extent practicable, in accordance with subsection (d)(1)(A)(i), and in consultation with other agencies and private sector, establish a national strategic plan for manufacturing and industrial innovation that identifies—

(i) short-term, medium-term, and long-term needs critical to the economy, national security, public health, workforce readiness, and environmental concerns of the United States manufacturing sector, including emergency readiness and resilience; and

(ii) situations and conditions that warrant special action by the Federal Government relating to—

(aa) any problems, constraints, or opportunities of manufacturing and industrial innovation that—

(aa) are of national significance;

(bb) will occur or may emerge during the 4-year period beginning on the date on which the national strategic plan is established; and

(cc) are identified through basic research;

(iiA) an evaluation of activities and accomplishments of all agencies in the executive branch of the Federal Government that are related to carrying out such plan;

(iii) opportunities for, and constraints on, manufacturing and industrial innovation that can make a significant contribution to—

(aa) the resolution of problems identified under this paragraph; or

(bb) the achievement of Federal program objectives or priority goals, including those described in subsection (b)(1); and

(2) REVISIONS.—Not later than 4 years after the date on which the national strategic plan is established under paragraph (A), and every 4 years thereafter, the Chief Manufacturing Officer, in coordination with
the Director of the National Economic Council, shall revise that plan so that the plan takes account of near- and long-term problems, constraints, and opportunities and changes in national circumstances.

(2) Consultation with other agencies.—The Chief Manufacturing Officer shall consult, as necessary, with officials of agencies in the executive branch of the Federal Government that administer programs or have responsibilities relating to the problems, constraints, and opportunities identified in the national strategic plan under paragraph (1) in order to—

(A) identify and evaluate actions that might be taken by the Federal Government, including programs, policies, and activities of the Federal Government, including procurement; programs, policies, and activities of the executive branch of the Federal Government, including any independent agency, the legislative branch of the United States as necessary to determine the extent to which such actions will contribute to the resolution of the problems described in subsection (D); and

(B) may transfer funds made available pursuant to this section to other agencies in the executive branch of the Federal Government as reimbursement for the utilization of such personnel, services, facilities, equipment, and information from such agencies.

(4) Furnishment of information.—Each department, agency, and instrumentalty of the executive branch of the Federal Government, including any independent agency, shall furnish the Chief Manufacturing Officer such information as necessary to carry out this section.

(b) Manufacturing and Industrial Innovation Report.—

(1) Report.—Not later than 3 years after the date of enactment of this division, and every 4 years thereafter, the Chief Manufacturing Officer, in consultation with the Director of the National Economic Council, shall submit to Congress, as a report, a review of developments of national significance in manufacturing and industrial innovation; and

(A) a review of developments of national significance in manufacturing and industrial innovation;

(B) the significant effects of trends at the time of the submission of the report and projected trends in manufacturing and industrial innovation on the economy, workforce, and environmental, health and national security, and other requirements of the United States;

(C) a review and appraisal of selected manufacturing and industrial innovation related programs, policies, and activities of the Federal Government, including procurement;

(D) an inventory and forecast of critical infrastructure; and

(E) the identification and assessment of manufacturing and industrial innovation programs that can contribute to the resolution of the problems described in subparagraph (D) in light of the related economic, workforce, environmental, public health, and national security considerations;

(F) at the time of the submission of the report, and as projected, the manufacturing and industrial innovation proposals of the Federal Government, including any independent agency, that will require additional resources, including specialized manpower, that could contribute to the resolution of the problems described in subparagraph (D); and

(G) recommendations for legislation and regulatory changes on manufacturing and industrial innovation-related programs and policies that will contribute to the resolution of the problems described in subparagraph (D).

(3) Preparation of report.—In preparing each report required under paragraph (1), the Chief Manufacturing Officer shall make maximum use of relevant data available from agencies in the executive branch of the Federal Government.

(4) Public availability of report.—The Chief Manufacturing Officer shall ensure that the report is made available to the public.

(i) Comptroller General Report.—Not later than 3 years after the date of enactment of this division, the Comptroller General of the United States shall submit to the Committee on Appropriations of the House of Representatives, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives, and makes available to the public, a report—

(A) containing an assessment of the efforts of the Office to implement or advance the priority goals described in subsection (b)(1); and

(B) providing recommendations on how to improve the efforts described in paragraph (1).

(ii) Federal Strategy and Coordinating Council on Manufacturing and Industrial Innovation Report.—There is established in the executive branch of the Federal Government the Federal Strategy and Coordinating Council on Manufacturing and Industrial Innovation (referred to in this section as the “Council”).

(i) Membership.—

(A) In general.—The Council shall be composed of the following:

(ii) the Vice President;

(iii) the Secretary of Commerce;

(iv) the Secretary of Defense;

(v) the Secretary of Education;

(vi) the Secretary of Energy;

(vii) the Secretary of Health and Human Services;

(viii) the Secretary of Housing and Urban Development;

(ix) the Secretary of Labor;

(x) the Secretary of Transportation;

(xi) the Secretary of the Treasury;

(xii) the Secretary of Veterans Affairs;

(xiii) the Administrator of the Environmental Protection Agency;

(xiv) the Administrator of the National Aeronautics and Space Administration;

(xv) the Administrator of the Small Business Administration;

(xvi) the Director of the National Science Foundation;

(xvii) the Director of the Office of Management and Budget;

(xviii) the Assistant to the President for Science and Technology;

(xix) the United States Trade Representative.
(xii) The Assistant to the President for Economic Policy.  
(xiii) The Director of the Domestic Policy Council.  
(xiv) The Chair of the Council of Economic Advisers.  
(xv) The Chief Manufacturing Officer.  

(B) Additional Participants.—The President may invite, from time to time, and at such times and places, any other person, including individuals, who in the judgment of the President are deserving of special recognition by reason of outstanding contributions to knowledge in the field of manufacturing or industrial innovation, particularly scientific, engineering, and technological resources and facilities of agencies in the executive branch of the Federal Government, significant activities of more than 1 agency in the executive branch of the Federal Government; coordinate the manufacturing and industrial innovation policy-making process; and harmonize the Federal permitting process relating to manufacturing and industrial innovation, as appropriate.

(D) Manufacturing and industrial innovation policy decisions and programs are consistent with the priority goals described in subsection (b)(1);  

(E) Implement the priority goals described in subsection (b)(1) across the Federal Government;  

(F) Ensure manufacturing and industrial innovation are considered in the development and implementation of Federal policies and programs;  

(G) Achieve more effective use of national resources in manufacturing and industrial innovation, particularly scientific, engineering, and technological resources and facilities of agencies in the executive branch of the Federal Government, including the elimination of efforts that have been unnecessarily duplicated;  

(H) Identify—  

(i) Threats to, and vulnerabilities of, supply chains;  

(ii) Workforce skills;  

(iii) Aspects of supply chains and workforce skills requiring additional emphasis; and  

(iv) For reform policies, rules, and regulations that harm domestic manufacturing and inhibit the ability for domestic manufacturing to compete with global competitors; and  

(I) Further international cooperation on manufacturing and industrial innovation policies that enhance the policies of the United States and internationally agreed upon policies.

(2) Chief Manufacturing Officer.—The Chief Manufacturing Officer may take such actions as may be necessary or appropriate to implement the functions described in paragraph (1).

(b) Coordination.—The head of each agency in the executive branch of the Federal Government, without regard to whether the head of the agency is a member of the Council, shall coordinate the manufacturing and industrial innovation policy with the Council.

(c) Administration.—

(1) Coordination with National Science and Technology Council.—In carrying out the duties of the Council, the Council shall consult with the National Science and Technology Council.

(2) Ad Committees; Task Forces, Interagency Groups.—The Council may function through established or ad hoc committees, task forces, or interagency groups, as necessary, and be considered the chair of the Council.

(3) Requirement to Cooperate.—Each agency in the executive branch of the Federal Government shall—  

(A) cooperate with the Council; and  

(B) Provide assistance, information, and advice to the Council, as the Council may request, to the extent permitted by law.

(4) Assistant Secretary.—For the purpose of carrying out the provisions of this section, the head of each agency that is a member of the Council shall furnish necessary assistance and resources to the Council, which may include—  

(A) Detailing employees of the agency to the Council to perform such functions, consistent with the purposes of this section, as the Chair of the Council may assign to those detailees;  

(B) Providing office support and printing, as requested, by the Council; and  

(C) Upon the request of the Chair of the Council, undertake special studies for the Council that come within the functions of the Council to perform such functions, consistent with the purposes of this section, as the Chair of the Council may assign to those detailees.

(5) Assistance to Council.—For the purpose of carrying out the provisions of this section, the head of each agency that is a member of the Council shall furnish necessary assistance and resources to the Council, which may include—  

(A) Detailing employees of the agency to the Council to perform such functions, consistent with the purposes of this section, as the Chair of the Council may assign to those detailees;  

(B) Providing office support and printing, as requested, by the Council; and  

(C) Upon the request of the Chair of the Council, undertake special studies for the Council that come within the functions of the Council to perform such functions, consistent with the purposes of this section, as the Chair of the Council may assign to those detailees.

(6) National Medal of Manufacturing and Industrial Innovation.—

(1) Recommendations.—The President shall from time to time award a medal, to be known as the “National Medal of Manufacturing and Industrial Innovation”, on the basis of recommendations received from the National Academies of Sciences, the Chief Manufacturing Officer, or on the basis of such other information and evidence as the President determines appropriate, to individuals who, in the judgment of the President, are deserving of special recognition by reason of outstanding contributions to knowledge in manufacturing and industrial innovation.

(2) Number.—Not more than 20 individuals may be awarded a medal under this section in any one calendar year.

(3) Citizenship.—An individual may not be awarded a medal under this section unless at the time such award was made the individual—  

(A) Is a citizen or other national of the United States; or  

(B) Is an individual lawfully admitted to the United States for permanent resident who—  

(i) Has filed an application for petition for naturalization in the manner prescribed by section 338(b) of the Immigration and Nationality Act (8 U.S.C. 1445(b)); and  

(ii) Is not permanently ineligible to become a citizen of the United States.

(4) Ceremonies.—The presentation of the award shall be made by the President with such honors and ceremonies, including attendance by appropriate Members of Congress.

(5) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 2022 through 2026—  

(1) $5,000,000, for the purpose of carrying out subsections (a) through (i); and  

(2) $5,000,000, for the purpose of carrying out subsections (j) through (m).

SEC. 2599. TELECOMMUNICATIONS WORKFORCE TRAINING GRANT PROGRAM.

(a) General Provisions.—

(1) Short Title.—This section may be cited as the “Improving Minority Participation And Careers in Telecommunications Act” or the “IMPACT Act”.

(2) Definition of Terms:—  

(A) Assistant Secretary.—The term “Assistant Secretary” means the Assistant Sec-
(d) Fund.—
(1) Establishment.—There is established in the Treasury of the United States a fund to be known as the “Telecommunications Workforce Training Grant Program Fund”.
(2) Availability.—Amounts in the Fund shall be available to the Assistant Secretary to carry out the Grant Program.
(e) Application.—
(1) In general.—An eligible entity desiring a covered grant shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.
(2) Contents.—An eligible entity shall include in an application under paragraph (1)—
(A) a description of the type of training program the eligible entity plans to develop;
(B) a description of how the eligible entity plans to use the covered grant, including the type of training program the eligible entity plans to develop;
(C) a plan for recruitment of students and potential students to participate in the training program;
(D) a description of how the eligible entity may use a covered grant, with respect to the training program of the eligible entity, to—
(i) hire faculty members to teach courses in the training program;
(ii) train faculty members to prepare students for employment in jobs related to the deployment of next-generation wired and wireless communications networks, including 5G networks, hybrid fiber-coaxial networks, and fiber infrastructure, particularly in—
(I) broadband and wireless network engineering;
(II) network deployment, operation, and maintenance;
(III) industry field activities; and
(iv) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities;
(E) a description of potential jobs to be secured as part of the training program, including jobs in the communities surrounding the eligible entity;
(F) Use of Funds.—An eligible entity may use a covered grant, with respect to the training program of the eligible entity to—
(i) hire faculty members to teach courses in the training program;
(ii) train faculty members to prepare students for employment in jobs related to the deployment of next-generation wired and wireless communications networks, including 5G networks, hybrid fiber-coaxial networks, and fiber infrastructure, particularly in—
(I) broadband and wireless network engineering;
(II) network deployment, operation, and maintenance;
(III) industry field activities; and
(iv) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities;
(3) Evaluation criteria.—As part of the final rules issued under subsection (h), the Assistant Secretary shall develop criteria for evaluating applications for covered grants.
(4) Construction.—In awarding any covered grant, the Assistant Secretary shall ensure that grant amounts awarded under paragraph (2) are coordinated with, and do not duplicate the specific use of, funds authorized under section 902 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–93).
(5) Construction.—In awarding grants under this subsection relating to construction, the Assistant Secretary may prioritize applicants that partner with apprenticeship programs, pre-apprenticeship programs, community or technical colleges that have a written agreement with one or more apprenticeship programs.
(6) Rules.—Not later than 180 days after the date of enactment of this division, the Assistant Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall issue final rules governing the Grant Program.
(1) Term.—The Assistant Secretary shall establish the term of a covered grant, which may not be less than 5 years.
(3) Evaluation Criteria.—As part of the final rules issued under subsection (h), the Assistant Secretary shall submit to the Congress a semiannual report that, with respect to the preceding 6-month period—
(1) describes how the eligible entity used the covered grant amounts;
(2) describes the progress the eligible entity made in developing and executing the training program of the eligible entity;
(3) describes the number of faculty and students participating in the training program of the eligible entity;
(4) describes the partnership with the industry partner of the eligible entity; and
(5) includes data on internship, apprenticeship, and employment opportunities and placements.
(2) Oversight.—
(1) Audits.—The Inspector General of the Department of Commerce shall audit the Grant Program to ensure that—
(A) ensure that eligible entities use covered grant amounts in accordance with—
(i) the requirements of this section; and
(ii) the overall purpose of the Grant Program, as described in subsection (c); and
(B) prevent waste, fraud, and abuse in the operation of the Grant Program.
(2) Revocation of funds.—The Assistant Secretary shall revoke a grant awarded to an eligible entity that is not in compliance with the requirements of this section or the overall purpose of the Grant Program, as described in subsection (c).
(A) Annual Report to Congress.—Each year, until all covered grants have expired, the Assistant Secretary shall submit to Congress a report that—
(1) identifies each eligible entity that received a covered grant and the amount of the covered grant;
(2) describes the progress each eligible entity described in paragraph (1) has made toward accomplishing such purposes of the Grant Program, as described in subsection (c); and
(3) summarizes the job placement status or apprenticeship opportunities of students who have participated in the training program of the eligible entity; and
(4) includes the findings of any audits conducted by the Inspector General of the Department of Commerce under section 902 of the Consolidated Appropriations Act, 2021 (Public Law 116–93).
(2) Authorization of Appropriations.—
(1) In general.—There is authorized to be appropriated to the Fund a total of $100,000,000 for fiscal years 2022 through 2027, to remain available until expended.
(2) Administration.—The Assistant Secretary may use not more than 2 percent of amounts appropriated to the Fund for the administration of the Grant Program.
SEC. 2510. COUNTRY OF ORIGIN LABELING ON-LINE ACT.
(a) Mandatory Origin and Location Disclosure for Products Offered for Sale on the Internet.—
(1) In general.—It shall be unlawful for a product that is required to be marked under section 201(a)(7) of the Wool Products Labeling Act of 1939 (15 U.S.C. 1304) or its implementing regulations to be offered for sale in commerce on an internet website unless the internet website description of the product—
(A) indicates in a conspicuous place the country of origin of the product;
(B) includes in a manner consistent with the regulations prescribed under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) and the country of origin marking regulations administered by U.S. Customs and Border Protection; and
(II) a textile fiber product (as defined in section 2 of the Textile Fiber Products Identification Act (15 U.S.C. 70b)), the disclosure required by such Act;
(III) a wool product (as defined in section 2 of the Wool Products Labeling Act of 1939 (15 U.S.C. 1304)), the disclosure required by such Act;
(IV) a fur product (as defined in section 2 of the Fur Products Labeling Act (15 U.S.C. 68), the disclosure required by such Act;
(V) a covered commodity (as defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a)) and the country origin marking regulations administered by U.S. Customs and Border Protection; and
(II) a textile fiber product (as defined in section 2 of the Textile Fiber Products Identification Act (15 U.S.C. 70b)), the disclosure required by such Act;
(b) Indications in a conspicuous place the country of origin of the product is located (and, if applicable, the country in which any parent corporation of such seller is located).
(c) Internet.—The disclosure of a product’s country of origin required pursuant to paragraph (a)(I) shall not be made in such a manner as to represent to a consumer that the product is in whole, or part, of United States origin, unless such disclosure is consistent with section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)), provided that no other Federal statute applies.
(3) Certain Drug Products.—It shall be unlawful for a drug that is not subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) that is required to be marked under section 301 of the Tariff Act of 1930 (19 U.S.C. 1304) to be offered for sale in commerce to consumers on an internet website unless the internet website description of the drug indicates in a conspicuous manner the name and place of business of the manufacturer, packer, or distributor that is required on the label of the drug in accordance with section 502(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(b)).
(4) False and Misleading Representation of United States Origin on Products.—
(1) UNLAWFUL ACTIVITY.—Notwithstanding any other provision of law, it shall be unlawful to make any false or deceptive representation that a product or its parts or processing is original in any bellying, advertising, or other promotional materials, or any other form of marketing, including marketing through digital or electronic means in the United States.

(2) DECEPTIVE REPRESENTATION.—For purposes of paragraph (1), a representation that a product is in whole, or in part, of United States origin is deceptive if, at the time the representation is made, such claim is not consistent with section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)), provided that the Federal Trade Commission Act applies.

(c) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) shall be treated as a violation of a rule under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—(A) enter into a Memorandum of Understanding; and

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.) as though all applicable terms and provisions of that Act were incorporated and made part of this section.

(c) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(d) PENDENCY AGREEMENT.—Not later than 5 months after the date of enactment of this division, the Commission and U.S. Customs and Border Protection shall—

(A) enter into a Memorandum of Understanding or other appropriate agreement for the purpose of providing consistent implementation of this section; and

(B) publish such agreement to provide public guidance.

(e) DEFINITION OF COMMISSION.—In this subsection the term "Commission" means the Federal Trade Commission.

(f) EFFECTIVE DATE.—This section shall take effect 9 months after the date of enactment of this division.

SEC. 2511. COVERAGE OF ORIGIN LABELING FOR KING CRAB AND TANNER CRAB.

Section 281(7)(B) of the Agricultural Marketing Act of 1946 (7 U.S.C. 163b(7)(B)) is amended—

(i) striking "includes" and inserting "includes—"

(ii) a fillet; and

(iii) striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following—

"(ii) whole cooked king crab and tanner crab and cooked king crab and tanner crab sections.;"

SEC. 2512. INTERNET EXCHANGES AND SUB-MARINE CABLES.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(2) CORE BASED STATISTICAL AREA.—The term "core based statistical area" has the meaning given the term by the Office of Management and Budget in the Notice of Decision entitled "2010 Standards for Defining Metropolitan and Micropolitan Statistical Areas", published in the Federal Register on June 28, 2010 (75 Fed. Reg. 37246), or any successor to that Notice.

(3) COVERED GRANT.—The term "covered grant" means a grant awarded under subsection (b)(1).

(4) INDIAN TRIBE.—The term "Indian Tribe"—

(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and

(B) includes a Native Hawaiian organization, as that term is defined in section 6207 of the Native Hawaiian Education Act (20 U.S.C. 1415).

(5) INTERNET EXCHANGE FACILITY.—The term "internet exchange facility" means physical infrastructure through which internet service providers and content delivery networks exchange internet traffic between their networks.

(6) STATE.—The term "State" has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(7) SUBMARINE CABLE LANDING STATION.—The term "submarine cable landing station" means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regulations (or any successor regulation), that can be utilized to land a submarine cable by an entity that has obtained a license under the first section of the Act entitled "An Act relating to the landing and operation of submarine cables in the United States", approved April 27, 1921 (47 U.S.C. 54 (commonly known as the "Cable Landing Licensing Act").

(b) GRANTS.—

(1) GRANTS.—Not later than 1 year after the date on which amounts are made available under subsection (a), the Assistant Secretary shall award grants to entities to—

(A) establish a new internet exchange facility in a core based statistical area in which, at the time the grant is awarded, there are no existing internet exchange facilities; or

(B) expand operations at an existing internet exchange facility in a core based statistical area in which the grant is awarded, there is only 1 internet exchange facility.

(2) ELIGIBILITY.—To be eligible to receive a covered grant—

(A) have sufficient interest from third parties that use the internet exchange facility to be funded by the grant; or

(B) have sovereign control over the land or building in which the internet exchange facility is housed.

(3) PROVISIONAL GRANTS.—The Assistant Secretary shall award grants under this section to—

(A) assist in the planning and development of互联网 exchange facilities, including coverage through public-private partnerships; and

(B) allow the Assistant Secretary to make grants on a provisional basis, provided the Assistant Secretary determines that a grant is necessary to ensure that an entity possesses the capability to land submarine cables into the United States.

(c) SCHEDULE OF GRANTS.—The Assistant Secretary shall—

(1) make grants not later than 1 year after the date on which amounts are made available under subsection (a); and

(2) make grants to new and existing internet exchange facilities.

(d) REPORT.—Not later than 5 years after the date on which amounts are made available under subsection (a), the Assistant Secretary shall make a report on the outcomes of grants awarded under this section to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Commerce, Science, and Transportation of the House of Representatives.

(e) AUTHORIZATION OF APPOINTMENTS.—

(1) IN GENERAL.—There is authorized to be appropriated $35,000,000 to carry out subsections (b) and (c).

(2) LIMITATION.—The Assistant Secretary may not use more than 10 percent of the amounts made available under paragraph (1) to administer and report on the outcomes of grants awarded under this section.

(f) RETURN OF CERTAIN GRANT AMOUNTS.—The Assistant Secretary may require a recipient of a grant awarded under subsection (b) or (c) to return all or a portion of the grant amount if there is evidence of waste, fraud, or abuse of grant funds by the recipient.

SEC. 2513. STUDY OF SISTER CITY PARTNERSHIPS OPERATING SUBMARINE CABLES IN UNITED STATES INVOLVING FOREIGN COMMUNITIES IN COUNTRIES WITH SIGNIFICANT PUBLIC SECTOR CORRUPTION.

(a) SHORT TITLE.—This section may be cited as the "Sister City Transparency Act".

(b) FINDINGS.—In this section—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

(F) the Committee on Armed Services of the House of Representatives.

(2) FOREIGN COMMUNITY.—The term "foreign community" means any subnational unit of government outside of the United States.

(3) SISTER CITY PARTNERSHIP.—The term "sister city partnership" means a formal agreement between a United States community and a foreign community that—

(A) is recognized by Sister Cities International; and

(B) is operating within the United States.
The Federal Communications Commission shall—

(i) review and assess, which shall be unclassified but, if necessary, may contain a classified annex, to—

(i) the extent to which United States communities seek to mitigate the risks of foreign espionage and economic coercion within sister city partnerships; and

(ii) how such activities differ between sister city partnerships involving foreign communities’ malign activities globally, including activities relating to human rights abuses and academic and industrial espionage; and

(iii) best practices to ensure transparency regarding sister city partnerships’ agreements, activities, and employees.

(V) the extent to which United States communities seek to mitigate the risks of foreign espionage and economic coercion within sister city partnerships; and

(C) the intent to which United States communities involve economic arrangements that make United States communities vulnerable to malign market practices; and

(ii) the extent to which sister city partnerships allow foreign nationals to access local commercial, educational, and political institutions;

(iii) on the national security of the United States; and

(iv) whether the agreements are not subject to undue influence by the Chinese Communist Party; or

(v) the extent to which United States communities ensure transparency regarding sister city partnerships contracts and activities;

(A) to continue ongoing activities with the People’s Republic of China relating to nuclear and radiological counterproliferation, and nuclear and radiological nonproliferation; and

(B) to continue ongoing activities with the People’s Republic of China relating to nuclear and radiological counterterrorism, nuclear and radiological counterproliferation, and nuclear and radiological nonproliferation.

(B) submit a report containing the results of the review and assessment, which shall be unclassified but, if necessary, may contain a classified annex, to—

(i) the extent to which United States communities implement to mitigate the risks of foreign espionage and economic coercion within sister city partnerships; and

(ii) the extent to which sister city partnerships involve economic arrangements that make United States communities vulnerable to malign market practices; and

(iii) the extent to which sister city partnerships allow foreign nationals to access local commercial, educational, and political institutions;

(iv) the extent to which United States communities involve economic arrangements that make United States communities vulnerable to malign market practices; and

(v) the extent to which United States communities seek to mitigate the risks of foreign espionage and economic coercion within sister city partnerships; and

(C) all instances in which officials of the United States Government have participated, or significantly tied to, an entity described in subparagraph (A) or (B) of subsection (a).
(iv) the extent to which there are opportunities for cooperation with government experts from like-minded foreign allies with respect to those activities; and

(v) any other recommendation that the Assistant Secretary determines to be appropriate.

SEC. 2518. SHARK FIN SALES ELIMINATION.

(a) SHORT TITLE.—This section may be cited as the “Shark Fin Sales Elimination Act of 2021.”

(b) PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—Except as provided in subsection (c), no person shall possess, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308(a) of that Act (16 U.S.C. 1858a), except that the maximum civil penalty for each violation shall be $100,000, or the fair market value of the shark fins involved, whichever is greater.

(c) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is—

(1) destroyed or discarded upon separation;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law;

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research; or

(4) retained by the license or permit holder for a noncommercial purpose.

(d) DEFINITION OF SHARK FIN.—In this section—

(i) the term “shark fin” means the raw or dried or otherwise processed (commonly known as “vRAN”) technology; and

(ii) cloud native technologies that replicate telecommunications hardware as software-based virtual network elements and functions.

(f) FOCUS: CONSIDERATIONS.—In establishing the Applied Research Open-RAN testbed pursuant to this section, the Assistant Secretary shall ensure that such testbed shall—

(1) be open for bartering or sale, sell, or purchase any item; and

(2) be made available to national and international stakeholders in the United States to provide meaningful input with respect to the conduct of the study.

(3) CONTENTS.—The study required under paragraph (1) shall include—

(A) the identification and assessment of factors that serve as a barrier to the participation of United States Government experts in the standards development activities of the Telecommunication Standardization Sector of the International Telecommunication Union, including—

(i) barriers to effective participation in, and representation with respect to, those activities;

(ii) lack of awareness regarding the strategic importance of, and support for, participation in those activities;

(iii) lack of information about opportunities for, and means of, participation with respect to those activities;

(iv) the extent to which there are opportunities for cooperation with government experts from like-minded foreign allies with respect to those activities; and

(v) any other recommendation that the Assistant Secretary determines to be appropriate.

(b) the impact on ocean ecosystems of continuing or terminating the exemption; and

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(f) DEFINITION OF SHARK FIN.—In this section, the term “shark fin” means—

(1) the raw or dried or otherwise processed detached tail of a shark.

(2) the raw or dried or otherwise processed detached tail of a shark.

(3) identification of suitable leadership participants; and

(4) any other recommendation that the Assistant Secretary determines to be appropriate.

SEC. 2519. SENSE OF CONGRESS ON FORCED LABOR.

It is the sense of Congress that the Federal Government shall not engage in research, partnerships, contracts, or other agreements with any entity (including any country or institution of higher education) that has any affiliation with a country that engages in forced labor.

SEC. 2520. OPEN NETWORK ARCHITECTURE.

(a) OPEN NETWORK ARCHITECTURE TESTBED.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Applied Research Open-RAN testbed” means the testbed established under paragraph (2);

(B) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information; and

(C) the term “NTIA” means the National Telecommunications and Information Administration.

(2) ESTABLISHMENT.—The Assistant Secretary shall establish an applied research open network architecture testbed at the Institute for Telecommunication Sciences of the NTIA to develop and demonstrate network device and equipment integration and interoperability, at scale, including—

(A) Open Radio Access Network (commonly known as “O-RAN”) technology; and

(B) Virtualized Radio Access Network (commonly known as “vRAN”) technology; and

(c) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(f) DEFINITION OF SHARK FIN.—In this section, the term “shark fin” means—

(1) the raw or dried or otherwise processed detached tail of a shark.

(2) the raw or dried or otherwise processed detached tail of a shark.

(3) the raw or dried or otherwise processed detached tail of a shark.

(4) retained by the license or permit holder for a noncommercial purpose.

(d) DEFINITION OF SHARK FIN.—In this section—

(i) the term “shark fin” means the raw or dried or otherwise processed (commonly known as “vRAN”) technology; and

(ii) cloud native technologies that replicate telecommunications hardware as software-based virtual network elements and functions.

(f) FOCUS: CONSIDERATIONS.—In establishing the Applied Research Open-RAN testbed pursuant to this section, the Assistant Secretary shall ensure that such testbed shall—

(1) be open for bartering or sale, sell, or purchase any item; and

(2) be made available to national and international stakeholders in the United States to provide meaningful input with respect to the conduct of the study.

(3) CONTENTS.—The study required under paragraph (1) shall include—

(A) the identification and assessment of factors that serve as a barrier to the participation of United States Government experts in the standards development activities of the Telecommunication Standardization Sector of the International Telecommunication Union, including—

(i) barriers to effective participation in, and representation with respect to, those activities;

(ii) lack of awareness regarding the strategic importance of, and support for, participation in those activities;

(iii) lack of information about opportunities for, and means of, participation with respect to those activities;

(iv) the extent to which there are opportunities for cooperation with government experts from like-minded foreign allies with respect to those activities; and

(v) any other recommendation that the Assistant Secretary determines to be appropriate.

(b) the impact on ocean ecosystems of continuing or terminating the exemption; and

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(f) DEFINITION OF SHARK FIN.—In this section, the term “shark fin” means—

(1) the raw or dried or otherwise processed detached tail of a shark.

(2) the raw or dried or otherwise processed detached tail of a shark.

(3) identification of suitable leadership participants; and

(4) any other recommendation that the Assistant Secretary determines to be appropriate.

SEC. 2517. FAIRNESS AND DUE PROCESS IN STANDARDS-SETTING BODIES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Foreign Relations of the Senate;

(E) the Committee on Science, Space, and Technology of the House of Representatives;

(F) the Committee on Armed Services of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Foreign Affairs of the House of Representatives.

(2) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(b) STUDY.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this division, the Secretary of Commerce, acting through the Assistant Secretary, shall submit to the appropriate committees of Congress the results of a study identifying opportunities for improved participation by United States Government experts in the standardization activities of the Telecommunication Standardization Sector of the International Telecommunication Union;

(2) CONSULTATIONS REQUIRED.—In conducting the study required under paragraph (1), the Assistant Secretary shall—

(A) consult with—

(i) the Under Secretary of State for Economic Growth, Energy, and the Environment; and

(ii) the Chairman of the Federal Communications Commission;

(B) engage with the International Digital Economy and Telecommunication Advisory Committee; and

(C) provide opportunities for all relevant stakeholders in the United States to provide meaningful input with respect to the conduct of the study.

(3) CONTENTS.—The study required under paragraph (1) shall include—

(A) the identification and assessment of factors that serve as a barrier to the participation of United States Government experts in the standards development activities of the Telecommunication Standardization Sector of the International Telecommunication Union, including—

(i) barriers to effective participation in, and representation with respect to, those activities;

(ii) lack of awareness regarding the strategic importance of, and support for, participation in those activities;

(iii) lack of information about opportunities for, and means of, participation with respect to those activities;

(iv) the extent to which there are opportunities for cooperation with government experts from like-minded foreign allies with respect to those activities; and

(v) any other recommendation that the Assistant Secretary determines to be appropriate.

(b) the impact on ocean ecosystems of continuing or terminating the exemption; and

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(f) DEFINITION OF SHARK FIN.—In this section, the term “shark fin” means—

(1) the raw or dried or otherwise processed detached tail of a shark.

(2) the raw or dried or otherwise processed detached tail of a shark.

(3) identification of suitable leadership participants; and

(4) any other recommendation that the Assistant Secretary determines to be appropriate.
(A) ESTABLISHMENT.—In establishing the Applied Research Open-RAN testbed, the Assistant Secretary shall—

(i) consult with the Federal Communications Commission and the National Institute of Standards and Technology to examine the suitability of the testbed for the purpose of the testbed, including the extent to which the testbed can be used to test the performance of Open-RAN technologies in other areas of interest to such agencies; and

(ii) ensure that the work on the testbed is coordinated with the responsibilities of the Assistant Secretary under any relevant memorandum of understanding with the Federal Communications Commission and the National Science Foundation related to spectrum.

(B) OPERATIONS.—In operating the Applied Research Open-RAN testbed, the Assistant Secretary shall, in consultation with the Federal Communications Commission, partners with—

(i) the First Responder Network Authority of the NTIA (also known as “FirstNet”) and the Public Safety Communications Research Division of the National Institute of Standards and Technology to examine use cases and applications for Open-RAN technologies in a public safety network;

(ii) Federal agencies, as appropriate, to examine use cases and applications for Open-RAN technologies in other areas of interest to such agencies; and

(iii) international partners, as appropriate.

(7) STAKEHOLDER INPUT.—The Assistant Secretary shall seek input from stakeholders regarding the establishment and operation of the Applied Research Open-RAN testbed.

(8) IMPLEMENTATION DEADLINE.—Not later than 180 days after the date of enactment of this division, the Assistant Secretary shall—

(A) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the testbed and any recommendations for statutory, legislative or regulatory actions relating to the work of the testbed.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for the administration of the Applied Research Open-RAN testbed $20,000,000 for fiscal year 2022, to remain available until expended.

(B) RULE OF CONSTRUCTION.—Nothing in paragraph (8) shall be construed to obligate FirstNet or any other Federal entity to pay for the cost of the Applied Research Open-RAN testbed created under this section in the absence of the appropriation of amounts under this paragraph.

(C) AUTHORIZED FOR VOLUNTARY SUPPORT.—A Federal entity, including FirstNet, may voluntarily enter into an agreement with NTIA to provide monetary or nongovernmental support for the Applied Research Open-RAN testbed.

(D) PARTICIPATION IN STANDARDS-SETTING BODIES.—

(1) DEFINITIONS.—In this section—

(A) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information;

(B) the term ‘‘eligible standards-setting body’’—

(i) means a standards-setting body, participation in which may be funded by a grant award under paragraph (2), as determined by the Assistant Secretary; and

(ii) includes—

(I) the 3rd Generation Partnership Project (commonly known as “3GPP”);

(II) the Alliance for Telecommunications Industry Solutions (commonly known as “ATIS”);

(III) the International Telecommunications Union (commonly known as “ITU”);

(IV) the Institute for Electrical and Electronics Engineers (commonly known as “IEEE”);

(V) the World Radiocommunications Conferences (commonly known as the “WRC”) of the ITU;

(VI) the Internet Engineering Task Force (commonly known as the “IETF”);

(VII) the International Organization for Standardization (commonly known as the “ISO”) and the International Electro-technical Commission (commonly known as the “IEC”);

(VIII) the O-RAN Alliance;

(IX) the Telecommunications Industry Association (commonly known as “TIA”); and

(X) any other standards-setting body identified under paragraph (4).

(C) the term ‘‘Secretary’’ means the Secretary of Commerce; and

(D) the term ‘‘standards-setting body’’ means an international body that develops the standards for open network architecture technologies.

(2) GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary, in collaboration with the Assistant Secretary, shall award grants to private sector entities based in the United States to participate in eligible standards-setting bodies.

(B) ADMINISTRATIVE COSTS.—The Secretary shall prioritize grants awarded under this section to private sector entities that would not otherwise be able to participate in eligible standards-setting bodies without the grant.

(3) GRANT CRITERIA.—Not later than 180 days after the date on which amounts are appropriated under paragraph (5), the Secretary shall establish criteria for the grants awarded under paragraph (2).

(4) CONSTRUCTION.—The Secretary shall consult with the Federal Communications Commission in—

(A) determining criteria for the grants awarded under paragraph (2); and

(B) determining which standards-setting bodies, if any, in addition to the standards-setting bodies listed in paragraph (1)(B)(i) are eligible standards-setting bodies.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for grants under paragraph (2) $30,000,000 in total for fiscal years 2022 through 2025, to remain available until expended.

(B) ADMINISTRATIVE COSTS.—The Secretary may use not more than 2 percent of any funds appropriated under this paragraph for the administration of the grant program established under this section.

SEC. 2521. COMBATTING SEXUAL HARASSMENT IN SCIENCE.

(a) DEFINITIONS.—This section may be cited as the “Combating Sexual Harassment in Science Act of 2022.”

(b) DEFINITIONS.—In this section—

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

(2) FEDERAL SCIENCE AGENCY.—The term ‘‘federal science agency’’ means any Federal agency with an annual extramural research expenditure of over $100,000,000.

(3) GRANT PERSONNEL.—The term ‘‘grant personnel’’ means principal investigators and others who serve on grants awarded under Federal law and their trainees.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) NATIONAL ACADEMIES.—The term ‘‘National Academies’’ means the National Academies of Sciences, Engineering, and Medicine.

(6) RECIPIENT.—The term ‘‘recipient’’ means an entity, usually a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term ‘‘recipient’’ does not include entities that receive subgrants or individuals that are the beneficiaries of the award.

(7) SEXUAL HARASSMENT.—The term ‘‘sexual harassment’’ has the meaning given such term in section 106e.11 of title 29, Code of Federal Regulations (or any successor regulations).

(E) FEDERAL RESEARCH GRANTS.—

(1) IN GENERAL.—The Director shall award grants on a competitive basis, to institutions of higher education or nonprofit organizations (or consortia of such institutions or organizations) to—

(A) expand research efforts to better understand the factors contributing to, and consequences of, sexual harassment affecting individuals in the scientific, technical, engineering, and mathematics workforce, including students and trainees; and

(B) examine best practices to reduce the incidence and negative consequences of such harassment.

(2) USE OF FUNDS.—Activities funded by a grant under this subsection may include—

(A) research on the sexual harassment experiences of individuals in underrepresented or vulnerable groups, including communities of color, disabled individuals, foreign nationals, sexual- and gender-minority individuals, and others;

(B) development and assessment of policies, procedures, training programs, and interventions, with respect to sexual harassment, conflict management, and ways to foster respectful and inclusive climates;

(C) research on approaches for remediating the negative impacts and outcomes of such harassment on individuals experiencing such harassment;

(D) support for institutions of higher education or nonprofit organizations to develop, adapt, implement, and assess the impact of innovative, evidence-based strategies, policies, and approaches to policy implementation to prevent and address sexual harassment;

(E) research on alternatives to the power dynamics and hierarchical and dependent relationships in academia that have been shown to create higher levels of risk for and lower levels of reporting of sexual harassment; and

(F) research related to the ongoing compilation, management, and analysis of organizational climate survey data.

(E) DATA COLLECTION.—Not later than 180 days after the date of enactment of this division, the Director, through the National Center for Science and Engineering Statistics and with guidance from the Office of Management and Budget given their oversight of the Federal statistical agencies, shall convene a working group composed of representatives of Federal statistical agencies—

(1) to develop questions on sexual harassment in science, technology, engineering,
and mathematics departments to gather national data on the prevalence, nature, and implications of sexual harassment in institutions of higher education that builds on the work of the National Academies of Science and Engineering and the National Academies of Science, Engineering, and Medicine. The report shall focus on the impact of sexual harassment by, or of, grant personnel; and (B) not later than 6 months after the date on which the inventory is submitted under subparagraph (A), the National Academies shall enter into an agreement with the National Academies to develop questions on sexual harassment; and (C) recipients that receive funds from Federal science agencies to periodically assess and improve policies, procedures, and interventions to reduce the prevalence of and improve the reporting of sexual harassment; and (G) other topics as the National Academies determine appropriate.

(ii) The Director shall ensure that such guidelines and recommendations are consistent with policy guidelines developed under paragraph (B) and the effective date of the agreement under subsection (f)(1)(B) and the effective date of the agreement under subsection (f)(1)(B).

(2) REPORT.—Not later than 18 months after the date of enactment of this division, the Director shall submit to the Committee on Commerce, Science, and Technology of the House of Representatives an inventory of Federal science agencies that are consistent with policy guidelines developed under subparagraph (A).

(iii) The Director shall ensure that such guidelines and recommendations are consistent with policy guidelines developed under paragraph (B) and the effective date of the agreement under subsection (f)(1)(B).

(iv) The Director shall ensure that such guidelines and that implementation.

(v) The Director shall ensure that such guidelines and recommendations are consistent with policy guidelines developed under paragraph (B) and the effective date of the agreement under subsection (f)(1)(B).
SEC. 2522. NATIONAL SCIENCE CORPS.

(a) PURPOSE.—It is the purpose of this section to elevate the profession of STEM teaching by establishing a National Science Corps that identifies outstanding STEM teachers in our Nation’s classrooms, rewards them for their accomplishments, elevates their status in the professional community, and creates rewarding career paths to which all STEM teachers can aspire, both to prepare future STEM teachers and to create a scientifically literate public.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Science Corps.

(2) ELIGIBLE APPLICANT.—The term “eligible applicant” means a STEM teacher who has not less than 2 years of STEM teaching experience and is employed as a public school classroom instructor on the date of selection.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 101(a)));

(B) a State educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(C) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

(D) a consortium composed of 1 or more of the entities described in subparagraph (A), (B), or (C), or all 3, and 1 of the following entities:

(i) an education nonprofit association;

(ii) a cross sector organization;

(iii) a private entity, including a STEM-related business;

(4) HIGH-NEED SCHOOL.—The term “high-need school” has the meaning given the term in section 221(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301(b)).

(5) NATIONAL SCIENCE CORPS CENTRAL ENTITY.—The term “National Science Corps central entity” means an office of the Foundation that—

(A) operates the National Science Corps in accordance with the purposes of this section;

(B) has formal authority to improve STEM instruction, including improving the diversity of students participating in STEM education and STEM teachers;

(C) provides support as a clearinghouse and evaluator of regional centers; and

(D) is headed by the Administrator, who reports to the Director.

(6) PROFESSIONAL DEVELOPMENT.—The term “professional development” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) REGIONAL CENTER.—The term “regional center” means a regional center of the National Science Corps.

(b) CONTENTS.—The term “STEM” means science, technology, engineering, and mathematics, including computer science.

(c) EDUCATION ADVISORY BOARD.—The term “STEM Education Advisory Board” means the Advisory Board for the National Science Corps established under subsection (e) of section 7801(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) REGIONAL CENTER.—The term “regional center” means a regional center of the National Science Corps.

(8) EDUCATION ADVISORY BOARD.—The term “educator” means a STEM teacher or other STEM professional who is involved in STEM education and is a member of the National Science Corps.

(c) ESTABLISHMENT OF NATIONAL SCIENCE CORPS.—There is established a National Science Corps 5-year pilot program to be administered by the Administrator, who shall be appointed by the Director, and overseen by the STEM Education Advisory Board.

(d) DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

(1) develop and serve the community of National Science Corps members within the region, in coordination with local partners, to carry out day-to-day activities; coordinate professional development activities, including activities led by National Science Corps members;

(2) recruit eligible applicants, with a focus on recruiting diverse STEM educators based on race, ethnicity, sex, socioeconomic status, age, disability status, and language ability;

(3) screen, interview, and select members of the National Science Corps using procedures and standards provided by the Administrator;

(4) coordinate the online network that supports all National Science Corps members in the region;

(5) convene occasional meetings of National Science Corps members in a region;

(6) create opportunities for the professional growth of National Service Corps members, with a focus on increasing STEM student achievement and STEM participation rates for all students, particularly those from rural and high-need schools; and

(7) support the retention and success of National Science Corps members in the region.

(d) DUTIES OF MEMBERS OF THE NATIONAL SCIENCE CORPS.—An eligible applicant that is selected by a regional center to be a member of the National Science Corps shall—

(1) serve a 4-year term with a possibility of reappointment;

(2) receive an annual stipend in an amount of up to $15,000; and

(3) have substantial responsibilities, including—

(A) working with other members of the National Science Corps to develop and improve innovative teaching practices, including practices such as inquiry-based learning;

(B) participating in professional development on innovative teaching methodology and mentorship; and

(C) continuing to excel in teaching the member’s own students, with a focus on advancing equity by spending additional time teaching and coaching underserved students to increase STEM student achievement and STEM participation rates for students from rural and high-need schools.

(e) AUTORIZATION OF APPROPRIATIONS.—Out of funds authorized under section 2106, there are authorized to be appropriated $10,000,000 in fiscal years 2022 through 2026 to carry out this section.

SEC. 2523. ANNUAL REPORT ON FOREIGN RECRUITMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this division, and not less frequently than every 2 years, the Director shall prepare and submit a report to the relevant congressional committees regarding the research funding from the National Science Foundation provided to foreign STEM educators.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:
(1) The total amount of National Science Foundation funds provided to research institutions in foreign countries. 
(2) A complete list of projects funded by the National Science Foundation provided to foreign entities, including for each project—
   (A) a complete abstract;
   (B) the previous fiscal year’s funding amounts;
   (C) whether they have a connection to a foreign government and to what extent the connection exists;
   (D) the names of principal investigators; and
   (E) a specific justification for funding the research abroad instead of in the United States.

SEC. 2524. ACCELERATING UNMANNED MARITIME SYSTEMS RESEARCH.

(a) In General.—In order to support advances in marine science and security at sea, the Director shall issue awards, on a competitive basis, to institutions of higher education or nonprofit organizations (or consortia of such institutions or organizations) to support basic and applied research that will accelerate innovation to advance unmanned maritime systems.

(b) Definitions.—In this section—
   (1) the term “Confucius Institute” means 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; and
   (2) the term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(b) Restrictions of Confucius Institutes.—Except as provided in subsection (d), none of the funds made available to a Federal agency under this section, a Confucius Institute, or any other entity that is directly or indirectly funded by the Government of the People’s Republic of China or its affiliates to operate a Confucius Institute to the institution, or related entities, to the extent practicable, Federal agencies required to deposit of research papers.

SEC. 2525. FUNDING FOUNDATION TO INSTITUTIONS HOSTING OR SUPPORTING CONFUCIUS INSTITUTES.

(a) Definitions.—In this section—
   (1) the term “Confucius Institute” means 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; and
   (2) the term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(b) Restrictions of Confucius Institutes.—Except as provided in subsection (d), none of the funds made available to a Federal agency under this section, a Confucius Institute, or any other entity that is directly or indirectly funded by the Government of the People’s Republic of China or its affiliates to operate a Confucius Institute to the institution, or related entities, to the extent practicable, Federal agencies required to deposit of research papers.
for authors (such as books) or patentable discoveries, to the extent necessary to protect a copyright or patent; or
(iv) authors who do not submit their work to a Federal or works that are rejected by journals.

(3) RULE OF CONSTRUCTION REGARDING PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to affect any provision of law that under the provisions of title 17 or 35, United States Code.

(4) GAO REPORT.—Not later than 3 years after the date of enactment of this section, and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report that—
(A) includes an analysis of the period between the date on which each applicable paper becomes publicly available in a journal and the date on which the paper is in the on-line repository of the applicable Federal agency; and
(B) examines the effectiveness of the Federal research public access policy in providing the public with free online access to papers on research funded by each Federal agency required to develop a policy under paragraph (a), including—
(i) whether the terms of use applicable to such research papers in effect are effective in enabling productive reuse of the research and computations involved in analysis by state-of-the-art technologies; and
(ii) whether such research papers should include a royalty-free copyright license that is available to the public and that permits the reuse of those research papers, on the condition that attribution is given to the author of the research and any other persons designated by the copyright owner.

(5) DOWNSTREAM REPORTING.—Any person or institution awarded a grant from a Federal research agency shall—
(A) upon receiving authorization from the relevant agency for any funds derived from the grant made available through or subsequent grant (including to an employee of a subsequent grant (including to an employee or subdivision of the grant recipient’s organization) and
(B) ensure that each subsequent or subsequent grant (including to an employee or subdivision of the grant recipient’s organization) funded with funds derived from the Federal grant is within the scope of the Federal grant award.

(6) IMPARTIALITY IN FUNDING SCIENTIFIC RESEARCH.—Notwithstanding any other provision of law, each Federal agency, in awarding grants for scientific research, shall be impartial in the selection and that persons seeking to advance any political position or fund a grant to reach a predetermined conclusion.

TITLE VI—SPACE MATTERS
Subtitle A—Space Act
SEC. 2601. SHORT TITLE
This subtitle may be cited as the “Space Preservation and Conjunction Emergency Act of 2021” or the “Space Act of 2021”.

SEC. 2602. SPACE OF CONCERN.
It is the sense of Congress that—
(1) the increasingly congested nature of the space environment requires immediate action to address the threat of collisions between spacecraft and orbital debris;
(2) such collisions threaten the billions of dollars of existing United States and allied space assets, including the International Space Station, and endanger the future usability of space;
(3) the provision of accurate and timely notice to space shuttle operators with respect to potential conjunctions enhances safety;
(4) a 2020 National Academies for Public Administration study identified the Department of Commerce as the preferred Federal agency to manage, process, and disseminate space situational awareness data to commercial satellite operators; and
(5) the provision of accurate and timely data relevant to space situational awareness and space traffic management efforts; and
(6) to coordinate with other Federal agencies and foreign entities.

SEC. 2603. DEFINITIONS.
In this subtitle:
(1) CENTER.—The term “Center” means a Center of Excellence for Space Situational Awareness established under section 2605.
(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” means—
(A) a public catalog of tracked space objects;
(B) emergency conjunction notifications; and
(C) any other data or services the Director of Space Commerce considers appropriate.
(3) LIMITATION.—The Secretary of Commerce may only provide data or services under paragraph (1)(C) that compete with products offered by United States commercial entities if the provision of such data or services is required to address a threat to space safety.
(4) ADVANCED SERVICES.—The Secretary of Commerce may undertake activities to promote the development of advanced space situational awareness data, information, and services to foster the growth of a global space safety industry.
(5) PROCEDURES.—The Secretary of Commerce shall establish procedures by which the authority under this section shall be carried out.
(6) IMMUNITY.—The United States, any agency or instrumentality thereof, and any individual, firm, corporation, or other person acting for the United States shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness data, information, or services, whether or not provided in accordance with this section, or any related amount.

SEC. 2605. CENTERS OF EXCELLENCE FOR SPACE SITUATIONAL AWARENESS
(a) IN GENERAL.—Subject to appropriations, the Secretary shall award grants to eligible entities to establish 1 or more Centers of Excellence for Space Situational Awareness to advance scientific, technological, transdisciplinary, and policy research in space situational awareness.
(b) PURPOSES.—Each Center shall—
(1) conduct transdisciplinary research, development, and demonstration projects related to detecting, tracking, identifying, computing, and visualizing space safety, security, and sustainability risks to improve
(A) space situational awareness and the development of open-source space situational awareness data, information, and services; provi-
(B) the unique identification, tracking, classification, prediction, and modeling of orbital debris and space objects;
(C) the monitoring, quantification, assessment, modeling, and prediction of space operations and environmental threats and hazards, including in space collisions;
(D) peer exchange and documentation of evidence-based practices, policies, laws, and regulations related to orbital debris mitigation and remediation; and
(E) sharing, modeling, and curation of data related to orbital debris, space objects, and the environment of orbital debris and space objects;
(2) conduct policy research related to space safety, security, and sustainability so as to improve sharing of common data and legal standards related to orbital debris;
(3) leverage non-Federal sources of support to improve space situational awareness and minimize space safety, security, and sustainability risks; and
(4) draw non-commercial capabilities and data, as appropriate.
(c) ELIGIBLE ENTITIES.—
(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall be a consortium led by—
(A) an institution of higher education; or
(B) a Federal laboratory, including Department of Defense research laboratories; and
(C) other institutions of higher education or non-profit organizations.
(2) CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—
(K) the potential of a proposed Center—
(A) to improve the science and technology of space situational awareness; and
(B) to improve the amount of space safety, security, and sustainability risks; and
(2) the commitment of financial support, advice, participation, and other contributions
(d) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 5 years.
(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

Subtitle B—National Aeronautics and Space Administration Authorization Act

SEC. 2611. SHORT TITLE.
This subtitle may be cited as the “National Aeronautics and Space Administration Authorization Act of 2021”.

SEC. 2612. DEFINITIONS.
In this subtitle:
(1) ADMINISTRATION.—The term “Administration” means the National Aeronautics and Space Administration.
(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.
(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise expressly provided, the term “appropriate committees of Congress” means—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Science, Space, and Technology of the House of Representatives.
(4) CISTLEUROPEAN SPACE.—The term “cislunar space” means the region of space between low-Earth orbit and the Moon and including the region around the surface of the Moon.
(5) DEEP SPACE.—The term “deep space” means the region of space beyond low-Earth orbit.
(6) DEVELOPMENT COST.—The term “development cost” has the meaning given the term in section 30104 of title 51, United States Code.
(7) ISS.—The term “ISS” means the International Space Station.
(8) ISS MANAGEMENT ENTITY.—The term “ISS management entity” means the organization with which the Administrator has entered into a cooperative agreement under section 30103 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).
(9) NASA.—The term “NASA” means the National Aeronautics and Space Administration.
(10) ORION.—The term “Orion” means the multipurpose crew vehicle described in section 30104 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).
(11) OSTP.—The term “OSTP” means the Office of Science and Technology Policy.
(12) SPACE LAUNCH SYSTEM.—The term “Space Launch System” means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Act of 2010 (42 U.S.C. 18322).

PART I—AUTHORIZATION OF APPROPRIATIONS

SEC. 2613. AUTHORIZATION OF APPROPRIATIONS.
There are authorizations appropriated to the Administration for fiscal year 2021 $23,495,000,000 as follows:
(1) For Exploration, $6,706,400,000.
(2) For Space Operations, $3,988,200,000.
(3) For Science, $7,274,700,000.
(4) For Aeronautics, $282,700,000.
(5) For Space Technology, $6,600,000.
(6) For Science, Technology, Engineering, and Mathematics Engagement, $120,000,000.
(7) For Safety, Security, and Mission Servicess, $44,200,000.

PART II—HUMAN SPACEFLIGHT AND EXPLORATION

SEC. 2614. COMPETITIVENESS WITHIN THE HUMAN LANDING SYSTEM PROGRAM.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) advances in space technology and space exploration capabilities ensure the long-term technology, economic, and industrial competitiveness, STEM workforce development, and national security of the United States;
(2) the development of technologies that enable human exploration of the lunar surface and other celestial bodies is critical to the space industrial base of the United States;
(3) commercial entities in the United States have made significant investment and progress toward the development of human-class lunar landers;
(4) NASA developed the Artemis program—
(A) to fulfill the goal of landing United States astronauts, including the first woman and the next man, on the Moon; and
(B) to collaborate with commercial and international partners to establish sustainable lunar exploration by 2025;
(5) in carrying out the Artemis program, the Administrator should ensure that the entire Artemis program is inclusive and representative of all people of the United States, including women and minority, and
(6) maintaining multiple technically credible providers within NASA commercial programs is a best practice that reduces programmatic risk.
(b) STATEMENT OF POLICY.—It shall be the policy of the United States—
(1) to ensure the domestic space technology industrial base, using existing tools and authorities, particularly in areas central to competition between the United States and the People’s Republic of China; and
(2) to mitigate threats and minimize challenges to the superiority of the United States’ deep space infrastructure and lander capabilities.

(c) HUMAN LANDING SYSTEM PROGRAM.—
(1) IN GENERAL.—Not later than 60 days after the date of enactment of this division, the Administrator shall maintain competitiveness within the human landing system program by funding design, development, testing, and evaluation for no fewer than 2 entities.
(2) REQUIREMENTS.—In carrying out the human landing system program referred to in paragraph (1), the Administrator shall, to the extent practicable—
(A) encourage reusability and sustainability of systems developed; and
(B) offer existing capabilities and assets of NASA centers to support such partnerships.
(3) BRIEFING.—Not later than 60 days after the date of enactment of this division, the Administrator shall provide to the appropriate committees of Congress a briefing on the implementation of paragraph (1).

SEC. 2615. AUTHORIZATION OF APPROPRIATIONS.
In addition to amounts otherwise appropriated for the Artemis program, for fiscal years 2021 through 2025, there is authorized to be appropriated $10,032,000,000 to carry out the human landing system program.

SEC. 2616. SAVINGS.
The Administrator shall not, in order to comply with the obligations referred to in paragraph (1), the Administrator, or rescind any selection decisions or awards made under the human landing system program that were announced prior to the date of enactment of this division.

PART III—AUTHORIZATION OF APPROPRIATIONS

SEC. 2617. AUTHORIZATION OF APPROPRIATIONS.
(a) MOBILE LAUNCH PLATFORM.—The Administrator is authorized to maintain 2 operational mobile launch platforms to enable the launch of multiple configurations of the Space Launch System.
(b) EXPLORATION UPPER STAGE.—To meet the capability requirements under section 30104 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(2)), the Administrator shall conduct development of the Exploration Upper Stage for the Space Launch System with a scheduled availability sufficient for use on the third launch of the Space Launch System.

SEC. 2618. SPACE LAUNCH SYSTEM CONFIGURATIONS.
(a) MAIN PROPELLANT TEST ARTICLE.—To meet the requirements under section 302(c)(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(3)), the Administrator shall—
(1) immediately on completion of the first full-duration integrated core stage test of the Main Propellant Test Article to develop a test article for the integrated core stage propulsion element of a main propulsion test article for the integrated core stage propulsion element of the Space Launch System, consistent with cost and schedule constraints, particularly for long-lead propulsion hardware needed for flight;
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(2) not later than 180 days after the date of the enactment of this division, submit to the appropriate committees of Congress a detailed plan for the development and operation of such main propulsion test article; and

(3) use existing capabilities of NASA centers for the design, manufacture, and operation of the main propulsion test article.

SEC. 2616. ADVANCED SPACETS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that next-generation advanced spacesuits are a critical technology for human exploration and use of low-Earth orbit, cislunar space, the surface of the Moon, and Mars.

(b) DEVELOPMENT PLAN.—The Administrator shall establish a detailed plan for the development and manufacture of advanced spacesuits, consistent with the deep space exploration goals and timetables of NASA.

(c) DIVERSIFY ASTRONAUT CORPS.—The Administrator shall ensure that spacesuits developed and manufactured after the date of the enactment of this division are capable of accommodating a wide range of sizes of astronauts so as to meet the needs of the diverse NASA astronaut corps.

(d) ISS USE.—Throughout the operational life of ISS, the Administrator should fully use the ISS for testing advanced spacesuits.

(1) PRIOR INVESTMENTS.—

(I) IN GENERAL.—In developing an advanced spacesuit, the Administrator shall, to the maximum extent practicable, partner with industry-proven spacesuit design, development, and manufacturing suppliers and leverage prior and existing investments in advanced spacesuit technologies and existing capabilities at NASA centers to maximize the benefits of such investments and technologies.

(II) AGREEMENTS WITH PRIVATE ENTITIES.—In carrying out this subsection, the Administrator may enter into 1 or more agreements with 1 or more private entities for the manufacture of advanced spacesuits, as the Administrator considers appropriate.

(III) BRIEFING.—Not later than 180 days after the date of the enactment of this division, and semiannually thereafter until NASA procures spacesuits under this section, the Administrator shall brief the appropriate committees of Congress on the development plan in subsection (b) and

(C) DIVERSE NASA ASTRONAUT CORPS.—The Administrator shall ensure that spacesuits developed and manufactured after the date of the enactment of this division, submit to the appropriate committees of Congress a report on efforts under subsection (a).

(c) APPROPRIATE COMMITTEES OF CONGRESS DIVISION.—In this section, and the appropriate committees of Congress means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate; and

(2) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

SEC. 2620. VALUE OF INTERNATIONAL SPACE STATION CAPABILITIES IN LOW-EARTH ORBIT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national and economic security interests of the United States to maintain a continuous human presence in low-Earth orbit;

(2) low-Earth orbit should be used as a test bed to advance human space exploration and scientific discoveries; and

(3) the ISS is a critical component of economic, commercial, and industrial development in low-Earth orbit.

(b) HUMAN PRESENCE REQUIREMENT.—The United States shall maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the ISS.

SEC. 2621. EXTENSION AND MODIFICATION RELATING TO INTERNATIONAL SPACE STATION.

(a) POLICY.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking “2024” and inserting “2030”.

(b) MAINTENANCE OF UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking “September 30, 2024” and inserting “September 30, 2030”.

(c) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by—

(1) in paragraph (1), in the first sentence—

(A) by striking “As soon as practicable” and all that follows through “2011,” and inserting “as soon as practicable”;

(B) by striking “September 30, 2024” and inserting “September 30, 2030”;

(2) in paragraph (2), in the third sentence, by striking “2024” and inserting “2030”;

(d) MAINTENANCE OF USE.—Section 7009 of title 51, United States Code, is amended—

(1) in the heading, by striking “2024” and inserting “2030”;

(2) in subsection (a), by striking “September 30, 2024” and inserting “September 30, 2030”;

(3) in subsection (b), by striking “September 30, 2024” and inserting “September 30, 2030”;

(e) TRANSITION PLAN REPORTS.—Section 5011(c)(2) of title 51, United States Code, is amended—

(1) by inserting “in the matter preceding subparagraph (A), by striking “2023” and inserting “2028”;

(2) in subparagraph (J), by striking “2028” and inserting “2030”; and

(f) ELIMINATION OF INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.—Section 7006 of title 51, United States Code, is repealed.

(g) CONFORMING AMENDMENTS.—Chapter 709 of title 51, United States Code, is amended—
(1) by redesignating section 70907 as section 70906; and
(2) in the table of sections for the chapter, by striking the items relating to sections 70906 and 70907 and inserting the following:

"70906. Maintaining use through at least 2030.".

SEC. 2622. DEPARTMENT OF DEFENSE ACTIVITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Secretary of Defense shall—

(1) in each activity, program, and project of the Department of Defense completed, being carried out, or planned to be carried out on the ISS as of the date of the enactment of this division, and the

(2) provide to the appropriate committees of Congress a briefing that describes the results of the review.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 2623. COMMERCIAL DEVELOPMENT IN LOW-EARTH ORBIT.

(a) STATEMENT OF POLICY.—It is the policy of the United States to encourage the development of a thriving and robust United States commercial sector in low-Earth orbit.

(b) PREFERENCE FOR UNITED STATES COMMERCIAL PRODUCTS AND SERVICES.—The Administrator shall continue to encourage the use of assets, products, and services of private entities in the United States to fulfill the low-Earth orbit requirements of the Administration.

(c) NONCOMPETITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may not offer a foreign person or a foreign government a spaceflight product or service relating to the ISS, if a comparable spaceflight product or service, as applicable, is offered by a private entity in the United States.

(2) EXCEPTION.—The Administrator may offer a spaceflight product or service relating to the ISS to the government of a country that—

(a) is a participating country to the Agreement Among the Government of Canada, Government of India, Government of the Russian Federation, and the Government of the United States Concerning Cooperation on the Civil International Space Station, signed at Washington, January 29, 1998, and entered into force on March 27, 2001 (TIAS 12927), including an international partner astronaut (as defined in section 50902 of title 51, United States Code), that is sponsored by the government of such a country;

(b) short-duration Commercial Missions.—To provide opportunities for additional transport of astronauts to the ISS and help establish a commercial market in low-Earth orbit, the Administrator may permit short-duration missions to the ISS for commercial customers on a fully or partially reimbursable basis.

(c) PROGRAM AUTHORIZATION.—

(1) ESTABLISHMENT.—The Administrator shall establish a commercial program to develop spaceflight products and services for low-Earth orbit, and to support private entities in the United States.

(2) PROGRAM—The program established under paragraph (1) shall, to the maximum extent practicable, include activities—

(A) to stimulate demand for—

(i) space-based commercial research, development, and manufacturing;

(ii) spaceflight products and services; and

(iii) human spaceflight products and services in low-Earth orbit;

(B) to improve the capability of the ISS to accommodate commercial users; and

(C) subject to the development of commercial space stations and habitats.

(3) COMMERCIAL SPACE STATIONS AND HABITATS.—

(A) PRIORITY.—With respect to an activity to develop a commercial space station or habitat, the Secretary of Defense shall—

(i) give priority to an activity for which a private entity provides a significant share of the cost to develop and operate the activity.

(B) REPORT.—Not later than 30 days after the date that an award or agreement is made to carry out an activity to develop a commercial space station or habitat, the Administrator shall submit to the appropriate committees of Congress a report on the development of the commercial space station or habitat, as applicable, that includes—

(i) a business plan that describes the manner in which the project will—

(A) meet the future requirements of NASA for low-Earth orbit human space-flight services; and

(B) fulfill the cost-share funding prioritization under subparagraph (A); and

(ii) a review of the viability of the operational business case, including—

(I) the level of expected Government participation;

(II) a list of anticipated nongovernmental international customers and associated contributions; and

(III) an assessment of long-term sustainability for the customers, including an independent assessment of the viability of the market for such commercial services or products.

SEC. 2624. MAINTAINING A NATIONAL LABORATORY IN SPACE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States segment of the International Space Station (as defined in section 70905 of title 51, United States Code), which is designated as a national laboratory (as defined in section 50902 of title 51, United States Code), is designated as a national laboratory federally managed entity for the performance of a designated activity.

(2) APPROPRIATE COMMITTEES OF CONGRESS

(1) make recommendations on the development of a commercial space station or habitat; and

(2) consider the long-term sustainability of a designated activity; and

(3) in maintaining a national microgravity national laboratory federally managed entity, the Administrator, in coordination with the National Space Council and other Federal agencies as the Administrator considers appropriate, shall issue a report detailing the feasibility of establishing a microgravity national laboratory federally funded research and development center to carry out activities relating to the study and use of in-space conditions.

SEC. 2625. INTERNATIONAL SPACE STATION NATIONAL LABORATORY; PROPERTY RIGHTS IN INVENTIONS.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

"20150. Property rights in designated inventions.

"(a) EXCLUSIVE PROPERTY RIGHTS.—Notwithstanding section 5710a of title 15, chapter 552 of title 51, section 70906; and other provision of law, a designated invention shall be the exclusive property of a user, and shall not be subject to a Government-purpose license, if—

(1)(A) the Administration is reimbursed under the terms of the contract for the full cost of a contribution by the Federal Government of the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of a Federal employee during working hours, including the cost for rental of facilities to carry out its responsibilities under paragraphs (1) and (4) of section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d));

(2) Federal funds are not transferred to the user under the contract; and

(3) the designated invention was made (as defined in section 20135(a))—

(i) solely by the user; or

(ii) by the user with the services of a Federal employee under the terms of the contract; and

(II) the Administration is reimbursed for such services under subparagraph (B); or

(II) the Administrator determines that the relevant field of commercial endeavor is sufficiently immature that granting exclusive property rights to the user is necessary to help bolster demand for products and services produced on crewed or crew-tended space stations.

(b) NOTIFICATION TO CONGRESS.—On completion of a determination made under paragraph (2), the Administrator shall submit to the appropriate committees of Congress a report that includes a written justification.

(c) PUBLIC AVAILABILITY.—A determination or part of such determination under paragraph (2) shall be made available to the public on request, as required under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the rights of the Federal Government, including property rights in inventions in an award or contract, except in the case of a written contract with the Administrator or the ISS management entity for the performance of a designated activity.

(e) DEFINITIONS.—In this section—

(1) CONTRACT.—The term 'contract' has the meaning giving the term in section 20135(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354).

(2) DESIGNATED ACTIVITY.—The term 'designated activity' means any non-NASA scientific use of the ISS national laboratory as described in section 504 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354).

(3) DESIGNATED INVENTION.—The term 'designated invention' means any invention, product, or service conceived or first reduced to practice by any person in the performance
of a designated activity under a written contract with the Administration or the ISS management entity.

‘(4) FULL COST.—The term ‘full cost’ means the comprehensive, all-inclusive cost of materials, personnel, services, and administration, such as financial, administrative, cost or pricing, or management information.

‘(5) DESIGNATED ACTIVITY.—The term ‘designated activity’ has the meaning given the term in section 20150.

‘(4) ISS MANAGEMENT ENTITY.—The term ‘ISS management entity’ means the organization with which the Administrator enters into a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18544(a)).

‘(7) USER.—The term ‘user’ means a person, including a nonprofit organization or small business firm (as such terms are defined in section 2011 of title 51), or class of persons that enters into a written contract with the Administration or the ISS management entity for the performance of designated activities.

(b) Additional Amendments.—The table of sections for chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 2014 of the following:

20150. Property rights in designated inventions.

SEC. 2626. DATA FIRST PRODUCED DURING NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.

(a) DATA RIGHTS.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 2626, is further amended by adding at the end the following:

‘§ 20151. Data rights

‘(a) NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.—The Federal Government may not use or reproduce, or disclose outside of the Government, any data first produced in the performance of a designated activity under a written contract with the Administration or the ISS management entity, unless—

‘(1) the user agreed under the terms of the contract with the Administration or the ISS management entity, as applicable;

‘(2) the designated activity is carried out with Federal funds;

‘(3) the disclosure is required by law;

‘(4) the Federal Government has rights in the data under another Federal contract, grant, cooperative agreement, or other transaction; or

‘(5) the data is—

‘(A) otherwise lawfully acquired or independently developed by the Federal Government;

‘(B) related to the health and safety of personnel on the ISS; or

‘(C) essential to the performance of work by the ISS management entity or NASA personnel.

‘(b) DEFINITIONS.—In this section:

‘(1) CONTRACT.—The term ‘contract’ has the meaning given the term under section 20135(a).

‘(2) DATA.—The term ‘data’ means recorded information, regardless of form or the media on which it may be recorded.

‘(B) INCLUSIONS.—The term ‘data’ includes technical computer software.

‘(C) EXCLUSIONS.—The term ‘data’ does not include information incidental to contract

SEC. 2627. PAYMENTS RECEIVED FOR COMMERCIAL SPACE-ENABLED PRODUCTION

(a) SENSE OF CONGRESS.—It is the sense of Congress that:

‘(1) the Administrator should determine a threshold for NASA to recover the costs of supporting the commercial development of products or services aboard the ISS, through the negotiation of agreements, similar to agreements made by other Federal agencies that support private sector innovation; and

‘(2) the amount of such costs that to be recovered or profits collected through such agreements are to be determined by the Administrator through a tiered process, taking into consideration the relative maturity and profitability of the applicable product or service.

(b) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 2626, is further amended by inserting after the item relating to section 20151 the following:

20152. Payments received for commercial space-enable production

‘(a) ANNUAL REVIEW.—

‘(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Administrator shall review the profitability of any partnership with a private entity under a contract in which the Administrator—

‘(A) permits the use of the ISS by such private entities to produce a commercial product or service; and

‘(B) provides the total reimbursed cost of a contribution by the Federal Government for the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of Federal employees during working hours, including the cost for the Administration to carry out its responsibilities under paragraphs (1) and (2) of section 3710c of title 5, in the performance of a designated activity, at the relative maturity and profitability of the relevant product or service.

‘(2) USE OF FUND.—Amounts received by the Administrator in accordance with an agreement under paragraph (2) shall be used by the Administrator in the following order of priority:

‘(A) To defray the operating cost of the ISS;

‘(B) To develop, implement, or operate future low-Earth orbit platforms or capabilities;

‘(C) To develop, implement, or operate future human deep space platforms or capabilities.

‘(D) Any other costs the Administrator considers appropriate.

‘(4) REPORT.—On completion of the first annual review under paragraph (1), and annually thereafter, the Administrator shall submit to the appropriate committees of Congress a report that includes a description of the results of the annual review, any agreement entered into under this section, and the amounts recovered or obtained under any such agreement.

‘(b) LICENSING AND ASSIGNMENT OF INVENTIONS.—Notwithstanding section 3710c of title 5 and any other provision of law, after payment in accordance with subsection (a)(1) of such section 3710c(a)(1)(A) to the inventors with whom have directly assigned to the Federal Government their interests in an invention under a written contract with the Administration or the ISS management entity for the performance of a designated activity, the balance of any royalty or other payment received by the Administrator or the ISS management entity from licensing and assignment of such invention shall be paid by the Administrator or the ISS management entity, as applicable, to the Space Exploration Fund.

‘(c) SPACE EXPLORATION FUND.—

‘(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, known as the ‘Space Exploration Fund’ (referred to in this subsection as the ‘Fund’), to be administered by the Administrator.

‘(2) USE OF FUND.—The Fund shall be available to carry out activities described in subsection (a)(3).

‘(3) DEPOSITS.—There shall be deposited in the Fund—

‘(A) amounts appropriated to the Fund;

‘(B) fees and royalties collected by the Administrator or the ISS management entity under subsections (a) and (b); and

‘(C) donations or contributions designated to support authorized activities.

‘(4) RULE OF CONSTRUCTION.—Amounts available to the Administrator under this subsection shall be—

‘(A) in addition to amounts otherwise made available for the purpose described in paragraph (2); and

‘(B) available for a period of 5 years, to the extent and in the amounts provided in annual appropriation Acts.

‘(1) IN GENERAL.—In this section, any term used in this section that is also used in section 20150 shall have the meaning given the term in that section.

‘(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

‘(A) the Committee on Commerce, Science, and Transportation; and the Committee on Appropriations of the Senate; and
“(b) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.”.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, as amended by section 2626, is further amended by inserting after the item relating to section 26512 the following: “20322. Payments received for commercial space-enabled production.”.

SEC. 2629. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO ARTEMIS MISSIONS.

(a) Section 821 of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20002 note) is amended—

(1) in subsection (c)—

(A) by striking “EM–1” and inserting “Artemis I”;

(B) by striking “EM–2” and inserting “Artemis II”; and

(C) by striking “EM–3” and inserting “Artemis III”;

(2) in subsection (f)—

(A) by striking “EM–1” and inserting “Artemis I”; and

(B) by striking “EM–2” and inserting “Artemis II”; and

(b) Section 432(b) of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20022 note) is amended—

(1) in subsection (a)—

(A) by striking “cislunar space” and inserting “the term ‘cislunar space’ means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.”;

(b) the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 2627. TECHNICAL AMENDMENTS RELATING TO EXPLORATION.

(a) In General.—The Administrator, in sustainable steps, may conduct missions to intermediate destinations, such as the Moon, in accordance with section 20322(b), and on a timetable determined by the availability of funding, in order to achieve the objective of human exploration of Mars specified in section 20322(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(b)(5)), if the Administrator—

(1) determines that each such mission demonstrates a technology or operational concept that will enable human missions to Mars; and

(2) incorporates each such mission into the human space exploration roadmap under section 421 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20001 note).

(b) CISLUNAR SPACE EXPLORATION ACTIVITIES.—In conducting a mission under subsection (a), the Administrator shall—

(1) ensure that missions of the Space Launch System and space transportation services from United States commercial providers, as appropriate, for the mission;

(2) plan for not fewer than 1 Space Launch System launch annually beginning after the first successful crewed launch of Orion on the Space Launch System; and

(3) establish an outpost in orbit around the Moon that—

(A) demonstrates technologies, systems, and operational concepts directly applicable to the space vehicle that will be used to transport humans to Mars;

(B) has the capability for periodic human habitation; and

(C) can function as a point of departure, return, or staging for Administration or non-governmental or international partner missions to multiple locations on the lunar surface or other destinations.

(c) COST-EFFECTIVENESS.—To maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging non-governmental and international partners, to ensure that concepts in the Administration’s human space exploration program are balanced in order to help meet the requirements that were foreseen for commercial and international participation in the program under subsection (a), the Administrator shall consult with the space vehicle that will be used to transport humans to Mars.

(d) COMPLETION.—Within budgetary consideration, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delay.

(e) INTERNATIONAL PARTICIPATION.—To achieve the goal of successfully conducting a crewed mission to the surface of Mars, the Administrator shall, to the maximum extent practicable, to complete that project without undue delay.

(f) DESCRIPTION OF CISLUNAR SPACE.—Section 10102 of title 51, United States Code, is amended by adding at the end the following: “(3) CISLUNAR SPACE.—The term ‘cislunar space’ means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.”.

SEC. 2630. LUNAR DISCOVERY PROGRAM.

(a) In General.—The Administrator may carry out a program for science exploration and utilization of the Moon, including missions to the surface of the Moon, that materially contributes to the objective described in section 20102(d)(1) of the United States Code.

(b) COMMERCIAL LANDERS.—In carrying out the program under subsection (a), the Administrator shall procure the services of commercial landers developed primarily by United States industry to land science payloads of all classes on the lunar surface.

(c) LUNAR SCIENCE RESEARCH.—The Administrator shall ensure that lunar science research carried out under subsection (a) is consistent with recommendations made by the National Academies of Sciences, Engineering, and Medicine.

(d) LUNAR POLAR VOLATILES.—In carrying out the program under subsection (a), the Administrator shall, at the earliest opportunity, consider mission proposals to evaluate the potential of lunar polar volatiles to contribute to sustainable lunar exploration.

SEC. 2632. SEARCH FOR LIFE.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the report entitled “An Astrobiology Strategy for the Search for Life in the Universe” published by the National Academies of Sciences, Engineering, and Medicine outlines the key scientific questions and methods for fulfilling the objective of NASA to search for the origin, evolution, distribution, and future of life in the universe; and

(2) the interaction of lifeforms with their environment, a central focus of astrobiology research, is a topic of relevance to life sciences research in space and on Earth.

(b) Program Continuation.—

(1) In General.—The Administrator shall continue to implement the Administration’s multi-disciplinary science and technology development program to search for proof of the existence or historical existence of life beyond Earth in support of the objective described in section 20102(d)(10) of title 51, United States Code.

(2) ELEMENT.—The program under paragraph (1) shall include activities relating to astronomy, biology, geology, and planetary science.

(c) COORDINATION WITH LIFE SCIENCE PROGRAM.—In carrying out the program under paragraph (1), the Administrator shall coordinate efforts with the life sciences program of the Administration.

(d) TechnoSignatures.—In carrying out the program under paragraph (1), the Administrator shall support activities to search for and analyze technosignatures.

(e) Instrumentation and Sensor Technology.—In carrying out the program under paragraph (1), the Administrator may strategically invest in the development of new instrumentation and sensor technology.

SEC. 2634. JAMES WEBB SPACE TELESCOPE.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the James Webb Space Telescope will be the next premier observatory in space and has great potential to further scientific study and assist scientists in making new discoveries in the field of astronomy; and

(2) the James Webb Space Telescope was developed as an ambitious project with a scope that was not fully defined at inception and with risk that was not fully known or understood.

(b) Funding.—The James Webb Space Telescope will be the next premier observatory in space and has great potential to further scientific study and assist scientists in making new discoveries in the field of astronomy; and

(c) Limitation.—The James Webb Space Telescope will be the next premier observatory in space and has great potential to further scientific study and assist scientists in making new discoveries in the field of astronomy.
resulted from poor program management and poor contractor performance;
(4) the Administrator should take into account the lessons learned from the cost and schedule estimates to the development of the James Webb Space Telescope in making decisions regarding the scope of and the technologies needed for future scientific missions; and
(5) in selecting future scientific missions, the Administrator should take into account the impact that large programs that overrun cost and schedule estimates may have on other NASA programs in earlier phases of development.
(b) Project Continuation.—The Administrator shall—
(1) to closely track the cost and schedule performance of the James Webb Space Telescope project; and
(2) to improve the reliability of cost estimates and contractor performance data through the remaining development of the James Webb Space Telescope.
(c) Revised Estimate.—Due to delays to the James Webb Space Telescope project resulting from the COVID–19 pandemic, the Administrator provide to Congress—
(1) an estimate of any increase to program development costs, if such costs are anticipated to exceed $3,802,700,000; and
(2) a revised launch date.
SEC. 2635. Nancy Grace Roman Space Telescope.
(a) Sense of Congress.—It is the sense of Congress that—
(1) major growth in the cost of astrophysics flagship-class missions has impacted the overall portfolio balance of the Science Mission Directorates;
(2) the Administrator should continue to develop the Nancy Grace Roman Space Telescope with a development cost of not more than $500,000,000; and
(b) Elements.—The study conducted under subsection (a) shall include the following:
(1) An identification of the technologies and in-space testing required to demonstrate the in-space robotic refueling, repair, or reassembly capabilities to extend the useful life of telescopes and other science missions that are operational or in development as of the date of the enactment of this Act.
(2) The projected cost of using such capabilities.
(3) The current planetary defense strategy.
(4) The early detection of potentially hazardous near-Earth objects enabled by a space-based infrared space telescope is important to enable deflection of a dangerous asteroid.
(b) Program Continuation.—
(1) In general.—The Administrator shall continue to implement a collaborative, multidisciplinary life science and physical science fundamental research program—
(A) to further the objectives of NASA with respect to long-duration deep space human exploration to the Moon and Mars;
(B) to understand physical phenomena in reduced gravity that affect design and performance of enabling technologies necessary for the space exploration program;
(C) to understand the effects of combined deep space radiation and altered gravity levels on biological systems so as to inform the development and testing of potential countermeasures; and
(D) to understand physical phenomena in reduced gravity that affect design and performance of enabling technologies necessary for the space exploration program.
(2) To provide scientific opportunities to educate, train, and develop the next generation of researchers and engineers; and
(3) To provide state-of-the-art data repositories and curateions of large multi-data sets to enable comparative research analyses.
(b) Elements.—The program under paragraph (1) shall—
(A) include fundamental research relating to life science, space bioscience, and physical science; and
(B) maximize intra-agency and interagency partnerships to advance space exploration, scientific knowledge, and benefits to Earth.
(3) Use of facilities.—In carrying out the program under paragraph (1), the Administrator may use ground-based, air-based, and space-based facilities in lowEarth orbit and in space as appropriate.
SEC. 2638. Life Science and Physical Science Research.
(a) Sense of Congress.—It is the sense of Congress that—
(1) the 2011 decadal survey on biological and physical sciences in space identifies—
(A) many areas in which fundamental scientific research is needed to efficiently advance the range of human activities in space, from the first stages of exploration to eventual economic exploitation of space; and
(B) many areas of basic and applied scientific research that could use the microgravity, radiation, and other aspects of the spaceflight environment to answer fundamental scientific questions;
(2) given the central role of life science and physical science research in developing the future of space exploration, NASA should continue to invest strategically in such research to maintain United States leadership in space exploration; and
(3) such research remains important to the objectives of NASA with respect to long-duration deep space human exploration to the Moon and Mars.
(b) Program Continuation.—
(1) In general.—In support of the goals described in section 26302 of title 51, United States Code, the Administrator shall continue to implement a collaborative, multi-disciplinary life science and physical science fundamental research program—
(A) to further the objectives of NASA with respect to long-duration deep space human exploration to the Moon and Mars;
(B) to investigate the mechanisms of changes to biological systems and physical systems as life is sustained in those systems in space, including the effects of long-duration exposure to deep space-related environmental factors on those systems;
(C) to understand the effects of combined deep space radiation and altered gravity levels on biological systems so as to inform the development and testing of potential countermeasures; and
(D) to understand physical phenomena in reduced gravity that affect design and performance of enabling technologies necessary for the space exploration program.
(2) Use of facilities.—In carrying out the program under paragraph (1), the Administrator shall—
(A) include fundamental research relating to life science, space bioscience, and physical science; and
(B) maximize intra-agency and interagency partnerships to advance space exploration, scientific knowledge, and benefits to Earth.
(3) Use of facilities.—In carrying out the program under paragraph (1), the Administrator may use ground-based, air-based, and space-based facilities in low- and highEarth orbit and in space as appropriate.
SEC. 2639. Science Missions to Mars.
(a) In general.—The Administrator shall conduct 1 or more science missions to Mars to enable the selection of 1 or more sites for human landing.
(b) Sample Program.—The Administrator may carry out a program—
(1) to collect samples from the surface of Mars; and
(2) to return such samples to Earth for scientific analysis.
(c) Sense of Existing Capabilities and Assets.—In carrying out this section, the Administrator shall, to the maximum extent practicable, use existing capabilities and assets of NASA centers.
SEC. 2640. Planetary Defense Coordination Office.
(a) Findings.—Congress makes the following findings:
(1) NearEarth objects remain a threat to the United States.
(2) Section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) established a requirement that the Administrator plan, develop, and implement a NearEarth Object Survey program that detect, track, catalogue, and characterize the physical characteristics of nearEarth objects equal to or greater than 140 meters in diameter in order to assess the threat of such nearEarth objects to the Earth, with the goal of 90percent completion of the catalogue of such nearEarth objects by December 31, 2020.
(3) The current planetary defense strategy of NASA acknowledges that such goal will not be met.
(A) NASA cannot accomplish such goal with currently available assets;
(B) NASA should develop and launch a dedicated space telescope to meet the requirements of section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.); and
(C) the early detection of potentially hazardous nearEarth objects enables a space-based infrared space telescope to detect, track, catalogue, and characterize the physical characteristics of nearEarth objects equal to or greater than 140 meters in diameter in order to assess the threat of such nearEarth objects to the Earth, with the goal of 90percent completion of the catalogue of such nearEarth objects by December 31, 2020.
(b) Establishment of Planetary Defense Coordination Office.—
(1) In general.—Not later than 90 days after the date of the enactment of this division, the Administrator shall establish an office within the Planetary Science Division of the Science Mission Directorate, to be known as the “Planetary Defense Coordination Office”, to plan, develop, and implement a program to survey threats posed by nearEarth objects equal to or greater than 140 meters in diameter, as required by section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).
(2) Activities.—The Administrator shall—
(A) develop and, not later than September 30, 2025, launch a space-based infrared survey telescope that is capable of detecting nearEarth objects equal to or greater than 140 meters in diameter, as required by section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.);
(B) compile and use all data from the nearEarth object survey telescope to advance the United States’ ability to detect nearEarth objects that could impact the United States; and
(C) provide a program to survey threats posed by nearEarth objects equal to or greater than 140 meters in diameter, as required by section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).
division to pursue concept design studies relating to the development of a space-based infrared survey telescope;

(b) Identify, track, and characterize potentially hazardous near-Earth objects that could warn of the effects of potential impacts of such objects; and

(c) Assist in coordinating Government plans for response to a potential impact of a near-Earth object.

(3) Annual Report.—Section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) is amended to read as follows:

"(f) Activities required by section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) is amended to read as follows:

"(1) A summary of all activities carried out by the Planetary Defense Coordination Office established under section 2640(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2021, and annually thereafter through 90-percent completion of the catalogue required by subsection (d)(1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes the following:

"(A) A description of the status of efforts to coordinate planetary defense activities in response to a threat posed by a near-Earth object with other Federal agencies since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2021.

"(B) A description of the status of efforts to coordinate planetary defense activities in response to a threat posed by a near-Earth object with other Federal agencies since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2021...

"(2) Expenditures for all activities carried out by the Planetary Defense Coordination Office established under section 2640(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2021...".

(4) Limitation on Use of Funds.—None of the amounts authorized to be appropriated by this subtitle for a fiscal year may be obligated or expended for the Office of the Administrator during the last 3 months of that fiscal year unless the Administrator submits the report for that fiscal year required by section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2021...

(e) Near-Earth Object Defined.—In this section, the term ‘near-Earth object’ means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

SEC. 2643. SUBORBITAL SCIENCE FLIGHTS.

(a) Sense of Congress.—It is the sense of Congress that commercial space operations and research opportunities allowing scientists to conduct experiments and observations in various space environments, including microgravity, can significantly contribute to advancing science and technology.

(b) Report.—(1) In general.—Not later than 270 days after the date of enactment of this division, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes the following:

"(A) An assessment of the advantages of suborbital flight platforms to meet science objectives.

(b) An evaluation of the challenges to greater use of commercial suborbital flight platforms for science purposes.

(c) An analysis of whether commercial suborbital flight platforms can provide low-cost flight opportunities to test lunar and Mars science payloads.

SEC. 2644. SENSE OF CONGRESS ON COMMERCIAL SPACE SERVICES.

It is the sense of Congress that—

(1) the Administration should explore partnerships with the commercial space industry for space science missions in and beyond Earth orbit, including partnerships relating to payload and instrument hosting and commercial revenues available across the globe; and

(2) such partnerships could result in increased mission cadence, technology advancement, and cost savings for the Administration.

SEC. 2645. PROCEDURES FOR IDENTIFYING AND ADDRESSING ALLEGED VIOLATIONS OF SCIENTIFIC INTEGRITY POLICY.

Not later than 180 days after the date of enactment of this division, the Administrator shall develop and implement procedures for identifying and addressing alleged violations of the scientific integrity policy of NASA.

PART IV—AERONAUTICS

SEC. 2646. SHORT TITLE.

This part may be cited as the ‘‘Aeronautics Innovation Act’’.

SEC. 2647. DEFINITIONS.

In this part:

(1) AERONAUTICS STRATEGIC IMPLEMENTATION PLAN.—The term ‘‘Aeronautics Strategic Implementation Plan’’ means the Aeronautics Strategic Implementation Plan issued by the Aeronautics Research Mission Directorate.

(2) UNMANNED AIRCRAFT SYSTEM.—The term ‘‘unmanned aircraft system’’ means the unmanned aircraft system that have been given the meaning given in section 44801 of title 49, United States Code.

(3) X-PLANE.—The term ‘‘X-plane’’ means an experimental aircraft that is—

(A) developed and designed to test a new technology or aerodynamic concept; and

(B) operated by NASA or the Department of Defense.

SEC. 2648. EXPERIMENTAL AIRCRAFT PROJECTS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) developing high-risk, precompetitive aerospace technologies for which there is not yet a profit rationale is a fundamental role of NASA;

(2) large-scale piloted flight test experimentation and validation are necessary for—

(A) transitioning new technologies and materials, including associated manufacturing processes, for general aviation, commercial aviation, and military aeronautics use; and

(B) capturing the full extent of benefits from investments made by the Aeronautics Research Mission Directorate in priority programs called for in the National Aeronautics Research and Development Plan issued by the National Science and Technology Council in February 2010;

(1) the NASA 2014 Strategic Plan;

(3) the Aeronautics Strategic Implementation Plan; and

(iv) any updates to the programs called for in the plans described in clauses (i) through (iii);

(3) a level of funding that adequately supports large-scale piloted flight test experimentation and validation, including related infrastructure, should be ensured over a sustained period of time to restore the capacity of NASA—

(A) to see legacy priority programs through to completion; and

(b) to achieve national economic and security objectives; and

(c) should not be directly involved in the Type Certification of aircraft for current and future scheduled commercial air service
under part 121 or 135 of title 14, Code of Federal Regulations, that would result in reductions in crew augmentation or single pilot or autonomously operated aircraft.

(b) National Aeronautics Research and Development Policy.—It is the policy of the United States—

(1) to maintain world leadership in—
(A) military and civilian aeronautical sciences and technologies;
(B) global air power projection; and
(C) aerospace industrialization; and
(2) to maintain as a fundamental objective of NASA aeronautics research the steady progression and expansion of flight research and capabilities, including the science and technology of critical underlying disciplines and concentrations—
(A) computational-based analytical and predictive tools and methodologies;
(B) aerothermodynamics;
(C) propulsion;
(D) advanced materials and manufacturing processes;
(E) high-temperature structures and materials; and
(F) guidance, navigation, and flight controls.

(c) Establishment and Continuation of X-Plane Projects.—

(1) In General.—The Administrator shall establish or continue to implement, in a manner that is consistent with the roadmap for supersonic propulsion research and development required by section 609(b) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10, 131 Stat. 55), the following projects:
(A) a low-boom supersonic aircraft project to demonstrate supersonic aircraft designs and technologies that—
(i) reduce sonic boom noise; and
(ii) assist the Administrator of the Federal Aviation Administration in enabling—
(I) the safe and efficient operation of civil supersonic aircraft technology; and
(II) the establishment of commercial deployment of civil supersonic aircraft; and
(B) a subscale flight demonstrator aircraft project to advance high-aspect-ratio, thin-wing aircraft designs and technologies that—
(i) each based on a set of new configuration concepts or technologies determined by the Administrator to demonstrate—
(I) aircraft and propulsion concepts and technologies that accelerated advances in alternative propulsion and energy; and
(II) flight propulsion concepts and technologies;
(2) ELEMENTS.—For each project under paragraph (1), the Administrator shall—
(A) include the development of X-planes and all necessary supporting flight test assets;
(B) pursue a robust technology maturation and flight test validation effort;
(C) improve necessary facilities, flight testing capabilities, and computational tools to support the project;
(D) award any primary contracts for design, procurement, and manufacturing to United States persons, consistent with international obligations and commitments;
(E) coordinate research and flight test demonstration activities with other Federal agencies, the United States aviation community, as the Administrator considers appropriate; and
(F) ensure that the project is aligned with the Aeronautics Strategic Implementation Plan and any updates to the Aeronautics Strategic Implementation Plan.

(3) United States Person Defined.—In this subsection, the term ‘‘United States person’’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or
(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

(d) Advanced Materials and Manufacturing Technology Program.—

(1) In General.—The Administrator may establish an advanced materials and manufacturing technology program—
(A) to develop—
(i) new materials, including composite and high-temperature materials, from base material formulation through full-scale structural validation and manufacture;
(ii) advanced materials and manufacturing processes, including additive manufacturing, to reduce the cost of manufacturing scale-up and certification for use in general aviation, commercial aviation, and military aeronautics; and
(iii) noninvasive or nondestructive techniques for testing or evaluating aviation and aerospace materials and manufacturing processes;

(B) to reduce the time it takes to design, industrialize, and certify advanced materials and manufacturing processes;

(C) to provide education and training opportunities for the aerospace workforce; and

(D) to address global cost and human capital challenges of United States aeronautical industries and technological leadership in advanced materials and manufacturing technology;

(2) Assistance.—In carrying out a program under paragraph (1), the Administrator shall—

(A) build on work that was carried out by the Advanced Composites Project of NASA;

(B) partner with the private and academic sectors, as members of the Advanced Composites Consortium of NASA, the Joint Center for Aerospace and Materials and Structures Center of Excellence of the Federal Aviation Administration, the Manufacturing USA institutes of the Department of Commerce, and national laboratories, as the Administrator considers appropriate;

(C) provide a structure for managing intellectual property generated by the program and for establishing the structures established for the Advanced Composites Consortium of NASA;

(D) ensure adequate Federal cost share for applicable research; and

(e) Research Partnerships.—In carrying out the projects under subsection (c) and a program under subsection (d), the Administrator may engage in cooperative research programs with—

(1) academia; and

(2) commercial aviation and aerospace manufacturers.

S 2649. unmanned aircraft Systems.

(a) unmanned Aircraft Systems Operation Program.—The Administrator shall—

(1) research and test capabilities and concepts, including unmanned aircraft systems communications, for integrating unmanned aircraft systems into the national airspace system; and

(2) leverage and the partnership NASA has with industry focused on the advancement of technologies for future air traffic management systems for unmanned aircraft systems; and

(3) continue to align the research and test bed portfolio of NASA to the integration of unmanned aircraft systems into the national airspace system, consistent with public safety and national security objectives.

(b) Sense of Congress on Coordination With Federal Aviation Administration.—It is the sense of Congress that—

(1) NASA should conduct—
(A) to coordinate with the Federal Aviation Administration on research on air traffic management systems for unmanned aircraft systems; and

(B) to assist the Federal Aviation Administration in the integration of air traffic management systems for unmanned aircraft systems into the national airspace system; and

(2) the test ranges (as defined in section 44801 of title 49, United States Code) should continue to be leveraged for research on—
(A) air traffic management systems for unmanned aircraft systems; and

(B) the integration of such systems into the national airspace system.

SEC. 2650. 21st Century Aeronautics Capabilities Initiative.

(a) In General.—The Administrator may establish an initiative, to be known as the ‘‘21st Century Aeronautics Capabilities Initiative’’, within the Construction and Environmental Compliance and Corporation Account, to ensure that NASA possesses the infrastructure and capabilities necessary to conduct proposed flight demonstration projects across the range of NASA aeronautics interests.

(b) Activities.—In carrying out the 21st Century Aeronautics Capabilities Initiative, the Administrator may carry out the following activities:

(1) Any investments the Administrator considers necessary to create facilities for civil and national security aeronautics research to support advancements in—

(A) long-term foundational science and technology;

(B) advanced aircraft systems;

(C) air traffic management systems;

(D) fuel efficiency;

(E) electric propulsion technologies;

(F) system-wide safety assurance;

(G) autonomous aviation; and

(H) supersonic and hypersonic aircraft design and development.

(2) Any measures the Administrator considers necessary to support flight testing activities, including—

(A) continuous refinement and development of free-flight test techniques and methodologies;

(B) upgrades and improvements to real-time tracking and data acquisition; and

(C) any measures that enhance aeronautics research and development and any such other measures relating to aeronautics research support and modernization as the Administrator considers appropriate to carry out the scientific study of the problems of flight, with a view to practical solutions for such problems.

SEC. 2651. Sense of Congress on On-Demand Air Transportation.

It is the sense of Congress that—

(1) greater use of high-speed air transportation, small airports, helipads, vertical flight infrastructure, and other aviation-related infrastructure can alleviate surface transportation congestion and support economic growth within cities;

(2) with respect to urban air mobility and related concepts, NASA should—
(A) conduct research focused on concepts, technologies, and design tools; and
SEC. 2652. SENSE OF CONGRESS ON HYPersonic TECHNOLOGY RESEARCH.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) hypersonic technology is critical to the development of high-speed aerospace vehicles for both civilian and national security purposes;

(2) for hypersonic vehicles to be realized, research is needed to overcome technical challenges, including in propulsion, advanced materials, and flight performance in a severe environment;

(3) NASA plays a critical role in supporting fundamental hypersonic research focused on system design, analysis and validation, and propulsion technologies;

(4) NASA research efforts in hypersonic technology should complement research supported by the Department of Defense to the maximum extent practicable, since contributions from both agencies working in partnership with universities and industry are necessary to overcome key technical challenges;

(b) E STABLISHMENT.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator shall—

(1) ensure appropriate coordination between NASA and the Department of Defense to prevent duplication of efforts and of technology development objectives allow, and educational experiments for flights of commercial reusable vehicles.

(2) commercial suborbital launch vehicles;

(3) commercial suborbital research projects, the Administrator should—

(a) focus research and development efforts on high-speed propulsion systems, reusable vehicle technologies, high-temperature materials, and systems analysis;

(b) coordinate with the Department of Defense to prevent duplication of efforts and of investment;

(c) include partnerships with universities and industry to accomplish research goals; and

(d) maximize public-private use of commercially available platforms for hosting research and development flight projects.

SEC. 2653. SPACE TECHNOLOGY MISSION DIRECTORATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that an independent Space Technology Mission Directorate is critical to ensuring continued investments in the development of technologies for missions across the portfolio of NASA, including science, aeronautics, and human exploration.


SEC. 2654. FLIGHT OPPORTUNITIES PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as required by section 907(c) of the National Aeronautics and Space Administration Transition Authorization Act of 2010 (42 U.S.C. 18405(c)) and amended by subsection (b).

(b) ESTABLISHMENT.—Section 907(c) of the National Aeronautics and Space Administration Transition Authorization Act of 2010 (42 U.S.C. 18405(c)) is amended to read as follows:

"(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a Commercial Reusable Suborbital Research Program within the Space Technology Mission Directorate to fund—

(A) the development of payloads for scientific research, technology development, and education;

(B) flight opportunities for those payloads to microgravity environments and suborbital altitudes, and

(C) transition of those payloads to orbital opportunities.

(2) USE OF EXISTING COMMERCIAL REUSABLE VEHICLE FLIGHTS.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may fund engineering and integration demonstrations, proofs of concept, and educational experiments for flights of commercial reusable vehicles.

(3) CONTINUITY.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may not fund the development of new commercial suborbital launch vehicles.

(4) WORKING WITH MISSION DIRECTORATES.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator shall establish a Commercial Reusable Suborbital Research Program to achieve the research, technology, and education goals of NASA.

(c) CONFORMING AMENDMENT.—Section 907(b) of the National Aeronautics and Space Administration Transition Authorization Act of 2010 (42 U.S.C. 18405(b)) is amended in the first sentence by striking "Commercial Reusable Suborbital Research Program in" and inserting "Commercial Reusable Suborbital Research Program established under subsection (c)(1) within"

SEC. 2655. SMALL SPACECRAFT TECHNOLOGY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Small Spacecraft Technology Program is important for conducting science and technology validation for—

(1) short- and long-duration missions in low-Earth orbit;

(2) deep space missions; and

(3) orbiting capabilities designated specifically for smallsats.

(b) ACCOMMODATION OF CERTAIN PAYLOADS.—In carrying out the Small Spacecraft Technology Program, the Administrator should coordinate and accommodate science payloads that further the goal of long-term human exploration to the Moon and Mars.

SEC. 2656. NUCLEAR PROPULSION TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that nuclear propulsion technology is critical to the development of advanced spacecraft for civilian and national defense purposes.

(b) DEVELOPMENT; STUDIES.—The Administrator shall—

(1) continue to develop the fuel element design for NASA nuclear propulsion technology;

(2) undertake the systems feasibility studies for such technology; and

(3) partner with members of the commercial industry to conduct studies on such technology.

(c) NUCLEAR PROPULSION TECHNOLOGY DEMONSTRATION.

(1) DETERMINATION; REPORT.—Not later than December 31, 2022, the Administrator shall—

(A) determine the correct approach for conducting a flight demonstration of nuclear propulsion technology; and

(B) submit to Congress a report on a plan for such a demonstration.

(2) DEMONSTRATION.—Not later than December 31, 2026, the Administrator shall conduct an in-flight demonstration described in paragraph (1).

SEC. 2657. MARS-FORWARD TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) space technology, including nuclear propulsion, cryogenic fluid management, and electric propulsion (including solar electric propulsion, cryogenic fluid management, and electric propulsion (including solar electric propulsion leveraging lessons learned from the power and propulsion element of the lunar lander) options)

(b) TECHNOLOGY DEMONSTRATION.—The Administrator may use low-Earth orbit and cis-lunar missions, including missions to the lunar surface, to demonstrate technologies for Mars.

SEC. 2658. PRIORITIZATION OF Low-ENRICHED URANIUM TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) space technology, including nuclear propulsion technology and space surface power reactors, should be developed in a manner consistent with broader United States foreign policy, national defense, and space exploration and commercialization priorities;

(2) highly enriched uranium presents security and nuclear nonproliferation concerns;

(3) since 1977, based on the concerns associated with highly enriched uranium, the United States has promoted the use of low-enriched uranium over highly enriched uranium in nonmilitary contexts, including research and commercial applications;

(4) as part of United States efforts to limit international use of highly enriched uranium, the United States has actively pursued—

(A) since 1973, the conversion of domestic and foreign research reactors that use highly enriched uranium fuel to low-enriched uranium fuel and the avoidance of any new research reactors that use highly enriched uranium fuel; and

(B) since 1994, the elimination of international commerce in highly enriched uranium for civilian purposes; and

(5) the use of low-enriched uranium in place of highly enriched uranium fuel is secure, nonproliferation, and economic benefits, including for the national space program.

(b) PRIORITIZATION OF Low-ENRICHED URANIUM TECHNOLOGY.—The Administrator shall—

(1) establish, within the Space Technology Mission Directorate, a program for the research, testing, and development of in-space reactor designs, including a surface power reactor, that uses low-enriched uranium fuel; and

(2) prioritize the research, demonstration, and deployment of such designs over others using highly enriched uranium fuel.

(c) REPORT ON NUCLEAR TECHNOLOGY PRIORITIZATION.—Not later than 120 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) establishes, within the Space Technology Mission Directorate, a program for the research, testing, and development of in-space reactor designs, including a surface power reactor, that uses low-enriched uranium fuel; and

(2) prioritize the research, demonstration, and deployment of such designs over others using highly enriched uranium fuel.
It is the sense of Congress that—

1. optical communications technologies—
(A) will be critical to the development of next-generation space-based communications networks;
(B) have the potential to allow NASA to expand the volume of data transmissions in low-Earth orbit and deep space; and
(C) may provide more secure and cost-effective solutions than current radio frequency communications systems;

2. exploration technology has promising implications for the security of the satellite and terrestrial communications networks of the United States, including optical communications networks, and further research and development by NASA with respect to quantum encryption is essential to maintaining the security of the United States and United States leadership in space; and

3. in order to provide NASA with more secure and reliable space-based communications, the Administrator shall establish a consortium comprising of experts from academia, industry, and government—
(A) to support research on and development of optical communications; and
(B) to develop quantum encryption capabilities, especially as those capabilities apply to optical communications networks.

SEC. 2660. LUNAR SURFACE TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should—

(1) identify and develop the technologies needed to enable the exploration of the lunar surface and prepare for future operations on Mars;

(2) convene teams of experts from academia, government entities, and the private sector to rapidly develop and deploy technologies required for successful lunar surface exploration; and

(b) DEVELOPMENT AND DEMONSTRATION.—The Administrator shall carry out a program, within the Space Technology Mission Directorate, to conduct technology development and demonstrations to enable human and robotic exploration on the lunar surface.

(c) RESEARCH CONSORTIUM.—The Administrator shall establish a consortium consisting of experts from academia, industry, and government—

(1) to assist the Administrator in developing a cohesive, executable strategy for the development and deployment of technologies required for successful lunar surface exploration; and

(2) to identify specific technologies relating to lunar surface exploration that—
(A) should be developed to facilitate such exploration; or
(B) require future research and development.

(d) RESEARCH AWARDS.—

(1) IN GENERAL.—The Administrator may award grants to institutions of higher education for research and development that—

(A) will provide benefits to support Government programs; and
(B) may receive support to develop and test prototypes of new technologies that are applicable to lunar exploration and habitation.

(2) CONSIDERATIONS.—In awarding grants, the Administrator shall give consideration to—

(A) the capability of the grantee to carry out the program;
(B) the potential for the development of technologies that are applicable to lunar exploration and habitation;
(C) the capacity of the grantee to carry out the program; and
(D) the technical merit of the proposed research and development activities.

(3) REPORT.—The Administrator shall submit to the Committees on Appropriations of the Senate and the House of Representatives an annual report on the progress of the research and development program described in this section.

(e) OUTREACH PROGRAM.—The Administrator shall carry out a program to promote public interest in the exploration of the moon and Mars through outreach activities, including—

(1) public education and awareness programs; and
(2) partnerships with educational institutions, industries, museums, and other entities, such as two-year colleges, industries, and nonprofit organizations, to support education and outreach activities.

(f) COORDINATED PROGRAM.—The Administrator shall coordinate the activities of the program established under this section with other activities of the United States Government, including—

(1) the National Aeronautics and Space Administration's Education Program;
(2) the United States Government's space exploration programs; and
(3) the efforts of other Federal agencies.

SEC. 2661. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) NASA serves as a source of inspiration to the people of the United States; and

(2) NASA is uniquely positioned to help increase student interest in science, technology, engineering, and math.

(b) LEVERAGING NASA NATIONAL PROGRAMS TO ADVANCE SKILLED TECHNICAL EDUCATION.

(1) IN GENERAL.—The Administrator shall establish a program under which NASA shall—

(A) enter into a formal arrangement with the Administrator to carry out such research and development, such as an arrangement under section 2666 or 2667;

(B) report to the Administrator, not later than 120 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report on the implementation of this subsection; and

(C) in general, the Administrator intends to enter into under this subsection.

PART VI—STEM ENGAGEMENT ACTIVITIES.

SEC. 2662. STEM EDUCATION ENGAGEMENT ACTIVITIES.

(a) IN GENERAL.—The Administrator shall continue to provide opportunities for formal and informal STEM education engagement activities within NASA's STEM education and other NASA directorates, including—

(1) the Established Program to Stimulate Competitive Research;

(2) the Minority University Research and Education Project; and

(3) the National Space Grant College and Fellowship Program.

(b) LEVERAGING NASA NATIONAL PROGRAMS TO PROMOTE STEM EDUCATION.—The Administrator, in partnership with universities, non-profit organizations, and commercial entities, shall, to the maximum extent practicable, leverage human spaceflight missions, Deep Space Exploration Systems (including the Solar system, and Exploration Ground Systems), and NASA science programs to engage students at the kindergarten through grade 12 and higher education levels to pursue learning and career opportunities in STEM fields.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this division, the Administrator shall brief the appropriate committees of Congress on—

(1) the status of the programs described in subsection (a); and

(2) the manner by which each NASA STEM education engagement activity is organized and funded.

(d) STEM EDUCATION DEFINED.—In this section, the term "STEM education" has the meaning given in the term in section 2 of the STEM Education Act of 2015 (Public Law 114–59; 42 U.S.C. 6621 note).

SEC. 2663. SKILLED TECHNICAL EDUCATION OUTREACH PROGRAM.

(1) ESTABLISHMENT.—The Administrator shall establish a program to conduct outreach to secondary school students—

(A) to expose students to careers that require a career and technical education and

(B) to encourage students to pursue careers that require career and technical education.

(b) OUTREACH PLAN.—Not later than 180 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report on the outreach program under subsection (a) that includes—

(1) an implementation plan;

(2) a description of the resources needed to carry out the program; and

(3) any recommendations on expanding outreach to secondary school students interested in skilled technical occupations.

(c) SYSTEMS OBSERVATION.—The Administrator shall develop a program and associated policies to allow students from accredited educational institutions to view the manufacturing, aerospace, testing, and building of NASA-funded space and aeronautical systems, as the Administrator considers appropriate.

(2) CONSIDERATIONS.—In developing the program and policies described in paragraph (1), the Administrator shall take into consideration factors such as workspace safety, mission needs, and the protection of sensitive and proprietary technologies.

SEC. 2664. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM—

(a) PURPOSES.—Section 40301 of title 51, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by adding "and" at the end;

(B) in subparagraph (C), by adding "and" after the semicolon at the end; and

(C) by adding at the end the following—

"(D) promote equally the State and regional STEM interests of each space grant consortium;"; and

(2) in paragraph (4), by striking "made up of university and industry members, in order to leverage" and inserting "comprised of members of universities in each State and other entities, such as 2-year colleges, industries, science learning centers, museums, and government that—"

(b) DEFINITIONS.—Section 40302 of title 51, United States Code, is amended—

(1) by striking paragraph (3);

(2) by inserting after paragraph (2) the following—

"(3) LEAD INSTITUTION.—The term 'lead institution' means an entity in a State that—"

(a) was designated by the Administrator under section 40306, as in effect on the day before the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2021; and

(b) is designated by the Administrator under section 40303(d)(3)."

(3) in paragraph (4), by striking "space grant college, space grant regional consortium, institution of higher education," and inserting "lead institution, space grant consortium;"

(4) by striking paragraphs (6), (7), and (8); and

(5) by inserting after paragraph (5) the following—

"(6) SPACE GRANT CONSORTIUM.—The term 'space grant consortium' means a space grant regional consortium, led by a lead institution, that has established partnerships with other academic institutions, industries, science learning centers, museums, and other entities to promote a strong educational base in the space and aeronautical sciences;"
§ 40304. Grants

(a) ELIGIBLE SPACE GRANT CONSORTIUM DEFINED.—In this section, the term ‘eligible space grant consortium’ means a space grant consortium that the Administrator has determined—

(1) has the capability and objective to carry out at least 3 of the 6 programs under section 40303(b)(1); and

(2) will carry out programs that balance the priorities described in section 40303(b)(2); and

(3) is engaged in research, training, and education relating to space and aeronautics.

(b) GRANTS.—

(1) IN GENERAL.—The Administrator shall award grants to the lead institutions of eligible space grant consortia to carry out the programs under section 40303(b)(1).

(2) REQUEST FOR PROPOSALS.—

(A) IN GENERAL.—On the expiration of existing cooperative agreements between the Administration and the space grant consortia, the Administrator shall issue a request for proposals from space grant consortia for the award of grants under this section.

(B) APPLICATIONS.—A lead institution of a space grant consortium that seeks a grant under this section shall submit, on behalf of such space grant consortium, an application to the Administrator, the Administration, in accordance with such information as the Administrator may require.

(C) GRANT AWARDS.—The Administrator shall carry out not fewer than 3 of the 6 programs under section 40303(b)(1).

(c) ALLOCATION OF FUNDING.—

(1) PROGRAM Implementation.—

(A) IN GENERAL.—To carry out the objectives described in section 40303(b)(1), of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not less than 85 percent as follows:

(i) The 52 eligible space grant consortia shall each receive an equal share.

(ii) The territories of Guam and the United States Virgin Islands shall each receive funds equal to 10 percent of the share for each eligible space grant consortium.

(iii) Each eligible space grant consortium shall match the funds allocated under subparagraph (A)(i) on a basis of not less than 1 non-Federal dollar for every 1 Federal dollar, except that any program funded under paragraph (3) or any other program that provides internships or fellowships shall not be subject to that matching requirement.

(2) PROGRAM ADMINISTRATION.—

(A) IN GENERAL.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 10 percent for the administration of the program.

(B) COSTS COVERED.—The funds allocated under subparagraph (A) shall cover all costs of the Administration associated with the administration of the national space grant college and fellowship program, including—

(i) direct costs of the program, including costs relating to support services and civil service salaries and benefits;

(ii) indirect general and administrative costs of centers and facilities of the Administration; and

(iii) indirect general and administrative costs of the Administration headquarters.

(d) TERMS AND CONDITIONS.—

(1) LIMITATIONS.—Amounts made available through the section under this section shall not be applied to—

(A) the purchase of land;

(B) the purchase, construction, preservation, or repair of a building; or

(C) the purchase or construction of a launch facility or launch vehicle.

(2) LEASURES.—Notwithstanding paragraph (1), land, buildings, launch facilities, and launch vehicles may be leased under a grant on written approval by the Administrator.

(3) RECORDS.—

(A) IN GENERAL.—Any person that receives or uses the proceeds of a grant under this section shall keep such records as the Administrator shall require to be maintained in such manner, and accompanied by such information as the Administrator may require.

(B) USE OF FUNDS.—A grant awarded under this section shall not be used for transportation costs of the Administration or in any project in connection with which such proceeds were used, and the amount, if any, of such cost that was provided through other sources.

(4) MAINTENANCE OF RECORDS.—Records under subparagraph (A) shall be maintained for not less than 3 years after the date of completion of such a program or project.

(e) PROGRAM STREAMLINING.—Title 51, United States Code, is amended—

(1) by striking sections 40305 through 40308, (2) by redesignating section 40309 as section 40305, (3) by striking the item relating to sections 40304 through 40308, 40310, and 40311; and

(4) by redesignating section 40309 as section 40305.

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 403 of title 51 of the United States Code is amended by striking the items relating to sections 40304 through 40311 and inserting the following:

40304. Grants.

40305. Availability of other Federal personnel and data.

PART VII—WORKFORCE AND INDUSTRIAL BASE

SEC. 2665. APPOINTMENT AND COMPENSATION OF PILOT PERSONNEL

(a) DEFINITION OF COVERED PROVISIONS.—In this section, the term ‘covered provisions’ means the provisions of title 5, United States Code, other than—

(1) section 2501 of that title;

(2) section 2502 of that title;

(3) section 71 of that title;

(4) section 72 of that title; and

(5) section 73 of that title.

(b) ESTABLISHMENT.—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 3,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and
(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 55 of title 5, United States Code, at a rate of pay not to exceed the per annum rate of salary of the Vice President of the United States under section 101 of title 3, United States Code.

(c) AN EMPLOYER RESPONSIBILITIES.—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—

(A) state-of-the-art recruitment techniques; and

(B) simplified classification methods with respect to personnel of the Administration; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

SEC. 2666. ESTABLISHMENT OF MULTI-INSTITUTION CONSORTIA.

(a) IN GENERAL.—The Administrator, pursuant to section 2304(c)(3)(B) of title 10, United States Code, may—

(1) establish one or more multi-institution consortia to address the acquisition, technical, and operational needs of NASA centers; and

(2) use such a consortium to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers; and

(3) ensure such a consortium—

(A) is held accountable for the technical quality of the work product developed under this section; and

(B) convenes disparate groups to facilitate public-private partnerships.

(b) POLICIES AND PROCEDURES.—The Administrator shall develop and implement policies and procedures to govern, with respect to the establishment of a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement under subsection (a)—

(1) the selection of participants;

(2) the award of task orders;

(3) the maximum award size for a task;

(4) the selection of competitive awards and sole source awards; and

(5) technical capabilities required.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means—

(1) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) an operator of a federally funded research and development center;

(3) a nonprofit or not-for-profit research institution;

(4) a consortium composed of—

(A) an entity described in paragraph (1), (2), or (3); and

(B) one or more for-profit entities.

SEC. 2668. DETERMINATION INDUSTRIAL BASE FOR CIVIL SPACE MISSIONS AND OPERATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this division, and from time to time thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the United States industrial base for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comprehensive description of the current status of the United States industrial base for NASA civil space missions and operations.

(2) A description and assessment of the weaknesses in the supply chain, skills, manufacturing capacity, raw materials, key components, and other areas of the United States industrial base for NASA civil space missions and operations that could adversely impact such missions and operations if unavailable.

(3) A description and assessment of various mechanisms to address and mitigate the weaknesses described pursuant to paragraph (2).

(4) A comprehensive list of the collaborative efforts, including future and proposed collaborative efforts, between NASA and the Manufacturing USA institutes of the Department of Commerce.

(5) An assessment of—

(A) the defense and aerospace manufacturing supply chain relevant to NASA in each region of the United States; and

(B) the feasibility and benefits of establishing a supply chain center of excellence in a State in which NASA does not, as of the date of the enactment of this division, have a research center or test facility.

(6) Such other matters relating to the United States industrial base for NASA civil space missions and operations that the Administrator considers appropriate.

SEC. 2669. SEPARATIONS AND RETIREMENT INCENTIVES.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

‘‘(1) DEFINITION.—In this subsection, the term ‘employee’—

‘‘(A) means an employee of the Administration serving under an appointment without time limitation; and

‘‘(B) does not include—

‘‘(i) an employee serving as a consultant under subchapter III of chapter 83 or chapter 84 of title 5 or any other retirement system for employees of the Federal Government; or

‘‘(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in clause (i) or—

‘‘(iii) for purposes of eligibility for separation incentives under this subsection, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

‘‘(2) AUTHORITY.—The Administrator may establish a program under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and not in any way precluding, any other authorities established by law or regulation for such programs.

‘‘(3) EARLY RETIREMENT.—An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this subsection, apply and be reviewed by the Administrator to receive benefits in accordance with subchapter III of chapter 83 or 84 of title 5 if the employee has been employed continuously within the Administration for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Administration centers is approved.

‘‘(4) SEPARATION PAY.—

‘‘(A) IN GENERAL.—Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

‘‘(i) an amount equal to the amount the employee would be entitled to receive under section 5509(c) of title 5, if the employee were entitled to payment under such section; or

‘‘(ii) $40,000.

‘‘(B) LIMITATIONS.—Separation pay shall not be a basis for payment, and shall not be included in the computation of the retirement benefit or other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the severance pay to which an individual may be entitled under section 5595 of title 5, based on any other separation.

‘‘(C) INSTALLMENTS.—Separation pay, if paid in installments, shall cease to be paid upon the recipient’s acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

‘‘(5) LIMITATIONS ON REEMPLOYMENT.—

‘‘(A) An employee who receives separation pay under this subsection and who is not reemployed by the Administration for a 12-month period beginning on the effective date of the employee’s separation, unless this prohibition is waived by the Administrator on a case-by-case basis.

‘‘(B) An employee who receives separation pay under this section on the basis of a separation incentive pay to which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Administration. If the employee is a covered executive agency (as defined by section 105 of title 5) other than the Administration, the
Administrator may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Administration, the Administrator may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity other than the Administration, the head of the entity may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

"(6) REGULATIONS.—Under the program established under paragraph (2), early retirement and separation pay may be offered only pursuant to a written request by a qualified representative of the Administration, subject to such limitations or conditions as the Administrator may require.

"(7) USE OF EXISTING FUNDS.—The Administrator shall carry out this subsection using amounts otherwise made available to the Administrator and no additional funds are authorized to be appropriated to carry out this subsection.

SEC. 2670. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) In General.—Chapter 313 of title 51, United States Code, is amended by adding at the end the following:

"§ 31303. Confidentiality of medical quality assurance records

"(a) In General.—Except as provided in paragraph (b)–

"(1) a medical quality assurance record, or

"(ii) any part of a medical quality assurance record, may not be subject to discovery or admitted into evidence in a judicial or administrative proceeding;

"(2) an individual who reviews or creates a medical quality assurance record for the Administration, or participates in any proceeding that reviews or creates a medical quality assurance record, may not testify in a judicial or administrative proceeding with respect to—

"(A) the medical quality assurance record;

"(B) any finding, recommendation, evaluation, opinion, or action taken by such individual or in accordance with such proceeding with respect to the medical quality assurance record;

"(B) DISCLOSURE OF RECORDS.—

"(1) In General.—Notwithstanding subsection (a), a medical quality assurance record may be disclosed to—

"(i) a Federal agency or private entity, if the medical quality assurance record is necessary to fulfill the functions of the Federal agency or private entity to carry out—

"(A) a medical quality assurance record;

"(ii) the medical quality assurance record to a person under section 532 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), and this section shall be considered a statute described in subsection (b) of such section 532.

"(e) REGULATIONS.—Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations to carry out this section.

"(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) to withhold a medical quality assurance record from a committee of the Senate or House of Representatives or a joint committee of Congress if the medical quality assurance record relates to a matter within the jurisdiction of such committee or joint committee;

"(2) to limit the use of a medical quality assurance record within the Administration, including the use by a contractor or consultant of the Administration.

SEC. 2672. AUTHORITY FOR TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.

Section 20113 of title 51, United States Code, is amended by further adding at the end the following:

"(d) TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.

"(1) IN GENERAL.—The Administrator may enter into a transaction (other than a contract, cooperative agreement, or grant) to carry out a prototype project that is directly relevant to enhancing the mission effectiveness of the Administration.

"(2) SUBSEQUENT AWARD OF FOLLOW-ON PRODUCTION CONTRACT.—A transaction entered into under this subsection for a prototype project may provide for the subsequent award of a follow-on production contract to participants in the transaction.

"(3) INCLUSION.—A transaction under this subsection includes a project awarded to an individual participant and to all individual projects awarded to a consortium of United States industry and academic institutions.

"(4) DETERMINATION.—The authority of the Administrator may be exercised for a transaction for a prototype project and any follow-on production contract, in accordance with the determination by the head of the contracting activity, in accordance with Administration policies, that—

"(A) circumstances justifying use of a transaction to provide for an innovative business arrangement that would not be feasible or appropriate under a contract; and

"(B) the use of the authority of this section is essential to promoting the success of the prototype project.
"(5) COMPETITIVE PROCEDURE.—

(A) IN GENERAL.—To the maximum extent practicable, the Administrator shall use competitive procedures with respect to entering into a transaction to carry out a prototype project.

(B) EXCEPTION.—Notwithstanding section 2304 of title 10, United States Code, a follow-on procurement that may be awarded to the participants in the prototype transaction without the use of competitive procedures, if—

(i) competitive procedures were used for the selection of parties for participation in the prototype transaction; and

(ii) the participants in the transaction successfully completed the prototype project provided for in the transaction.

(6) COST SHARE.—A transaction to carry out a prototype project and a follow-on procurement contract may require that part of the total cost of the transaction or contract be paid by the participant or contractor from a source other than the Federal Government.

(7) PROCUREMENT ETHICS.—A transaction under this authority shall be considered an procurement ethics.'', including the roles and responsibilities of NASA contracts that may subject the Administrator to unacceptable transfers of information.

SEC. 2674. PHYSICAL SECURITY MODERNIZATION.

Chapter 201 of title 51, United States Code, is amended—

(1) in subsection 20133(2), by striking "propri- ety" and all that follows through "to the United States," and inserting "Administr- ation personnel and responsibility assigned by, or under the control of, the United States"; and

(2) in subsection 20134, in the second sentence—

(A) by inserting "Administra- tion personnel or any" after "protecting"; and

(B) by striking "at facilities owned or contracted to the Administration";

SEC. 2675. LEASE OF NON-EXCESS PROPERTY.

Section 20145 of title 51, United States Code, is amended—

(1) in subsection (b)(1)(B), by striking "entered into for the purpose of developing re- newable energy production facilities"; and

(2) in subsection (g), in the first sentence, by striking "December 31, 2021" and inserting "December 31, 2023".

SEC. 2676. CYBERSECURITY.

(a) IN GENERAL.—Section 20301 of title 51, United States Code, is amended by adding at the end the following:

"(c) CYBERSECURITY.—The Administrator shall update and improve the cybersecurity of NASA's space assets and supporting infra- structure."

(b) SECURITY OPERATIONS CENTER.—

(1) ESTABLISHMENT.—The Administrator shall maintain a Security Operations Center to identify and respond to cybersecurity threats to NASA information technology systems, including institutional systems and mission systems.


(c) CYBER THREAT HUNT.—

(1) IN GENERAL.—The Administrator, in co- ordination with the Secretary of Homeland Security and the heads of other relevant Federal agencies, may imminently a cyber threat hunt capability to proactively search NASA information systems for advanced cyber threats that otherwise evade existing security tools.

(2) THREAT-HUNTING PROCESS.—In carrying out paragraph (1), the Administrator shall develop and document a threat-hunting proc- ess, including the responsibilities of individuals conducting a cyber threat hunt.

(d) GAO PRIORITY RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, the recommenda- tions for NASA contained in the report of the Comptroller General of the United States entitled "Information Security: Agencies Need to Improve Controls over Selected High-Impact Systems", issued May 18, 2016, including—

(1) re-evaluating security control assess- ments; and

(2) specifying metrics for the continuous monitoring strategy of the Administrator.

SEC. 2677. LIMITATION ON COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator, the Direc- tor of the OSTP, and the Chair of the Na- tional Space Council, shall not—

(1) develop, design, plan, promulgate, im- plement, or execute a bilateral policy, pro- gram, order, or contract of any kind to par- ticipate, collaborate, or coordinate bilat- erally in any manner with—

(A) the Government of the People's Repub- lic of China; or

(B) any company—

(i) owned by the Government of the Peo- ple's Republic of China; and

(ii) incorporated under the laws of the Peo- ple's Republic of China; and

(2) host official visitors from the People's Republic of China at a facility belonging to or used by NASA.

(b) WAIVER.—

(1) IN GENERAL.—The Administrator, the Director, or the Chair may make a limi- nation under subsection (a) with respect to an activity described in that subsection only if the Administrator, the Director, or the Chair, as applicable, makes a determination that the activity—

(A) does not pose a risk of a transfer of technology, data, or other information with the potential to harm national security im- plications to an entity described in para- graph (1) of such subsection; and

(B) does not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(2) CERTIFICATION TO CONGRESS.—Not later than 30 days after the date on which a waiver is granted under paragraph (1), the Adminis- trator, the Director, or the Chair, as applica- ble, shall submit to the Committee on Com- mittee of Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appro- priations of the House of Representatives a written certification that the activity complies with the requirements in subparagraphs (A) and (B) of that paragraph.

(c) GAO REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of NASA contracts that subject the Adminis- trator, the Director, or the Chair, as applicable, to the laws of the People's Republic of China.

(2) ELEMENTS.—The review required under paragraph (1) shall assess—

(A) whether the Administrator is aware—

(i) of any NASA contractor that benefits from significant financial assistance from—

(I) the Government of the People's Repub- lic of China; or

(II) any entity controlled by the Govern- ment of the People's Republic of China; or
(III) any other governmental entity of the People’s Republic of China; and
(ii) that the Government of the People’s Republic of China, or an entity controlled by the Government of the People’s Republic of China, may—
(I) leveraging United States companies that share ownership with NASA contractors;
(II) obtaining intellectual property or technology illicitly or by other unacceptable means; and
(III) the steps the Administrator is taking to ensure that—
(i) NASA contractors are not being leveraged (directly or indirectly) by the Government of the People’s Republic of China or by an entity controlled by the Government of the People’s Republic of China;
(ii) the intellectual property and technology of NASA contractors are adequately protected; and
(iii) NASA flight-critical components are not sourced from the People’s Republic of China.

SEC. 2679. SMALL SATELLITE LAUNCH SERVICES PROGRAM.

(a) IN GENERAL.—The Administrator shall continue to procure launch services, including from small and venture class launch providers, for small satellites, including CubeSats, for the purpose of conducting science and technology missions that further the goals of NASA.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall engage with the academic community to maximize awareness and use of dedicated small satellite launch opportunities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a NASA program, project, or other transaction with the Administrator, or from the results of the study conducted under subsection (b), including recommendations for funding missions of national need.

SEC. 2680. 21ST CENTURY SPACE LAUNCH INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall carry out a program to modernize multi-user launch infrastructure at NASA facilities—
(1) to enhance safety; and
(2) to leverage existing launch providers for small satellites, including CubeSats, for the purpose of conducting science and technology missions that further the goals of NASA.

(b) PROJECTS.—Projects funded under the program under subsection (a) may include—
(1) the development of standard interfaces to meet customer needs for multiple payload processing and launch vehicle infrastructure;
(2) enhancements to launch capacity and flexibility; and
(3) such other projects as the Administrator considers appropriate to meet the goals described in subsection (a).

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—
(1) identify and prioritize investments in projects that can be used by multiple users and launch vehicles, including non-NASA users and launch vehicles; and
(2) limit investments to projects that would not otherwise be funded by a NASA program, such as an institutional or programmatic infrastructure program.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a NASA program, including the Space Launch System and Orion, from using the launch infrastructure modernized under this section.

SEC. 2681. MISSIONS OF NATIONAL NEED.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) while certain space missions, such as asteroid detection or space debris mitigation or removal missions, may not provide the highest-value science, as determined by the National Academies of Science, Engineering, and Medicine decadal surveys, such missions provide tremendous value to the United States and the world; and
(2) the current organizational and funding structure of NASA has not prioritized the funding of missions of national need.

(b) STUDY.—
(1) IN GENERAL.—The Director of the OSTP shall conduct a study on the manner in which NASA funds missions of national need.

(2) MATTERS TO BE INCLUDED.—The study conducted under paragraph (1) shall include the following:
(A) An identification and assessment of the types of missions or technology development programs that constitute missions of national need.
(B) An assessment of the manner in which such missions are currently funded and managed by NASA.
(C) An analysis of the options for funding missions of national need, including—
(i) structural changes required to allow NASA to fund such missions; and
(ii) an assessment of the capacity of other Federal agencies to make funds available for such missions.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this division, the Director of the OSTP shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (b), including recommendations for funding missions of national need.

SEC. 2682. DRINKING WATER WELL REPLACEMENT FOR CHINCOTEAU, VIRGINIA.

Notwithstanding any other provision of law during the 5-year period beginning on the date of the enactment of this division, the Administrator may enter into 1 or more agreements with the town of Chincoteague, Virginia, to reimburse the cost of funds that are directly associated with—
(1) the removal of drinking water wells located on property administered by the Administrator; and
(2) the relocation of such wells to property under the administrative control, through lease, ownership, or easement, of the town.

SEC. 2683. PASSENGER CARRIER USE.

Section 1344(a) of title 31, United States Code, is amended—
(1) in subparagraph (A), by striking ‘‘or’’ at the end;
(2) in subparagraph (B), by inserting ‘‘or’’ after the comma at the end; and
(3) by inserting after subparagraph (B) the following:
‘‘(C) necessary for post-flight transportation of United States Government astronauts, and other astronauts subject to reimbursable arrangements, returning from space for the performance of medical research, monitoring, diagnosis, or treatment, or other official duties, prior to receiving post-flight medical clearance to operate a motor vehicle.’’

SEC. 2684. USE OF COMMERCIAL NEAR-SPACE BALLOONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of an array of capabilities, including the use of commercially available near-space balloon assets, is in the best interest of the United States.

(b) USE OF COMMERCIAL NEAR-SPACE BALLOONS.—The Administrator shall use commercially available balloon assets operating at near-space altitudes, to the maximum extent practicable, as part of a diverse set of capabilities to effectively and efficiently contribute to the goals of the Administration.

SEC. 2685. PRESIDENT’S SPACE ADVISORY BOARD.

Section 121 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101–611; 51 U.S.C. 20111 note) is amended—
(1) in the section heading, by striking ‘‘users’’ ADVISORY GROUP’’ and inserting ‘‘PRESIDENT’S SPACE ADVISORY BOARD’’; and
(2) by striking ‘‘Users’ Advisory Group’’ each place it appears and inserting ‘‘President’s Space Advisory Board.’’

SEC. 2686. INITIATIVE ON TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTIONS.

(a) INITIATIVE REQUIRED.—Section 40112 of title 42, United States Code, is amended—
(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and
(2) by inserting after subsection (a) the following new subsection (b):
‘‘(b) TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTIONS.—
‘‘(1) INITIATIVE REQUIRED.—The Administrator shall establish an initiative to build upon and accelerate previous or ongoing work to develop and implement new technologies, including systems architecture, components, or integration of systems and
airframe structures, in electric aircraft propulsion concepts that are capable of substantially reducing both emissions and noise from aircraft.

(2) APPROACH.—In carrying out the initiative, the Administrator shall do the following:

(A) Continue to expand work of the Administration on development and demonstration of electric aircraft concepts, and the integration of such concepts.

(B) To the extent practicable, work with multiple partners, including small businesses and new entrants, on research and development activities related to transport category aircraft.

(C) Provide guidance to the Federal Aviation Administration on technologies developed and tested pursuant to the initiative.

(b) REPORTS.—Not later than 180 days after the date of this enactment, the Administrator should submit to the appropriate committees of Congress on the progress of the work under the initiative required by subsection (b) of section 40112 of title 51, United States Code (as amended by subsection (a) of this section), including an updated, anticipated timeframe for aircraft entering into service that produce 50 percent less noise and emissions than the highest performing aircraft in service as of December 31, 2019.

SEC. 2687. REMEDIATION OF SITES CONTAMINATED WITH TRICHLOROETHYLENE.

(a) IDENTIFICATION OF SITES.—Not later than 180 days after the date of the enactment of this division, the Administrator shall identify sites of the Administration contaminated with trichloroethylene.

(b) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report that includes—

(1) the recommendations of the Administrator for remediating the sites identified under subsection (a) during the 5-year period beginning on the date of the report; and

(2) an estimate of the financial resources necessary to implement these recommendations.

SEC. 2688. REVIEW ON PREFERENCE FOR DOMESTIC SUPPLIERS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) the manufacturing of capital equipment for space flight is an essential part of our national defense and security—

(2) US industries and suppliers have developed and tested pursuant to the initiative.''

(b) REQUIREMENTS.—The Administrator should—

(1) ensure the policies and standard practices of NASA meet or exceed international guidelines for spaceflight safety; and

(2) support the development of orbital debris mitigation technologies through continued research and development of concepts.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report on the status of implementing subsection (b).

SEC. 2691. STUDY ON COMMERCIAL COMMUNICATIONS SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) enhancing the ability of researchers to conduct and interact with experiments while in flight would make huge advancements in the overall profitability of conducting research on suborbital and lowEarth orbit payloads; and

(2) current NASA communications do not allow for real-time data collection, observation, or transmission of information.

(b) STUDY.—The Administrator shall conduct a study on the feasibility, impact, and cost of using commercial communications programs services for suborbital flight programs and lowEarth orbit research.

(c) REPORT.—Not later than 18 months after the date of the enactment of this division, the Administrator shall submit to Congress and make publicly available a report that describes the results of the study conducted under subsection (b).

DIVISION C—STRATEGIC COMPETITION ACT OF 2021

SEC. 2601. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Strategic Competition Act of 2021”.

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

DIVISION C—STRATEGIC COMPETITION ACT OF 2021

Sec. 3001. Short title; table of contents.
Sec. 3002. Findings.
Sec. 3003. Definitions.
Sec. 3004. Statement of policy.
Sec. 3005. Sense of Congress.
Sec. 3006. Rules of construction.

Sec. 3208. Regulatory exchanges with allies and partners.

Sec. 3209. Technical partnership office at the Department of State.

Sec. 3210. United States representation in standard-setting bodies.

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

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

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

Sec. 3214. Taiwan Fellowship Program.

Sec. 3215. Treatment of Taiwan government.

Sec. 3216. Taiwan symbols of sovereignty.


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

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

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

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

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

Sec. 3219D. Opposition to provision of assistance to People's Republic of China by Asian Development Bank.

Sec. 3219E. Opposition to provision of assistance to People's Republic of China by International Bank for Reconstruction and Development.

Sec. 3219F. United States policy on Chinese and Russian government efforts to undermine the United Nations Security Council action on human rights.

Sec. 3219G. Deterring PRC use of force against Taiwan.

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

Sec. 3219I. Study and report on bilateral efforts to address Chinese fantasy warfare trafficking.

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

Sec. 3219K. Facilitating of increased equity investments under the Better Utilization of Investments Leading to Development Act of 2018.

Subtitle B—International Security Matters

Sec. 3221. Definitions.

Sec. 3222. Findings.

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

Sec. 3224. Statement of policy.

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

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

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

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

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

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.

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

Sec. 3232. Report on national technology and industrial policies.

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

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

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

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.

PART I—WESTERN HEMISPHERE

Sec. 3245. Sense of Congress regarding United States-Canada relations.


Sec. 3247. Strategy to enhance cooperation with Canada.

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

Sec. 3249. Engagement in international organizations and the defense sector in Latin America and the Caribbean.

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

Sec. 3251. Defense cooperation in 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.

PART II—TRANSATLANTIC ALLIANCE

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

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

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

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

Sec. 3259. Promoting responsible development alternatives to the belt and road initiative.

PART III—SOUTH AND CENTRAL ASIA

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

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

PART IV—AFRICA

Sec. 3271. Assessment of political, economic, and security activity of the People's Republic of China in Africa.

Sec. 3272. Increasing the competitiveness of the United States in Africa.

Sec. 3273. Digital security cooperation with respect to Africa.

Sec. 3274. Increasing personnel in United States embassies in sub-Saharan Africa focused on the People's Republic of China.

Sec. 3275. Support for young African Leaders Initiative.

Sec. 3276. Africa broadcasting networks.

PART V—MIDDLE EAST AND NORTH AFRICA

Sec. 3281. Strategy to counter Chinese influence in, and access to, the Middle East and North Africa.

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

PART VI—ARCTIC REGION

Sec. 3285. Arctic diplomacy.

PART VII—OCEANIA

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

Sec. 3292. Oceania strategic roadmap.

Sec. 3293. Review of USAID programming in Oceania.


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

Sec. 3296. Oceania Peace Corps partnerships.

TITLE III—INVESTING IN OUR VALUES

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

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

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


Sec. 3306. Policy with respect to Tibet.

Sec. 3307. United States policy and international engagement on the succession or reincarnation of the Dalai Lama and religious freedom of Tibetan Buddhists.

Sec. 3308. Sense of Congress on treatment of Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region.

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

Sec. 3310. Enhancing transparency on international agreements and non-binding instruments.


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

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

TITLE IV—INVESTING IN OUR ECONOMIC STATECRAFT

Sec. 3401. Findings and sense of Congress regarding the PRC's industrial policies.

Sec. 3402. Intellectual property violators list.
Congress makes the following findings:

(1) The People’s Republic of China (PRC) is leveraging its political, diplomatic, economic, military, technological, and ideological power to become a strategic, near-peer, global competitor of the United States. The policies increasingly pursued by the PRC in these domains are contrary to the interests and values of the United States, its partners, and much of the rest of the world.

(2) The current policies being pursued by the PRC:

(A) threaten the future character of the international order and are shaping the rules, norms, and institutions that govern relations among states; and

(B) will put at risk the ability of the United States to secure its national interests; and

(C) will put at risk the future peace, prosperity, and freedom of the international community in the coming decades.

(3) After normalizing diplomatic relations with the United States, the PRC actively worked to advance the PRC’s economic and social development to ensure that the PRC participated in, and benefited from, the liberal international order. The United States pursued these goals and contributed to the welfare of the Chinese people by—

(A) increasing the PRC’s trade relations and access to global capital markets;

(B) promoting the PRC’s accession to the World Trade Organization;

(C) providing development finance and technical assistance;

(D) promoting research collaboration;

(E) educating the PRC’s top students;

(F) permitting transfers of cutting-edge technologies and scientific knowledge; and

(G) providing intelligence and military assistance.

(4) It is now clear that the PRC has chosen to pursue state-led, mercantilist economic policies, an increasingly authoritarian governance model at home through increased restrictions on United States freedoms, and an aggressive and assertive foreign policy. These policies frequently and deliberately undermine United States interests and are contrary to codified United States values and the values of other nations, both in the Indo-Pacific and beyond. In response to this strategic decision of the Chinese Communist Party (CCP), the United States has been compelled to reexamine and revise its strategy towards the PRC.

(5) The General Secretary of the CCP and the President of the PRC, Xi Jinping, has elevated the “Great Rejuvenation of the Chinese Nation” as central to the domestic and foreign policy of the PRC. His program demands—

(A) a strong, centralized CCP leadership;

(B) concentration of military power;

(C) a strong voice for the CCP in the state and the economy;

(D) an aggressive foreign policy seeking control over broadly asserted territorial claims; and

(E) the denial of any values and individual rights that are deemed to threaten the CCP.

President Xi suggested that the CCP time frame, “socialism with Chinese characteristics”, as superior to, and at odds with, the constitutional models of the United States and other democracies. This approach to governance is lauded by the CCP as essential to securing the PRC’s status as a global superpower, which increasingly drives global innovation, and is leveraged to develop new military capabilities.

(6) The CCP and the PRC are committing crimes against humanity and are engaged in an ongoing genocide, in violation of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, against the predominantly Muslim Uyghurs and other ethnic and religious minorities of the Xinjiang Uyghur Autonomous Region, including through campaigns of imprisonment, torture, rape, and coercive birth prevention policies.

(12) The PRC’s drive to become a “manufacturing and technological superpower” and protect “innovative characteristies” is coming at the expense of human rights and longstanding international rules and norms with respect to economic competition, and presents a challenge to the United States national security and the security of allies and like-minded countries. In particular, the PRC, through illegal political and social policies through mass surveillance, social credit systems, and a significant role of the state in internet governance. The PRC is leveraging these means, the “initiatives of innovation and development security . . . in [China’s] own hands”.

(14) The PRC is advancing its global objectives through a variety of avenues, including its signature initiative, the Belt and Road Initiative (BRI), which is enshrined in the Chinese Constitution and includes the flagship projects of the New Silk Road and BRI. The PRC describes BRI as a straightforward and beneficial plan for all countries. However, it is designed to achieve an economic system with the PRC at its center, making it the most concrete geographical representation of the PRC’s global ambitions. BRI increases the economic influence of state-owned Chinese firms in global markets, enhances the PRC’s political leverage with government leaders around the world, and provides greater access to strategic minerals as ports through BRI. The PRC seeks political deference through economic dependence.

(17) The PRC is executing a plan to establish a global hegemonism in the Indo-Pacific and displace the United States from the region. As a Pacific power, the United States
has built and supported enduring alliances and economic partnerships that secure peace and prosperity and promote the rule of law and political pluralism in a free and open Indo-Pacific. In contrast, the PRC uses economic and military coercion in the region to secure its own interests.

(18) The PRC’s military strategy seeks to keep the United States military from operating in the Western Pacific and to erode United States security guarantees.

(19) The PRC is aggressively pursuing exclusive control of critical land routes, sea lanes, and air space in the Indo-Pacific in the hopes of eventually exercising greater influence in the region. This includes lanes crucial to commercial activity, energy exploration, transport, and the exercise of security operations in areas permitted under international law.

(20) The PRC seeks so-called “reunification” with Taiwan through whatever means may ultimately be required. The CCP’s insistence that so-called “reunification” is Taiwan’s only option makes this goal inherently coercive. In January 2019, President Xi stated that the PRC “make[s] no promise to renounce the use of force and reserve[s] the option of taking all necessary means”. Taiwan’s embodiment of democratic values and economic liberalism challenges President Xi’s goal of national rejuvenation. The PRC plans to exploit Taiwan’s dominant strategic position in the First Island Chain and to project power into the Second Island Chain and beyond.

(21) In the South China Sea, the PRC has executed an illegal island-building campaign that threatens freedom of navigation and the free-flow of commerce, damages the environment, bolsters PLA power projection capabilities, and coerces and intimidates other regional states in its effort to advance its unlawful claims and control the waters around neighboring countries. Despite President Xi’s September 2015 speech, in which he said the PRC did not intend to militarize the South China Sea, during the 2017 19th Party Congress, President Xi announced that “construction on islands and reefs in the South China Sea have seen steady progress”.

(22) The PRC is rapidly modernizing the PLA to attain a level of capacity and capability superior to the United States in terms of the equivalent of modern military operations by shifting its military doctrine from having a force “adequate [for] China’s development” to having the “means to commensurate with China’s international status”. Ultimately, this transformation could enable China to impose its will in the Indo-Pacific region through the threat of military force. In 2017, President Xi established the following developmental benchmarks for the advancement of the PLA:

(A) A mechanized force with increased informatized and strategic capabilities by 2020.

(B) The complete modernization of China’s national defense by 2027.

(C) The full transformation of the PLA into a world-class force by 2035.

(23) The PRC’s strategy and supporting policies described in this section undermine United States interests, such as—

(A) upholding a free and open international order;

(B) maintaining the integrity of international institutions with liberal norms and values;

(C) preserving a favorable balance of power in the Indo-Pacific;

(D) ensuring the defense of its allies;

(E) preserving open sea and air lanes;

(F) fostering the free flow of commerce through the region threatened by the threat of military force.

(G) promoting individual freedom and human rights.

(24) The global COVID–19 pandemic has intensified and accelerated these trends in the PRC’s behavior and therefore increased the need for United States global leadership and its commitment to the Indo-Pacific. The PRC has capitalized on the world’s focus on the COVID–19 pandemic by—

(A) moving rapidly to undermine Hong Kong’s autonomy, including imposing a so-called “national security law” on Hong Kong;

(B) aggressively imposing its will in the East and South China Seas;

(C) contributing to increased tensions with India; and

(D) engaging in a widespread and government-directed campaign to obscure the PRC’s government’s efforts to cover up the seriousness of COVID–19, sow confusion about the origin of the outbreak, and discredit the United States, its allies, and global health efforts.

(25) The CCP’s disinformation campaign referred to in paragraph (24)(D) has included—

(A) concerted efforts, in the early days of the pandemic, to downplay the nature and scope of the outbreak in Wuhan in the PRC, as well as cases of person-to-person transmission;

(B) claims that the virus originated in United States biological defense research at Fort Detrick, Maryland;

(C) Chinese state media reports insinuating a possible link between the virus and other United States biological facilities; and

(D) efforts to block access to qualified international infectious disease experts who might contradict the CCP’s narrative.

(26) In response to the PRC’s strategy and policies, the United States must adopt a policy of strategic competition with the PRC to protect and promote our vital interests and values.

(27) The United States’ policy of strategic competition with respect to the PRC is part of a broader strategic approach to the Indo-Pacific and the world which centers around cooperation with United States allies and partners to advance shared values and interests and to preserve and enhance a free, open, democratic, inclusive, rules-based, stable, and diverse region.

(28) The Asia Reassurance Initiative Act of 2018 (Public Law 115–409) contributed to a comprehensive framework for promoting a United States strategy that builds, promotes, and values in the Indo-Pacific region, investing $7,500,000,000 over 5 years—

(A) to support greater security and defense cooperation between the United States and allies and partners in the Indo-Pacific region;

(B) to advance democracy and the protection and promotion of human rights in the Indo-Pacific region;

(C) to enhance cybersecurity cooperation between the United States and partners in the Indo-Pacific region;

(D) to deepen people-to-people engagement through programs such as the Young Southeast Asian Leaders Initiative and the ASEAN Young Fellows Program; and

(E) to enhance energy cooperation and energy security in the Indo-Pacific region.

SEC. 3003. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives;

(2) CCP.—The term “CCP” means the Chinese Communist Party.

(3) Indo-Pacific Region.—The terms “Indo-Pacific” and “Indo-Pacific region” mean the 37 countries and the surrounding waterways that are under the area of responsibility of the U.S. Indo-Pacific Command. These countries are: Australia, Bangladesh, Bhutan, Brunei, Cambodia, China, Fiji, India, Indonesia, Japan, Kiribati, Laos, Malaysia, Maldives, Marshall Islands, Micronesia, Mongolia, Nauru, Nepal, New Zealand, North Korea, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Taiwan, Thailand, Timor-Leste, Tonga, Tuvalu, Vietnam, and the United States.

(4) PEOPLE’S LIBERATION ARMY; PLA.—The terms “People’s Liberation Army” and “PLA” mean the armed forces of the People’s Republic of China.

(5) PRC; CHINA.—The terms “PRC” and “China” mean the People’s Republic of China.

SEC. 3004. STATEMENT OF POLICY.

(a) OBJECTIVES.—It is the policy of the United States, in pursuing strategic competition with the PRC, to pursue the following objectives:

(1) The United States global leadership role is sustained and its political system and major foundations of national power are preserved through long-term political, economic, technological, and military competition with the PRC.

(2) The balance of power in the Indo-Pacific remains favorable to the United States and its allies. The United States and its allies maintain unfettered access to the region, including through freedom of navigation and the free flow of commerce, consistent with international law and practice, and the PRC neither dominates the region nor coerces its neighbors.

(3) The allies and partners of the United States—

(A) maintain confidence in United States leadership and its commitment to the Indo-Pacific region;

(B) can withstand and combat subversion and undue influence by the PRC; and

(C) align themselves with the United States in setting global rules, norms, and standards that benefit the international community.

The combined weight of the United States and its allies and partners is strong enough to demonstrate to the PRC that the risks of attempts to dominate other states outweigh the potential gains.

(5) The United States leads the free and open international order, which is comprised of resilient states and institutions that uphold and defend principles, such as sovereignty, rule of law, individual freedom, and human rights. The international order is strengthened to defeat attempts at destabilization by illiberal and authoritarian actors.

(6) The key rules, norms, and standards of international engagement in the 21st century are maintained, including—

(A) the protection of human rights, commercial engagement, and technology; and

(B) that such rules, norms, and standards are in alignment with the values and interests of the United States, its allies and partners, and the free world.

The United States assures that the CCP does not—

(A) subvert open and democratic societies; and

(B) manipulate the international trade system;

(C) coerce other nations via economic and military means; or

(D) use its technological advantages to undermine individual freedoms or other states’ national security interests.
(8) The United States deters military confrontation with the PRC and both nations work to reduce the risk of conflict.

(b) POLICY.—It is the policy of the United States, its branches, and the agencies that:

(1) to strengthen the United States domestic and international strategic interests in critical and emerging technologies and other areas that improve the ability of the United States to promote its vital economic, foreign policy, and national security interests;

(2) to pursue a strategy of strategic competition with the PRC that advances United States Altın levels and principles that—

(A) provide the United States an advantage in economic competition;

(B) promote open markets;

(C) operate and conduct exercises and operations and reduce the risk of unwanted or unintended conflict;

(D) uphold a free press and fact-based reporting; and

(E) foster and support greater collaboration with and among partner countries and other relevant actors to identify and remain vigilant to undue influence from the PRC;

(3) the United States to pursue strategies that—

(A) modernize the United States military to deter the PRC from—

(i) employing, deploying, and operating military forces in the Indo-Pacific region;

(ii) building capacity for defense technology security; and

(iii) safeguarding chokepoints in supply chains; and

(B) maintain strategic posture; and

(C) coordinate and advance value-based and security objectives for decades to come; and

(4) to enable the United States to pursue its vital economic and security interests and the values of United States allies and partners—

(A) to support greater private sector investment and advance capacity-building initiatives that are grounded in the rule of law; and

(B) increase United States investment in emerging critical technologies; and

(5) to increase United States investment in emerging critical technologies; and

(6) to enable the United States to pursue its vital economic and security interests and the values of United States allies and partners—

(A) to strengthen the United States domestic and international strategic interests in critical and emerging technologies and other areas that improve the ability of the United States to promote its vital economic, foreign policy, and national security interests;

(B) to modernize the United States military to deter the PRC from—

(i) employing, deploying, and operating military forces in the Indo-Pacific region;

(ii) building capacity for defense technology security; and

(iii) safeguarding chokepoints in supply chains; and

(C) to coordinate and advance value-based and security objectives for decades to come; and

(D) to maintain strategic posture; and

(7) to coordinate and advance value-based and security objectives for decades to come; and

(i) to pressure other nations to defer to its behavior to attain unfair economic advantages;

(ii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(iii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(iv) to pressure other nations to defer to its behavior to attain unfair economic advantages;

(v) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(vi) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(vii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(viii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(ix) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(x) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xi) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xiii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xiv) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xv) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xvi) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xvii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xviii) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xix) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(xx) to project power from the United States on the high seas and to the United States and the western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(21) to meet the risks referred to in paragraph (11), while still vigilant to the risks posed by undue influence from the CCP in the United States;

(22) to cooperate with the PRC if interests align, including through bilateral or multilateral means and at the United Nations, as appropriate.

It is the sense of Congress that the execution of the policy described in section 3004(b) requires the following actions:

(1) Strategic competition with the PRC will require the United States—

(A) to marshal sustained political will to pursue its vital interests, promote its values, and advance its economic and national security objectives for decades to come; and

(B) to achieve this sustained political will, persuade the American people and United States allies and partners of—

(i) the challenges posed by the PRC; and

(ii) the need for long-term competition to defend shared interests.

(2) The United States must coordinate closely with allies and partners to compete effectively with the PRC, including to ensure that conflicts that are not vital to United States economic and national security interests.

(3) In the coming decades, the United States must lead and direct the entire executive branch to treat the People’s Republic of China as the greatest geopolitical and geo-economic challenge for United States foreign policy, increasing the prioritization of strategic competition with the PRC and broader United States interests in the Indo-Pacific region in the development of foreign policy and ensuring the allocation of appropriate resources adequate to the challenge.

(4) The head of every Federal department and agency should designate a senior official at the level of Under Secretary or above to coordinate the department’s or agency’s policies with respect to strategic competition with the PRC.

(5) The ability of the United States to execute a strategy of strategic competition with the PRC will be undermined if our attention is repeatedly diverted to challenges that are not vital to United States economic and national security interests.

(6) In the coming decades, the United States must prevent the PRC from—

(A) establishing regional hegemony in the Indo-Pacific; and
The United States' skillful adaptation to the in-
jectives in the Indo-Pacific, including—
arching political and diplomatic objectives 
resourcing for a Pacific Deterrence Initia-
tional challenges posed by the PRC.
the unique economic, political, and ideolog-
cics, foreign assistance and development fi-
sion required to advance a successful
guage, technical skills, and other com-
capacities required to advance a successful
competitive strategy with the PRC.
(II) The United States must place renewed
emphasis on strengthening the non-military
instruments of national power, including di-
plomacy, information, technology, econom-
ics, foreign assistance and development fi-
nance, commerce, intelligence, and law en-
forcement, which are crucial for addressing
the unique economic, political, and ideolog-
ical challenges posed by the PRC.
(III) The United States must sustain
resourcing for a Pacific Deterrence Initia-
tive, which shall be aligned with the over-
arching political and diplomatic objectives articulated in the Asia Reassurance Initiati-
tive Act (Public Law 115-409), and must
prioritize the military investments nec-
essary to achieve United States political ob-
jectives in the region, including:
(A) promoting regional security in the Indo-Pacific;
(B) reassuring allies and partners while protec-
ting the United States and its partners from coercion; and
(C) deterring conflict with the PRC.
(12) The United States must engage all instru-
centes of United States Government
personnel in the Indo-Pacific region; and
(C) ensuring that this workforce, both ci-
vilian and military, has the training in lan-
guage, technical skills, and other com-
petencies required to advance a successful
competitive strategy with the PRC.
(11) The United States must place renewed
emphasis on strengthening the non-military
instruments of national power, including di-
plomacy, information, technology, econom-
ics, foreign assistance and development fi-
nance, commerce, intelligence, and law en-
forcement, which are crucial for addressing
the unique economic, political, and ideolog-
ical challenges posed by the PRC.
(III) The United States must sustain
resourcing for a Pacific Deterrence Initia-
tive, which shall be aligned with the over-
arching political and diplomatic objectives articulated in the Asia Reassurance Initiati-
tive Act (Public Law 115-409), and must
prioritize the military investments nec-
essary to achieve United States political ob-
jectives in the region, including:
(A) promoting regional security in the Indo-Pacific;
(B) reassuring allies and partners while protec-
ting the United States and its partners from coercion; and
(C) deterring conflict with the PRC.
(2) total or partial ownership or acquisition of, or a significant financial stake or physical presence in, certain types of infrastructure, including ports, energy grids, 5G telecommunications networks, and undersea cables, can provide an advantage to countries that do not share the interests and values of the United States and its allies and partners, and that may take advantage of the interests and values of the United States and its allies and partners;

(3) the United States must continue to prioritize support for infrastructure projects that are physicially secure, financially viable, economically sustainable, and socially responsible;

(4) advancing the objective outlined in paragraph (3) requires the coordination of all United States Government economic tools across the interagency, so that such tools are deployed in a way to maximize United States interests and that of its allies and partners;

(5) the GICC represents an important and concrete step towards better communication and coordination across the United States Government of economic tools relevant to supporting infrastructure that is physically secure, financially sustainable, economically, and socially responsible, and should be continued; and

(6) the executive branch and Congress should engage in consistent consultations on United States support for strategic infrastructure projects, including how Congress can support such initiatives.

(c) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter for 5 years, the Secretary of State, in coordination with other Federal agencies that participate in the GICC, and, as appropriate, the Director of National Intelligence, shall submit to the appropriate committees of Congress a report that identifies—

(1) current, pending, and future infrastructure projects, particularly in the transport, energy, and digital sectors, that the United States should participate in the GICC, and, as appropriate, the United States Agency for International Development, for advisory services to help boost the capacity of partner countries to evaluate, prepare, and finance energy technologies, including how Congress can support such initiatives.

(b) TRANSACTION ADVISORY FUND.—As part of the "Infrastructure Transaction and Assistance Network" described under subsection (a), the Secretary of State is authorized to provide advisory services to help boost the capacity of partner countries to evaluate, prepare, and finance energy technologies, including how Congress can support such initiatives.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the "Infrastructure Transaction and Assistance Network" described under subsection (a), the Secretary of State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure projects.

(2) JOINT INFRASTRUCTURE PROJECTS.—

Projects funded for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—

Projects funded for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated, for each of fiscal years 2022 to 2026, $50,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 is to be provided for the Transaction Advisory Fund.

SEC. 3115. STRATEGY FOR ADVANCED AND RELIABLE ENERGY DEVELOPMENT.

(a) IN GENERAL.—

(1) Improvement.—The President shall direct a comprehensive, multi-year, whole of government effort, in consultation with the private sector, to advance, protect, and promote the economic benefits and in the public interest of renewable energy technologies, including advanced energy technologies, that the United States should participate in the GICC, and, as appropriate, the United States Agency for International Development, for advisory services to help boost the capacity of partner countries to evaluate, prepare, and finance energy technologies, including how Congress can support such initiatives.

(2) STRATEGIC SUPPORT.—

(3) OFFICE OF THE SECRETARY OF STATE.—

The Office of the Secretary of State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure projects.

(b) TRANSACTION ADVISORY FUND.—

Projects funded for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(c) STRATEGIC INFRASTRUCTURE PROJECTS.—

Projects funded for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated, for each of fiscal years 2022 to 2026, $50,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 is to be provided for the Transaction Advisory Fund.

SEC. 3116. REPORT ON THE PEOPLE'S REPUBLIC OF CHINA'S INVESTMENTS IN FOREIGN ENERGY DEVELOPMENT.

(a) IN GENERAL.—

(1) Improvement.—No later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Administrator of the United States Agency for International Development, in consultation with the Secretary of State through the Assistant Secretary for Energy Resources, shall submit to the appropriate congressional committees a report that identifies priority countries for deepening United States engagement on energy matters, in accordance with the economic and national security interests of the United States, and whose deepening energy partnerships are most achievable;

(2) describes the involvement of the PRC government and companies incorporated in the PRC in the development, acquisition, financing, or ownership of energy generation facilities, transmission infrastructure, or energy resources in the countries identified in paragraph (1);

(3) evaluates strategic or security concerns and implications for United States national security and the international system identified in paragraph (1), with respect to the PRC’s involvement and influence in developing country energy production or transmission; and

(4) outlines current and planned efforts by the United States to partner with the countries identified in paragraph (1) on energy matters.

(b) PUBLICATION.—The assessment required by subsection (a) shall be published in an unclassified form but may include a classified annex.

SEC. 3114. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) AUTHORITY.—The Secretary of State is authorized to establish an initiative, to be known as "the Infrastructure Transaction and Assistance Network", under which the Secretary of State, in consultation with other Federal agencies and those represented on the Global Infrastructure Coordinating Committee, may carry out various programs to advance the development and deployment of advanced energy technologies, including by—

(1) strengthening capacity-building programs to support sustainable infrastructure; and

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) utilizing United States support for the development of infrastructure, including infrastructure that

(4) is able to withstand cyberattacks; and

(5) makes use of high-quality infrastructure.

(b) TRANSACTION ADVISORY FUND.—

As part of the Infrastructure Transaction and Assistance Network described under subsection (a), the Secretary of State is authorized to provide advisory services to help boost the capacity of partner countries to evaluate, prepare, and finance energy technologies, including high-quality infrastructure.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the Infrastructure Transaction and Assistance Network described under subsection (a), the Secretary of State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure projects.

(2) JOINT INFRASTRUCTURE PROJECTS.—

Projects funded for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—

Projects funded for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated, for each of fiscal years 2022 to 2026, $50,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 is to be provided for the Transaction Advisory Fund.

SEC. 3115. STRATEGY FOR ADVANCED AND RELIABLE ENERGY DEVELOPMENT.

(a) IN GENERAL.—The President shall direct a comprehensive, multi-year, whole of government effort, in consultation with the private sector, to advance, protect, and promote the economic benefits and in the public interest of renewable energy technologies, including advanced energy technologies, that the United States should participate in the GICC, and, as appropriate, the United States Agency for International Development, for advisory services to help boost the capacity of partner countries to evaluate, prepare, and finance energy technologies, including how Congress can support such initiatives.

(b) STRATEGIC SUPPORT.—

(1) legal services;

(2) project preparation and feasibility studies;

(3) debt sustainability analyses;

(4) bid or proposal evaluation; and

(5) other services relevant to advancing the development of sustainable, transparent, and high-quality infrastructure.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the "Infrastructure Transaction and Assistance Network" described under subsection (a), the Secretary of State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure projects.

(2) JOINT INFRASTRUCTURE PROJECTS.—

Projects funded for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—

Projects funded for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated, for each of fiscal years 2022 to 2026, $50,000,000 to the Infrastructure Transaction and Assistance Network, of which $20,000,000 is to be provided for the Transaction Advisory Fund.

SEC. 3116. REPORT ON THE PEOPLE'S REPUBLIC OF CHINA'S INVESTMENTS IN FOREIGN ENERGY DEVELOPMENT.

(a) IN GENERAL.—

(1) Improvement.—No later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Administrator of the United States Agency for International Development, in consultation with the Secretary of State through the Assistant Secretary for Energy Resources, shall submit to the appropriate congressional committees a report that identifies priority countries for deepening United States engagement on energy matters, in accordance with the economic and national security interests of the United States, and whose deepening energy partnerships are most achievable;

(2) describes the involvement of the PRC government and companies incorporated in the PRC in the development, acquisition, financing, or ownership of energy generation facilities, transmission infrastructure, or energy resources in the countries identified in paragraph (1);

(3) evaluates strategic or security concerns and implications for United States national security and the international system identified in paragraph (1), with respect to the PRC’s involvement and influence in developing country energy production or transmission; and

(4) outlines current and planned efforts by the United States to partner with the countries identified in paragraph (1) on energy matters.

(b) PUBLICATION.—The assessment required in subsection (a) shall be published on the United States Agency for International Development’s website.

Subtitle C—Digital Technology and Connectivity

SEC. 3121. SENSE OF CONGRESS ON DIGITAL TECHNOLOGY ISSUES.

(a) LEADERSHIP IN INTERNATIONAL STANDARDS SETTING.—It is the sense of Congress that the United States must lead in international bodies that set the governance norms and rules for digital critically enabled technologies and that these technologies operate within a free, secure, interoperable, and stable digital domain.
AUTHORITARIANISM.—It is the sense of Congress that the United States should lead a global effort to ensure that freedom of information, including the ability to safely consume or publish information without fear of undue repressals, is maintained as the digital domain becomes an increasingly integral mechanism for communication.

(2) FORMATION OF DIGITAL TRADE ALLIANCE.—It is the sense of Congress that the United States should lead a global effort to develop and adopt a set of common principles and standards for critical technologies to ensure that the use of such technologies cannot be abused by malign actors, whether they are governments or other entities, and that they do not threaten democratic governance or human rights.

(3) FORMATION OF DIGITAL TECHNOLOGY TRADE ALLIANCE.—It is the sense of Congress that the United States should lead a global effort to develop and adopt a set of common principles and standards for critical technologies to ensure that the use of such technologies cannot be abused by malign actors, whether they are governments or other entities, and that they do not threaten democratic governance or human rights.

SEC. 3122. DIGITAL CONNECTIVITY AND CYBERSECURITY PARTNERSHIP.—The Secretary of State is authorized to establish a program, to be known as the “Digital Connectivity and Cybersecurity Partnership” to help foreign countries—

(a) Digital Connectivity and Cybersecurity Partnership.—The Secretary of State is authorized to establish a program, to be known as the “Digital Connectivity and Cybersecurity Partnership” to help foreign countries—

1. expand and increase secure Internet access and digital infrastructure in emerging markets;
2. protect technological assets, including data;
3. adopt policies and regulatory positions that foster and encourage open, interoperable, reliable, and secure Internet, the free flow of data, multi-stakeholder models of Internet governance, and pro-competitive and secure Internet and communications technology (ICT) policies and regulations;
4. promote exports of United States ICT goods and services and increase United States company market share in target markets;
5. promote the diversification of ICT goods and supply chain services to be less reliant on PRC imports; and
6. build cybersecurity capacity, expand interoperability, and promote best practices for a national approach to cybersecurity.

(b) Implementation Plan.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees of Congress the Secretary’s implementation plan for the coming year to advance the goals identified in subsection (a).

(c) Consultation.—In developing the action plan required by subsection (b), the Secretary of State shall consult with—

1. the appropriate congressional committees;
2. the leaders of the United States industry;
3. other relevant technology experts, including the Technology and Innovation Subcommittee;
4. representatives from relevant United States Government agencies; and
5. representatives from like-minded allies and partners.

(d) SEMIANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall provide the appropriate congressional committees a briefing on the implementation of the plan required by subsection (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for each of fiscal years 2022 through 2026 to carry out this section.

SEC. 3123. STRATEGY FOR DIGITAL INVESTMENT AND CYBERSECURITY.—

(a) In General.—Not later than one year after the date of the enactment of this Act, the United States International Development Finance Corporation, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report describing the supply of private sector digital investment that—

1. includes support for information-connectivity projects, including projects relating to telecommunications, mobile payments, smart cities, and undersea cables;
2. in providing such support, prioritizes private sector projects—

(A) of strategic value to the United States;
(B) of mutual strategic value to the United States and allies and partners of the United States; and
(C) that will advance broader development priorities of the United States;
3. helps to bridge the digital gap in less developed countries and among women and minority communities within those countries;
4. facilitates coordination, where appropriate, with multilateral development banks and development finance institutions of other countries with respect to projects described in paragraph (1), including through the provision of co-financing and co-guarantees; and
5. identifies the human and financial resources available to dedicate to such projects and any other constraints to implementing such projects.

(b) LIMITATION.—

(1) IN GENERAL.—The Corporation may not provide support for projects in which entities described in paragraph (1), including through the provision of co-financing and co-guarantees; and
(2) ENTITIES DESCRIBED.—An entity described in this subparagraph is an entity included in, or owned or controlled by the government of, a country, including the People’s Republic of China, that does not protect the freedom of expression and privacy.

Subtitle D—Countering the Chinese Communist Party Malin Influence

SECTION 3121. SHORT TITLE.

This subtitle may be cited as the “Countering Chinese Communist Party Malin Influence Act.”

SEC. 3122. AUTHORIZATION OF APPROPRIATIONS FOR COUNTERING CHINESE INFLUENCE FUND.

(a) COUNTERING CHINESE INFLUENCE FUND.—There is authorized to be appropriated $900,000,000 for each of fiscal years 2022 through 2026 for the Countering Chinese Influence Fund to support the campaign against the malign influence of the Chinese Communist Party globally, amounts appropriated pursuant to this authorization are reserved for good influence.

(b)YLEM INFLUENCE.—In this section, the term “malign influence” with respect to the
Chinese Communist Party should be construed to include acts conducted by the Chinese Communist Party or entities acting on its behalf that—

(1) undermine a free and open international order;
(2) advance an alternative, repressive international order that bolsters the Chinese Communist Party’s hegemonic ambitions and is characterized by coercion and dependency;
(3) undermine the national security or sovereignty of the United States or other countries or
(4) undermine the economic security of the United States or other countries, including by promoting corruption.

(c) Countering Malign Influence.—In this section, countering malign influence through the use of funds authorized to be appropriated by subsection (a) shall include efforts to—

(1) promote transparency and accountability, and reduce corruption, including in governance structures targeted by the malign influence of the Chinese Communist Party;
(2) support civil society and independent media to raise awareness of and increase transparency regarding the negative impact of activities related to the Belt and Road Initiative and associated initiatives;
(3) counter transnational criminal networks that benefit, or benefit from, the malign influence of the Chinese Communist Party;
(4) encourage economic development structures that help protect against predatory lending schemes, including support for market-based alternatives in key economic sectors, such as digital economy, energy, and infrastructure;
(5) counter narratives that provide undue influence to the security forces of the People’s Republic of China;
(6) expose misinformation and disinformation of the Chinese Communist Party’s propaganda, including through programs carried out by the Global Engagement Center; and
(7) counter efforts by the Chinese Communist Party to legitimize or promote authoritarian ideology and governance models.

SEC. 3133. FINDINGS ON CHINESE INFORMATION WARS AND FOREIGN MALIGN INFLUENCE OPERATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) In the report to Congress required under section 1261(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), the President laid out a broad range of malign activities conducted by the Government of the People’s Republic of China and its agents and entities, including—

(A) propaganda and disinformation, in which “Beijing communicates its narrative through state-run television, print, radio, and other organs of state ownership whose presence is proliferating in the United States and around the world”; (B) malign political influence operations, particularly “front organizations and agents which target businesses, universities, think tanks, scholars, journalists, and local state and Federal officials in the United States and around the world, attempting to influence discourse”; and

(C) malign financial influence operations, characterized as the “misappropriation of technical and intellectual property, failure to appropriately disclose relationships with foreign government sponsored entities, breaches of contract and confidentiality, and manipulation of foreign and merit-based allocation of Federal research and development funding.”

(2) Chinese information warfare and malign influence operations are ongoing. In January 2019, then-Director of National Intelligence, Dan Coats, stated, “China will continue to push new narratives, particularly on economic and security issues as it seeks to assert its position globally.” In May 2019, the Office of the Director of National Intelligence stated that China’s “missions include to shape information environments, influence decision-makers, and create strategic psychological pressure to drive behavior changes. It seeks to influence and manipulate international institutions, leaders, and governments to achieve its interests.”

(3) The PRC’s information warfare and malign influence operations continue to adopt new tactics and evolve in sophistication. In May 2020, then-Special Envoy and Coordinator of the Global Engagement Center (GEC), Lea Gabrielle, stated that there was a convergence of Russian and Chinese narratives surrounding COVID–19 and that the GEC had uncovered a new network of inauthentic Twitter accounts that it assessed was created with the intent to amplify China’s leadership and disinformation. In June 2020, Google reported that Chinese hackers attempted to access email accounts of the campaign staff of a presidential candidate.

(4) Chinese information warfare and malign influence operations continue to adopt new tactics and evolve in sophistication. In May 2020, then-Special Envoy and Coordinator of the Global Engagement Center (GEC), Lea Gabrielle, stated that there was a convergence of Russian and Chinese narratives surrounding COVID–19 and that the GEC had uncovered a new network of inauthentic Twitter accounts that it assessed was created with the intent to amplify China’s leadership and disinformation. In June 2020, Google reported that Chinese hackers attempted to access email accounts of the campaign staff of a presidential candidate.

(5) The PRC’s information warfare and malign influence operations continue to adopt new tactics and evolve in sophistication. In May 2020, then-Special Envoy and Coordinator of the Global Engagement Center (GEC), Lea Gabrielle, stated that there was a convergence of Russian and Chinese narratives surrounding COVID–19 and that the GEC had uncovered a new network of inauthentic Twitter accounts that it assessed was created with the intent to amplify China’s leadership and disinformation. In June 2020, Google reported that Chinese hackers attempted to access email accounts of the campaign staff of a presidential candidate.

(b) PRESIDENTIAL DUTIES.—The President shall—

(1) protect our democratic institutions and processes from malign influence from the People’s Republic of China and other foreign adversaries; and

(2) consistent with the policy specified in paragraph (1), direct the heads of the appropriate agencies to (A) implement Acts of Congress to counter and deter PRC and other foreign information warfare and malign influence operations without delay; and

(A) section 1043 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), which authorizes the Director of National Intelligence to counter the threat of malign influence and to establish a coordinator position within the National Security Council to coordinate the United States government’s response to the threat of malign influence; and

(B) section 228 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), which authorizes additional research on malign influence operations and associated initiatives; and

(C) section 847 of such Act, which authorizes the Secretary of Defense to modify contracting regulations regarding vetting for foreign questionable entities in order to mitigate risks from malign influence; and

(D) section 1239 of such Act, which requires an update of the comprehensive strategy to counter the threat of malign influence to include the People’s Republic of China; and

(2) Chinese information warfare and malign influence operations are ongoing. In January 2019, then-Director of National Intelligence, Dan Coats, stated, “China will continue to push new narratives, particularly on economic and security issues as it seeks to assert its position globally.” In May 2019, the Office of the Director of National Intelligence stated that China’s “missions include to shape information environments, influence decision-makers, and create strategic psychological pressure to drive behavior changes. It seeks to influence and manipulate international institutions, leaders, and governments to achieve its interests.”

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There are authorized to be appropriated, for the 5-year period beginning on October 1, 2021, $105,500,000, to promote education, training, research, and foreign language skills through the Fulbright-Hays Program, in accordance with section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452b).

SEC. 3135. SENSE OF CONGRESS CONDEMNING ANTISemit, RACISM AND DISCRIMINATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the onset of the COVID–19 pandemic crimes and discrimination against Asians and those of Asian descent have risen dramatically worldwide. In May 2020, United Nations Secretary-General Antonio Guterres said the pandemic has created a “tsunami of hate and xenophobia, scapegoating and scare-mongering” and urged governments to “act now to strengthen the unity and solidarity of our societies against the virus of hate”.

(2) Asian American and Pacific Island (AAPI) workers make up a large portion of the essential workers on the frontlines of the COVID–19 pandemic, making up 8.5 percent of all essential healthcare workers in the United States. AAPI workers also make up a large share—between 6 percent and 12 percent based on sector—of the biomedical field.

(3) The United States Census notes that Americans of Asian descent alone made up nearly 5.9 percent of the population in 2019, and that Asian Americans are the fastest-growing racial group in the United States, projected to represent 14 percent of the United States population by 2065.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the reprehensible attacks on people of Asian descent and concerning increase in anti-Asian sentiment and racism in the United States and around the world have no place in a peaceful, civilized, and tolerant world;

(2) the United States is a diverse nation with a proud tradition of immigration, and the strength and vibrancy of the United States is enhanced by the diverse ethnic backgrounds and tolerance of its citizens, including Asian Americans and Pacific Islanders;

(3) the United States Government 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

(4) the United States Government 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. 3138. SUPPORTING INDEPENDENT MEDIA AND COUNTERING DISINFORMATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The PRC is increasing its spending on public diplomacy including influence campaigns, advertising, and investments into state-owned media outlets, all of which are controlled by or beholden to the PRC. These include, for example, more than $10,000,000,000 in foreign direct investment in communications infrastructure, platforms, and technology, as well as bringing journalists to the PRC for training programs.

(2) The PRC, through the Voice of China, the United States Agency for Global Media, and UFWD’s many affiliates and proxies, has obtained unfettered access to radio, television, and digital dissemination platforms in numerous languages targeted at citizens in other regions where the PRC has an interest in promoting public sentiment in support of the Chinese Communist Party and expanding the reach of its misleading narratives and propaganda.

(3) Even in Western democracies, the PRC spends extensively on influence operations, such as a $500,000,000 advertising campaign to attract cable viewers in Australia and a more than $20,000,000 campaign to influence United States public opinion via the China Daily newspaper.

(b) MEASURES TO ADDRESS CHINESE PROPAGANDA AND DISENFORMATION.—The United States Agency for Global Media shall continue their mission of providing credible and timely news coverage inclusive of the People’s Republic of China’s activities in Xinjiang, including China’s ongoing genocide and crimes against humanity with respect to Uyghurs and other Turkic Muslims, including through strategic amplification of Radio Free Asia’s coverage, in its news programming in majority-Muslim countries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2022 through 2026 for the United States Agency for Global Media, $100,000,000 for ongoing and new programs to support local media, build independent media, combat Chinese disinformation inside and outside of China, invest in technology to support censorship tools that counter and evaluate these programs, of which—

(1) not less than $70,000,000 shall be directed to a grant to Radio Free Asia language services;

(2) not less than $20,000,000 shall be used to serve populations in China through Mandarin, Cantonese, Uyghur, and Tibetan language services; and

(3) not less than $5,500,000 shall be used for digital media services—

(A) to counter propaganda of non-Chinese populations;

(B) to counter propaganda of Chinese populations in China through “Global Mandarin” programming;

(d) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for 5 years, the Chief Executive Officer of the United States Agency for Global Media, in consultation with the Secretary of State, shall submit a report to Congress on the efforts of the Global Engagement Center to counter foreign state and non-state propaganda and disinformation, including the efforts of the Global Engagement Center to counter the disinformation and propaganda of the People’s Republic of China and the Chinese Communist Party.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Global Engagement Center, for each of fiscal years 2022 through 2027, $150,000,000 for direct, lead, and coordinate efforts of the Federal Government to—

(1) recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation globally; and

(2) increase public diplomacy including influence campaigns to achieve meaningful penetration of people’s Republic of China’s censors; and

(f) REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—

(a) AMENDMENTS TO DEFENSE PRODUCTION ACT.

(A) DEFINITION OF COVERED TRANSACTION.—Subsection (a)(4) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(A) in paragraph (A),(i) by striking “,” and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting “; and”;

and

(iv) by adding at the end the following:

“(iii) any transaction described in subparagraph (v);”;

(g) SUPPORT FOR LOCAL MEDIA.—The Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor and in coordination with the United States Agency for International Development, shall support and train journalists on investigating methods necessary to ensure public accountability related to the Belt and Road Initiative, the PRC’s surveillance and digital export of technology, and other influence operations abroad directly supported by the Communist Party or the Chinese government.

(h) INTERNET FREEDOM PROGRAMS.—The Bureau of Democracy, Human Rights, and Labor shall continue to support internet freedom programs.

SEC. 3137. GLOBAL ENGAGEMENT CENTER.

(a) FINDING.—Congress established the Global Engagement Center to “direct, lead, and coordinate efforts of the Federal Government to—

(1) recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation globally; and

(2) increase public diplomacy including influence campaigns to achieve meaningful penetration of people’s Republic of China’s censors; and

(b) EXTENSION.—Section 1237(j) of the National Defense Authorization Act for Fiscal Year 2020 (2 U.S.C. 2656 note) is amended by striking “the date that is 8 years after the date of the enactment of this Act” and inserting “December 31, 2027.”

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Global Engagement Center should expand its coordinating capacity through the exchange of liaison officers with Federal departments and agencies that manage aspects of identifying and countering foreign disinformation, including the National Counterterrorism Center at the Office of the Director of National Intelligence and from combatant commands.

(d) Hiring Authority.—Notwithstanding any other provision of law, the Secretary of State, during the five year period beginning on the date of the enactment of this Act and solely to carry out functions of the Global Engagement Center, may—

(1) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service;

(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, the pay rates.

(e) Authorization of Appropriations.—There is authorized to be appropriated for the Global Engagement Center to counter foreign state and non-state sponsored 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.
(B) in subparagraph (B), by adding at the end the following:

“(vi) Any gift to an institution of higher education from a foreign person, or the entry into the United States of money or property.

(b)(4)(B)(vi)(II)(aa).''.

2. In subsection (a), by adding at the end the following:

“(B) Inclusion of other agencies on committee.—In considering including on the Committee under paragraph (2)(K) the heads of other agencies, in addition to agencies, the President shall give due consideration to the heads of relevant research and science agencies, departments, and offices, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.

(5) CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of such section is amended—

(A) in subparagraph (1) by striking ‘‘and’’ and inserting a semicolon,

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

and

(C) by adding at the end the following:

“(D) an evaluation of whether there are foreign malign influence or espionage activities directed toward, or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining research and development methods or secrets related to critical technologies; and

(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section for institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f) aimed at obtaining research and development methods or secrets related to critical technologies; and

(6) EFFECTIVE DATE.—The amendments made by subsection (a), as added by subsection (a)(1), shall apply to contracts described in subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3))).

3. In subsection (d), by adding at the end:

“(B) the gift or contract—

(ii) by inserting after subparagraph (G) the following:

“(II) that provides a program for which the institution awards a bachelor’s degree (or provides not less than a 2-year program which is acceptable for full credit toward such a degree) or a more advanced degree;

(iii) is accredited by a nationally recognized accrediting agency or association; and

(iv) to which the Federal Government extends Federal financial assistance (directly or indirectly through another entity or person), or

(a) by amending section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f) to read as follows:

(1) I N GENERAL.—The Committee on Foreign Investment in the United States shall carry out the administrative functions necessary to protect academic freedom; and

(2) ELEMENTS.—The regulations prescribed pursuant to paragraph (1) shall include—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1); and

(B) an assessment of the burden on institutions of higher education likely to result from implementation of the requirements that the pilot program may impose.

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) and (b) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3))).

4. The Committee on Foreign Investment in the United States may carry out the administrative functions necessary to protect academic freedom; and

(2) ELEMENTS.—The regulations prescribed pursuant to paragraph (1) shall include—

(A) a proposed determination of the scope of the procedures required by subsection (a), including

structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for more straightforward declarations and notice requirements, and implementing any procedures necessary to protect academic freedom; and

(B) guidance with respect to—

(i) which gifts and contracts described in clause (vi) of subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(1)(C)(v)(IV) of that section; and

(ii) the meaning of ‘‘control’’, as defined in subsection (a)(7) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (a)(4)(B) of that section and

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the rule prescribed by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the requirements that the pilot program transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Secretary of Education, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1); and

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program;

(C) recommendations for addressing any such burdens, including shortening timelines for reviews and investigations, structuring penalties and filing fees, and simplifying and streamlining declaration and notice requirements to reduce such burdens; and

(D) any procedures necessary to ensure that the pilot program does not infringe upon academic freedom.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall submit to Congress a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee under the pilot program and the outcome of such reviews;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a); and

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce those burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

SEC. 3139. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT THE DEPARTMENT OF STATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the executive branch have recognized the importance of preventing and
mitigating the potential for conflicts of interest following government service, including with respect to senior United States officials working on behalf of foreign governments.

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) Section 941 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following subsection:

"(1) EXTENDED POST-EMPLOYMENT RESTRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.

(1) SECRETARY OF STATE AND DEPUTY SECRETARY OF STATE.—With respect to a person serving as the Secretary of State or Deputy Secretary of State, the restrictions described in section 207(c)(1) of title 18, United States Code, shall apply to representing, aiding, or advising a foreign governmental entity before an officer or employee of the executive branch of the United States at any time after the termination of that person’s service as Secretary or Deputy Secretary.

(2) UNDER SECRETARIES, ASSISTANT SECRETARIES, AND OTHER FOREIGN SERVICE OFFICIALS.—With respect to a person serving as an Under Secretary, Assistant Secretary, or Ambassador at the Department of State or the United States Permanent Mission to the United Nations, the restrictions described in section 207(c)(1) of title 18, United States Code, shall apply to representing, aiding, or advising a foreign governmental entity before an officer or employee of the executive branch of the United States for 3 years after the termination of that person’s service in a position described in this paragraph, or the duration of the term or terms of the President who appointed that person to their position, whichever is longer.

(3) PENALTIES AND INJUNCTIONS.—Any violations of the restrictions in paragraphs (1) or (2) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code.

(4) DEFINITIONS.—In this subsection:

(A) The term ‘foreign governmental entity’ includes any person employed by—

(i) any department, agency, or other entity of a foreign government at the national, regional, or local level;

(ii) any governing party or coalition of a foreign government at the national, regional, or local level;

(B) The term ‘representation’ does not include representation by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice.

(5) EFFECTIVE DATE.—The restrictions in this subsection apply only to persons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enactment of the Strategic Competition Act of 2021.

(6) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions of this subsection shall be provided notice of these restrictions by the Department of State upon appointment by the President, and subsequently upon termination of service with the Department of State.

SEC. 3140. SENSE OF CONGRESS ON IMPACT OF CHINA'S CENSORSHIP ON UNITED STATES CULTURAL AND ECONOMIC INTERESTS

It is the sense of Congress that it is critically important for the President to nomi-

nate qualified ambassadors as quickly as possible, especially for countries in Central and South America, to ensure that the United States is diplomatically positioned to counter China's influence efforts in foreign countries.

SEC. 3141. CHINA CENSORSHIP MONITOR AND ACTION GROUP

(a) DEFINITIONS.—In this section:

(1) QUALIFIED RESEARCH ENTITY.—The term ‘qualified research entity’ means an entity that—

(A) is a nonpartisan research organization or a federally funded research and development center;

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(C) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

(i) the Government of the People's Republic of China;

(ii) the Chinese Communist Party;

(iii) any company incorporated in the People's Republic of China or a subsidiary of such company; or

(iv) any company or entity incorporated outside the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China.

(2) UNITED STATES PERSON.—The term ‘United States person’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the ‘China Censorship Monitor and Action Group’ (referred to in this subsection as the ‘Task Force’).

(2) MEMBERSHIP.—The President shall—

(A) appoint the chair of the Task Force from among the staff of the National Security Council; and

(B) appoint the vice chair of the Task Force from among the staff of the National Economic Council; and

(C) direct the selection of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) the Department of State.

(ii) the Department of Commerce.

(iii) the Department of the Treasury.

(iv) the Department of Justice.

(v) the Office of the United States Trade Representative.

(vi) the Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(vii) the Federal Communications Commission.

(viii) the United States Agency for Global Media.

(ix) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the Government of the People's Republic of China to censor or intimidate, in the United States or in its possessions or territories, any United States person, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(B) submit the strategy developed pursuant to paragraph (A) to the appropriate congressional committees not later than 120 days after the date of the enactment of this Act.

(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.

(c) REPORTS ON CENSORSHIP AND INTIMIDATION OF UNITED STATES PERSONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(1) REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) and the impact of such activities on the national interests of the United States.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) to enter into an agreement with a qualified research organization or a federally funded research and development center to report on and consequences for United States allies and partners facing similar challenges to censorship or intimidation by the Government of the People's Republic of China.

(ii) the activities conducted by the Task Force in support of the strategic objectives and policies referred to in clause (i); and

(iii) the results of the activities referred to in clauses (i) and (ii) and the impact of such activities on the national interests of the United States.

(4) REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(5) CONGRESSIONAL BRIEFCING.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Task Force shall provide briefings to the appropriate congressional committees regarding the activities of the Task Force in support of the strategic objectives and policies referred to in paragraph (3)(A).

(d) REPORT ON CHINA'S EFFORTS TO MOUNT AND SUPPORT POLITICAL PROTESTS OR MOBILIZATION OF POPULACE IN THE UNITED STATES.

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall select and seek to enter into an agreement with a qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) assess major trends, patterns, and methods of the Government of the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(B) assess the impact of such activities, including through the use of illustrative examples, as appropriate, the impact on and consequences for United States
persons, including United States companies that conduct business in the People’s Republic of China, that criticize—

(i) the Chinese Communist Party;

(ii) the government of the People’s Republic of China;

(iii) the authoritarian model of government of the People’s Republic of China; or

(iv) policy advanced by the Chinese Communist Party or the Government of the People’s Republic of China;

(iii) identify the implications for the United States of the matters described in clauses (i) and (ii);

(iv) assess the methods and evaluate the efficacy of the efforts by the Government of the People’s Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests;

(v) include policy recommendations for the United States Government, including recommendations regarding collaboration with United States allies and partners, to address censorship and intimidation by the Government of the People’s Republic of China; and

(vi) include policy recommendations for United States persons, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People’s Republic of China.

(C) APPLICABILITY TO UNITED STATES ALLIES AND PARTNERS.—To the extent practicable, the report required under subparagraph (A) shall identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation as directed or supported by the Government of the People’s Republic of China.

(2) SUBMISSION REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit the report written by the qualified research entity selected pursuant to paragraph (1)(A) to the appropriate congressional committees.

(B) PUBLICATION.—The report referred to in subparagraph (A) shall be made accessible to the public online through relevant United States Government websites.

(3) FEDERAL GOVERNMENT SUPPORT.—The Secretary of State, and other Federal agencies selected by the President shall provide the qualified research entity selected pursuant to paragraph (1)(A) with timely access to appropriate information, data, resources, and advice necessary for such entity to write the report described in paragraph (1)(A) in a thorough and independent manner.

(d) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

TITLE II—INVESTING IN ALLIANCES AND PARTNERSHIPS

Subtitle A—Strategic and Diplomatic Matters

SEC. 2201. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

In this subtitle, the term ‘appropriate committees of Congress’ means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 2202. UNITED STATES COMMITMENT AND SUPPORT FOR ALLIES AND PARTNERS IN THE INDO-PACIFIC.

(A) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States treaty alliances in the Indo-Pacific provide a unique strategic advantage to the United States and are among the Nation’s most precious assets, enabling the United States to advance its vital national interests, defend its territory, expand its economic interests, and trade and commerce, establish enduring cooperation among like-minded countries, prevent the domination of the Indo-Pacific and its oceans by China and by any hostile power, and deter potential aggressors;

(2) the Governments of the United States, Japan, the Republic of Korea, Australia, the Philippines, and Thailand are critical allies in advancing a free and open order in the Indo-Pacific region; and

(3) the United States greatly values other partnerships in the Indo-Pacific region, including with India, Singapore, Indonesia, Taiwan, New Zealand, and Vietnam as well as regional architecture such as the Quad, the Association of Southeast Asian Nations (ASEAN), the Asia-Pacific Economic Community (APEC), which are essential to further shared interests;

(4) the security environment in the Indo-Pacific demands a united United States and allied commitment to strengthening and advancing our alliances so that they are poised to meet the challenges of a great power competition, and will require sustained political will, joint commitments, military, economic, commercial, and technological cooperation, consistent and tangible commitments, high-level and extensive consultations on matters of mutual interest, mutual and shared cooperation in the acquisition of key capabilities important to allied defenses, and leadership and support in the face of political, economic, or military coercion;

(5) fissures in the United States alliance relationships and partnerships benefit United States adversaries and weaken collective ability to advance shared interests;

(6) the United States must work with allies to prioritize human rights throughout the Indo-Pacific region;

(7) as the report released in August 2020 by the Expert Group of the International Military Council for Security and Stability (IMCSS), titled ‘Climate and Security in the Indo-Asia Pacific’ noted, the Indo-Pacific region is the most vulnerable to climate impacts and as former Deputy Under Secretary of Defense for Installations and Environment Sherri Goodman, Secretary General of IMCCS, noted, climate shocks act as a threat multiplier in the Indo-Pacific region, increasing humanitarian response costs and impacting security by driving greenhouse gas emissions, fish- ing patterns shift, food insecurity rises, and storms grow stronger and more frequent;

(8) the United States should continue to engage on and deepen cooperation with allies and partners of the United States in the Indo-Pacific region, as laid out in the Asia Reassurance Initiative Act (Public Law 115–409), in the areas of—

(A) forecasting environmental challenges;

(B) assisting with transnational cooperation on sustainable uses of forest and water resources with the goal of preserving biodiversity and access to safe drinking water;

(C) fisheries and marine resource conservation; and

(D) meeting environmental challenges and developing resilience;

(9) the Secretary of State, in coordination with the Secretary of Defense and the Administrator of the Agency for International Development, should facilitate regional early recovery, which can advance regional economic and energy security, maritime security, and regional trade and commerce, establish enduring cooperation among like-minded countries, prevent the domination of the Indo-Pacific and its oceans by China and by any hostile power, and deter potential aggressors;

(10) the United States should reaffirm our commitment to quadrilateral cooperation among Australia, India, Japan, and the United States (the “Quad”) to enhance and implement a shared vision to meet shared regional challenges and to promote a free, open, inclusive, resilient, and healthy Indo-Pacific that is characterized by democracy, rule of law, and market-driven economic growth and is free from undue influence and coercion;

(11) the United States should seek to expand sustained dialogue and cooperation through the Quad with a range of partners to support the rule of law, freedom of navigation and overflight, peaceful resolution of disputes, democratic values, and territorial integrity, as well as to uphold our multilateral and bilateral treaty obligations, including—

(A) defending Japan, including all areas under the administration of Japan, under Article IV of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan;

(B) defending the Republic of Korea under article III of the Mutual Defense Treaty Between the United States and the Republic of Korea;

(C) defending the Philippines under article IV of the Mutual Defense Treaty Between the United States and the Philippines;

(D) defending Thailand under the 1945 Manila Pact and the Thetan-Rakus communique of 1962; and

(E) defending Australia under article IV of the Australia, New Zealand, United States Security Treaty;

(12) to strengthen and deepen the United States’ bilateral and regional partnerships, including with India, Taiwan, ASEAN, New Zealand, and New Zealand;

(13) to cooperate with Japan, the Republic of Korea, Australia, the Philippines, and Thailand to promote human rights bilaterally and through regional and multilateral fora and pacts; and

(14) to strengthen and advance diplomatic, economic, and security cooperation with regional partners, such as Taiwan, Vietnam, Malaysia, Singapore, Indonesia, and India.

SEC. 2203. boling the United States and the Republic of Korea;
respond to the economic and health impacts of COVID–19, including expanding safe, affordable, and effective vaccine production and equitable access, and to address shared challenges in cybersecurity, critical technologies, counterterrorism, quality infrastructure investment, and humanitarian assistance and disaster relief, as well as maritime cooperation that advances the important cooperation among Quad nations that is so critical to the Indo-Pacific region;

(5) building upon their partnership to help finance $200 million or more COVID–19 vaccines by the end of 2022 for use in the Indo-Pacific region, the United States International Development Finance Corporation, the Japan International Cooperation Agency, and the Japan Bank for International Cooperation, including through partnerships with other multilateral development banks, should also venture to finance development and infrastructure projects in the Indo-Pacific region that are sustainable and offer a viable alternative to the investments of the People’s Republic of China in that region under the Belt and Road Initiative;

(6) in consultation with other Quad countries, the Quad members and the Quad multilateral development banks should establish clear deliverables for the 3 new Quad Working Groups established on March 12, 2021, which are:

(A) the Quad Vaccine Experts Working Group;
(B) the Quad Climate Working Group; and
(C) the Quad Critical and Emerging Technologies Working Group;

(7) the formation of a Quad Intra-Parliamentary Working Group could—

(A) sustain and deepen engagement between Members of the Quad countries on a full spectrum of issues; and

(B) be modeled on the successful and longstanding bilateral intra-parliamentary groups between the United States and Mexico, Canada, and the United Kingdom, as well as other formal and informal parliamentary exchanges.

SEC. 3204. ESTABLISHMENT OF QUAD INTRA-PARLIAMENTARY WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall seek to enter into negotiations with the governments of Japan, Australia, India, and the United States to establish an Intra-Parliamentary Working Group, of which the Quad (as defined in subsection (a) of this section) shall be members, to advise the Quad on the range of issues associated with the Quad.

(b) UNITED STATES GROUP.—

(1) IN GENERAL.—At such time as the government of the Quad countries enter into a written agreement described in subsection (a), there shall be established a United States Group, which shall represent the United States at the Quad Intra-Parliamentary Working Group.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The United States Group shall be comprised of not more than 24 Members of Congress.

(B) APPOINTMENT.—Of the Members of Congress appointed to the United States Group under subparagraph (A),—

(i) not less than 9 shall be Members of the Senate, respectively.

(ii) 1 shall be appointed by the Speaker of the House of Representatives from among Members of the House, not less than 4 of whom shall be members of the Committee on Foreign Affairs (unless the majority leader and minority leader determine otherwise).

(iii) 4 shall be appointed by the minority leader of the Senate, from among Members of the Senate, respectively.

(iv) 1 shall be appointed by the majority leader and minority leader of the Senate, respectively.

(v) the chairperson of the delegation from the House of Representatives and the Senate shall be designated by the Speaker of the House of Representatives and the Senate, respectively.

(3) RULES.—The United States Group may accept gifts or donations of services or property, subject to the review and approval of the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Ethics of the House of Representatives, and the Committee on Ethics of the Senate.

(4) ANNUAL REPORT.—The United States Group shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each fiscal year that appropriates funds for the United States Group, which shall include a description of its expenditures under such appropriation.

SEC. 3205. STATEMENT OF POLICY ON COOPERATION WITH ASEAN.

It is the policy of the United States to—

(1) stand with the nations of the Association of Southeast Asian Nations (ASEAN) as they respond to COVID–19 and support greater cooperation in building capacity to prepare for and respond to pandemics and other public health threats;

(2) support high-level United States participation in the annual ASEAN Summit held each year;

(3) reaffirm the importance of United States-ASEAN economic engagement, including the elimination of barriers to cross-border commerce, and support the ASEAN Economic Community’s (AEC) goals, including strong, inclusive, and sustainable long-term economic growth and cooperation with ASEAN countries, that advance regional integration and capacity-building efforts in technology, education, disaster management, food security, human rights, and trade facilitation, particularly for ASEAN’s least developed countries;

(4) urge ASEAN to continue its efforts to foster greater integration and unity within the ASEAN community, as well as to foster greater integration and unity with non-ASEAN economic, political, and security partners, including Japan, the Republic of Korea, Australia, the European Union, Taiwan, and India;

(5) recognize the value of strategic economic initiatives like United States-ASEAN Connect, which demonstrates a commitment to ASEAN and the AEC and builds upon economic relationships in the region;

(6) support ASEAN nations in addressing maritime and territorial disputes in a constructive manner and in pursuing claims through peaceful, diplomatic, and, as necessary, legitimate regional and international arbitration mechanisms, consistent with international law, including through the adoption of a code of conduct in the South China Sea that represents the interests of all parties and promotes peace and stability in the region;

(7) urge all parties involved in the maritime and territorial disputes in the Indo-Pacific region, including the Government of the People’s Republic of China—

(A) to cease any current activities, and avoid undertaking any actions in the future, that undermine stability, or complicate or escalate disputes through the use of coercion, intimidation, or military force;

(B) to demilitarize islands, reefs, shoals, and other features, and refrain from new efforts to militarize, including the construction of new garrisons and facilities and the relocation of additional military personnel, material, or equipment;

(C) to oppose actions by any country that prevent other countries from exercising their sovereign rights to the resources in their exclusive economic zones and continental shelf, including economic zones in the South China Sea that lack support in international law; and

(D) to oppose unilateral declarations of adherence to, and make null and void the use of, in contested areas in the South China Sea;

(8) urge parties to refrain from unilateral actions that cause permanent physical damage to the marine environment and support the efforts of the National Oceanic and Atmospheric Administration and ASEAN to implement guidelines to address the illegal, unreported, and unregulated fishing in the region;

(9) urge ASEAN member states to develop a common approach to reaffirm the decision of the Permanent Court of 2016 ruling in favor of the Republic of the Philippines in the case against the People’s Republic of China’s excessive maritime claims; and

(10) reaffirm the commitment of the United States to continue joint efforts with ASEAN to halt human smuggling and trafficking in persons and urge ASEAN to create special economic zones in the region that provide assistance and support to refugees and migrants;

(11) support the Melong-United States Partnership;

(12) support newly created initiatives with ASEAN countries, including the United States-ASEAN Smart Cities Partnership, the United States-ASEAN Policy Dialogue Circle, the United States-ASEAN Innovation Circle, and the United States-ASEAN Health Futures;
(13) encourage the President to communicate to ASEAN leaders the importance of promoting the rule of law and open and transparent government, strengthening civil society, reducing corruption and human rights abuses, including releasing political prisoners, ceasing politically motivated prosecutions and arbitrary killings, and safeguarding freedom of the press, freedom of belief, freedom of religion, and freedom of speech and expression; and
(14) support efforts by organizations in ASEAN that address corruption in the public and private sectors, enhance anti-bribery compliance, enforce bribery criminalization in the private sector, and build beneficial ownership transparency through the ASEAN-USAID PROSPER project partnered with the South East Asia Parties Against Corruption (SEA-PAC);
(15) support the Young Southeast Asian Leaders Initiative as an example of a people-to-people partnership that provides skills, networks, and leadership training to a new generation that will design and drive cross-border cooperation and partnerships, and rise to address the regional and global challenges of the future;
(16) acknowledge those ASEAN governments that have fully upheld and implemented all United Nations Security Council resolutions and international agreements with respect to the Democratic People’s Republic of Korea’s nuclear and ballistic missile programs and encourage all other ASEAN governments to do the same; and
(17) allocate appropriate resources across the United States Government to articulate and implement an Indo-Pacific strategy that respects and supports ASEAN centrality and supports ASEAN as a source of well-functioning and problem-solving regional architecture in the Indo-Pacific community.

SEC. 3206. SENSE OF CONGRESS ON ENHANCING UNITED STATES-ASEAN COOPERATION ON TECHNOLOGY ISSUES WITH RESPECT TO THE PEOPLE’S REPUBLIC OF CHINA.

It is the sense of Congress that—
(1) the United States and ASEAN should complete a joint analysis on risks of over-reliance on support critical to strategic technologies and critical infrastructure;
(2) the United States and ASEAN should share information and collaborate on screening Chinese investments in strategic technology sectors and critical infrastructure;
(3) the United States and ASEAN should work together on appropriate import restriction regimes regarding Chinese exports of surveillance technologies;
(4) the United States and ASEAN should urge ASEAN to adopt its March 2019 proposed sanctions regime targeting cyberattacks;
(5) the United States and ASEAN should urge ASEAN to commit to the September 2019 principles signed by 28 countries regarding “Advancing Responsible State Behavior in Cyberspace”, a set of commitments that support the “rules-based international order, affirm the applicability of international law to state-on-state behavior, adherence to voluntary norms of responsible state behavior in peacetime, and commitment and implementation of practical confidence building measures to help reduce the risk of conflict stemming from cyber incidents”;
(6) the United States and ASEAN should explore how Chinese investments in critical technology, including artificial intelligence, will impact Indo-Pacific security over the coming decades.

SEC. 3207. REPORT ON CHINESE INFLUENCE IN INTERNATIONAL ORGANIZATIONS.
(a) Reporting Requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Director of National Intelligence, shall submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and the Foreign Relations Select Committee on Intelligence of the House of Representatives a report on the expanded influence of the Government of the People’s Republic of China and the Chinese Communist Party in international organizations.
(b) Contents.—The report required by subsection (a) shall include analysis of the following:
(1) The influence of the PRC and Chinese Communist Party in international organizations and how that influence has expanded over the last 10 years, including—
(A) tracking countries’ voting patterns that align with Chinese government voting patterns;
(B) the number of PRC nationals in leadership positions at the D-1 level or higher;
(C) changes in PRC voluntary and mandatory funding for international organizations;
(D) adoption of Chinese Communist Party phrases and initiatives in international organization language and programming;
(E) efforts by the PRC to use its influence to include its own policy initiatives, including the Belt and Road Initiative;
(F) the number of Junior Professional Officers that the Chinese Embassy of the People’s Republic of China has funded by organization;
(G) tactics used by the Government of the People’s Republic of China or the CCP to manipulate secret or otherwise non-public voting measures, voting bodies, or votes;
(H) the extent to which technology companies incorporated in the PRC, or which have PRC or CCP ownership interests, provide equipment and services to international organizations; and
(I) efforts by the PRC’s United Nations Mission to generate criticism of the United States in the United Nations, including any efforts to highlight delayed United States payments or to misrepresent United States voluntary non-budgeted financial contributions to the United Nations and its specialized agencies and programs.
(2) The purpose and ultimate goals of the expanded influence of the PRC and Chinese Communist Party in international organizations, including an analysis of PRC Government and Chinese Communist Party strategic documents and rhetoric.
(3) The tactics and means employed by the PRC government and the Chinese Communist Party to achieve expanded influence in international organizations, including—
(A) incentive programs for PRC nationals to join and run for leadership positions in international organizations;
(B) coercive economic and other practices against other members in the organization; and
(C) economic or other incentives provided to international organizations, including donations of technologies or goods.
(4) The successes and failures of the PRC government and Chinese Communist Party influence efforts in international organizations, especially those related to human rights, “internet sovereignty”, the development of artificial intelligence, labor, international standards setting, and freedom of navigation.
(c) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITION.—In this section, the term “international organizations” includes the following:
(3) The Asia Pacific Economic Cooperation.
(6) The Food and Agriculture Organization.
(7) The International Atomic Energy Agency.
(8) The International Bank for Reconstruction and Development.
(9) The International Bureau of Weights and Measures.
(10) The International Chamber of Commerce.
(11) The International Civil Aviation Organization.
(12) The International Criminal Police Organization.
(13) The International Finance Corporation.
(14) The International Fund for Agricultural Development.
(15) The International Hydrographic Organization.
(16) The International Labor Organization.
(17) The International Maritime Organization.
(18) The International Monetary Fund.
(19) The International Olympic Committee.
(20) The International Organization for Migration.
(21) The International Organization for Standardization.
(22) The International Renewable Energy Agency.
(23) The International Telecommunications Union.
(24) The Organization for Economic Cooperation and Development.
(26) The United Nations.
(30) The United Nations Institute for Training and Research.
(31) The United Nations Truce Supervision Organization.
(32) The Universal Postal Union.
(33) The World Customs Organization.
(34) The World Health Organization.
(36) The World Meteorological Organization.
(38) The World Tourism Organization.
(39) The World Trade Organization.
(A) be appointed by the President, by and with the advice and consent of the Senate;  
(B) have the rank and status of ambassador;  
(C) report to the Secretary of State, unless otherwise directed.

(2) Office Liaisons.—The Secretary of Commerce and the Secretary of the Treasury shall have in the respective departments at the level of GS-14 or higher, liaisons between the Office and the Department of Commerce or the Department of the Treasury, as applicable, to perform the following duties:

(A) Collaborate with the Department of State on relevant technology initiatives and partnerships.  
(B) Provide technical and other relevant expertise to the Office, as appropriate.

(c) Leadership.—In addition to the liaisons referred to in subsection (c), the Office shall include a representative or expert details from key Federal agencies, as determined by the Ambassador-at-Large for Technology.

(e) Purposes.—The purposes of the Office shall include responsibilities such as—

(1) creating, overseeing, and carrying out technology partnerships with countries and relevant political and economic unions that are committed to the rule of law, freedom of speech, and respect for human rights;  
(2) the safe and responsible development and use of novel and emerging technologies and the establishment of related norms and standards;  
(3) a secure internet architecture governed by a multi-stakeholder model instead of centralized government control;  
(4) robust international cooperation to promote an open internet and interoperable technological products and services that are necessary to freedom, innovation, transparency, and privacy; and  
(5) partnering, including through diplomatic initiatives, information sharing, and other activities, to defend the principles described in subparagraphs (A) through (D) against efforts by state and non-state actors to undermine them.

(f) Special Hiring Authorities.—The Secretary of State may—

(1) appoint employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, regarding appointments in the competitive service; and  
(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of title 5 regarding classification and General Schedule pay rates.

(g) Report.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the next 3 years, the Secretary of State, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, shall submit an unclassified report to the appropriate congressional committees with a classified index, if necessary, regarding—

(1) the activities of the Office, including any cooperative initiatives and partnerships pursued by the Department and partnerships of the United States with United Nations institutions;  
(2) the activities of the Government of the People’s Republic of China, the Chinese Communist Party, and the Russian Federation in the resiliency of supply chains in critical technology sectors and the threats they pose to the United States, including possible diversification of supply chain components to countries involved in technology partnerships with the United States, while also maintaining transparency surrounding subsidies and product origins;  
(3) sharing information regarding the technology transfer threat posed by authoritarian governments, in which autocratic regimes are utilizing technology to erode individual freedoms and other foundations of open, democratic societies;  
(4) the funding mechanism for the development and adoption of measurably secure semiconductors and measurably secure software; and  
(5) collaborating with private companies, trade associations, and think tanks to realize the purposes of paragraphs (1) through (10).

SEC. 3209. TECHNOLOGY PARTNERSHIP OFFICE AT THE DEPARTMENT OF STATE

(a) Statement of Policy.—It shall be the policy of the United States to lead new technology policy partnerships focused on the shared interests of the world’s technology-leading democracies.

(b) Establishment.—The Secretary of State shall establish an interagency-staffed Technology Partnership Office (referred to in this section as the “Office”), which shall be housed in the Department of State.

(c) Leadership.—

(1) Ambassador-at-Large.—The Office shall be headed by an Ambassador-at-Large for Technology, who shall—

(2) U.S. OF FUNDS.—The Secretary may make available amounts appropriated pursuant to paragraph (1) in a manner that—

(A) facilitates participation by representatives from technical agencies within the United States Government and our counterparts abroad;  
(B) complies with applicable procedural requirements under the State Department Basic Authorities Act of 1956 (22 U.S.C. 2561a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).
(h) SENSE OF CONGRESS ON ESTABLISHING INTERNATIONAL TECHNOLOGY PARTNERSHIP.—It is the sense of Congress that the Ambassador-at-Large for Technology should seek to establish an Interagency Working Group for the purposes described in this section with foreign countries that have—

(1) a democratic national government and a strong commitment to democratic values, including an adherence to the rule of law, freedom of speech, and respect for and promotion of human rights;

(2) an economy with advanced technology sectors; and

(3) a demonstrated record of trust or an expressed interest in international cooperation and coordination with the United States on important defense and intelligence issues.

SEC. 3210. UNITED STATES REPRESENTATION IN STANDARDS-SETTING BODIES.

(a) SHORT TITLE.—This section may be cited as the “Promoting United States Interagency Coordination in 5G Act of 2021”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States and its allies and partners should maintain participation and leadership at international standards-setting bodies for 5th and future generation mobile telecommunications systems and infrastructure;

(2) the United States should work with its allies and partners to encourage and facilitate the development of secure supply chains and networks for 5th and future generation mobile telecommunications systems and infrastructure; and

(3) the maintenance of a high standard of security in telecommunications and cyber-space between the United States and its allies and partners is a national security interest of the United States.

(c) ENHANCING REPRESENTATION AND LEADERSHIP OF UNITED STATES AT INTERNATIONAL STANDARDS-SETTING BODIES.—

(1) IN GENERAL.—The President shall—

(A) establish an interagency working group to provide assistance and technical expertise to enhance the representation and leadership of the United States at international bodies that set standards for equipment, systems, software, and virtually defined networks that support 5th and future generation mobile telecommunications systems and infrastructure, including information on the differences in the scope and scale of China’s engagement at such bodies compared to those led by the United States and its allies and partners and the security risks raised by Chinese proposals in such standards-setting bodies; and

(B) engage with private sector communications and information service providers, equipment developers, academia, Federal funded research and development centers, and other private-sector stakeholders to propose and develop secure standards for equipment, systems, software, and virtually defined networks that support 5th and future generation mobile telecommunications systems and infrastructure.

(2) SUBSEQUENT BRIEFINGS.—Upon receiving a request from the appropriate congressional committees, or as determined appropriate by the chair of the interagency working group established pursuant to paragraph (1), the interagency working group shall provide such committees an updated briefing that covers the matters described in clauses (i) through (iv) of subparagraph (A).

SEC. 3211. SENSE OF CONGRESS ON CENTRALITY OF SANCTIONS AND OTHER RESTRICTIONS TO STRATEGIC COMPARATIVE ADVANTAGE WITH CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Sanctions and other restrictions, when used as part of a coordinated and comprehensive strategy, are a powerful tool to advance United States foreign policy and national security interests.

(2) Congress has authorized and mandated a broad range of sanctions and other restrictions to address malign behavior and incentivize behavior change by individuals and entities in the PRC.

(3) The sanctions and other restrictions authorized and mandated by Congress address a range of malign behavior, including—

(A) intellectual property theft;

(B) cyber-related economic espionage;

(C) repression of ethnic minorities;

(D) other human rights abuses;

(E) abuses of the international trading system;

(F) illicit assistance to and trade with the Government of the Democratic People’s Republic of Korea; and

(g) drug trafficking, including trafficking in fentanyl and other opioids;

(4) The sanctions and other restrictions described in this section include the following:


(C) The Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.).

(D) The Hong Kong Autonomy Act (Public Law 116–149).

(E) Section 7 of the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–18).


(G) The Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.).

(H) Export control measures required to be maintained with respect to entities in the telecommunications sector of the People’s Republic of China, including under section 12601 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).


(5) Full implementation of the authorities described in paragraph (4) is required under the respective laws described therein and pursuant to the Take Care Clause of the Constitution (article II, section 3).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the executive branch has not fully implemented the sanctions and other restrictions described in subsection (a)(4) despite the statutory and constitutional requirements to do so; and

(2) the President’s full implementation and execution of the those authorities is necessary and essential to the success of the United States in the strategic competition with China.

SEC. 3212. SENSE OF CONGRESS ON NEGOTIATIONS WITH G7 AND G20 COUNTRIES.

(a) IN GENERAL.—It is the sense of Congress that the President, acting through the Secretary of State, should initiate an agenda with G7 and G20 countries on matters relevant to economic and democratic freedoms, including the following:

(1) Trade and investment issues and enforcement.

(2) Building support for international infrastructure standards, including those agreed to at the G20 summit in Osaka in 2019.

(3) The erosion of democracy and human rights.

(4) The security of 5G telecommunications.

(5) Anti-competitive behavior, such as intensified property valuation,oser manufacturing, and other restrictions, when used as part of a coordinated and comprehensive strategy, are a powerful tool to advance United States foreign policy and national security interests.

(6) Predatory international sovereign lending.

(7) Predatory sovereign debt.

(8) Predatory sovereign lending.

(9) Coordination with like-minded regional partners that are not in the G7 and G20.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to recognize Taiwan as a vital part of the United States and to work with Taiwan and other countries that share the same values in such areas as education, trade, and investment to promote the long-term security and prosperity of Taiwan and the United States.

(2) to advance the security of Taiwan and its democracy as key elements for the continued peace and stability of the greater Indo-Pacific region, and a vital national security interest of the United States;

(3) to reinforce its commitments to Taiwan under the Taiwan Relations Act (Public Law 95–434); and

(4) to support Taiwan’s implementation of its asymmetric defense strategy, including the prioritizes identified in Taiwan’s Overall Defense Concept.

(5) to urge Taiwan to increase its defense spending in order to fully resource its defense strategy.

(c) SENSE OF CONGRESS ON ENHANCING THE UNITED STATES-TAIWAN PARTNERSHIP.

(1) TRADE AND INVESTMENT.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to recognize Taiwan as a vital part of the United States and to work with Taiwan and other countries that share the same values in such areas as education, trade, and investment to promote the long-term security and prosperity of Taiwan and the United States.

(2) to advance the security of Taiwan and its democracy as key elements for the continued peace and stability of the greater Indo-Pacific region, and a vital national security interest of the United States;

(3) to reinforce its commitments to Taiwan under the Taiwan Relations Act (Public Law 95–434); and

(4) to support Taiwan’s implementation of its asymmetric defense strategy, including the priorities identified in Taiwan’s Overall Defense Concept.

(5) to urge Taiwan to increase its defense spending in order to fully resource its defense strategy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should undertake regular transfers of defense articles to Taiwan in order to enhance Taiwan’s self-defense capabilities, particularly
its efforts to develop and integrate asymmetric capabilities, including anti-ship, coastal defense, anti-air, air defense, undersea warfare, advanced command, control, communications, intelligence, surveillance, and reconnaissance, and resilient command and control capabilities, into its military forces;
(7) to proactively and actively advance Taiwan’s meaningful participation in the United Nations, the World Health Assembly, the International Civil Aviation Organization, the International Criminal Police Organization, and other international bodies as appropriate;
(8) to advocate for information sharing with Taiwan in the International Agency for Research on Cancer;
(9) to promote meaningful cooperation among the United States, Taiwan, and other like-minded partners;
(10) to enhance bilateral trade, including potentially through new agreements or re-sumption of talks related to a possible Trade and Investment Framework Agreement;
(11) to actively engage in trade talks in pursuance of a bilateral free trade agreement;
(12) to expand bilateral economic and technological cooperation, including improving supply chain security;
(13) to short and United States educational and exchange programs with Taiwan, including by promoting the study of Chinese language, culture, history, and politics in Taiwan; and
(14) to expand people-to-people exchanges between the United States and Taiwan.

SEC. 3214. TAIWAN FELLOWSHIP PROGRAM.

(a) Short title.—This section may be cited as the “Taiwan Fellowship Act”.

(b) Findings.—Congress finds the following:

(1) The Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) affirmed United States policy “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area.”

(2) The Asia Reassurance Initiative Act of 2018 (Public Law 115–109) provides “funds for the purpose of preparing to enter into an annual or multi-year cooperative agreement with the American Institute in Taiwan and the implementing partner, may modify the name of the Program.”

(2) Cooperative Agreement.—

(A) In general.—The American Institute in Taiwan should use appropriate funds pursuant to subsection (b)(1) to enter into an annual or multi-year cooperative agreement with an appropriate implementing partner.

(B) Fellowships.—The Department of State shall establish the “Taiwan Fellowship Program” (referred to in this subsection as the “Program”) to provide a fellowship opportunity in Taiwan of up to 2 years for eligible United States citizens. The Department of State may enter into consultation with the American Institute in Taiwan and the implementing partner, may modify the name of the Program.

(C) Purposes.—The purposes of this section are—

(1) to further strengthen the United States-Taiwan strategic partnership and broaden understanding of the Indo-Pacific region by temporarily assigning officials of agencies of the United States Government to Taiwan for intensive study in Mandarin and placement as Fellows with the governing authorities on Taiwan or a Taiwanese civic institution;

(2) to provide for eligible United States personnel to learn Mandarin Chinese language skills and to expand their understanding of the political economy of Taiwan and the Indo-Pacific region; and

(3) to better the United States to advance its economic, security, and human rights interests and values in the Indo-Pacific region.

(D) Definitions.—In this section:

(1) Agency head.—The term “agency head” means the head of the executive branch agency or the head of the legislative branch agency (as defined in paragraph (2), the head of the respective agency.

(2) Agency of the United States government.—The term “agency of the United States Government” includes the Government Accountability Office, the Congressional Research Service of the legislative branch as well as any agency of the executive branch.

(3) Appropriate committees of Congress.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(E) Detailer.—The term “detailer”—

(A) means an employee of a branch of the United States Government on loan to the American Institute in Taiwan, without a change of position from the agency at which he or she is employed; and

(B) a legislative branch employee from the Government Accountability Office, Congressional Budget Office, or the Congressional Research Service.

(F) Implementing Partner.—The term “implementing partner” means any United States organization described in 501(c)(3) of the Internal Revenue Code of 1986 that—

(1) performs logistical, administrative, and other functions, as determined by the Department of State and the American Institute of Taiwan in support of the Taiwan Fellowship Program; and

(2) enters into a cooperative agreement with the American Institute in Taiwan to administer the Taiwan Fellowship Program.

(e) Establishment of Taiwan Fellowship Program.

(1) Establishment.—The Secretary of State shall establish the “Taiwan Fellowship Program” (referred to in this subsection as the “Program”) to provide a fellowship opportunity in Taiwan of up to 2 years for eligible United States citizens. The Department of State shall enter into consultation with the American Institute in Taiwan and the implementing partner, may modify the name of the Program.
(B) has received at least one exemplary performance review in his or her current United States Government role within at least the last three years prior to beginning the fellowship;
(C) has at least 2 years of experience in any branch of the United States Government;
(D) has a demonstrated professional or educational need for training in the relationship between the United States and countries in the Indo-Pacific region; and
(E) has demonstrated his or her commitment to a career service in the United States Government.
(2) RESPONSIBILITIES OF FELLOWS.—Each recipient of a fellowship under this subparagraph shall agree, as a condition of such fellowship—
(A) to maintain satisfactory progress in language training and appropriate behavior while in Taiwan, as determined by the Department of State, the American Institute in Taiwan and, as appropriate, its implementing partner;
(B) to refrain from engaging in any intelligence or intelligence-related activity on behalf of the United States Government; and
(C) to refrain from engaging in any intelligence or intelligence-related activity on behalf of any branch of the United States Government.
(3) RESPONSIBILITIES OF IMPLEMENTING PARTNER.—
(A) SELECTION OF FELLOWS.—The implementing partner, in close coordination with the Department of State and the American Institute in Taiwan shall—
(i) make efforts to recruit fellowship candidates who reflect the diversity of the United States;
(ii) select fellows for the Taiwan Fellowship Program based solely on merit, with appropriate supervision from the Department of State and the American Institute in Taiwan; and
(iii) prioritize the selection of candidates willing to serve a fellowship lasting 1 year or longer.
(B) FIRST YEAR.—The implementing partner shall provide each fellow in the first year (or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan) and, as appropriate, the implementing partner, may waive any of the training required under subparagraph (B) to the extent that a fellow has Mandarin language skills, knowledge of the topic described in subparagraph (B)(ii), or for other related reasons approved by the Department of State and the American Institute in Taiwan, to the extent that the training requirements are waived for a fellow serving a 2-year fellowship, the training portion of his or her fellowship may be shortened to the extent appropriate.
(D) OFFICE, STAFFING.—The implementing partner, in consultation with the Department of State and the American Institute in Taiwan, may maintain an office and staff in Taiwan; and
(ii) to pay to the American Institute in Taiwan any additional expenses incurred by the fellow during the second year of the fellowship.
(D) Any recommendations, as appropriate, to improve the implementation of the Taiwan Fellowship Program, including added flexibilities in the administration of the program.
(E) An assessment of the Taiwan Fellowship Program’s value to the relationship between the United States and Taiwan or the United States and Asian countries.
(6) ANNUAL FINANCIAL AUDIT.—
(A) In each fiscal year, the financial records of any implementing partner shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants who are certified or licensed by a regulatory authority of a State or another political subdivision of the United States or the United States and Canada. Additional audits may be required of a detailee who leaves the service of the sponsoring agency to enter into the service of another agency of the United States Government unless the head of the sponsoring agency certifies that the effective date of entry into the service of the other agency that payment will be required under this subsection.
(B) LOCATION.—Each audit under subparagraph (A) shall be conducted at the place or places where the financial records of the implementing partner are normally kept.
(C) ACCESS TO DOCUMENTS.—The implementing partner shall make available to the accountants conducting an audit under subparagraph (A) all books, financial records, files, other papers, things, and property belonging to, or in use by, the implementing partner that are necessary to facilitate the audit; and
(ii) full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.
(D) REPORT.—
(i) IN GENERAL.—Not later than 6 months after the end of each fiscal year, the implementing partner shall provide a report of the audit conducted for such fiscal year under subparagraph (A) to the Department of State and the American Institute in Taiwan.
(ii) CONTENTS.—Each audit report shall—
(i) set forth the scope of the audit;
(ii) include such statements, along with the auditors’ opinions, as may be necessary to present fairly the implementing partner’s assets and liabilities, surplus or deficit, with reasonable detail;
(iii) include a statement of the implementing partner’s income and expenses during the year; and
(iv) include a schedule of—
(A) to continue in the service of the sponsoring agency at the end of fellowship for a period of at least 4 years (or at least 2 years if the fellowship is 1 year or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan), unless the fellow was assigned during the second year of the fellowship.
(B) to serve as the primary in-country point of contact for the recipients of fellowships under this section and their dependents.
(C) OTHER FUNCTIONS.—The implementing partner may perform other functions in association in support of the Taiwan Fellowship Program, including logistical and administrative functions, as prescribed by the Department of State and the American Institute in Taiwan.
(4) NONCOMPLIANCE.—
(A) IN GENERAL.—Any fellow who fails to comply with the requirements under this subparagraph shall be in default if subparagraphs (A) or (B) of paragraph (2) shall reimburse the American Institute in Taiwan in an amount equal to the sum of—
(i) the amount specified in subparagraph (B);
(ii) the product of—
(A) the Federal funds expended for the fellow’s participation in the fellowship, as set forth in subparagraph (B); and
(B) the percentage of the period specified in paragraph (2)(C) during which the fellow violated paragraph (2)(C) shall reimburse the American Institute in Taiwan in an amount equal to the sum of—
(i) the amount specified in subparagraph (B): and
(ii) the product of—
(A) the Federal funds expended for the fellow’s participation in the fellowship; and
(B) the percentage of the period specified in paragraph (2)(C) during which the fellow violated paragraph (2)(C).
(B) PRO RATA REIMBURSEMENT.—Any fellow who violates paragraph (2)(C) shall reimburse the American Institute in Taiwan in an amount equal to the sum of—
(i) the amount specified in subparagraph (B): and
(ii) the product of—
(A) the Federal funds expended for the fellow’s participation in the fellowship; and
(B) the percentage of the period specified in paragraph (2)(C) during which the fellow violated paragraph (2)(C).
(C) WAIVER OF REQUIRED TRAINING.—The implementing partner may waive the training requirements of subparagraph (B)(ii) to the extent that a fellow has Mandarin language skills, knowledge of the topic described in subparagraph (B)(ii), or for other related reasons approved by the Department of State and the American Institute in Taiwan, to the extent that the training requirements are waived for a fellow serving a 2-year fellowship, the training portion of his or her fellowship may be shortened to the extent appropriate.
(D) DETAIL AUTHORIZED.—With the approval of the Secretary of State, an agency head may detail, for a period of not more than 2 years, an employee of the agency of the United States Government who has been awarded a fellowship under this section, to the American Institute in Taiwan for the purpose of training or to assist the Department of State in delegating authority to the governing authorities on Taiwan or an organization described in subsection (e)(4)(B)(ii).
(B) AGREEMENT.—Each detail shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the fellow shall agree—
(i) to pay to the American Institute in Taiwan any additional expenses incurred by the fellow during the second year of the fellowship if the detailee voluntarily separates from service with the sponsoring agency before the end of the period for which the detailee was appointed to continue in the service of such agency.
(C) EXCEPTION.—The payment agreed to under subparagraph (B)(ii) may not be reduced of a detailee who leaves the service of the sponsoring agency to enter into the service of another agency of the United States Government unless the head of the sponsoring agency notifies the fellow at the time of the appointment.
(7) ALLOWS FROM FUNDS AVAILABLE TO SUCH AGENCY.—Any benefits, to be an employee of the agency of the United States Government.
(8) STATUS AS GOVERNMENT EMPLOYEE.—A detailee—
(A) is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, to be an employee of the sponsoring agency;
(B) is entitled to pay, allowances, and benefits from funds available to such agency, which is deemed to comply with section 5536 of title 5, United States Code; and
(C) may be assigned to a position with an employee of that agency described in section 5536 of title 5, United States Code.
(ii) the acceptance of compensation or other benefits from any foreign government by such detailee.

(3) RESPONSIBILITIES OF SPONSORING AGENCY

(A) IN GENERAL.—The Federal agency from which a detailee is detailed should provide the fellow allowances and benefits that are consistent with the United States Government's position on Taiwan's international status.

(B) MODIFICATION OF BENEFITS.—The American Institute in Taiwan and its implementing partner, in determining how this pandemic emerged.

(4) No financial liability.—The American Institute in Taiwan, the implementing partner, or any agency of the United States Government that provides Fellowships, may modify the benefits set forth in subparagraph (A) if such modification is warranted by fiscal circumstances.

(5) Reimbursement.—Fellowships may be detailed under paragraph (1)(A) without reimbursement to the United States by the American Institute in Taiwan.

(6) Allowances and benefits.—Detailees may be provided by the American Institute in Taiwan for the allowances and benefits listed in paragraph (3).

(b) Funding.

(1) Authorization of appropriations.—There are authorized to be appropriated to the American Institute in Taiwan—

(A) for fiscal year 2022, $2,900,000, of which—

(i) $500,000 shall be used to launch the Taiwan Fellowship Program through a competitive cooperative agreement with an appropriate implementing partner;

(ii) $2,300,000 shall be used to fund a cooperative agreement with the appropriate implementing partner; and

(iii) $100,000 shall be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program.

(B) for fiscal year 2023, and each succeeding fiscal year, $2,900,000, of which—

(i) $3,200,000 shall be used to fund a cooperative agreement with an appropriate implementing partner; and

(ii) $100,000 shall be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program.

(2) Private sources.—The implementing partner selected to implement the Taiwan Fellowship Program may accept, in any of the forms of gifts or donations of services or property in carrying out such program, sub-

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SECTION 3217. REPORT ON ORIGINS OF THE COVID-19 PANDEMIC.

(a) Sense of Congress.—It is the sense of Congress that—

(1) it is critical to understand the origins of the SARS-CoV-2 virus, including into a possible lab leak, or virus transmitted from animals to humans, and to determine how this pandemic emerged.

(b) Report required.—Not later than 180 days after enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of State, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Relations of the House of Representatives a report on the origins of the SARS-CoV-2 virus, including into a possible lab leak, or virus transmitted from animals to humans, and to determine how this pandemic emerged.

(b) Rule of construction.—Nothing in this paragraph shall be construed as entailing the virus, including into a possible lab leak, or virus transmitted from animals to humans, and to determine how this pandemic emerged.

(1) an assessment of the most likely source or origin of the SARS-CoV-2 virus, including a detailed review of all information the United States possesses about the virus, including into a possible lab leak, or virus transmitted from animals to humans, and to determine how this pandemic emerged.

(2) an identification of the leading credible theories of the etiology of the SARS-CoV-2 virus, including into a possible lab leak, or virus transmitted from animals to humans, and to determine how this pandemic emerged.

(3) a description of all steps the United States has taken to validate those theories, and any variance in assessment or dissent among or between United States intelligence agencies, executive agencies, and executive offices of the most likely source or origin of the SARS-CoV-2 virus, and the basis for such variance or dissent;

(4) the description of the United States intelligence agencies, executive agencies, and executive offices of the most likely source or origin of the SARS-CoV-2 virus, and the basis for such variance or dissent;

(5) a detailed description of the data to which the United States and the WHO have requested and have access to in order to determine the origin of the source of the SARS-CoV-2 virus, including into a possible lab leak, or virus transmitted from animals to humans, and to determine how this pandemic emerged.

(6) a detailed description of the data to which the United States and the WHO have requested and have access to in order to determine the origin of the source of the SARS-CoV-2 virus, including into a possible lab leak, or virus transmitted from animals to humans, and to determine how this pandemic emerged.

(a) In general.—The Department of State and other United States Government departments and agencies shall engage with the democratically elected government of Taiwan and its representative institutions of the people of Taiwan and end the outdated practice of referring to the government in Taiwan as the "Taiwan authorities". Notwithstanding the provisions of section 1252f of title 8, United States Code, the Department of State, may modify the benefits and allowances that are available to members of the armed forces of these countries and agencies to interact directly and in the early stages of the outbreak relevant to determining how this pandemic emerged.

(b) Rule of construction.—Nothing in this paragraph shall be construed as entailing protection United States interests in Taiwan as the "Taiwan authorities". Notwithstanding the provisions of section 1252f of title 8, United States Code, the Department of State, may modify the benefits and allowances that are available to members of the armed forces of these countries and agencies to interact directly and in the early stages of the outbreak relevant to determining how this pandemic emerged.

(c) Rule of construction.—Nothing in this paragraph shall be construed as entailing protection United States interests in Taiwan as the "Taiwan authorities". Notwithstanding the provisions of section 1252f of title 8, United States Code, the Department of State, may modify the benefits and allowances that are available to members of the armed forces of these countries and agencies to interact directly and in the early stages of the outbreak relevant to determining how this pandemic emerged.

(d) Rule of construction.—Nothing in this paragraph shall be construed as entailing protection United States interests in Taiwan as the "Taiwan authorities". Notwithstanding the provisions of section 1252f of title 8, United States Code, the Department of State, may modify the benefits and allowances that are available to members of the armed forces of these countries and agencies to interact directly and in the early stages of the outbreak relevant to determining how this pandemic emerged.
(6) a detailed account of information known to the United States Government regarding the WIV and associated facilities, including research activities on coronaviruses and gain of function research, any reported illnesses of persons associated with the laboratory with symptoms consistent with COVID-19 and the ultimate diagnosis, and a timeline of research relevant to coronaviruses;

(7) a list of any known obligations on the PRC that require disclosure and cooperation in the event of a viral outbreak like SARS-CoV-2; and

(8) an overview of United States engagement with the PRC with respect to corona virus research.

(a) A detailed accounting of United States Government funding to support gain-of-function research in the PRC after the moratorium on such funding was lifted on January 29, 2017. Such United States Government funding was used to support gain-of-function research in the PRC, during the moratorium on gain-of-function research (2014–17).

(c) Form.—The report required by subsection (b) shall be submitted in unclassified form, except classified information, as defined in section 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and classified national security information, as defined in section 3 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), shall be marked classified-

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Science, Space, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the House of Representatives.

SEC. 3218. INCREASING DEPARTMENT OF STATE PERSONNEL AND RESOURCES DEVOTED TO THE INDO-PACIFIC.

(a) FINDINGS.—Congress makes the following findings:

(1) In fiscal year 2020, the Department of State allocated $1,500,000,000 to the Indo-Pacific region in bilateral and regional foreign assistance (FA) resources, including as authorized by section 201(b) of the Asia Reassurance Initiative Act (Public Law 115–409, 132 Stat. 5391), and $798,000,000 in the fiscal year 2020 diplomatic engagement (DE) budget. These amounts represent only 5 percent of the DE budget and only 4 percent of the total Department of State-USAID budget.

(2) Over the last 5 years the DE budget and personnel levels in the Indo-Pacific averaged only 5 percent of the total, while FA resources averaged only 4 percent of the total.

(3) In 2020, the Department of State began a process to realign certain positions at posts to ensure that its personnel footprint matches the demands of great-power competition, including in the Indo-Pacific.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the size of the United States diplomatic corps must be sufficient to meet the current and emerging challenges of the 21st century, including those posed by the PRC in the Indo-Pacific region and elsewhere;

(2) the increase in personnel designed to meet the objectives of an Indo-Pacific strategy focused on strengthening the good governance and sovereignty of states that adhere to and uphold the rules-based international order; and

(3) the increase must be implemented with a focus on increased numbers of economic, political, and public diplomacy officers, representing a cumulative increase of at least 200 foreign service officer generalists, to—

(A) advance free, fair, and reciprocal trade among the Indo-Pacific members of the United States companies, and engaged in increased commercial diplomacy in key markets;

(B) better articulate and explain United States policies, strengthen civil society and democratic principles, enhance reporting on Chinese the PRC’s global activities, promote people-to-people diplomacy, and advance United States influence; and

(C) increase capacity at small- and medium-sized embassies and consulates in the Indo-Pacific and other regions around the world, as necessary.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to increase DE and FA funding and the quantity of personnel dedicated to the Indo-Pacific region respective to the Department of State’s total budget.

(2) It shall be the policy of the United States to increase the number of resident Defense attaches in the Indo-Pacific region, particularly in locations where the People’s Republic of China has a resident military attaché but the United States does not, to assure coverage of all appropriate posts.

(d) ACTION PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall provide to the appropriate committees of Congress an action plan with the following elements:

(1) Identification of requirements to advance United States strategic objectives in the Indo-Pacific and the personnel and budgetary resources needed to meet them, assuming an unconstrained resource environment.

(2) A plan to increase the portion of the Department’s budget dedicated to the Indo-Pacific in terms of DE and FA engagement, development, economic, and security assistance.

(3) A plan to increase the number of positions in the Department of State and bureaus with responsibility for the Indo-Pacific region, including a description of increases at each post or bureau, a breakdown of the increases by country, and a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region.

Defined concrete and annual benchmarks that the Department will meet in implementing the action plan.

(5) DESCRIPTION OF ANY BARRIERS TO IMPLEMENTATION.—The Secretary shall submit an update and brief the appropriate committees of Congress on the implementation of such action plan, with supporting data and including a detailed assessment of benchmarks reached.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for fiscal year 2022, $2,000,000,000 in bilateral and regional foreign assistance resources to carry out the purposes of part 1 and chapter 1 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq.) to the Indo-Pacific region and $1,250,000,000 in diplomatic engagement resources to the Indo-Pacific region.

(e) INCLUSION OF AMOUNTS APPROPRIATED PURSUANT TO ASIA REASSURANCE INITIATIVE ACT OF 2018.—Amounts authorized to be appropriated under subsection (f) include funds authorized to be appropriated pursuant to section 201(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409).

(f) APPROPRIATE COMMITTEES OF CONGRESS shall provide to the appropriate committees of Congress an action plan with the following elements:

(1) Identification of requirements to advance United States strategic objectives in the Indo-Pacific and the personnel and budgetary resources needed to meet them, assuming an unconstrained resource environment.

(2) A plan to increase the portion of the Department’s budget dedicated to the Indo-Pacific in terms of DE and FA engagement, development, economic, and security assistance.

(3) A plan to increase the number of positions in the Department of State and bureaus with responsibility for the Indo-Pacific region, including a description of increases at each post or bureau, a breakdown of the increases by country, and a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region.

SEC. 3219A. ADVANCING UNITED STATES LEADERSHIP IN THE UNITED NATIONS SYSTEM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State shall establish, within the Bureau of International Organization Affairs of the Department of State, a Special Representative for Advancing United States Leadership in the United Nations (referred to in this section as...
the “Special Representative”). The Special Representative shall serve concurrently as a Deputy Assistant Secretary in the Bureau of International Organization Affairs of the Department of State. The Special Representative shall report directly to the Assistant Secretary for the Bureau of International Organization Affairs, in coordination and consultation with the Secretary of State.

(b) Responsibilities.—The Special Representative shall assume responsibility for—

(1) reporting to the Secretary of State to ensure leadership in the United Nations system,

(2) highlighting how investments in the United Nations advance United States interests and enable stronger coalitions to hold authoritarian regimes to account,

(3) ensuring United States emphasis on the need for United Nations employees to uphold the principals of impartiality enshrined in the United Nations charter, rules, and regulations,

(4) monitoring and developing and implementing plans to counter the rapid decline, especially by authoritarian nations, within the United Nations system,

(5) assessing how United States decisions to withdraw from United Nations bodies impacts United States influence at the United Nations and multilateral global initiatives,

(6) promoting the participation and inclusion of Taiwan in the United Nations system,

(7) monitoring the pipeline of United Nations jobs and identifying qualified Americans and other qualified nationals to promote diversity in leadership positions;

(8) tracking leadership changes in United Nations secretaria, funds, programs and agencies, and developing strategies to ensure that appointments of like-minded states are assembled to ensure leadership races are not won by countries that do not share United States interests;

(9) advancing other priorities deemed relevant by the Secretary of State to ensuring the integrity of the United Nations system;

(10) eliminating current barriers to the employment of United States nationals in the United Nations Secretariat, funds, programs, and agencies; and

(11) increasing the number of qualified United States candidates for leadership and oversight positions at the United Nations Secretariat, funds, programs, agencies, and at other international organizations.

(c) Responsibilities of Secretariat.—The Secretary of State shall make any necessary adjustments to the current structure of the Bureau of International Organization Affairs, including the respective roles and responsibilities of offices in that Bureau, to ensure appropriate support for the mission and work of the Special Representative.

(d) Authorization of Appropriations.—There is authorized to be appropriated $5,000,000 for fiscal years 2022 through 2026 to carry out the responsibilities under subsection (b).

SEC. 3219B. ASIA REASSURANCE INITIATIVE ACT OF 2018.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the Indo-Pacific region is home to many of the world’s most dynamic democracies, economic opportunities, as well as many challenges that the United States interests and values as a result of the growth in authoritarian governance in the region and by broad challenges posed by nuclear proliferation, the challenges to US leadership, and the adherence to human rights principles and obligations;

(2) the People’s Republic of China poses a particular threat as it repeatedly violates internationally recognized human rights, engages in unfair economic and trade practices, disregards international laws and norms, coerces its neighbors, engages in malign influence operations, and enables global digital authoritarianism;

(3) the Asian Reassurance Initiative Act of 2018 (referred to in this section as ‘‘ARIA’’) enhances the United States’ commitment in the Indo-Pacific region by—

(A) expanding defense cooperation with its allies and partners;

(B) investing in democracy and the protection of human rights;

(C) engaging in cybersecurity initiatives; and

(D) supporting people-to-people engagement and other shared priorities; and

(4) the 2019 Department of Defense Indo-Pacific Strategy Report concludes that ARIA ‘‘enhances a generational whole-of-government policy framework that demonstrates U.S. commitment to a free and open Indo-Pacific region’’.

(b) Authorization of Appropriations.—The Asian Reassurance Initiative Act of 2018 (Public Law 115–149) is amended—

(1) in section 201(b), by striking ‘‘$1,500,000,000 for each of the fiscal years 2019 through 2023’’ and inserting ‘‘$2,000,000,000 for each of the fiscal years 2022 through 2026’’;

(2) in section 215(b), by striking ‘‘2023’’ and inserting ‘‘2026’’;

(3) in section 409(a)(1), by striking ‘‘2023’’ and inserting ‘‘2026’’;

(4) in section 410—

(A) in subsection (c), by striking ‘‘2023’’ and inserting ‘‘2026’’;

(B) in subsection (d), in the matter preceding paragraph (1), by striking ‘‘2023’’ and inserting ‘‘2026’’;

and

(5) in section 411, by striking ‘‘2023’’ and inserting ‘‘2026’’.

SEC. 3219C. STATEMENT OF POLICY ON NEED FOR RECIPROCITY IN THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE PEOPLE’S REPUBLIC OF CHINA.

(a) Statement of Policy.—It is the policy of the United States—

(1) to clearly differentiate, in official statements, media communications, and messaging, between the people of China and the Communist Party of China;

(2) that any negotiations toward a trade agreement with the People’s Republic of China should be concluded in a manner that addresses unfair trading practices by the People’s Republic of China;

(3) that such an agreement should, to the extent possible—

(A) ensure that the People’s Republic of China commits to implement changes in its trade and economic policies;

(B) hold the People’s Republic of China accountable to those commitments; and

(C) provide access to reciprocal direct investment; and

(4) to seek and develop a relationship with the People’s Republic of China that is founded on the principle of reciprocity across sectors, including economic, diplomatic, educational, and communications sectors.

(b) Report Required.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the other relevant Federal departments and agencies, shall submit to the appropriate congressional committees a report on the manner in which the Government of the People’s Republic of China creates barriers to the work of United States diplomats and other officials, journalists, and businesses, to enhance the work of intergovernmental organizations based in the United States, in the People’s Republic of China.

(2) Elements.—The report required by paragraph (1) shall include—

(A) a summary of obstacles that United States diplomats and other officials, journalists, and businesses encounter in carrying out their work in the People’s Republic of China;

(B) a summary of the obstacles Chinese diplomats and other officials, journalists, and businesses by the People’s Republic of China, and the results of those efforts;

(C) an assessment of the adherence of the Government of the People’s Republic of China, in its treatment of United States citizens, to the requirements of—

(i) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967 (21 U.S.T. 77); and

(ii) the Consular Convention, signed at Washington September 17, 1980, and entered into force February 19, 1982, between the United States and the People’s Republic of China.

(E) an assessment of any impacts of the People’s Republic of China’s internet restrictions on reciprocity between the United States and the People’s Republic of China;

(F) a summary of other notable areas where the Government of the People’s Republic of China or entities affiliated with the Government are able to conduct activities or investments in the United States but that are denied to United States entities in the People’s Republic of China.

(G) Recommendations on efforts that the Government of the United States could undertake to improve reciprocity in the relationship between the United States and the People’s Republic of China.

(3) Form of Report; Availability.—

(A) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified index.

(B) Availability.—The unclassified portion of the report required by paragraph (1) shall be posted on a publicly available Internet site of the Department of State.

(4) Appropriative Congressional Committees Defined.—In this subsection, the term ‘‘appropriative congressional committees’’ means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) Reciprocity Defined.—In this section, the term ‘‘reciprocity’’ means the mutual and equitable exchange of privileges between governments, countries, businesses, or individuals.

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

(a) Findings.—Congress makes the following findings:

(1) Through the Asian Development Bank, countries are eligible to borrow from the Bank until they can manage long-term development and access to capital markets without financial resources from the Bank.

(2) The Bank uses its cross national income per capita benchmark used by the International Bank for Reconstruction and Development.
Development to trigger the graduation process. For fiscal year 2021, the graduation discussion income is a gross national income per capita exceeding $7,065.


(5) Since 2016, the Asian Development Bank has continued to approve loans and technical assistance to the People’s Republic of China totaling $7,800,000,000. The Bank has also approved non-sovereign commitments in the People’s Republic of China totaling $1,800,000,000 since 2016.


(a) STATEMENT OF POLICY.—It is the policy of the United States to oppose any additional lending from the Asian Development Bank to the People’s Republic of China as a result of the People’s Republic of China’s successful graduation from the eligibility requirements for assistance from the Bank.

(b) OPPOSITION TO LENDING TO PEOPLE’S REPUBLIC OF CHINA.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to use the voice, vote, and influence of the United States to oppose any loan or extension of financial or technical assistance from the Asian Development Bank to the People’s Republic of China.

SEC. 3219E. OPPOSITION TO PROVISION OF ASSISTANCE TO PEOPLE’S REPUBLIC OF CHINA.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to use the voice, vote, and influence of the United States to oppose any loan or extension of financial or technical assistance from the Asian Development Bank to the People’s Republic of China.

(a) SENSE OF CONGRESS.—Congress makes the following findings:

(1) The People’s Republic of China is the world’s second largest economy and a major global lender.

(2) In February 2021, the People’s Republic of China’s foreign exchange reserves totaled more than $3,200,000,000,000.

(3) On February 25, 2021, President Xi Jinping announced “complete victory” over extreme poverty in the People’s Republic of China.

(4) The Government of the People’s Republic of China utilizes state resources to create and promote the Asian Infrastructure Investment Bank, the New Development Bank, and the Belt and Road Initiative.

(5) The People’s Republic of China is the world’s largest official creditor.

(6) Through the International Bank for Reconstruction and Development, countries are eligible to borrow from the Bank until they can manage long-term development and access to capital markets without financial support from the Bank.

(7) The World Bank reviews the graduation of a country from eligibility to borrow from the International Bank for Reconstruction and Development of the Asian Development Bank, and the graduation discussion income, which is equivalent to the gross national income. For fiscal year 2021, the graduation discussion income is a gross national income per capita exceeding $7,065.


(9) Since 2016, the International Bank for Reconstruction and Development has approved projects totaling $8,930,000,000 to the People’s Republic of China.

(10) The World Bank calculates the People’s Republic of China’s most recent year (2019) gross national income per capita as $10,390.

(b) STATEMENT OF POLICY.—It is the policy of the United States to oppose any additional lending from the International Bank for Reconstruction and Development to the People’s Republic of China as a result of the People’s Republic of China’s successful graduation from the eligibility requirements for assistance from the Bank.

(c) OPPOSITION TO LENDING TO PEOPLE’S REPUBLIC OF CHINA.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to use the voice, vote, and influence of the United States:

(1) to oppose any loan or extension of financial or technical assistance by the International Bank for Reconstruction and Development to the People’s Republic of China; and

(2) to end lending and assistance to countries that exceed the graduation discussion income of the Bank.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations of the Senate and the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives a report that includes:

(1) an assessment of the status of borrowing by the People’s Republic of China from the World Bank;

(2) a list of countries that have exceeded the graduation discussion income at the International Bank for Reconstruction and Development;

(3) a list of countries that have graduated from eligibility for assistance from the Bank; and

(4) a description of the efforts taken by the United States to withdraw countries from such eligibility once they exceed the graduation discussion income.

SEC. 3219F. UNITED STATES POLICY ON CHINESE UNAUTHORITARIAN GOVERNMENT EFFORTS TO UNDERMINE THE UNITED NATIONS SECURITY COUNCIL ACTION ON HUMAN RIGHTS.

(a) SENSE OF CONGRESS.—Congress—

(1) notes with growing concern that the People’s Republic of China and Russia have, at the United Nations, aligned with one another in blocking Security Council action on Syria, Myanmar, Zimbabwe, Venezuela, and other countries accused of committing human rights abuses;

(2) recognizes that it is not only the use of the veto on the United Nations Security Council that can prevent the Security Council from taking actions aimed at protecting human rights;

(3) condemns efforts by China and Russia to undermine United Nations Security Council actions aimed at censuring governments credibly accused of committing or permitting the commission of human rights violations; and

(4) denounces the tactical alignment between the People’s Republic of China and Russia to undermine United Nations Security Council action to challenge the protection of human rights and the guarantee of human rights.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to

(1) reaffirm its commitment to maintain international security, develop friendly relations among nations, and cooperate in solving international problems and promoting respect for human rights;

(2) highlight the People’s Republic of China’s relationship with China and Russia to undermine international peace and security, protect human rights, and guarantee humanitarian access to those in need;

(3) increase the role and presence of the United States at the United Nations and its constituent bodies to advance United States interests, including by countering malign Chinese and Russian influence; and

(4) urge allies and like-minded partners to work together with the United States to overcome Chinese and Russian efforts to weaken the United Nations Security Council by preventing it from carrying out its core mandate.

SEC. 3219G. DETERMINING PRC USE OF FORCE AGAINST TAIWAN.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States:

(1) to strenuously oppose any action by the People’s Republic of China to use force to change the status quo of Taiwan; and

(2) that, in order to deter the use of force by the People’s Republic of China to change the status quo of Taiwan, the United States shall coordinate with and offer assistance to allies and partners to identify and develop significant economic, diplomatic, and other measures to deter and impose costs on any such action by the People’s Republic of China, and to bolster deterrence by articulating such policies publicly, as appropriate and in alignment with United States interests.

SEC. 3219H. STRATEGY TO RESPOND TO SHARP INCREASE OF CHINESE AND RUSSIAN INFLUENCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress—

(1) a strategy to respond to a sharp increase of Chinese and Russian influence;

(2) the United States to undertake coordinated, economic, diplomatic, and other strategic measures to deter Chinese and Russian influence; and

(3) the United States to undertake measures to strengthen its alliances and cooperate with allies and partners to identify and develop significant economic, diplomatic, and other measures to deter Chinese and Russian influence.

(b) REPORT REQUIRED.—Not later than 10 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a strategy, including to prevent the People’s Republic of China from changing the status quo of Taiwan.

(c) C OORDINATED CONSEQUENCES WITH ALLIES AND PARTNERS.—The appropriate committees of Congress shall coordinate their responses to-China and Russia to change the status quo of Taiwan.

(d) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall convene the heads of all relevant Federal departments and agencies to conduct a whole-of-government review of all available economic, diplomatic, and other measures to deter the People’s Republic of China to change the status quo of Taiwan.

(e) C OORDINATED CONSEQUENCES WITH ALLIES AND PARTNERS.—The appropriate committees of Congress shall coordinate their responses to-China and Russia to change the status quo of Taiwan.

SEC. 3219I. STRATEGY TO RESPOND TO SHARP POWER GROWTH OF CHINA AND RUSSIA AGAINST TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall develop and implement a strategy to respond to sharp
power operations and the united front campaign supported by the Government of the People’s Republic of China and the Chinese Communist Party that are directed toward persons residing in Taiwan.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) Development of a response to PRC propaganda and disinformation campaigns and cyber-intrusions targeting Taiwan, including:

(A) assistance in building the capacity of the Taiwan government and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People’s Republic of China, the Chinese Communist Party, or affiliated entities;

(B) assistance to enhance the Taiwan government’s ability to develop a whole-of-government strategy to respond to sharp power operations, including election interference; and

(C) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns.

(2) Development of a response to political influence operations that includes an assessment of the extent of influence exerted by the Government of the People’s Republic of China and the Chinese Communist Party in Taiwan on local political parties, financial institutions, media organizations, and other entities.

(3) Support for exchanges and other technical assistance to strengthen the Taiwan legal system’s ability to respond to sharp power operations.

(4) Establishment of a coordinated partnership, through the Global Cooperation and Training Framework, with like-minded governments to share data and best practices with the Government of Taiwan on ways to address sharp power operations supported by the Government of the People’s Republic of China and the Chinese Communist Party.

SEC. 3210. STUDY AND REPORT ON BILATERAL EFFORTS TO ADDRESS CHINESE FENTANYL TRAFFICKING.

(a) FINDINGS.—Congress finds the following:

(1) In January 2020, the DEA named China as the primary source of United States-bound fentanyl and synthetic opioids.

(2) While in 2019 China instituted domestic controls on the production and exportation of fentanyl, some of its variants, and two precursors known as NPP and 4-ANPP, China has not yet expanded its class scheduling to include many fentanyl precursors such as 4-AP, which continue to be trafficked to second countries in which they are used in the final production of United States-bound fentanyl and other synthetic opioids.

(3) The DEA currently maintains a presence in Beijing but continues to seek Chinese approval to open offices in the major shipping hubs of Guangzhou and Shanghai.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CHINA.—The term “China” means the People’s Republic of China.

(3) DEA.—The term “DEA” means the Drug Enforcement Administration.

(4) PRECURSORS.—The term “precursors” means chemicals used in the illicit production of fentanyl and related synthetic opioid variants.

(c) CHINA’S CLASS SCHEDULING OF FENTANYL AND SYNTHETIC OPIOD PRECURSORS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and Attorney General shall submit to the appropriate committees of Congress a written report—

(1) detailing a description of United States Government efforts to gain a commitment from the Chinese Government to submit to the United States a list of controlled fentanyl precursors such as 4-AP and 3-AP; and

(2) a plan for future steps the United States Government should urge China to take to combat illicit fentanyl production and trafficking originating in China.

(d) ESTABLISHMENT OF DEA OFFICES IN CHINA.—Not later than 180 days after enactment of this Act, the Secretary of State and Attorney General shall provide to the appropriate committees of Congress a classified briefing on—

(1) outreach and negotiations undertaken by the United States Government with the Chinese Government aimed at securing its commitment to control the production of DEA-listed chemicals in Shanghai and Guangzhou, China; and

(2) additional efforts to establish new partnerships with provincial-level authorities to disrupt the production and smuggling of fentanyl, fentanyl analogues, and their precursors.

(e) FORM OF REPORT.—The report required under subsection (b) shall be unclassified.

SEC. 3210J. INVESTMENT, TRADE, AND DEVELOPMENT IN AFRICA AND LATIN AMERICA AND THE CARIBBEAN.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a comprehensive United States strategy for private investment, trade, and development in Africa and Latin America and the Caribbean.

(2) FOCUS OF STRATEGY.—The strategy required by paragraph (1) shall focus on increasing exports of United States goods and services to Africa and Latin America and the Caribbean by 200 percent in real dollar value by the date that is 10 years after the date of the enactment of this Act.

(b) CONSULTATIONS.—In developing the strategy required by paragraph (1), the President shall—

(1) consult with—

(A) Congress;

(B) each agency that is a member of the Trade Promotion Coordinating Committee; and

(C) the Secretary of State, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of Labor, and the Attorney General;

(2) consult with the private sector, including business, nongovernmental organizations, and African and Latin American and Caribbean diaspora groups.

(c) PREPAREDNESS PLAN.—

(1) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by paragraph (1).

(2) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by paragraph (1).

(d) SPECIAL AFRICA AND LATIN AMERICA AND THE CARIBBEAN.—It is the sense of Congress that, not later than one year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, trade and investment, and security should conduct joint trade missions to Africa and to Latin America and the Caribbean.

(e) DEFINITIONS.—In this section:

(1) DEVELOPMENT AGENCIES.—The term “development agencies” means the United States Agency for International Development, the Small Business Administration, and the United States Trade and Development Agency, and any relevant multilateral development banks.

(5) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term “United States and Foreign Commercial Service” means the United States and Foreign Commercial Service established by section 2001 of the Export Enhancement Act of 1988 (15 U.S.C. 4721). SEC. 3219K. FACILITATION OF INCREASED EQUITY INVESTMENTS UNDER THE BETTER UTILIZATION OF INVESTMENTS ACT OF 1988. (a) SENSE OF CONGRESS.—It is the sense of Congress that support provided under section 1421(c)(1) of the Better Utilization of Investments Leading to Development Act of 1988 (22 U.S.C. 9621(c)(1)) should be considered to be a Federal credit program that is subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 650l) for purposes of calculating the requirements of such Act to such support. (b) MAXIMUM CONTINGENT LIABILITY.—Section 1433 of the Better Utilization of Investments Leading to Development Act of 1988 (22 U.S.C. 9633) is amended by striking “$60,000,000,000” and inserting “$100,000,000,000”. Subtitle B—International Security Matters SEC. 3221. DEFINITIONS. In this subtitle— (1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means— (A) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and (B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives. (2) COMPANY.—The term “company” means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity. (3) OTHER SECURITY FORCES.—The term “other security forces” includes— (A) national security forces that conduct maritime security; and (B) does not include self-described militias or paramilitary organizations. SEC. 3222. FINDINGS. Congress makes the following findings: (1) The People’s Republic of China aims to use its growing military might in concert with other instruments of its national power to displace the United States in the Indo-Pacific and establish hegemony over the region. (2) The military balance of power in the Indo-Pacific region is growing increasingly unfavorable to the United States because— (A) the PRC is rapidly modernizing and expanding the capabilities of the PLA to project power and create contested areas across the entire Indo-Pacific region; (B) PLA modernization has largely focused on areas where it possesses operational advantages and is less vulnerable to defeat weaknesses in the United States suite of capabilities; and (C) current United States force structure and presence do not sufficiently counter threats in the Indo-Pacific, as United States allies, bases, and forces at sea in the Indo-Pacific region are concentrated in large numbers. (3) This shift in the regional military balance and erosion of conventional and strategic deterrence in the Indo-Pacific region— (A) increases the potential and contemporaneous risk to the security of the United States; and (B) left unchecked, could— (i) embed the PRC to take actions, including inference, influence, or coercion that change the status quo before the United States can mount an effective response; and (ii) alter the nuclear balance in the Indo-Pacific. (4) The PRC sees an opportunity to diminish confidence among United States allies and partners, reduce United States commitments, even to the extent that these nations feel compelled to bandwagon with the PRC to protect their interests. The PRC’s continued response is a counter to PRC pressure and coercion of United States allies, searching for indicators of United States resolve. (5) Achieving a rapid “reunification” of Taiwan to mainland China is a key step for the PRC to achieve its regional hegemonic ambitions. The frequency and scope of its exercises and operations targeting Taiwan, such as amphibious assault and live-fire exercises in the Taiwan Strait, PLA Air Force flights that encircle Taiwan, and flights across the unofficial median line in the Taiwan Strait, the Government of the PRC’s full submission of Hong Kong potentially accelerates the timeline of a Taiwan scenario, and makes the defense of Taiwan an even more urgent priority. (6) The defense of Taiwan is critical to— (A) defending Taiwan; (B) limiting the PLA’s ability to project power beyond the First Island Chain, including to United States territory, such as Guam and Hawaii; and (C) defending the territorial integrity of Japan. (7) Preventing the PLA from diverting military planning, resources, and personnel to broader military ambitions; and (8) retaining the United States credibility as a defender of the democratic values and free-market principles embodied by Taiwan’s people and government; (9) The PRC capitalized on the world’s attention to the Ocean’s Call to Action to the Biodiversity and Habitat of the World. The PRC, with its advanced and acquiring military assets, is capable of dominating the Chinese local government’s control over the South China Sea, intensifying and accelerating trends already underway. The PRC has sent militarized survey vessels into the Malaysian Exclusive Economic Zone, announced the establishment of an administrative district in the Spratly and Paracel Islands under the Chinese local government of Sansha, aimed a fire control radar at a Philippine navy ship, encroached on Indonesia’s fishing grounds, sunk a Vietnamese fishing boat, announced new “re-search,” and captured and killed a Chinese ship, and Subi Reef, landed special military aircraft on Fiery Cross Reef to routinize such deployment, and sent more than 200 military vessels into Whitsun Reef, a feature within the exclusive economic zone of the Philippines. (10) On July 13, 2020, the Department of State imposed policy on the South China Sea and stated that “Beijing’s claims to offshore resources across most of the South China Sea are completely unfounded”. (11) These actions in the South China Sea enable the PLA to exert influence and project power deeper into Oceania and the Indian Ocean and Subi Island, as a Commander of Indo-Pacific Command, testified in 2019, “In short, China is now capable of controlling the South China Sea in all scenarios short of war with the United States.” (12) The PLA also continues to advance its claims in the East China Sea, including through a high number of surface combatant patrols and frequent entry into the territorial waters of the Senkaku Islands, over which the United States recognizes Japan’s administrative control. In April 2014, President Obama completed “Our commitment to Japan’s security is absolute and article five of the U.S.-Japan security treaty covers all territory under Japan’s administrative jurisdiction, including islands.” (13) On March 1, 2019, Secretary of State Michael R. Pompeo stated, “As the South China Sea is part of the Pacific, any armed attack on Philippine forces, aircraft, or public vessels in the South China Sea will trigger mutual defense obligations under Article 5 of Mutual Defense Treaty.” (14) The PLA also continues to advance its influence over the Korean Peninsula, including through a series of joint air exercises with the Russian Federation of Korea’s Air Defense Identification Zone. (15) The PLA is modernizing and gaining critical capability in every branch and every domain, including— (A) positioning the PLA Navy to become a great maritime power or “blue-water” navy capable of projecting power beyond the First Island Chain and project power beyond it with a fleet of 425 battle force ships by 2030; (B) increasing the size and range of its strike capabilities, including approximately 1,900 ground-launched short- and intermediate-range missiles capable of targeting United States allies and partners in the First and Second Island chains, United States bases in the Indo-Pacific, and United States forces at sea; (C) boosting capabilities for air warfare, including with Russian-origin Su-35 fighters and S-400 air defense systems, new J-20 5th generation stealth fighters, advanced H-6 bombers, a long-range stealth bomber, and Y-20 heavy lift aircraft; (D) making critical investments in new domains of warfare, such as cyber warfare, electronic warfare, and missile defense; and (E) increasing the size of its nuclear stockpile and delivery systems. The PRC is pursuing this modernization through all means at its disposal, including its Military-Civil Fusion initiative, which enlists the whole of PRC society in defense and acquisition efforts with military applications to pursue technological advantage over the United States in artificial intelligence, hypersonic glide vehicles, directed energy weapons, electromagnetic railguns, counter-space weapons, and other emerging capabilities. (16) The United States leads in the development of science and technology relevant to defense eroding in the face of competition from the PRC. United States research and development spending on defense capabilities has declined sharply from 2010 and research and development. The commercial sector’s leading role in innovation presents certain unique challenges to the Department of Defense’s reliance on technology for battlefield advantage. (17) The PRC has vastly increased domestic research and development expenditures, supported the growth of new cutting-edge industries and tapped into a large workforce to invest in fostering science and engineering talent. (18) The PRC is increasing exports of defense and security capabilities to build its defense technology and industrial base and improve its own military capabilities, as well as its influence and influence in the substantial purchase and become dependent on its military systems. SEC. 3223. SENSE OF CONGRESS REGARDING BOLSTERING SECURITY PARTNER- SHIPS IN THE INDO-PACIFIC. It is the sense of Congress that steps to bolster United States security partnerships in the Indo-Pacific must include— (1) supporting Japan in its development of long-range precision fires, munitions, air and missile defense capacity, interoperability across all domains, maritime security, and intelligence, surveillance, and reconnoissance capabilities; (2) strengthening a United States-Japan national security innovation fund to solicit and support private sector cooperation for new
technologies that could benefit the United States and Japan’s mutual security objectives; (3) promoting a deeper defense relationship between the United States and Australia, including supporting reciprocal access agreements and trilateral United States-Japan-Australia intelligence sharing; (4) improving maritime domain awareness; (5) enhancing partnerships with India, in the Indo-Pacific; (6) ensuring the continuity of operations by the United States Armed Forces; and (7) collaborating with United States treaty allies in the Indo-Pacific region, including, as appropriate, in cooperation with partners and allies, in order to reaffirm the principle of freedom of operations in international waters and airspace in accordance with established principles and international law.

SEC. 3224. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) prioritize the Indo-Pacific region in United States foreign policy, and prioritize resources for achieving United States political and military objectives in the region;

(2) improve the United States ability to achieve operational access in the Indo-Pacific maritime domains, which are critical to the prosperity, stability, and security of the Indo-Pacific region;

(3) maintain forward-deployed forces in the Indo-Pacific region, including a rotational bomber presence, integrated missile defense capabilities, including support for pre-positioning strategic nuclear deterrents, undersea warfare capabilities, and diversified and resilient basing and rotational presence, including support for pre-positioning strategies;

(4) strengthen and deepen the alliances and partnerships of the United States to build capacity and capabilities, increase multilateral partnerships, modernize communications architecture, address anti-access and area denial challenges, and increase joint exercises and security cooperation efforts;

(5) provide United States treaty allies and partners in the Indo-Pacific region, including long-standing United States policy regarding—

(A) the Treaty of Mutual Defense Cooperation and Security between the United States and Japan, signed at Washington January 19, 1960;

(B) Article III of the Mutual Defense Treaty of the Philippines, signed at Washington August 30, 1951, including that, as the South China Sea is part of the Pacific, any armed attack on Philippine forces, aircraft or public vessels in the South China Sea will trigger mutual defense obligations under Article IV of our mutual defense treaty;

(C) Article IV of the Australia, New Zealand, United States Security Treaty, done at San Francisco September 1, 1951; and

(D) Article IV of the Australia, New Zealand, United States Security Treaty, done at Manila September 8, 1954, together with the Thanat-Rusk Communiqué of 1962;

(6) collaborate with United States treaty allies in the Indo-Pacific to foster greater multilateral security and defense cooperation with other regional partners;

(7) improve the capacity of operations by the United States Armed Forces in the Indo-Pacific region, including, as appropriate, in cooperation with partners and allies, in order to reaffirm the principle of freedom of operations in international waters and airspace in accordance with established principles and international law;

(8) sustain the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the “Six Assurances” provided by the United States to the Republic of China in 1979 and the United States and the People’s Republic of China in 1982; and

(b) SOUTH EAST ASIA MARITIME LAW ENFORCEMENT INITIATIVE.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2022 through 2026 for the Department of State for International Narcotics Control and Law Enforcement (INL) for the purposes of the Southeast Asia Maritime Law Enforcement Initiative.

(c) DIPLOMATIC OUTREACH ACTIVITIES.—There is authorized to be appropriated pursuant to subsection (a), the Secretary of State, in coordination with the Secretary of Defense, to provide any appropriate assistance for the purpose of increasing maritime security and domain awareness for countries in the Indo-Pacific region.

(d) PROGRAM OBJECTIVES.—Assistance provided through the Initiative may be used to accomplish the following objectives:

(1) Retaining unhindered access to and use of international waterways in the Indo-Pacific region that are critical to ensuring the security and free flow of commerce and achieving United States national security objectives.

(2) Improving maritime domain awareness in the Indo-Pacific region.

(3) Countering piracy in the Indo-Pacific region.

(4) Disrupting illicit maritime trafficking activities and other maritime activity in the Indo-Pacific that directly benefit organizations that have been determined to be a security threat to the United States.

(5) Enhancing the maritime capabilities of a country or regional organization to respond to emerging threats to maritime security.

(6) Strengthening United States alliances and partnerships in Southeast Asia and other parts of the Indo-Pacific region.

SEC. 3225. FOREIGN MILITARY FINANCING IN THE INDO-PACIFIC AND AUTHORIZATION OF COMMITMENTS FOR SOUTH-EAST ASIA MARITIME SECURITY PROGRAMS AND DIPLOMATIC OUTREACH ACTIVITIES.

(a) FOREIGN MILITARY FINANCING FUNDING.—In addition to any amount appropriated pursuant to section 23 of the Arms Export Control Act (22 U.S.C. 2761) (relating to foreign military financing assistance), there is authorized to be appropriated for each of fiscal years 2022 through fiscal year 2026 for activities in the Indo-Pacific region in accordance with this section—

(1) $110,000,000 for fiscal year 2022;

(2) $125,000,000 for fiscal year 2023;

(3) $130,000,000 for fiscal year 2024;

(4) $140,000,000 for fiscal year 2025; and

(5) $150,000,000 for fiscal year 2026.

(b) SOUTH EAST ASIA MARITIME LAW ENFORCEMENT INITIATIVE.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2022 through 2026 for the Department of State for International Narcotics Control and Law Enforcement (INL) for the purposes of the Southeast Asia Maritime Law Enforcement Initiative.

(c) DIPLOMATIC OUTREACH ACTIVITIES.—There is authorized to be appropriated pursuant to subsection (a), the Secretary of State, in coordination with the Secretary of Defense, to conduct international outreach, in the Indo-Pacific region, with the United States’ interpretation of international law relating to freedom of the seas; and

(d) PROGRAM OBJECTIVES.—Assistance provided through the Initiative may be used to accomplish the following objectives:

(1) To conduct, in coordination with the Department of Defense, outreach activities, including conferences and symposia, to familiarize partner countries, particularly in the Indo-Pacific region, with the United States’ interpretation of international law relating to freedom of the seas; and

(2) To work with allies and partners in the Indo-Pacific region and policy to promote a diplomatic, economic, and political approach to securing a stable, open, rules-based international order.

(e) DESIGNATION OF ASSISTANCE.—Assistance provided pursuant to subsection (a) shall be designated for the purpose of increasing maritime security and domain awareness for countries in the Indo-Pacific region.

(f) PROGRAM OBJECTIVES.—Assistance provided through the Initiative may be used to accomplish the following objectives:

(1) To conduct, in coordination with the Department of Defense, outreach activities, including conferences and symposia, to familiarize partner countries, particularly in the Indo-Pacific region, with the United States’ interpretation of international law relating to freedom of the seas; and

(2) To work with allies and partners in the Indo-Pacific region and policy to promote a diplomatic, economic, and political approach to securing a stable, open, rules-based international order.
to foreign military financing assistance), there is authorized to be appropriated to the Department of State for the Indo-Pacific Maritime Security Initiative and other related programs exactly—
(A) $70,000,000 for fiscal year 2022; 
(B) $80,000,000 for fiscal year 2023; 
(C) $90,000,000 for fiscal year 2024; 
(D) $100,000,000 for fiscal year 2025; and 
(E) $110,000,000 for fiscal year 2026.

(2) RULE OF CONSTRUCTION.—The “Indo- Pacific Maritime Security Initiative” and funds appropriated for the Initiative shall include existing regional programs carried out by the Department of State related to maritime security, including the Southeast Asia Maritime Security Initiative.

(b) ELIGIBILITY AND PRIORITIES FOR ASSISTANCE.—
(1) IN GENERAL.—The Secretary of State shall use the following considerations when selecting which countries in the Indo-Pacific region should receive assistance pursuant to the Initiative:
(A) Assistance may be provided to a country in the Indo-Pacific region to enhance the capabilities of that country according to the objectives outlined in (i), (ii), or of a regional organization that includes that country, to conduct—
(i) maritime intelligence, surveillance, and reconnaissance; 
(ii) littoral and port security; 
(iii) Coast Guard operations; 
(iv) command and control; and 
(v) management and oversight of maritime activity.
(B) Priority shall be placed on assistance to enhance the maritime security capabilities of the military or security forces of countries in the Indo-Pacific region that have maritime missions and the government agencies responsible for such forces.

(2) TYPES OF ASSISTANCE AND TRAINING.—
(A) REQUIREMENTS OF ASSISTANCE.—Assistance provided under paragraph (1)(A) may include the provision of equipment, training, and small-scale military construction.
(B) REQUIRED ELEMENTS OF ASSISTANCE AND TRAINING.—Assistance and training provided under subparagraph (A) shall include elements that promote—
(i) the observance of and respect for human rights; and 
(ii) respect for legitimate civilian authority within the country to which the assistance is provided.

SEC. 3226. FOREIGN MILITARY FINANCING COM- Pact Pilot Program in the Indo-Pacific.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2022 and 2023 for the creation of a pilot program for foreign military financing (FMP) compacts.

(b) ASSISTANCE.—
(1) IN GENERAL.—The Secretary of State shall establish a compact program for the Indo-Pacific region to support the progress of the countries in achieving lasting security and civilian-military governance through respect for human rights, good governance (including transparency and fair and free elections), the protection of United States and international counter-terrorism, anti-trafficking, and counter-crime efforts and programs.

(2) FORM OF ASSISTANCE.—Assistance under this subsection may be provided in the form of grants, cooperative agreements, contracts, or no-interest loans to the government of an eligible country described in subsection (c).

(c) ELIGIBLE COUNTRIES.—
(1) IN GENERAL.—A country shall be a candidate country for eligibility for assistance for fiscal years 2022 and 2023 if—
(A) the country is classified as a lower middle income country contained most recent edition of the World Development Report for Reconstruction and Development published by the United Nations for Reconstruction and Development in a country whose gross national income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved; and 
(B) the Secretary determines that the country is committed to seeking and democratic governance, including with a demonstrated commitment to—
(i) the promotion of political pluralism, equality, and the rule of law; 
(ii) respect for human and civil rights; 
(iii) protection of private property rights; 
(iv) transparency and accountability of government; 
(v) anti-corruption; and 
(vi) the institution of effective civilian control, professionalization, and respect for human rights by and the accountability of the armed forces.

(2) IDENTIFICATION OF ELIGIBLE COUNTRIES.—Not later than 90 days prior to the date on which the Secretary of State determines eligible countries for a FMP Challenge Compact, the Secretary—
(A) shall provide to Congress a report describing such plan to the appropriate congressional committees.

(b) FMF CHALLENGE COMPACT.—
(1) COMPACT.—The Secretary of State may enter into a compact with the United States, to be known as an “FMF Challenge Compact” (in this section referred to as a “Compact”) that establishes a multi-year plan for achieving shared security objectives in furtherance of the purposes of this title.

(2) ELEMENTS.—The elements of the Compact shall be those listed in subsection (c)(1)(B) for determining eligibility, and be designed to significantly advance the performance of the commitments during the period of the Compact.

(3) IN GENERAL.—The Compact should take into account the national strategy of the eligible country and shall include—
(A) the specific objectives that the country and the United States expect to achieve during the term of the Compact, including both how the Compact will advance shared security interests and advance partner capacity building efforts as well as to advance national efforts towards just and democratic governance; 
(B) the responsibilities of the country and the United States in the achievement of such objectives; 
(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives; and 
(D) the strategy of the eligible country to sustain progress toward achieving such objectives after expiration of the Compact.

(c) TRANSFER AUTHORITY.—
(1) IN GENERAL.—The Secretary of State shall enter into an FMF Challenge Compact with the United States pursuant to subsection (d) to support policies and programs that advance the progress of the country in achieving lasting security and civilian-military governance through respect for human rights, good governance (including transparency and fair and free elections), the protection of United States and international counter-terrorism, anti-trafficking, and counter-crime efforts and programs.

(a) AUTHORITY.—The President is authorized to transfer to a government of a country listed pursuant to the amendment made under section 3226(c) two OLIVER HAZARD PERRY class guided missile frigates on a grant basis under the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(b) TRANSFER AUTHORITY.—
(1) IN GENERAL.—The Secretary of State shall coordinates and align excess defense article transfers with capacity building efforts of regional allies and partners.

(c) TRANSFER AUTHORITY.—
(1) IN GENERAL.—The Secretary of State shall enter into a Compact with an eligible country, the Secretary shall provide a report to the appropriate congressional committees with respect to the Compact, including an assessment of the and the Secretary of State shall provide a report to the appropriate congressional committee with respect to the Compact, including an assessment of the and the

SEC. 3227. ADDITIONAL FUNDING FOR INTER- NATIONAL MILITARY EDUCATION AND TRAINING IN THE INDO-PACIFIC.

There is authorized to be appropriated for each of fiscal years 2022 through fiscal year 2026 for the Department of State, out of amounts appropriated or otherwise made available for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) (relating to international military education and training) $550,000,000 for activities carried out in the Indo-Pacific region in accordance with this division.

SEC. 3228. PRIORITIZING EXCESS DEFENSE ARTI- CLES TRANSFERS FOR THE INDO-PACIFIC.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should prioritize the review of excess defense article transfers to Indo-Pacific partners.

(b) FIVE-YEAR PLAN.—Not later than 90 days after the date of the enactment of this Act, the President shall develop a five-year plan to prioritize excess defense article transfers to the Indo-Pacific and provide a report describing such plan to the appropriate committees of Congress.

(c) TRANSFER AUTHORITY.—
(1) IN GENERAL.—The Secretary of State shall coordinate and align excess defense article transfers with capacity building efforts of regional allies and partners.

(d) REQUIRED COORDINATION.—The United States Government shall coordinate and align excess defense article transfers with capacity building efforts of regional allies and partners.

(e) TAIWAN.—Taiwan shall receive the same benefits conferred for the purposes of transfers pursuant to section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by inserting “Thailand, Indonesia, Vietnam, and Malaysia” after “and to the Philippines.”

(f) ASSESSMENT OF PILOT PROGRAM AND RECOMMENDATIONS.—Not later than 90 days after the conclusion of the pilot program, the Secretary of State shall provide a report to the appropriate congressional committees with respect to the pilot program, including an assessment of the and the

SEC. 3229. PRIORITIZING EXCESS NAVAL VESSEL TRANSFERS FOR THE INDO-PACIFIC.

(a) AUTHORITY.—The President is authorized to transfer to a government of a country listed pursuant to the amendment made under section 3226(c) two OLIVER HAZARD PERRY class guided missile frigates on a grant basis under the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to the authority provided by this section shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).
the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States; and

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

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.

(a) SENSE OF CONGRESS.—Congress—

(1) condemns coercive and threatening actions or the use of military facilities to intimidate others or to impose its will on others by the People’s Republic of China’s claims to offshore resources across most of the South China Sea; and

(2) reaffirms that the United States should pursue, to the maximum extent possible, a more streamlined, shared, and coordinated approach, which leverages economies of scale, and third-country logistics, to meet contingency requirements and avoid the need for accessing United States stocks in wartime;

(3) oppose actions by any country to prevent any other country from exercising its rights, freedoms, and lawful use of the sea, on the high seas, and in national and international waters and airspace in accordance with established principles and practices of international law; and

(4) urge all parties to refrain from engaging in destabilizing activities, including illegal occupation or efforts to unlawfully assert administration over disputed claims;

(5) urge all parties to refrain from engaging in destabilizing activities, including illegal occupation or efforts to unlawfully assert administration over disputed claims;

(6) call on all claimants to clarify or adjust claims in the South China Sea; and

(7) uphold the principle that territorial and maritime claims, including territorial waters or territorial seas, must be derived from land features and otherwise comport with international law.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) reaffirm its commitment and support for allies and partners in the Indo-Pacific region, including longstanding United States policies described in paragraphs (2) and (B), because of existing United States authorities of the Department of State and the Department of Defense;

(2) urge the Government of the People’s Republic of China to refrain from implementing the declared East China Sea Air Defense Identification Zone (ADIZ), or an ADIZ in the South China Sea, which is contrary to freedom of navigation in international airspace, and to refrain from taking similar provocative actions elsewhere in the Indo-Pacific region, and to refrain from taking similar provocative actions elsewhere in the Indo-Pacific region, and to refrain from taking similar provocative actions elsewhere in the Indo-Pacific region; and

(3) reaffirm that an existing body of international rules and guidelines, including the International Regulations for Preventing Collisions at Sea (COLREGs), is sufficient to ensure the safety of navigation between the United States Armed Forces and the forces of other countries, including the People’s Republic of China;

(c) REAFFIRM COMMITMENT TO INTERNATIONAL LAW.—It is the sense of Congress that—

(1) the Secretary of Defense, should expand cooperation with other countries in the region for the purpose of developing and improving capabilities, including civil-military balance in the region, including long-range precision fires, air and missile defense systems, anti-ship cruise missiles, conventional hypersonic systems, intelligence, surveillance, and reconnaissance capabilities, and command and control systems;

(2) the United States should design for export to Indo-Pacific allies and partners capabilities to provide a favorable military balance in the region, including long-range precision fires, air and missile defense systems, anti-ship cruise missiles, conventional hypersonic systems, intelligence, surveillance, and reconnaissance capabilities, and command and control systems;

(3) the United States should pursue, to the maximum extent possible, anticipatory technology security and foreign disclosure policy on the systems described in paragraph (2); and

(4) the Secretary of State, in coordination with the Secretary of Defense, should—

(5) ensure that disputes are managed without intimidation, coercion, or force;

(6) call on all claimants to clarify or adjust claims in the South China Sea; and

(7) uphold the principle that territorial and maritime claims, including territorial waters or territorial seas, must be derived from land features and otherwise comport with international law.
(2) allowing for the export, re-export, or transfer of defense-related technologies and services to members of the national technology and industrial base (as defined in section 2562 of title 22, United States Code), that would advance United States security interests by helping to leverage the defense-related technologies and skilled workforces of trusted partners that contribute to United States sovereignty and national security in other countries, including countries that pose challenges to United States interests around the world, for defense-related innovation and modernization;

(3) it is in the interest of the United States to continue to increase cooperation with Australia, Canada, and the United Kingdom of Great Britain and Northern Ireland to protect critical defense-related technology and services and leverage the investments of like-minded, major ally nations in order to maximize the strategic edge afforded by defense technology innovation.

(b) Report.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the appropriate congressional committees describing the Department of State’s efforts to facilitate access among the national technology and industrial base to defense articles and services subject to the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)); and

(2) Form.—This report required under paragraph (1) shall be unclassified, but may include a classified annex.

SEC. 3233. REPORT ON DIPLOMATIC OUTREACH WITH RESPECT TO CHINESE MILITARY INSTALLATIONS OVERSEAS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the appropriate congressional committees regarding activities designed to foster economic, political, and military cooperation with the People’s Republic of China.

(b) Matters to Be Included.—The report required under subsection (a) shall include—

(1) a list of countries that currently host or are considering hosting any military installation of the Government of the People’s Republic of China;

(2) a detailed description of United States diplomatic and related efforts to engage countries that are considering hosting a military installation of the Government of the People’s Republic of China, and the results of such efforts;

(3) an assessment of the adverse impact on United States interests of the Government of the People’s Republic of China successfully establishing a military installation at any of the locations it is currently considering;

(4) a list of any commercial ports outside of the People’s Republic of China that the United States Government assesses could be used by the Government of the People’s Republic of China for military purposes, and any diplomatic efforts to engage the governments of the countries where such ports are located;

(5) a list of any military installations of the Government of the People’s Republic of China on United States interests; and

(6) lessons learned from the diplomatic experience of addressing the PRC’s first overseas base in Djibouti.

(c) Form of Report.—The report required under subsection (a) shall be classified, but may include a unclassified summary.

SEC. 3234. STATEMENT OF POLICY REGARDING UNIVERSAL IMPLEMENTATION OF UNITED NATIONS SANCTIONS ON NORTH KOREA.

It is the policy of the United States to sustain maximum pressure on the Government of the Democratic People’s Republic of Korea to fulfill its obligations under United Nations sanctions. It is the policy of the United States to sustain maximum pressure on the Democratic People’s Republic of Korea for its long-term nuclear, chemical, and biological weapons programs; its ballistic missile and cruise missile programs; and its support for international terrorism.

It is the policy of the United States—

(1) to strengthen alliances and partnerships with the United States, and between the United States and its allies and partners, that advance United States national interests;

(2) to increase economic cooperation with the People’s Republic of China as a means to advance United States national interests;

(3) to engage with the People’s Republic of China on other issues that advance United States national interests, including economic cooperation, security, and regional stability.

It is the policy of the President—

(1) to address significant diplomatic, economic, and military challenges posed by the People’s Republic of China;

(2) to engage with the People’s Republic of China in a comprehensive and sustained manner to advance United States national interests;

(3) to cooperate with allies and partners in the region and around the world to advance United States national interests;

(4) to support allies and partners in the region and around the world to advance United States national interests;

(5) to promote peace, prosperity, and self-reliance in the region and around the world; and

(6) to pursue comprehensive and sustained efforts to advance United States national interests.

It is the policy of the President to—

(1) to work in collaboration with allies and partners in the region and around the world to advance United States national interests;

(2) to address the People’s Republic of China’s military threats to the United States and its allies and partners;

(3) to engage with the People’s Republic of China on other issues that advance United States national interests, including economic cooperation, security, and regional stability.

It is the policy of the President—

(1) to address significant diplomatic, economic, and military challenges posed by the People’s Republic of China;

(2) to engage with the People’s Republic of China in a comprehensive and sustained manner to advance United States national interests;

(3) to cooperate with allies and partners in the region and around the world to advance United States national interests;

(4) to support allies and partners in the region and around the world to advance United States national interests;

(5) to promote peace, prosperity, and self-reliance in the region and around the world; and

(6) to pursue comprehensive and sustained efforts to advance United States national interests.

It is the policy of the President to—

(1) to work in collaboration with allies and partners in the region and around the world to advance United States national interests;

(2) to address the People’s Republic of China’s military threats to the United States and its allies and partners;

(3) to engage with the People’s Republic of China on other issues that advance United States national interests, including economic cooperation, security, and regional stability.

It is the policy of the President—

(1) to address significant diplomatic, economic, and military challenges posed by the People’s Republic of China;

(2) to engage with the People’s Republic of China in a comprehensive and sustained manner to advance United States national interests;

(3) to cooperate with allies and partners in the region and around the world to advance United States national interests;

(4) to support allies and partners in the region and around the world to advance United States national interests;

(5) to promote peace, prosperity, and self-reliance in the region and around the world; and

(6) to pursue comprehensive and sustained efforts to advance United States national interests.

It is the policy of the President to—

(1) to work in collaboration with allies and partners in the region and around the world to advance United States national interests;

(2) to address the People’s Republic of China’s military threats to the United States and its allies and partners;

(3) to engage with the People’s Republic of China on other issues that advance United States national interests, including economic cooperation, security, and regional stability.

It is the policy of the President—

(1) to address significant diplomatic, economic, and military challenges posed by the People’s Republic of China;

(2) to engage with the People’s Republic of China in a comprehensive and sustained manner to advance United States national interests;

(3) to cooperate with allies and partners in the region and around the world to advance United States national interests;

(4) to support allies and partners in the region and around the world to advance United States national interests;

(5) to promote peace, prosperity, and self-reliance in the region and around the world; and

(6) to pursue comprehensive and sustained efforts to advance United States national interests.

It is the policy of the President to—

(1) to work in collaboration with allies and partners in the region and around the world to advance United States national interests;

(2) to address the People’s Republic of China’s military threats to the United States and its allies and partners;

(3) to engage with the People’s Republic of China on other issues that advance United States national interests, including economic cooperation, security, and regional stability.
infrastructure, a shared approach with respect to the People's Republic of China, and transnational challenges, including pandemics, energy security, and environmental degradation; and

(4) the United States and Canada should enhance cooperation to counter Chinese disinformation, influence operations, economic espionage, and transnational crime efforts; and

(5) the People's Republic of China's infrastructure investments, particularly in 5G telecommunications technology, extraction of natural resources, and port infrastructure, pose national security risks for the United States and Canada; and

(6) the States should share, as appropriate, intelligence gathered regarding—

(A) Huawei's 5G capabilities; and

(B) the PRC's government's intentions with respect to 5G expansion.

(7) the United States and Canada should continue to advance collaborative initiatives to implement the January 9, 2020, United States-Canada Joint Action Plan on Critical Minerals Development Collaboration; and

(8) the United States and Canada must prioritize cooperation on continental defense and include the Arctic, including by modernizing the North American Aerospace Defense Command (NORAD) to effectively defend the Northern Hemisphere against the range of threats, including long-range missiles and high-precision weapons.

SEC. 3247. STRATEGY TO ENHANCE COOPERATION WITH THE GOVERNMENT OF CANADA.

It is the sense of Congress that—

(1) the Government of the People’s Republic of China's apparent arbitrary detention and abusive treatment of Canadian nationals Michael Spavor and Michael Kovrig in apparent retaliation for the Government of Canada's arrest of Meng Wanzhou is deeply concerning;

(2) the Government of Canada has shown international leadership by—

(a) upholding the rule of law and complying with its international legal obligations, including those pursuant to the Extradition Treaty Between the United States of America and Canada, signed at Washington December 3, 1971; and

(b) launching the Declaration Against Arbitrary Detention in State-to-State Relations, as adopted by Argentina, the United States, Brazil, and Chile, and reaffirming well-established prohibitions under international human rights conventions against the arbitrary detention of foreign nationals to be used as leverage in state-to-state relations; and

(3) the United States continues to join the Government of Canada in calling for the immediate release of Michael Spavor and Michael Kovrig and for due process for Canadian nationals Michael Spavor and Michael Kovrig;

SEC. 3248. STRATEGY TO ENHANCE COOPERATION WITH CANADA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit a strategy to the appropriate congressional committees that describes how the United States will enhance cooperation with the Government of Canada in managing relations with the PRC government.

(b) ELEMENTS.—The strategy required under subsection (a) shall—

(1) identify key policy points of convergence and divergence between the United States and Canada in managing relations with the People's Republic of China in the areas of technology, trade, economic practices, cyber security, secure supply chains and critical and strategic minerals, and illicit narcotics; and

(2) include a description of United States development and coordination efforts with Canadian counterparts to enhance the cooperation between the United States and Canada with respect to—

(A) managing economic relations with the People's Republic of China;

(B) democracy and human rights in the People's Republic of China;

(C) technology issues involving the People's Republic of China;

(D) defense issues involving the People's Republic of China; and

(E) international law enforcement and transnational organized crime issues.

(3) detail diplomatic efforts and future plans to work with Canada to counter the PRC's propaganda efforts; and

(4) establish competitive partnerships that can effectively challenge PRC’s 5G technology with the United States.

(5) detail diplomatic and defense collaboration—

(A) to advance joint United States-Canadian priorities for responsible stewardship in the Arctic Region; and

(B) to coordinate with Canada to project political, economic, and military influence into the Arctic Region; and

(6) detail diplomatic efforts to work with Canada to counter the PRC's attempts to exert influence across the multi-lateral system, including at the World Health Organization.

(c) FUTURE STRATEGY.—The strategy required under this section shall be submitted in an unclassified form that can be made available to the public, but may include a classified annex, if necessary.

(d) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and not less than every 180 days thereafter for 5 years, the Secretary of State shall consult with the appropriate congressional committees regarding the development and implementation of the strategy required under this section.

SEC. 3249. ENGAGEMENT IN INTERNATIONAL ORGANIZATIONS AND THE DEFENSE SECTOR IN LATIN AMERICA AND THE CARIBBEAN.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Select Committee on Intelligence of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Permanent Select Committee on Intelligence of the House of Representatives;

(6) the Committee on Appropriations of the House of Representatives;

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, working through the Assistant Secretary of State for Intelligence and Research, and in coordination with the Director of National Intelligence and the Director of the Central Intelligence Agency, shall submit a report to the appropriate committees of Congress regarding the nature, intent, and impact to United States strategic interests of Chinese diplomatic activities aimed at influencing the decisions, policies, and programs of multilateral organizations in Latin America and the Caribbean, including the World Bank, International Monetary Fund, Organization of American States, and Inter-American Development Bank.

(2) DEFENSE SECTOR.—The report required under paragraph (1) shall include an assessment of the nature and impact on United States strategic interests of Chinese military activity in Latin America and the Caribbean, including military education and training programs that assist in space-related activities in the military or civilian spheres, such as—
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(A) the satellite and space control station
the People's Republic of China constructed
in Argentina; and

(B) defense and security cooperation car-
ried out by the People's Republic of China
in Latin America and the Caribbean, includ-
ing sales of surveillance and monitoring tech-
nology to governments in the region such as
Venezuela, Ecuador, and Colombia, and the
potential use of such technologies as
tools of Chinese intelligence services.

(3) Form.—The report required under para-
graph (2) of this subsection shall be subm-
itted in unclassified form and shall include classified
annexes.

SEC. 3250. ADDRESsing CHINA's SOVEREIGN
LENDING PRACTICES IN LATIN AMERICA AND THE
CARIBBEAN.

(a) SENSE OF CONGRESS.—It is the sense of
Congress that—

(1) since 2005, the Government of the Peo-
ple's Republic of China has expanded sov-
ereign lending to governments in Latin
America and the Caribbean with loans that
are repaid or collateralized with natural re-
sources or commodities;

(2) several countries in Latin America
and the Caribbean that have received a sig-
ificant amount of sovereign lending from
the Government of the People's Republic of
China face challenges in repaying such
loans;

(3) the Government of the People's Repub-
lic of China's predatory economic practices
and anti-civil liberties policies in Latin
America and the Caribbean negatively influ-
ence United States national interests in the
Western Hemisphere;

(4) the Inter-American Development Bank,
the premier multilateral development bank
dedicated to the Western Hemisphere, should
play a significant role supporting the coun-
tries of Latin America and the Caribbean in
achieving sustainable and serviceable debt
structures; and

(5) a tenth general capital increase for the
Inter-American Development Bank would
strengthen the Bank's ability to help the
countries of Latin America and the Carib-
bean achieve sustainable and serviceable
debt structures.

(b) SUPPORT FOR A GENERAL CAPITAL IN-
CREASE.—The President shall take steps to
support a tenth general capital increase for
the Inter-American Development Bank, in-
cluding advancing diplomatic engagement to
build support among member countries of
the Bank for a tenth general capital increase
for the Bank.

(c) TENTH CAPITAL INCREASE.—The Inter-
American Development Bank Act (22 U.S.C.
253 et seq.) is amended by adding at the end
the following:

"SEC. 42. TENTH CAPITAL INCREASE.

"(a) VOTE AUTHORIZED.—The United States
Governor of the Bank is authorized to vote in
favor of a proposition to increase the cap-
ital stock of the Bank by $80,000,000,000
over a period not to exceed 5 years.

"(b) SUBSCRIPTION AUTHORIZED.—

"(1) The United States Governor of the Bank
may subscribe on behalf of the United States to
1,990,714 additional shares of the capital stock
of
the Bank.

"(2) LIMITATION.—Any subscription by the
United States to the capital stock of the
Bank shall be effective only to such extent
and in such amounts as are provided in ad-

"(c) LIMITATIONS ON AUTHORIZATION OF
APPROPRIATIONS.—

"(1) IN GENERAL.—In order to pay for the
increase in capital, the Appropriations Act
with respect to the United States subscription
(2), there is authorized to be appropriated
$24,014,857,191 for payment by the Secretary of
the Treasury.

"(2) LIMITATION.—Any subscription by the
United States to the capital stock of the
Bank shall be effective only to such extent
and in such amounts as are provided in ad-

SEC. 3251. DEFENSE COOPERATION IN LATIN
AMERICA AND THE CARIBBEAN.

(a) IN GENERAL.—There is authorized to be
appropriated to the Department of State
$12,000,000 for the International Military
Education and Training Program for Latin
America and the Caribbean for each of fiscal
years 2022 through 2026.

(b) MODERNIZATION.—The Secretary of
State shall take steps to modernize and
strengthen the programs receiving funding
under subsection (a) to ensure that such pro-
grams are vigorous, substantive, and the
preeminent choice for international military
education and training for Latin American
and Caribbean countries.

(c) REQUIRED ELEMENTS.—The programs
referred to in subsection (a) shall—

(1) provide integrated support to civil soci-
ety, human rights organizations, and the
media to combat disinformation;

(2) provide training for journalists and
academics to improve public discourse;

(3) provide training for human rights
leaders and journalists in Latin America
and the Caribbean on investigative tech-
niques necessary to improve transparency
and accountability in government and the
private sector;
(7) provide training on investigative reporting of incidents of corruption and unfair trade, business and commercial practices related to the People's Republic of China, including the efforts of the Government of the People's Republic of China in such practices;
(8) assist nongovernmental organizations to strengthen their capacity to monitor the activity described in paragraph (7); and
(9) identify local resources to support the preparation of activities that would be carried out under this subsection.

(c) BRIEFING REQUIREMENTS.—Not more than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the President shall brief the Committee on Appropriations of the Senate; and the Committee on Appropriations of the House of Representatives.

PART IV—TRANSATLANTIC ALLIANCE

SEC. 3255. SENSE OF CONGRESS ON THE TRANS- ATLANTIC ALLIANCE.

It is the sense of Congress that—

(1) the United States, European Union, and European partners should coordinate in close partners, sharing values grounded in democracy, human rights, transparency, and the rules-based international order established after World War II;

(2) without a common approach by the United States, European Union, and European partners on connectivity, cross-border, transnational problems, and support for democracy and human rights, the People's Republic of China will continue to increase its economic, political, and security leverage in Europe;

(3) the People's Republic of China's deployment of assistance to European countries following the COVID–19 outbreak showcased a coercive approach to aid, but it also highlighted Europe's deep economic ties to the People's Republic of China;

(4) as European states seek to recover from the economic toll of the COVID–19 outbreak, the United States must stand in partnership with European states to enhance our collective economic recovery, reinforce our collective national security, and defend shared values;

(5) the United States, European Union, and European partners should coordinate on joint strategies to diversify reliance on supply chains away from the People's Republic of China, especially in the medical and pharmaceutical sectors;

(6) the United States, European Union, and European countries should leverage their respective economic innovation capabilities to support economic recovery from the COVID–19 recession and draw a contrast with the centralized economy of the People's Republic of China;

(7) the United States, United Kingdom, and European Union should accelerate efforts to de-escalate their trade disputes, including negotiating a United States-European Union trade agreement that benefits workers and the broader economy in both the United States and European Union;

(8) the United States, European Union, and Japan should continue multilateral efforts to address economic challenges posed by the People's Republic of China;

(9) the United States, European Union, and European partners should enhance cooperation to counter PRC disinformation, influence operations, and propaganda efforts;

(10) the United States and European nations share serious concerns with the repres- sions being supported and executed by the Government of the People's Republic of China, including through the development of joint mechanisms and programs to prevent the export of China's authoritarian governance model to countries around the world;

(11) the United States and European nations should remain united in their shared values against attempts by the Government of the People's Republic of China and other multilateral organizations to erode the Universal Declaration of Human Rights, like the "community of a shared future for mankind" and "democratization of international relations";

(12) the People's Republic of China's infra- structure investments around the world, particularly in 5G telecommunications technology and port infrastructure, could threaten democracy across Europe and the national security of key countries;

(13) as appropriate, the United States should share intelligence with European allies and partners on Huawei's 5G capabilities and the implementation of the United States–European Nations and other multilateral or- ganizations to promote efforts that erode the Universal Declaration of Human Rights, like the "community of a shared future for mankind" and "democratization of international relations";

(14) the European Union's Investment Screening Framework, which came into force in October 2020, is a welcome development, and member states should closely scrutinize FRC investments in their countries through their own national investment screening measures;

(15) the President should actively engage the European Union on the implementation of the European Union's Investment Screening Framework and to better harmonize United States and European Union policies with respect to export controls;

(16) the President should strongly advocate for the listing of more items and technolo-gies to restrict dual use exports controlled at the National Security and above level to the People's Republic of China under the Wassenaar Arrangement;

(17) the United States should explore the value of establishing a body akin to the Coordinating Committee for Foreign Ex- port Controls (CoCom) that would specifi- cally coordinate United States and European Union export control policies with respect to limiting exports of dual-use technologies to the People's Republic of China; and

(18) the United States should work with counterparts in Europe to—

(A) evaluate United States and European overreliance on goods originating in the Peo- ple's Republic of China, including in the medical and pharmaceutical sectors, and de- velop joint strategies to diversify supply chains;

(B) counter PRC efforts to use COVID–19- related assistance as a coercive tool to pres- sure developing countries by offering de- sign-ant United States and European expertise and assistance; and

(C) leverage United States and Euro- pean private sectors to advance the post- COVID-19 economic recovery.

SEC. 3256. STRATEGY TO ENHANCE TRANS- ATLANTIC PARTNERSHIP AND TRADE WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall brief the Committee on Foreign Relations and the Committee on Appropriations of the Senate on the Committee on Foreign Affairs and the Commi- ttee on Armed Services of the House of Repre- sentatives on a strategy for how the United States will enhance cooperation with the European Union, NATO, and European partner countries with respect to the People's Republic of China.

(b) ELEMENTS.—The briefing required by subsection (a) shall do the following:

(1) Identify the senior-most official of the Department of State, who will lead State Department efforts to enhance cooperation with the People's Republic of China.

(2) Identify key policy points of conver- gence and divergence between the United States and European partners with respect to the People's Republic of China in the areas of technology, trade, and economic and industrial policies.

(3) Describe efforts to advance shared interests with European counterparts on—

(A) economic challenges with respect to the People's Republic of China;

(B) democracy and human rights chal- lenges with respect to the People's Republic of China;

(C) technology issues with respect to the People's Republic of China;

(D) defense issues with respect to the Peo- ple's Republic of China; and

(E) strengthening a collective, comprehensive strategy to respond to the Belt and Road Initiative (BRI) established by the Government of the People's Republic of China.

(4) Describe the coordination mechanisms among key regional and functional bureaus within the Department of State and Depart- ment of Defense tasked with engaging with European partners on the People's Republic of China.

(5) Detail diplomatic efforts up to the date of the briefing and future plans to support European efforts to identify cost-effective alternatives to Huawei's 5G technology.

(6) Detail how the United States public diplo- macy tools, including the Global Engage- ment Center of the Department of State, will work with European counterparts in the Government of the People's Republic of China's ad- vancement of an authoritarian governance model around the world.

(7) Detail how United States public diplo- macy tools, including the Global Engage- ment Center of the Department of State, will work with European counterparts in the Government of the People's Republic of China's ad- vancement of an authoritarian governance model around the world.

(8) Detail how United States public diplo- macy tools, including the Global Engage- ment Center of the Department of State, will work with European counterparts in the Government of the People's Republic of China's ad- vancement of an authoritarian governance model around the world.

(9) Describe the staffing and budget re- sources of the Department of State to support engagement between the United States and the European Union on the People's Republic of China and provide an assessment of out- year resource needs to execute the strategy.

(10) Detail diplomatic efforts to work with European partners to track and counter Chi- nese attempts to exert influence across mul- tilateral fora, including at the World Health Organization.

(c) FORM.—The briefing required by section (a) shall be classified.

(d) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Speaker of the House and the Senate shall consult with the approp- riate congressional committees regarding the development and implementation of the elements described in subsection (b).

SEC. 3257. COOPERATION AND COOPERATION ON PROMOTING PRIVATE SECTOR FINANCE.

(a) IN GENERAL.—The President should work with transatlantic partners to build on the agreement among the Development Fi- nance Corporation, FinDev Canada, and the Development Financial Institutions Group (called the DFI Alliance) to enhance coordi- nation on shared objectives to foster private
sector-led development and provide market-based alternatives to state-directed financing in emerging markets, particularly as related to the People's Republic of China's Belt and Road Initiative (BRI), including by integrating efforts such as—

(1) the European Union Strategy on Connecting Europe and Asia;
(2) the United States-China Initiative and Three Seas Initiative Fund;
(3) the Blue Dot Network among the United States, Japan, and Australia; and
(4) the Japan-China initiative that has leveraged $65,000,000,000 for infrastructure projects and emphasizes transparency standards.

(c) COOPERATION AT THE UNITED NATIONS.—The United States, European Union, and European countries should coordinate efforts to address the growing influence of the People's Republic of China's use of the United Nations to advance and legitimize BRI as a global good, including the proliferation of memoranda of understanding between the People's Republic of China and United Nations funds and programs on BRI implementation.

(b) REPORT AND BRIEFING REQUIRED.—(1) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Appropriations of the House of Representatives; and
(2) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Commerce, the Committee on Energy and Natural Resources, the Committee on Banking, and the Committee on Foreign Relations of the Senate.

(c) SENSE OF CONGRESS ON SHARING WITH ALLIES AND PARTNERS.—It is the sense of Congress that the Director of National Intelligence and appropriate Federal departments and agencies should share the findings of the report submitted under subsection (b) with important allies and partners of the United States, as appropriate.

SEC. 3258. REPORT AND BRIEFING ON COOPERATION BETWEEN CHINA AND RUSSIA.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(i) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(ii) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(b) REPORT AND BRIEFING REQUIRED.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall provide a report to the appropriate committees of Congress on cooperation between the People's Republic of China and Russia.

(2) The report submitted under paragraph (1) shall include the following elements:

(A) An identification of major areas of diplomatic, economic, infrastructure, banking, financial, economic, military, and space cooperation—

(i) between the People's Republic of China and the Islamic Republic of Iran; and

(ii) between the People's Republic of China and the Russian Federation.

(B) An assessment of the effect of the COVID-19 pandemic on such cooperation.

(C) The effect of United States compliance with the Joint Comprehensive Plan of Action (JCPOA) starting in January 14, 2016, and United States withdrawal from the JCPOA on May 8, 2018, had on the cooperation described in subparagraph (A)(i).

(D) An assessment of the effect on the cooperation described in subparagraph (A)(ii) that would be had by the United States reentering compliance with the JCPOA or a successor agreement of the United States not reentering compliance with the JCPOA or reaching a successor agreement.

(E) The form—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(f) SENSE OF CONGRESS ON SHARING WITH ALLIES AND PARTNERS.—It is the sense of Congress that the Director of National Intelligence and appropriate Federal departments and agencies should share the findings of the report submitted under subsection (b) with important allies and partners of the United States, as appropriate.

SEC. 3259. PROMOTING RESPONSIBLE DEVELOPMENT ALTERNATIVES TO THE BELT AND ROAD INITIATIVE.

(a) IN GENERAL.—The President should seek opportunities to partner with multilateral institutions to develop financing tools based on shared development finance criteria and mechanisms to support investments in developing countries that—

(1) support low carbon economic development; and

(2) promote resiliency and adaptation to environmental changes.

(b) PARTNERSHIP AGREEMENT.—The Chief Executive Officer of the United States International Development Finance Corporation and the Secretary of the Treasury shall develop a comprehensive strategy to develop alternative financing institutions for the Belt and Road Initiative alternative; and

(c) ALTERNATIVES TO THE BELT AND ROAD INITIATIVE.—The President shall work with European counterparts to establish a new United States-European Commission Working Group to develop a comprehensive strategy to develop alternatives to the Government of China's Belt and Road Initiative for development finance. United States participants in the working group shall seek to integrate existing efforts into this strategy, including efforts to advance the United States-European Commission Working Group's strategy in countries that—

(i) may not be approved unless—

(ii) may include nuclear energy projects; and

(iii) will have substantially lower environmental impact than the proposed Belt and Road Initiative alternative.

(b) REPORT AND BRIEFING ON COOPERATION WITH SOUTH AND CENTRAL ASIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall provide a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a strategy for how the United States will engage with the countries of South and Central Asia, including through the C5+1 mechanism, with respect to the People's Republic of China.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) A detailed description of the security and economic challenges that the People's Republic of China poses to the countries of South and Central Asia, including border disputes with South and Central Asian countries that border the People's Republic of China, including investments in ports, transportation infrastructure, and energy projects across the region.

(2) A detailed description of United States efforts to provide alternative to PRC investment in infrastructure and other sectors in South and Central Asia.

(3) A detailed description of bilateral and regional efforts to work with countries in South Asia on strategies to build resilience against PRC efforts to interfere in their political systems and economies.

(4) A detailed description of United States diplomatic efforts to work with the Government of Afghanistan on addressing the challenges posed by PRC investment in the Afghani sector.

(5) A detailed description of United States diplomatic efforts with the Government of Pakistan with respect to matters relevant to the People's Republic of China, including investments by the People's Republic of China in Pakistan through the Belt and Road Initiative.

(6) A close consultation with the Government of India, identification of areas where the United States Government can provide diplomatic and other support as appropriate to efforts to advance economic and security challenges posed by the People's Republic of China in the region.

(7) A description of the coordination mechanisms among key regional bureaus within the Department of State and Department of Defense tasked with engaging
with the countries of South and Central Asia on issues relating to the People’s Republic of China.

(8) A description of the efforts being made by Federal departments and agencies, including the Department of State, the United States Agency for International Development, the Department of Commerce, the Department of Justice, the Office of the United States Trade Representative, to help the nations of South and Central Asia develop trade and commerce links that will help those countries to refrain from exporting ethnic minorities to the People’s Republic of China.

(9) A detailed description of United States diplomatic efforts with Central Asian countries, including the other countries with significant populations of Uyghurs and other ethnic minorities fleeing persecution in the People’s Republic of China to press those countries to refrain from deporting ethnic minorities to the People’s Republic of China, protect ethnic minorities from intimidation by Chinese government authorities, and protect the right to the freedoms of assembly and expression.

(c) FORM.—The strategy required under section (a) shall be submitted in an unclassified form that can be made available to the public, but may include a classified annex as necessary.

(d) CONSULTATION.—Not later than 120 days after the date of the enactment of this Act, and not less than annually thereafter for 5 years, the Secretary of State shall consult with the United States diplomatic missions in China and the permanent Select Committee on Intelligence of the Senate and the Committee on Appropriations of the House of Representatives regarding the development and implementation of the strategy required under subsection (a).

PART IV—AFRICA

SEC. 3271. ASSESSMENT OF POLITICAL, ECONOMIC, AND SECURITY ACTIVITY OF THE PEOPLE’S REPUBLIC OF CHINA TO AFRICA.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Foreign Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) INTELLIGENCE ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, the United States Trade Representative, the Administrator of the United States Agency for International Development, the Department of Justice, and the Office of the Director of National Intelligence, submit to the appropriate committees of Congress a report that includes an assessment of the methods, tools, and tactics used to promote PRC disinformation and propaganda to influence African audiences; and

(c) INCLUSIONS.—The strategy submitted pursuant to subsection (a) shall include—

(1) an analysis of the methods, tools, and tactics used to promote PRC disinformation and propaganda to influence African audiences; and

(2) a description and assessment of barriers to United States economic activity in Africa, including through support for democratic institutions, the rule of law, including property rights, and for improved transparency, anti-corruption and governance.

(d) ELEMENTS.—In this section, the term “PRC” includes the People’s Republic of China.

SEC. 3272. INCREASING THE COMPETITIVENESS OF THE UNITED STATES IN AFRICA.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Ways and Means of the House of Representatives.

(b) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a multi-year strategy for increasing United States 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.

(c) ELEMENTS.—In this section, the term “PRC” includes the People’s Republic of China.

(d) ASSESSMENT.—The permanent United States International Development Finance Corporation, submit to the appropriate committees of Congress an action plan for United States economic activity in Africa to ensure the integrity of their programs effectively address such barriers; and

(e) ASSESSMENT OF THE PRC’S ECONOMIC ACTIVITY IN AFRICA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, the Director of the Office of the Coordinator for Global Health and Security, submit to the appropriate committees of Congress a report that assesses the nature and impact of the People’s Republic of China’s economic and security sector activity in Africa, including

(1) the amount and impact of direct investment, loans, development financing, oil-for-loans deals, and other preferential trading arrangements;

(2) the involvement of PRC state-owned enterprises in Africa;

(3) the amount of African debt held by the People’s Republic of China;

(4) the involvement of PRC private security, technology and media companies in Africa;

(5) the scale and impact of PRC arms sales to African countries;

(6) the scope of Chinese investment in and control of African energy resources and minerals critical for emerging and foundational technologies; and

(7) an analysis of the linkages between Beijing’s aid and assistance to African countries and African countries supporting PRC geopolitical goals in international fora;

(8) the methods, tools, and techniques used to promote PRC disinformation and propaganda to influence African governments and facilitate corrupt activity in Africa, including through the party-to-party training program, and to influence African multilateral organizations; and

(9) an analysis of the soft power, cultural, and development priorities utilizing the PRC’s cultural policies and the CCP and seek to expand their influence in Africa.

SEC. 3273. DIGITAL SECURITY COOPERATION WITH RESPECT TO AFRICA.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) INTERAGENCY WORKING GROUP TO COUNTER PRC CYBER AGGRESSION IN AFRICA.—

(1) IN GENERAL.—The President shall establish an interagency Working Group, which shall coordinate with the departments and agencies of the United States, in cooperation and collaboration with the United States Agency for International Development and the Department of Justice, and such other agencies of the United States Government as the President considers appropriate, on security of United States critical infrastructure and economic assets to ensure that information technology and media companies in Africa can have a positive impact on efforts to foster economic growth, improve public sector transparency and governance, and counter cyber extremism, and should be an area of focus for United States outreach on the continent.

(2) PURPOSE.—It is the policy of the United States Government to cooperate with private sector companies, civic organizations, nongovernmental organizations, and...
national and regional public sector entities, to commit resources to enhancing the entrepreneurship and leadership skills of African youth with the objective of enhancing their ability to spur growth and prosperity, strengthen democratic governance, and enhance peace and security in their respective countries of origin and across Africa.

(c) **YOUNG AFRICAN LEADERS INITIATIVE.—**

(1) **IN GENERAL.—**There is hereby established a Young African Leaders Initiative to be carried out by the Secretary of State.

(2) **FELLOWSHIPS.—**The Secretary is authorized to support the participation in the Initiative of up to 700 young leaders from the United States, of fellows from Africa each year for such education and training in leadership and professional development through the Department of State as the Secretary of State considers appropriate. The Secretary shall establish and publish criteria for eligibility for participation as such a fellow, and for selection of fellows among eligible applicants for a fellowship.

(3) **RECIPROCAL EXCHANGES.—**Under the Initiative, United States citizens may engage in such reciprocal exchanges with and collaboration on projects with fellows under paragraph (1) as the Secretary considers appropriate.

(4) **REGIONAL CENTERS AND NETWORKS.—**The Administrator of the United States Agency for International Development shall establish each of the following:

(A) Not fewer than four regional centers in Africa to provide in-person and online training throughout the year in business and entrepreneurship, civic leadership, and public management.

(B) An online network that provides information and online courses on, and connections with leaders in, the private and public sectors in Africa.

(d) **SENSE OF CONGRESS.—**It is the sense of Congress that the Secretary of State should increase the number of fellows from Africa participating in the Mandela Washington Fellowship above the current 700 projected for fiscal year 2021.

SEC. 3275. AFRICA BROADCASTING NETWORKS.

Not later than 180 days after the date of the enactment of this Act, the CEO of the United States Agency for Global Media shall submit to the appropriate congressional committees a report on the resources and time line needed to establish within the Agency an organization whose mission shall be to promote democratic values and institutions; provide objective, accurate, and relevant news and information to the people of Africa and counter disinformation from malign actors, especially in countries where a free press is banned by the government or not fully established, about the region, the world, and the United States through unencumbered news, responses, and open debates.

PART V—MIDDLE EAST AND NORTH AFRICA

SEC. 3281. STRATEGY TO COUNTER CHINESE INFLUENCE AND ACTIVITIES IN THE MIDDLE EAST AND NORTH AFRICA.

(a) **SENSE OF CONGRESS.—**It is the sense of Congress that—

(1) **the economic influence of the People’s Republic of China through its oil and gas imports from the Middle East, infrastructure investments, technology transfer, and arms sales provides influence and leverage in the Middle East and North Africa that runs counter to United States interests in the region;

(2) the People’s Republic of China seeks to erode and influence the United States in the Middle East and North Africa through the sale of Chinese arms, associated weapons technology, and joint weapons research and development initiatives;

(3) the People’s Republic of China seeks to establish military or dual use facilities in the Middle East and North Africa to further the Chinese Communist Party’s Belt and Road Initiative at the expense of United States national security interests;

(4) the export of certain communications infrastructure from the People’s Republic of China degrades the security of partner nations and works to steal, compromises regional and furthers China’s authoritarian surveillance model.

(b) **STRATEGY REQUIRED.—**

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate Federal agencies, shall jointly develop and submit to the appropriate congressional committees a strategy for countering and limiting Chinese influence in, access to, the Middle East and North Africa.

(2) **ELEMENTS.—**The strategy required under paragraph (1) shall include:

(A) an assessment of China’s intent with regards to increased cooperation with Middle East and North African countries and how these activities fit into its broader global strategic objectives;

(B) an assessment of how governments across the region are responding to the People’s Republic of China’s efforts to increase its military presence in their countries;

(C) efforts to improve regional cooperation through foreign military sales, financing, and efforts to build partner capacity and increase interoperability with the United States;

(D) an assessment of the People’s Republic of China’s joint research and development with the Middle East and North Africa, impacts on the United States’ national security interests, and recommended steps to mitigate the People’s Republic of China’s Influence in this area;

(E) an assessment of arms sales and weapons transfers from the People’s Republic of China to the Middle East and North Africa, impacts on United States’ national security interests, and efforts to mitigate China’s influence in this area;

(F) an assessment of the People’s Republic of China’s military sales to the region including lethal and non-lethal unmanned aerial systems;

(G) an assessment of People’s Republic of China military basing and dual-use facility infrastructure in the Middle East and North Africa, impacts on United States’ national security interests, and recommended steps to mitigate the People’s Republic of China’s influence in this area;

(H) efforts to improve regional security cooperation with United States allies and partners with a focus on:

(i) maritime security in the Arabian Gulf, the Red Sea, and the Eastern Mediterranean;

(ii) integrated air and missile defense;

(iii) cyber security;

(iv) border security; and

(v) critical infrastructure security, to include energy security;

(I) increased support for government-to-government and civil society engagement and efforts to mitigate the People’s Republic of China’s Influence in the Middle East and North Africa;

(J) efforts to encourage United States private sector and public-private partnerships in healthcare technology and foreign direct investment in non-energy sectors;

(K) efforts to expand youth engagement and professional education exchanges with key partner countries;

(L) specific steps to counter increased influence and activities from the People’s Republic of China in telecommunications infrastructure and diplomatic efforts to stress the political, economic, and social benefits of a free and open society;

(M) efforts to promote United States private sector engagement in and public-private partnerships on renewable energy development;

(N) the expansion of public-private partnerships on water, desalination, and irrigation projects; and

(O) an assessment of how governments in the Middle East and North Africa of the risks associated with the People’s Republic of China’s telecommunications infrastructure and provide alternative “clean path” to the People’s Republic of China’s technology.

SEC. 3282. SENSE OF CONGRESS ON MIDDLE EAST AND NORTH AFRICA ENGAGEMENT.

(a) **FINDINGS.—**Congress makes the following findings:

(1) The United States and the international community have long-term interests in the stability, security, and prosperity of the people of the Middle East and North Africa.

(2) In addition to and apart from military and security efforts, the United States should harness a whole of government approach, including bilateral and multilateral statecraft, economic lines of effort, and public diplomacy to compete with and counter Chinese Communist Party influence.

(3) A clearly articulated positive narrative of United States engagement, transparent governance structures, and active civil society engagement help counter predatory foreign investment and influence efforts.

(b) **STATEMENT OF POLICY.—**It is the sense of Congress that the United States and the international community should continue diplomatic and economic efforts throughout the Middle East and North Africa that support reform efforts to—

(1) promote greater economic opportunity;

(2) foster private sector development;

(3) strengthen civil society; and

(4) promote transparent and democratic governance and the rule of law.

PART VI—ARCTIC REGION

SEC. 3285. ARCTIC DIPLOMACY.

(a) **SENSE OF CONGRESS ON ARCTIC SECURITY.—**It is the sense of Congress that—

(1) the rapidly changing Arctic environment creates new national and regional security challenges due to increased military activity in the Arctic;

(2) the United States should reduce the consequences outlined in paragraph (1) by—

(A) developing policies and making preparations to mitigate and respond to threats

(B) heightens the risk of the Arctic emerging as a major theater of conflict in ongoing strategic competition;

(C) threatens maritime safety as Arctic littoral nations have inadequate capacity to protect increased vessel traffic in this remote region, which is a result of diminished annual levels of sea ice;

(D) impacts public safety due to increased human activity in the Arctic region where search and rescue capacity remains very limited;

(E) threatens the health of the Arctic’s fragile and pristine environment and the unique and highly sensitive species found in the Arctic’s marine and terrestrial ecosystems; and

(F) the United States should reduce the consequences outlined in paragraph (1) by—

(A) carefully evaluating the wide variety and dynamic set of security and safety risks unique to the Arctic region;

(B) developing policies and making preparations to mitigate and respond to threats

(C) carefully evaluating the wide variety and dynamic set of security and safety risks unique to the Arctic region.
and risks in the Arctic, including by continuing to work with allies and partners in the Arctic region to deter potential aggressive activities and build Arctic competitive advantage.

(C) adequately funding the National Earth System Prediction Capability to substantively improve weather, ocean, and ice prediction, and foster the use of the capabilities to ensure regional security and trans-Arctic shipping;

(D) investing in resources, including a significant expanded icebreaker fleet, to ensure that the United States has adequate capacity to prevent and respond to security threats in the Arctic region;

(E) fostering Cloes to all nations in the Arctic region for—

(i) maintaining peace and stability in the Arctic region;

(ii) fostering cooperation on stewardship and safety initiatives in the Arctic region;

(iii) ensuring secure and efficient management of commercial maritime traffic in the Arctic region;

(iv) promoting responsible natural resource management and economic development; and

(v) developing China’s Polar Silk Road initiative; and

(F) examining the possibility of reconvening the Arctic Chiefs of Defense Forum.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to recognize only the nations enumerated in subsection (c)(1) as Arctic nations, and to reject all other claims to this status; and

(2) that the militarization of the Arctic poses a serious threat to Arctic peace and stability, and the interests of United States allies and partners.

(c) DEFINITIONS.—In this section:

(1) ARCTIC NATIONS.—The term “Arctic nations” means the 8 nations with territory or exclusive economic zones that extend north of the 66.56083 parallel latitude north of the equator, namely Russia, Canada, the United States, Norway, Denmark (including Greenland), Finland, Sweden, and Iceland.

(2) ARCTIC REGION.—The term “Arctic Region” means the geographic region north of the 66.56083 parallel latitude north of the equator.

(d) DESIGNATION.—The Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (or designee) shall designate a deputy assistant secretary serving within the Bureau of Oceans and International Environmental and Scientific Affairs, the Bureau of Political-Military Affairs, embassies, other regional offices, or relevant agencies to advance United States national security interests, including through conflict prevention efforts, security assistance, humanitarian disaster response and prevention, and economic and other relevant assistance programs. The Arctic Region Security Policy shall assess, develop, budget for, and implement plans to—

(1) to bolster the diplomatic presence of the United States in Arctic nations, including through enhancements to diplomatic capacities, and missions, in regional and bilateral dialogues related to Arctic security, and coordination of United States initiatives and assistance programs across agencies to protect the national security of the United States and its allies and partners;

(2) to enhance the resilience capacities of Arctic nations to the effects of environmental change and increased civilian and military activity by Arctic nations and other nations that may result from increased accessibility of the Arctic Region; and

(3) to assess specific added risks to the Arctic Region and Arctic nations that—

(A) are vulnerable to the changing Arctic environment; and

(B) are strategically significant to the United States;

(4) to coordinate the integration of environmental change and national security risk and vulnerability assessments into the decision making process on foreign assistance awards to Greenland;

(5) to promote the principles of good governance by encouraging and cooperating with Arctic nations on collaborative approaches—

(A) to responsibly manage natural resources in the Arctic Region; and

(B) to share the burden of ensuring maritime safety in the Arctic Region;

(6) to assist with the development of, and facilitate the implementation of, an Arctic Region Security Policy in accordance with subsection (f);

(7) to use the vote, voice, and influence of the United States to encourage other countries and international multilateral organizations to support the principles of the Arctic Region Security Policy implemented pursuant to subsection (f); and

(8) to perform such other duties and exercise such powers as the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs and such department or agency as the Secretary of State may prescribe.

(f) RANK AND STATUS.—The President shall appoint the Deputy Assistant Secretary for Arctic Affairs designated under subsection (d) to an appropriate Level.

(g) ARCTIC REGION SECURITY POLICY.—The Bureau of European and Eurasian Affairs shall be the lead bureau for Arctic affairs, and shall be the lead bureau for developing and implementing the United States’ Arctic Region Security Policy in coordination with the Arctic Region, to support the principles of the Arctic Region Security Policy implemented pursuant to subsection (f), and to support the principles of the Arctic Region Security Policy implemented pursuant to subsection (f).

(h) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) facilitate the development and coordination of United States foreign policy in the Arctic Region relating to—

(A) research, including its involvement in Arctic agreements and institutions for cooperation among the Arctic nations;

(B) enhancing scientific monitoring and research on local, regional, and global environmental issues;

(C) protecting the Arctic environment and conserving its biological resources;

(D) promoting responsible natural resource management and economic development; and

(E) involving Arctic indigenous people in decisions that affect them;

(2) coordinate the diplomatic objectives with the activities described in paragraph (1), and, as appropriate, represent the United States within multilateral fora that address international cooperation and foreign policy in the Arctic Region;

(3) help inform, in coordination with the Bureau of Economic and Business Affairs, transnational commerce and commercial maritime transit in the Arctic Region;

(4) coordinate the integration of scientific data on the current and projected effects of climate change on the Arctic Region and ensure that such data is applied to the development of security strategies for the Arctic Region;

(5) make available the methods and approaches on the integration of environmental science and data to other regional security planning programs in the Department of State and other government agencies. Data collection and analysis making processes may more adequately account for the changing environment;

(6) assist with the development of, and facilitate the implementation of, an Arctic Region Security Policy in accordance with subsection (f);

(7) use the vote, voice, and influence of the United States to encourage other countries and international multilateral organizations to support the principles of the Arctic Region Security Policy implemented pursuant to subsection (f);

(8) to perform such other duties and exercise such powers as the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs and such department or agency as the Secretary of State may prescribe.

(h) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(i) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(j) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(k) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(l) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(m) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(n) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(o) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(p) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(q) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(r) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(s) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(t) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(u) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(v) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.

(w) DUTIES.—The Deputy Assistant Secretary for Arctic Affairs shall—

(1) to elevate the countries of Oceania as a goal of the United States; and

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region.
return of the remains of members of the United States Armed Forces that are missing in action from previous conflicts in the Indo-Pacific region.

SEC. 3293. REVIEW OF USAID PROGRAMMING IN OCEANIA.

(a) OCEANIA STRATEGIC ROADMAP.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall—

(1) submit to Congress a strategic roadmap for strengthening United States engagement with the countries of Oceania, including an analysis of available assets to cooperate with Australia, New Zealand, and Japan, to address shared concerns and promote shared goals of United States security and resiliency in the countries of Oceania.

(b) ELEMENTS.—The strategic roadmap required by subsection (a) shall include the following:

(1) A description of United States regional goals and concerns with respect to Oceania and increasing engagement with the countries of Oceania.

(2) An assessment, based on paragraph (1), of United States regional goals and concerns that are shared by Australia, New Zealand, and Japan, and a review of issues related to engaging in the Indo-Pacific region.

(3) A review of ongoing programs and initiatives by the governments of the United States, Australia, New Zealand, and Japan in pursuit of those shared regional goals and concerns, including with respect to the issues described in paragraph (1).

(4) A review of ongoing programs and initiatives by regional organizations and other related intergovernmental structures aimed at addressing the issues described in paragraph (1).

(5) A plan for aligning United States programs and resources in pursuit of those shared regional goals and concerns, as appropriate.

(6) Recommendations for additional United States authorities, personnel, programs, or resources necessary to execute the strategic roadmap.

(7) Any other elements the Secretary considers appropriate.

SEC. 3294. OCEANIA SECURITY DIALOGUE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall brief the appropriate committees of 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”) among the countries of Oceania for the purposes of jointly exploring and discussing issues affecting the economic, diplomatic, and national security of the Indo-Pacific countries of Oceania.

(b) REPORT REQUIRED.—The briefing required by subsection (a) shall, at a minimum, include the following:

(1) A review of the ability of the Department of State to participate in a public-private sponsored security dialogue.

(2) An assessment of the potential location for conducting an Oceania Security Dialogue in the jurisdiction of the United States.

(3) Consideration of dates for conducting an Oceania Security Dialogue that would maximize participation of representatives from the Indo-Pacific countries of Oceania.

(4) An analysis of the available assets to cooperate with Department of State to help finance an Oceania Security Dialogue, including grant-making authorities available to the Department of State.

(5) An assessment of any administrative, statutory, or other legal limitations that would prevent the establishment of an Oceania Security Dialogue.

(6) An analysis of how an Oceania Security Dialogue could help to advance the Boe Declaration on Regional Security, including its emphasis on the changing environment as a significant existential threat to countries of Oceania.


(8) An analysis of how an Oceania Security Dialogue would help with implementation of the strategic roadmap required by section 3293 to advance the National Security Strategy of the United States.

(c) INTERAGENCY CONSULTATION.—To the extent practicable, the Secretary of State may consult with the Secretary of Defense and, where appropriate, evaluate the lessons learned of the Regional Centers for Security Studies of the Department of Defense to determine the feasibility and advisability of establishing the Oceania Security Dialogue.

SEC. 3295. REPORT ON COUNTERING ILLEGAL, UNREPORTED, AND UNREGULATED FISHING IN THE INDO-PACIFIC.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) many countries of the Oceania region depend on commercial fisheries as a critical component of their economies;

(2) the Government of the People's Republic of China has used its licensed fishing fleet to exert greater influence in Oceania, but at the same time, its licensed fishing fleet is also a major contributor to illegal, unreported, and unregulated fishing in the Indo-Pacific region, such as the “Boe Declaration on Regional Security, including its emphasis on the changing environment as a significant existential threat to countries of Oceania.

(3) the sustainability of Oceania's fisheries is threatened by IUU fishing, which depletes both commercially important fish stocks and non-targeted species that help maintain the integrity of the ocean ecosystem;

(4) in addition, IUU fishing puts pressure on protected species of marine mammals, sea turtles, and sea birds, which also jeopardizes the integrity of the ocean ecosystem;

(5) further, because IUU fishing goes unrecorded, the loss of biomass compromises scientists' work to estimate fishery stocks and advise managers on sustainable catch levels;

(6) beyond the damage to living marine resources, IUU fishing can also be directed to illegal activity in the Oceania region, such as food fraud, smuggling, and human trafficking;

(7) current approaches to IUU fishing enforcement rely on established methods, such as vessel monitoring systems, logbooks maintained by government fisheries enforcement authorities to record the catches landed by fishing vessels, and corroborating data on catches hand-collected by human observer programs;

(b) REPORT REQUIRED.—The report submitted by the Secretary of State shall include the following:

(1) An analysis of how established methods are imperfect because—

(A) vessels can turn off monitoring systems and unlicensed vessels do not use them; and

(B) observer coverage is thin and subject to human error and corruption;

(2) maritime domain awareness technology solutions for vessel monitoring have gained credibility in recent years and include systems such as observing instruments deployed on satellites, crewed and uncrewed air and surface systems, aircraft, and surface vessels, as well as electronic monitoring systems on fishing vessels;

(3) maritime domain awareness technology solutions for vessel monitoring have gained credibility in recent years and include systems such as observing instruments deployed on satellites, crewed and uncrewed air and surface systems, aircraft, and surface vessels, as well as electronic monitoring systems on fishing vessels;

(4) maritime domain awareness technology solutions for vessel monitoring have gained credibility in recent years and include systems such as observing instruments deployed on satellites, crewed and uncrewed air and surface systems, aircraft, and surface vessels, as well as electronic monitoring systems on fishing vessels;
(11) maritime domain awareness technologies offer an avenue for addressing key United States national interests, including those interests related to—
(12) increasing bilateral diplomatic ties with key allies and partners in the Oceania region;
(13) countering illicit trafficking in arms, narcotics, and human beings associated with IUU fishing;
(14) advancing ocean conservation objectives;
(15) reducing food insecurity; and
(16) protecting the environment by use of advanced maritime domain awareness technology systems to combat IUU fishing in Oceania.

(b) REPORT REQUIRED.—
(1) The Secretary of State shall submit to Congress a report required by paragraph (1) shall include—
(A) a review of the effectiveness of existing monitoring technologies, including electronic and monitoring systems, to combat IUU fishing;
(B) recommendations for effectively integrating effective monitoring technologies into a Oceania-wide strategy for IUU fishing enforcement;
(C) an assessment and recommendations for the secure and reliable processing of data from existing monitoring technologies, including the security and verification issues;
(D) the technical and financial capacity of countries of the Oceania region to deploy and maintain large-scale use of maritime domain awareness technological systems for the purposes of combating IUU fishing and supporting fisheries resource management;
(E) a review of the technical and financial capacity of regional organizations and international structures to support countries of the Oceania region, including the United States, to manage this large-scale use of maritime domain awareness technological systems for the purposes of combating IUU fishing and supporting fisheries resource management;
(F) an assessment of the role of large-scale deployment and operations of maritime domain awareness systems to increase maritime security across the region; and
(G) an examination of the role of large-scale deployment and operations of maritime domain awareness systems throughout Oceania to supporting United States economic and national security interests in the Oceania region, including efforts related to countering IUU fishing, improving maritime security, and countering malign influence.

SEC. 3296. OCEANIA PEACE CORPS PARTNERSHIPS.

(a) In General.—(1) Not later than one year after the date of the enactment of this Act, the Director of the Peace Corps shall submit to Congress a report on strategies to reason-
ably and safely expand the number of Peace Corps volunteers in Oceania, with the goals of—
(1) expanding the presence of the Peace Corps to all currently feasible locations in Oceania;
(2) working with regional and international partners of the United States to ex-
spand the presence of Peace Corps volunteers in low-income Oceania communities in support of climate resilience initiatives.
(b) ELEMENTS.—The report required by subsection (a) shall—
(1) assess the factors contributing to the current absence of the Peace Corps and its volunteers in Oceania;
(2) examine potential remedies that include working with United States Government agencies and regional governments, including governments of United States allies—
(A) to increase the health infrastructure and medical evacuation capabilities of the countries of Oceania to support the safety of Peace Corps volunteers while in those countries;
(B) to address physical safety concerns that have decreased the ability of the Peace Corps to operate in Oceania; and
(C) to increase transportation infrastructure in the countries of Oceania to better support the travel of Peace Corps volunteers and their access to necessary facilities;
(3) evaluate the potential to expand the deployment of Peace Corps Response volunteers to help the countries of Oceania address social, economic, and development needs of their communities that require specific professional expertise; and
(4) explore potential new operational models to address safety and security needs of Peace Corps volunteers in the countries of Oceania, including—
(A) changes to volunteer deployment dura-
tions; and
(B) scheduled redeployment of volunteers to regional or United States-based healthcare facilities for routine physical and behavioral health evaluation.

(c) VOLUNTEERS IN LOW-INCOME OCEANIA COMMUNITIES.

(1) In General.—In examining the potential to expand the presence of Peace Corps volunteers in low-income Oceania communities, the Director of the Peace Corps shall consider the development of initiatives described in paragraph (2).

(2) INITIATIVES DESCRIBED.—Initiatives described in this paragraph are volunteer initiatives that help the countries of Oceania address social, economic, and development needs of their communities, including—
(A) addressing, through appropriate resilience-based interventions, the vulnerability that communities in Oceania face as result of environmental and other climate related trends; and
(B) improving, through smart infrastructure principles, access to transportation and connectivity infrastructure that will help address the economic and social challenges that communities in Oceania confront as a result of poor or nonexistent infrastructure.

(d) OCEANIA DEFINED.—In this section, the term “Oceania” includes the following:
(1) Easter Island of Chile.
(2) Fiji.
(3) French Polynesia of France.
(4) Kiribati.
(5) New Caledonia of France.
(6) Nieu of New Zealand.
(7) Papua New Guinea.
(8) Samoa.
(9) Vanuatu.
(10) The Ashmore and Cartier Islands of Australia.
(11) The Cook Islands of New Zealand.
(12) The Maldives Islands of Australia.
(13) The Federated States of Micronesia.
(14) The Norfolk Island of Australia.
(15) The Pitcairn Islands of the United Kingdom.
(17) The Republic of Palau.
(18) The Solomon Islands.
(19) Tokelau of New Zealand.
(20) Tonga.
(21) Tuvalu.
(22) Wallis and Futuna of France.

TITLE III—INVESTING IN OUR VALUES

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS FOR PROMOTION OF DEMOCRACY IN HONG KONG.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for fiscal year 2022 for the Bureau of Democracy, Human Rights, and Labor of the Department of State to promote democracy in Hong Kong.

(b) ADMINISTRATION.—The Secretary of State shall designate an office within the Department of State to administer and coordinate the provision of such funds described in subsection (a) within the Department of State and across the United States Government.

SEC. 3302. IMPOSITION OF SANCTIONS RELATING TO FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) In General.—Section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116-145; 22 U.S.C. 6901 note) is amended—
(1) by redesignating subparagraph (E) as subparagraph (F); and
(2) by inserting after subparagraph (D) the following:
“(E) Serious human rights abuses in connection with forced labor;”.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act; and
(2) applies with respect to the first report required by section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 submitted after such date of enactment.

SEC. 3303. IMPOSITION OF SANCTIONS WITH RESPECT TO SYSTEMATIC RAPE, COERCIVE ABORTION, FORCED STERILIZATION, OR INVOLUNTARY CONTRACEPTIVE IMPLANTATION IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) In General.—Section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116-145; 22 U.S.C. 6901 note), as amended by section 302, is further amended—
(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H); and
(2) by inserting after subparagraph (E) the following:
“(F) systematic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation policies and prac-
tices.”.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act; and
(2) applies with respect to the first report required by section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 submitted after such date of enactment.

SEC. 3304. REPORT ON CORRUPT ACTIVITIES OF SENIOR OFFICIALS OF GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and
(2) the Committee on Foreign Affairs, the Committee on Financial Services, and the Select Committee on Intelligence of the House of Representatives.

(b) ANNUAL REPORT REQUIRED.—
(1) In General.—Not later than 180 days after the date of the enactment of this Act,
and annually thereafter through 2026, the Di-
rector of the Central Intelligence Agency, in
coordination with the Secretary of State, the
Secretary of Treasury, and any other rel-
vant United States Government official, shall sub-
tit to the appropriate committees of Congress a
report on the corruption and cr
activity of senior officials of the
Government of the People's Republic of
China.
(2) ELEMENTS.—
(A) IN GENERAL.—Each report under para-
graph (1) shall include the following ele-
ments:
(i) A description of the wealth and sources
of wealth of senior officials of the Gov-
ernment of the People's Republic of
China;
(ii) A description of corruption activities, in-
cluding activities involving the use of cor-
ruptive schemes, financial crimes, or the
ownership of assets by officials, that rep
sent a threat to national security;
(iii) A description of any gaps in the abil-
ity of the intelligence community to collect
information covered in clauses (i) and (ii).
(3) SCOPE OF REPORTS.—The first report
under paragraph (1) shall include compre-
hen tive information on the matters described in
subparagraphs (i) and (ii). Any succeeding report
under paragraph (1) may consist of an update or
supplement to the preceding report under that
paragraph.
(3) FORM.—Each report under paragraph (1)
shall include an unclassified executive sum-
mary of the elements described in clauses (i)
and (ii) of paragraph (2), and (A), and may include
a classified annex.
(c) SENSE OF CONGRESS.—It is the sense of
Congress that the United States should un-
dertake every effort and pursue every oppor-
tunity to expose corruption and related prac-
tices of senior officials of the Government
of the People's Republic of China, in-
cluding President Xi Jinping.
SEC. 3305. REMOVAL OF MEMBERS OF THE
UNITED NATIONS HUMAN RIGHTS COUNCIL THAT COMMIT
HUMAN RIGHTS ABUSES
The President shall direct the Permanent
Representative of the United States to the
United Nations to use the voice, vote, and
influence of the United States to—
(1) reform the process for removing mem-
bers of the United Nations Human Rights
Council that commit gross and systemic vio-
lations of human rights, including—
(A) lowering the threshold vote at the
United Nations General Assembly for re-
moval to a simple majority;
(B) ensuring information detailing the
member country’s human rights record is
publicly available before the vote on re-
moval; and
(C) making the vote of each country on
the removal from the United Nations Human
Rights Council publicly available;
(2) reform the rules on electing members to
the United Nations Human Rights Council to
ensure United Nations members that have
committed systemic violations of human
rights are not elected to the Human
Rights Council; and
(3) oppose the election to the Human
Rights Council of any United Nations mem-
ber—
(A) currently designated as a country en-
gaged in a consistent pattern of gross viola-
tions of internationally recognized human
rights pursuant to section 116 or section 592B
of the Foreign Assistance Act of 1961 (22
U.S.C. 2351b, 2304);
(B) currently designated as a state sponsor
of terrorism;
(C) currently designated as a Tier 3 coun-
y under the Trafficking Victims Protection
Act of 2000 and any finding under section 701
of the Trafficking Victims Protection Act of
2000; and
(D) the government of which is identified on
the list published by the Secretary of
State pursuant to section 404(b) of the Child
Soldiers Prevention Act of 2008 (22 U.S.C.
2370c-1(b)) as a government that recruits
and uses child soldiers; or
(E) the government of which the United
States determines to have committed geno-
cide or crimes against humanity.
SEC. 3306. POLICY WITH RESPECT TO TIBET
(a) RANK.—The Secretary of State shall ap-
noint as the Special Coordinator for Tibetan
Issues, a senior official of the Department of
State and shall submit to the appropriate com-
mittees of Congress a report on the nomination
of the special coordinator and the rationale
for the nomination.
(b) DUTIES.—The Special Coordinator shall
report to the Under Secretary of State for
Political Affairs and shall coordinate, jointly
with other appropriate agencies, the United
States Government position on issues relating
to Tibet.
(c) SENSE OF CONGRESS.—It is the sense of
Congress that it is imperative that the United
States Government support the goal of free,
democratic Tibet.
SEC. 3307. UNITED STATES POLICY AND INTER-
ATIONAL ENGAGEMENT ON THE
SUCCESSION OR REINCARNATION OF THE DALAI LAMA AND
RELIGIOUS FREEDOM OF TIBETAN BUDDH-
ISTS
(a) RHAFFIRMATION OF POLICY.—It is the
policy of the United States, as provided under
section 342(b) of division FF of the
Consolidated Appropriations Act, 2021 (Pub-
lic Law 116-260), that any “interference by the
Government of the People’s Republic of
China or any other government in the proc-
ess of recognizing a successor or reincarna-
tion of the 14th Dalai Lama and any future
Dalai Lamas” would constitute a clear abuse of
the right to religious freedom of Tibetan
Buddhists and the Tibetan people.
(b) INTERNATIONAL ENGAGEMENT TO PROTECT
RELIGIOUS FREEDOM OF TIBETAN BUDDHISTS.—
The Secretary of State should engage with
United States allies and partners to—
(1) support independent religious leaders’
sole religious authority to identify and install
the 15th Dalai Lama;
(2) oppose claims by the Government of
the People’s Republic of China that the PRC has
the authority to decide for Tibetan
Buddhists the 15th Dalai Lama; and
(3) reject interference by the Government
of the People’s Republic in the reli-
gious freedom of Tibetan Buddhists.
SEC. 3308. SENSE OF CONGRESS ON TREATMENT
OF UYGHURS AND OTHER ETHNIC MINORITIES IN THE
XINJIANG UYGHUR AUTONOMOUS REGION
(a) FINDINGS.—Congress makes the fol-
lowing findings:
(1) The Uyghurs are one of several pre-
dominantly Muslim Turkic groups living in
the Xinjiang Uyghur Autonomous Region
(XUR) in the northwest of the People’s Re-
public of China (PRC).
(2) Following Uyghur demonstrations and
unrest in 2009 and subsequent government
security personnel and other violent inci-
dents in subsequent years, PRC leaders sought to
stabilize the XUR through large-scale arrests and
suppression of religious practices and political
activity, under the pretext of combating al-
egged terrorism, religious extremism, and
ethnic separation.
In May 2014, the PRC launched its
“Strike Hard Against Violent Extremism”
campaign, which placed further restrictions on
freedom of religion and political activity and
facilitated the local authorities to prosecute
violation against victims in the XUR under the
pretext of fighting terrorism.
(4) In August 2016, Chinese Communist
Party (CCP) Politburo Member Chen
Quanguo, former Tibet Autonomous Region
(TAR) Party Secretary, known for over-
seesering intensifying security operations and
human rights abuses in the TAR, was ap-
pointed as Party Secretary of the XUR.
(5) Beginning in 2017, XUR authorities have
sought to forcibly “assimilate” Uighurs and other Turkic
minorities into Chinese society through a policy of cultural
erasure known as “Sinicization”.
(6) Since 2018, credible reporting including
from the BBC, France24, and the New
York Times has shown that the Government of the
PRC has built mass internment camps in the
XUR, which it calls “vocational training”
campers, and detained thousands of other
races and other groups in them and other facilities.
(7) Since 2015, XUR authorities have arbi-
tarily detained an estimated 1,500,000
Uyghurs—12.5 percent of the XUR’s official
Uyghur population of 12,000,000—and a small-
er number of other ethnic minorities in the
camps.
(8) Since 2019, many detainees have been
forced to renounce many of their Islamic
beliefs and customs and repugnant
Uyghur culture, language, and identity.
(9) Investigations by Human Rights Watch
and other human rights organizations have
reported how detention can be used to pol-
litical indoctrination, force labor, crowded
and unsanitary conditions, involuntary bio-
logical data collection, neglect of medical
and intrusive medical interventions, food
and water deprivation, beatings, sexual
violence, and torture.
(10) A research by the Australian Strategic
Policy Institute suggests that, since late
2019, many detainees have been placed in
higher security facilities and convicted of
criminal crimes.
(11) Human Rights Watch has reported that
the PRC uses data collection programs,
including facial recognition technology, to
subdue Uighurs in the XUR and identity
ing individuals whom authorities may detain.
(12) PRC authorities have placed countless
children whose parents are detained or in
prison in state-run institutions and board-
schools without the consent of their parents.
(13) New York Times reporting revealed
that numerous local PRC officials who did
agree with the policies carried out in
XUR have been fired and imprisoned.
(14) Associated Press reporting documented
widespread and systematic efforts by PRC au-
thorities to force Uighurs to take contraceptives or to subject them to steri-
ization or abortion, threatening to detain
individuals who do not comply.
(15) PRC authorities prohibit family mem-
bers and advocates inside and outside China
from having regular communications with

relatives and friends imprisoned in the XUAR, such as journalist and entrepreneur Ekpar Asat.

(17) PRC authorities have imposed pervasive restrictions on peaceful practice of Islam in the XUAR, to the extent that Human Rights Watch asserts the PRC “has effectively outlawed the practice of Islam.”

(18) Authorities have imposed restrictions on Xinjiang, including those in official documents, to prevent Chinese authorities from using policies that allow Chinese" to act collectively and decisively to ensure China respects human rights and abides by its international obligations.

(19) International media, non-governmental organizations, scholars, families, and survivors have reported on the systemic nature of many of these abuses.

(20) On June 26, 2020, a group of 50 independent and independent experts expressed alarm over China’s deteriorating human rights record, including its repression in Xinjiang, and called on the international community “to act collectively and decisively to ensure China respects human rights and abides by its international obligations.”

(21) On October 6, 2020, 39 United Nations member countries issued a public statement condemning human rights violations by PRC authorities and calling on the PRC to allow the United Nations High Commissioner for Human Rights unfettered access to Xinjiang.


(23) The United States Congress passed the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328, 22 U.S.C. 2656 note), which has been used to sanction PRC officials and entities for their activities in the XUAR.

(24) The United States Government has implemented targeted sanctions on trade with Xinjiang and imposed visa and economic sanctions on PRC officials and entities for their activities in the XUAR.

(25) The United States Government has documented human rights abuses and violations of individual freedoms in the XUAR, including in the 2019 Department of State Report on International Religious Freedom.

(26) On January 19, 2021, then-Secretary of State Michael Pompeo “determined that the PRC, under the direction and control of the CCP, is committing genocide and crimes against humanity occurred during the year against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang”.

(b) Sense of Congress.—It is the sense of Congress that:

(1) the atrocities committed by the CCP against Uyghurs and other predominantly Muslim Turkic groups in Xinjiang, including the enforcement of an estimated perimeter of over 1,000,000 individuals, and other horrific abuses must be condemned;

(2) the President, the Secretary of State, and the United States Ambassador to the United Nations should speak publicly about the ongoing human rights abuses in the XUAR, including in formal speeches at the United Nations and international fora;

(3) the President, the Secretary of State, and the United States Ambassador to the United Nations should appeal to the United Nations Secretary-General to take a more proactive and public stance on the situation in the XUAR, including by supporting calls for an investigation and accountability for individuals and entities involved in abuses against the people of the XUAR;

(4) the United States should continue to use targeted sanctions and all diplomatic tools available to hold responsible for the atrocities in Xinjiang to account;

(5) United States agencies engaged with China on trade, climate, defense, or other bilateral issues must ensure that human rights abuses in the XUAR as a consideration in developing United States policy;

(6) the United States supports Radio Free Asia Uyghur, the only Uyghur-language service in the world independent of Chinese government influence; and

(7) the United States recognizes the repeated requests from the United Nations High Commissioner for Human Rights for unfettered access to the XUAR and the PRC’s refusal to comply, and therefore—

(A) PRC authorities shall allow unfettered access by the United Nations Office of the High Commissioner for Human Rights to the XUAR;

(B) the United States should urge collaborative action between the United States Government and international partners to press PRC authorities to allow unfettered access to the XUAR;

(C) the President, the Secretary of State, and the United States Ambassador to the United Nations should simultaneously outline the extent of human rights abuses and crimes that have taken place in the XUAR, collect evidence, and transfer the evidence to a competent court;

(D) United States partners and allies should undertake similar strategies in an effort to build an international investigation outside the purview of the PRC if PRC authorities do not comply with a United Nations investigation in the XUAR.

SEC. 3309. DEVELOPMENT AND DEPLOYMENT OF INTERNET FREEDOM AND GREAT FIREWALL CIRCUMVENTION TOOLS FOR THE PEOPLE OF HONG KONG.

(a) Findings.—Congress makes the following findings:

(1) The People’s Republic of China has repeatedly violated its obligations under the Joint Declaration by suppressing the basic rights and freedoms of Hong Kong.

(2) On June 30, 2020, the National People’s Congress passed a “National Security Law” that further erodes Hong Kong’s autonomy and undermines the people’s right to self-determination.

(3) The Government of the People’s Republic of China continues to utilize the National Security Law to undermine the fundamental freedoms through surveillance, control over information, and suppression of the freedom of speech, assembly, religion, and the press.

(4) Article 9 of the National Security Law authorizes unprecedented regulation and supervision of internet activity in Hong Kong, including expanded police powers to force technology providers to censor content, hand over user information, and block access to platforms.

(5) On January 13, 2021, the Hong Kong Bureau of Network Information and HKChronicles, a website promoting pro-democracy viewpoints, under the authorities of the National Security Law; on February 12, 2021, Internet service providers blocked access to the Taiwan Transnational Justice Commission website in Hong Kong.

(7) Major tech companies including Facebook, Twitter, WhatsApp and Google have stopped reviewing requests for user data from Hong Kong authorities.

(8) On February 28, 2021, 47 pro-democracy activists in Hong Kong were arrested and charged under the National Security Law on the charge of “conspiracy to commit subversion”.

(b) Sense of Congress.—It is the sense of Congress that the United States should—

(A) suppress internet access; and

(B) to increase online censorship; or

(C) to inhibit online communication and content-sharing by the people of Hong Kong.

(c) Definitions.—In this section:

(1) Appropriate Committee of Congress.—The term “appropriate committee of Congress” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Appropriations of the House of Representatives; and

(F) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Working Group.—The term “working group” means—

(A) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;

(B) the Assistant Secretary of State for East Asian and Pacific Affairs;

(C) the Chief Executive Officer of the United States Agency for Global Media and the President of the Open Technology Fund; and

(D) the Administrator of the United States Agency for International Development.

(3) Joint Declaration.—The term “Joint Declaration” means the Joint Declaration of the Government of the People’s Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

(d) Hong Kong Internet Freedom Program.

(1) In General.—The Secretary of State is authorized to establish a working group to develop a strategy to bolster internet resilience and online access in Hong Kong. The working group shall establish a Hong Kong Internet Freedom Program in the Bureau of Democracy, Human Rights, and Labor at the Department of State. Additionally, the Secretary shall establish the Hong Kong Internet Freedom Program in the Bureau of Democracy, Human Rights, and Labor at the Department of State. These programs shall operate
independently, but in strategic coordination with other entities in the working group. The Open Technology Fund shall remain independent from Department of State direction in the implementation of this, and any other Internet Freedom Programs.

(2) INDEPENDENCE.—During the period beginning on the date of the enactment of this Act ending on September 30, 2023, the Program shall be carried out independent from the mainland China internet freedom portfolio in order to focus on supporting libraries presently enjoyed by the people of Hong Kong.

(3) CONSOLIDATION OF DEPARTMENT OF STATE PROGRAMS.—Beginning on October 1, 2022, the Secretary of State may—

(A) consolidate the Program with the mainland China initiatives in the Bureau of Democracy, Human Rights, and Labor; or

(B) continue to carry out the Program in accordance with paragraph (2).

(4) CONSOLIDATION OF OPEN TECHNOLOGY FUND PROGRAM.—Beginning on October 1, 2023, the President of the Open Technology Fund may—

(A) consolidate the Program with the mainland China initiatives in the Open Technology Fund; or

(B) continue to carry out the Program in accordance with paragraph (2).

(c) OPEN INTERNET FREEDOM TECHNOLOGY PROGRAMS.—

(1) GRANTS AUTHORIZED.—

(A) GRANTS AUTHORIZED.—grants authorized under subparagraph (A) shall be—

(i) to make the internet available in Hong Kong;

(ii) to increase the number of the tools in the technology portfolio;

(iii) to promote the availability of such technologies and tools in Hong Kong;

(iv) to encourage the adoption of such technologies and tools by the people of Hong Kong;

(v) to scale up the distribution of such technologies and tools throughout Hong Kong;

(vi) to prioritize the development of tools, components, code, and technologies that are fully open-source, to the extent practicable;

(vii) to conduct research on repressive tactics that undermine internet freedom in Hong Kong;

(viii) to ensure digital safety guidance and support is available to repressed individual citizens, human rights defenders, independent journalists, civil society organizations and marginalized populations in Hong Kong;

(ix) to engage American private industry, including e-commerce firms and social networking companies, on the importance of preserving internet freedom in Hong Kong;

(C) GRANT RECIPIENTS.—Grants authorized under this paragraph shall be distributed to multiple vendors and suppliers through an open, transparent, and evidence-based decision process—

(i) to diversify the technical base; and

(ii) to reduce the risk of misuse by bad actors.

(D) SECURITY AUDITS.—New technologies developed using grants from this paragraph shall be subject to security audits in order to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interests of the United States; and minimizing the risk of repressive actors benefiting from programs supported by the Open Technology Fund.

(2) FUNDING SOURCE.—The Secretary of State is authorized to expend funds from the Technology Fund; or programs in Hong Kong that promote or expand open, fair, competitive, and evidence-based decision process—

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) OPEN TECHNOLOGY FUND.—In addition to the funds authorized to be expended pursuant to paragraph (2), there are authorized to be appropriated to the Open Technology Fund $3,000,000 for each of fiscal years 2022 and 2023 to carry out this subsection. This funding is in addition to the funds authorized for the Open Technology Fund through the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–92).

(B) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—In addition to the funds authorized to be appropriated to the Office of Internet Freedom Programs and the Bureau of Democracy, Human Rights, and Labor of the Department of State $10,000,000 for each of fiscal years 2022 and 2023 to carry out this section.

(C) AVAILABILITY.—Amounts appropriated pursuant to subparagraphs (A) and (B) shall remain available until expended.

(f) STRATEGIC PLANNING REPORT.—Not later than 120 days after the date of the enactment of this Act, the working group shall submit a classified report to the appropriate committees of Congress that—

(1) describes the Federal Government’s plan to bolster and increase the availability of Great Firewall circumvention and internet freedom technology in Hong Kong during fiscal year 2023;

(2) outlines a plan for—

(A) supporting the preservation of an open, interoperable, reliable, and secure internet in Hong Kong;

(B) increasing the supply of the technology referred to in paragraph (1);

(C) accelerating the dissemination of such technology;

(D) promoting the availability of internet freedom in Hong Kong;

(E) utilizing presently-available tools in the existing relevant portfolios for further use in the unique context of Hong Kong;

(F) expanding the portfolio of tools in order to diversify and strengthen the effectiveness of the government’s resiliency and rimfire of the circumvention efforts;

(G) providing training for high-risk groups and individuals in Hong Kong; and

(H) detecting and analyzing, and responding to new and evolving censorship threats;

(3) includes a detailed description of the technical and fiscal steps necessary to safely and effectively employ the plans referred to in paragraphs (1) and (2), including an analysis of the market conditions in Hong Kong;

(4) describes the Federal Government’s plans for the Open Technology Fund, the National Defense Authorization Act for Fiscal Year 2021 and the National Defense Authorization Act for Fiscal Year 2022, and the National Defense Authorization Act for Fiscal Year 2023, if any, to enable the availability of internet freedom technology in Hong Kong and the financial resources available for such purposes, and the cooperation and coordination with other United States entities to achieve such purposes;

(5) describes the Federal Government’s plans for the Open Technology Fund, the National Defense Authorization Act for Fiscal Year 2021 and the National Defense Authorization Act for Fiscal Year 2022, and the National Defense Authorization Act for Fiscal Year 2023, if any, to enable the availability of internet freedom technology in Hong Kong and the financial resources available for such purposes, and the cooperation and coordination with other United States entities to achieve such purposes;

(6) outlines the Department of State’s strategy to influence global internet legal standards at international organizations and multilateral fora.

SEC. 210. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) IN GENERAL.—Section 122 of title 1, United States Code, is amended—

(1) in the section heading, by striking "transmission to Congress" and inserting "transparency provisions";

(2) in subsection (a)—

(A) by striking "The Secretary" and all that follows through "notice from the President" and

(B) by striking "any international agreement on behalf of the United States shall transmit" and all that follows through the period at the end and inserting the following: "any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

(i) provide to the Secretary the text of each international agreement not later than 30 calendar days after the date on which such agreement is signed;

(ii) provide to the Secretary the text of each qualifying non-binding instrument not later than 30 calendar days after the date of the written communication described in subsection (c)(i) and

(iii) notify the appropriate congressional committees as soon as possible and provide to the Secretary the text of each international agreement and qualifying non-binding instrument listed pursuant to clause (i).

(iii) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the appropriate congressional committees as necessary, and publish the requirements described in subsection (c).

(3) by striking subsection (b);

(4) by redesignating subsections (a), (c), (d), and (g) as subsections (d), (g), (j), (k), and (l), respectively;

(5) by inserting before subsection (d), as redesignated by paragraph (4), the following:

``(A) A list of all international agreements and qualifying non-binding instruments approved for negotiation by the Secretary or another Department of State official at the Assistant Secretary level or higher during the prior month.

(i) the description of the international subject matter and parties to or participants for each international agreement and qualifying non-binding instrument listed pursuant to clause (i).''

``(B)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized with a foreign party or participant during the prior month.

(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

(iii) A description of the primary legal authority that, in the view of the Secretary, authorizes the international agreements and qualifying non-binding instruments provided under clause (ii) to become operative. If multiple authorities are relevant, the Secretary shall cite all such authorities and identify a primary authority. All citations to a treaty or statute shall include the specific article or section and any relevant paragraphs referred to, and, if not available, shall be as specific as possible. If the primary authority relied upon is article II of the Constitution of the United States, the Secretary shall explain the basis for that reliance.

``(C)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operational for the United States during the prior month.''
‘(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

(iii) A statement describing any new or amended regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

(iv) A statement of whether there were any opportunities for public comment on the international agreement or qualifying non-binding instrument prior to the conclusion of such agreement or instrument.

(2) The Secretary shall make the text of any of the information or texts of international agreements and qualifying non-binding instruments required under paragraph (1) in classified form.

(i) The Secretary may, on a case-by-case basis, waive the requirements of this subsection with respect to a specific international agreement or qualifying non-binding instrument if the President certifies to the appropriate congressional committees that

(A) exercising the waiver authority is vital to the negotiation of a particular international agreement or qualifying non-binding instrument that is itself vital to the national security interests of the United States; and

(B) not later than 60 calendar days after the date on which the President exercises the waiver authority, the President or the President’s designee shall brief the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the appropriate congressional committees on the scope and status of the negotiation that is the subject of the waiver.

(ii) Not later than 60 calendar days after the date on which the President exercises the waiver authority, the President or the President’s designee shall brief the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the appropriate congressional committees on the scope and status of the negotiation that is the subject of the waiver.

(iii) The certification required by subparagraph (B) shall not apply to a non-binding instrument if the Secretary determines that such instrument is a minor undertaking.

(iv) The Secretary shall submit such implementing instruments required under paragraph (1) in classified form could reasonably be expected to cause damage to the foreign relations or foreign activities of the United States.

(B) Not later than 60 calendar days after the date on which the President exercises the waiver authority, the President or the President’s designee shall make the text of all such unclassified non-binding instruments available to the public on the website of the Department of State.

(ii) transmit the text of all such classified non-binding instruments to the appropriate congressional committees.

(C) The certification required by subparagraph (B) shall not apply to a non-binding instrument if the Secretary determines that such instrument is a minor undertaking.

(2) The requirements under subparagraph (A) shall not apply to a non-binding instrument if the Secretary determines that such instrument is a minor undertaking.

(3) The requirements under subparagraph (A) shall not apply to any information, in classified form, that the President certifies to the appropriate congressional committees that

(A) a single notification containing all the information required by this subsection; and

(B) a list, to the extent described in such general authorization, of the countries with which international agreements or arrangements to the appropriate congressional committees.

(3) The Comptroller General shall submit to the appropriate congressional committees the results of each audit required by paragraph (1).

(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the website of the Government Accountability Office and the Department of State, respectively.

The Chief International Agreements Representative shall annually submit to Congress and inserting ‘Not later than February 1 of each year, the Secretary shall submit to the appropriate congressional committees’; and

(B) for each agreement and instrument included in the list under subparagraph (A)—

(C) by striking ‘“(ii) a summary of the agreement or instrument (including a description of the duration of activities under the agreement or instrument)”’; and

(D) by striking ‘“(iii) a summary of the agreement or instrument (including a description of the duration of activities under the agreement or instrument)”’.
“3(A) The Secretary should make the report, except for any classified annex, available to the public on the website of the Department of State.

(b) Not later than February 1 of each year, the Secretary shall make available to the public on the website of the Department of State a report in the form of an international agreement or qualifying non-binding instrument that entered into force or became operative during the preceding calendar year, except for any classified annex or information contained therein.

“(4) Not less frequently than once every 3 months, the Secretary shall brief the appropriate congressional committees and the appropriate congressional committees on developments with regard to non-binding instruments that have an important effect on the foreign policy or national security of the United States.

“(10) Subparagraph (19) is amended by striking ‘‘Secretary’’ and inserting ‘‘Secretary of State’’.

(c) The committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(d) The term ‘international agreement’ includes—

(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned regardless of the title of the document; or

(ii) any related agreement or non-binding instrument, including implementing agreements and arrangements, whether entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

(B) By striking paragraph (A)(ii), the term ‘‘non-binding instrument’’ does not include any non-binding instrument that is signed or otherwise becomes operative pursuant to subsection (a) (i) is signed or otherwise becomes operative with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

(ii) the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary.

(Sec. 3311. AUTHORIZATION OF APPROPRIATIONS FOR PROTECTING HUMAN RIGHTS IN THE PEOPLES REPUBLIC OF CHINA.)

(a) In general.—Amounts authorized to be appropriated or otherwise made available to carry out this section are—

(i) an appropriate congressional committee;

(ii) any entity or international organization;

(iii) a public or private Chinese firm;

(iv) a national governing body of an Olympic or Paralympic sport; or

(v) the Olympic or Paralympic Committee or any organization in the United States associated with the Olympic or Paralympic Games.

(b) Use of funds.—Amounts appropriated pursuant to subsection (a) may be used to—

(i) fund non-governmental organizations involved in the promotion and protection of human rights in the People’s Republic of China; and

(ii) provide, or support the provision of, grants or other assistance to organizations or coalitions of organizations that meet the requirements of paragraph (1).

(c) Consultation requirement.—In carrying out this section, the Director of the Bureau of Democracy, Human Rights, and Labor shall consult with the appropriate congressional committees and representatives of civil society regarding—

(1) strengthening the capacity of the organizations referred to in subsection (b); and

(2) protecting members of the groups referred to in subsection (a) who have been targeted for arrest, harassment, forced sterilization, coercive abortions, forced labor, or intimidation, including members residing outside of the People’s Republic of China; and

(3) increasing the range of the broadest possible audiences within the People’s Republic of China about United States Government efforts to protect freedom of association, expression, assembly, and the rights and freedoms of ethnic minorities.

(Sec. 3312. DIPLOMATIC BOYCOTT OF THE XXIV OLYMPIC WINTER GAMES AND THE XIII PARALYMPIC WINTER GAMES.)

(a) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to implement a diplomatic boycott of the XXIV Olympic Winter Games and the XIII Paralympic Winter Games in the PRC; and

(2) to call for an end to the Chinese Communist Party’s ongoing human rights abuses, including the Uyghur genocide.

(b) FUNDING PROHIBITION.—In order to provide an additional protection against any other provision of law, the Secretary of State may not obligate or expend any Federal funds to support or facilitate the attendance of the XXIV Olympic Winter Games or the XIII Paralympic Winter Games by any employee of the United States Government.

(2) EXCEPTION.—(A) The term ‘‘Secretary’’ shall not apply to the private sector or other foreign firms.

(B) Federal funds necessary—

(i) to support—

(A) the United States Olympic and Paralympic Committee;

(B) the national governing bodies of amateur sports; or

(1) the United States Olympic and Paralympic Committee;

(2) the national governing bodies of amateur sports; or

(3) the United States Olympic and Paralympic Committee; and

(4) the national governing bodies of amateur sports.

(C) Notwithstanding any other provision of law, the Secretary of State may not obligate or expend any Federal funds to support or facilitate the attendance of any employee of the United States Government.

(2) EXCEPTION.—(A) The term ‘‘Secretary’’ shall not apply to the private sector or other foreign firms.

(B) Federal funds necessary—

(i) to support—

(A) the United States Olympic and Paralympic Committee;

(B) the national governing bodies of amateur sports; or

(1) the United States Olympic and Paralympic Committee;
(6) The CCP incentivizes and empowers PRC actors to steal critical technologies and trade secrets from private and foreign competitors operating in the PRC and around the world. In areas that the CCP has identified as critical to advancing PRC objectives, the PRC, as directed by the CCP, also continues to implement anti-competitive practices, and practices that coerce the handover of technology and other proprietary or sensitive data from foreign enterprises to domestic firms in exchange for access to the market.

(7) Companies in the United States and in foreign countries compete with state-subsidized state-owned enterprises in the global market. By touting the protection and power of the state in third-country markets around the world, the advantages granted to PRC firms, combined with significant restrictions to accessing the United States market itself, severely hamper the ability of United States and foreign firms to compete, innovate, and pursue the provision of best value to customers. The result is an unbalanced playing field. Such an unsustainable course, if not checked, will over time lead to depressed competition around the world, reduced innovation and harm to both producers and consumers.

(8) As stated in the United States Trade Representative’s investigation of the PRC’s trade practices under section (a)(1) of the Trade Act of 1974 (19 U.S.C. 2411), conducted in March 2018, “When U.S. companies are deprived of fair returns on their investments in IP, they are forced to bear the cost of not allowing foreign competitors to steal critical technologies and trade secrets from private and foreign companies, and the resulting harm to the United States, foreign markets, and the global economy; (B) to ensure that PRC companies face costs and consequences for anticompetitive behavior; (C) to provide options for affected United States persons to address and respond to unreasonable and discriminatory CCP-directed industrial policies; and (D) to strengthen the protection of critical technology and sensitive data, while still fostering an environment that provides incentives for innovation and competition; (3) the United States must work with its allies and partners through the Organization for Economic Cooperation and Development (OECD), the World Trade Organization, and other venues and fora—

(1) to reestablish generally accepted principles of fair competition and market behavior and address the PRC’s anticompetitive economic and industrial policies that undermine decades of global growth and innovation;

(2) to ensure that the PRC is not granted the same treatment as that of a free-market economy that is based on the rule of law, and that the PRC is not granted the same treatment as that of a free-market economy that is based on market competition and that the PRC is not granted the same treatment as that of a free-market economy that is based on the rule of law, and that the PRC is not granted the same treatment as that of a free-market economy that is based on market competition; and (C) technological and market-oriented actions described in subsection (c) or other interested persons.

(1) other Federal agencies, including independent agencies; (2) the private sector; (3) civil society organizations with relevant expertise; and (4) the Governments of Australia, Canada, the European Union, Japan, New Zealand, South Korea, and the United Kingdom.

(d) REPORT.—In carrying out this section, the Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, and the Director of National Intelligence, may consult—

(1) in general.—The Secretary of State shall publish, in the Federal Register, an annual report that—

(A) lists the companies engaged in the activities described in subsection (a)(1); and (B) describes the circumstances surrounding such actions described in subsection (a)(2), including any role of the PRC government; and (C) assesses, to the extent practicable, the economic advantage derived by the companies engaged in the activities described in subsection (a)(1); and

SEC. 3402. INTELLECTUAL PROPERTY VIOLATORS LIST.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter for 5 years, the Secretary of State, in coordination with the Secretary of Commerce, the Attorney General, the United States Trade Representative, and the Director of National Intelligence, shall create a list of companies that have violated relevant United States laws intended to protect intellectual property rights; or

(b) RULES FOR IDENTIFICATION.—To determine whether there is a credible basis for determining that a company should be included on the intellectual property violators list, the Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, and the Director of National Intelligence, shall consider—

(1) any finding by a United States court that the company has violated relevant United States laws intended to protect intellectual property rights; or

(2) substantial and credible information received from any entity described in subsection (c) or other interested persons.

(c) CONSULTATION.—In carrying out this section, the Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, and the Director of National Intelligence, may consult—

(1) other Federal agencies, including independent agencies; (2) the private sector; (3) civil society organizations with relevant expertise; and (4) the Governments of Australia, Canada, the European Union, Japan, New Zealand, South Korea, and the United Kingdom.

(d) REPORT.—In carrying out this section, the Secretary of State shall publish, in the Federal Register, an annual report that—

(A) lists the companies engaged in the activities described in subsection (a)(1); and (B) describes the circumstances surrounding such actions described in subsection (a)(2), including any role of the PRC government;
(D) assesses whether each company engaged in the activities described in subsection (a) is using or has used the stolen intellectual property in commercial activity in any country other than the United States, Canada, the European Union, Japan, New Zealand, South Korea, or the United States;

(2) FORM.—The report published pursuant to paragraph (1) shall be unclassified, but may include a classified annex.

(e) DECLASSIFICATION AND RELEASE.—The Director of National Intelligence may declassify information, as appropriate, to inform the contents of the report published pursuant to subsection (d).

(f) REQUIREMENT TO PROTECT BUSINESS-CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—The Secretary of State, and the heads of all other Federal agencies involved in the production of the intellectual property violators list shall protect from disclosure any proprietary information submitted by a private sector participant and marked as business-confidential information, unless the party submitting the confidential business information—

(A) had notice, at the time of submission, that such information would be released by the Secretary;

(B) subsequently consents to the release of such information.

(2) NONCONFIDENTIAL VERSION OF REPORT.—If confidential information is provided by a private sector participant, a nonconfidential version of the report under subsection (d) shall be published in the Federal Register that summarizes or deletes, if necessary, the confidential business information.

(3) TREATMENT AS TRADE SECRETS.—Proprietary information submitted by a private party under this section—

(A) shall be considered to be trade secrets and commercial or financial information (as defined under section 15 U.S.C. 552(b)(4) of title 5, United States Code); and

(B) shall be exempt from disclosure without the express approval of the private party.

SEC. 3405. GOVERNMENT OF THE PEOPLE’S PUBLIC OF CHINA SUBSIDIES LIST.

(a) REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary of State, in coordination with the United States Trade Representative and the Secretary of Commerce, shall publish an unclassified report in the Federal Register that summarizes or deletes, if necessary, the confidential business information.

(b) TREATMENT AS TRADE SECRETS.—Proprietary information submitted by a private party under this section—

(A) shall be considered to be trade secrets and commercial or financial information (as defined under section 15 U.S.C. 552(b)(4) of title 5, United States Code); and

(B) shall be exempt from disclosure without the express approval of the private party.

SEC. 3406. REPORT ON MANNER AND EXTENT TO WHICH THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA EXPLOITS HONG KONG TO CIRCUMVENT UNITED STATES LAWS AND PROTECTIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall report on the manner and extent to which the government of the People’s Republic of China uses the status of Hong Kong to circumvent the laws and protections of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) In consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence—

(A) an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent United States export controls; and

(B) a list of all significant incidents in which the Government of the People’s Republic of China used Hong Kong to circumvent such controls during the reporting period.

(2) In consultation with the Secretary of the Treasury and the Secretary of Commerce—

(A) an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent United States export controls; and

(B) a list of all significant incidents in which the Government of the People’s Republic of China used Hong Kong to circumvent United States export controls;
“(B) a list of all significant incidents in which the Government of the People’s Republic of China uses Hong Kong to circumvent sanctions imposed by the United States or pursuant to multilateral regimes; and

“(B) a list of all significant incidents in which the Government of the People’s Republic of China uses Hong Kong to circumvent sanctions during the reporting period.”

“(c) Consultation with the Secretary of Homeland Security and the Director of National Intelligence, an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent sanctions imposed by the United States or has been determined to have circumvented such sanctions during the reporting period.”

“(c) Form of report; availability.—

“(1) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified index.

“(2) Availability.—The unclassified portion of the report required by subsection (a) shall be posted on a publicly available internet website of the Department of State.

“(d) Definitions.—In this section:

“(1) Appropriate congressional committees.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and

“(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Ways and Means of the House of Representatives.

“(2) Foreign national.—The term ‘foreign national’ means a person that is neither—

“(A) an individual who is a citizen or national of the People’s Republic of China; or

“(B) an entity organized under the laws of the People’s Republic of China or of a jurisdiction within the United States, including a foreign branch of such an entity.”.

SEC. 3407. ANNUAL REVIEW ON THE PRESENCE OF PROFESSIONAL SERVICES IN UNITED STATES CAPITAL MARKETS.

(a) Appropriate Committees of Congress.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Select Committee on Intelligence of the Senate;

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Permanent Select Committee on Intelligence of the House of Representatives; and

(6) the Committee on Financial Services of the House of Representatives.

(b) Report.—In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in consultation with the Director of National Intelligence and the Secretary of the Treasury, shall submit an unclassified report to the appropriate committees of Congress that describe the threat or use of coercive economic measures by the PRC and provide information that identifies any individual or organization that undermines the partner country’s sovereignty or initiatives that introduce digital technologies in a manner that undermines the partner country’s sovereignty.

(c) Matters to be included.—The report required under paragraph (1) shall—

(I) identify companies incorporated in the PRC that—

(i) are listed or traded on one or several stock exchanges within the United States, including over-the-counter market and ‘A Shares’ added to index and exchange-traded funds out of mainland exchanges in the PRC; and

(ii) based on the factors for consideration described in paragraph (3), have knowingly and materially contributed to—

(I) activities that undermine United States national security;

(II) serious abuses of internationally recognized human rights; or

(III) a substantially increased financial risk exposure for United States-based investors;

(II) describe the activities of the companies identified pursuant to subparagraph (A), and their implications for the United States; and

(III) provide recommendations for the United States Government, State governments, United States financial institutions, United States equity and debt exchanges, and relevant stakeholders to address the risks posed by the presence in United States capital markets of the companies identified pursuant to subparagraph (A).

(d) Factors for consideration.—In completing the report under paragraph (1), the President shall consider whether a company identified pursuant to paragraph (2)(A)—

(I) has contributed to the development or manufacture, or sold or facilitated procurement by the PLA, of lethal military equipment or component parts of such equipment;

(II) has contributed to the construction and militarization of features in the South China Sea;

(III) has been sanctioned by the United States or has been determined to have conducted business with sanctioned entities;

(IV) has engaged in or has a history of hacking or theft of intellectual property; and

(V) has contributed to the proliferation of nuclear weapons, or material support of the spread of nuclear and missile technologies to the United Nations Security Council resolutions or United States sanctions.

(e) Publication.—The unclassified portion of the report under subsection (b)(1) shall be made accessible to the public online through relevant United States Government websites.

SEC. 3408. ECONOMIC DEFENSE RESPONSE TEAMS.

(a) Pilot Program.—Not later than 180 days after the date of the enactment of this Act, the President, in consultation with the Secretary of the Treasury, the Select Committee on Intelligence of the Senate; and the Select Committee on Intelligence of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

the Committee on Foreign Affairs, the Committee on Foreign Relations of the Senate; and

and the Select Committee on Intelligence of the House of Representatives, and

and the Committee on Finance of the Senate; and

(b) Definitions.—In this section:

“(A) the Department of State, for over-
other purposes relevant to advancing the success of the mission of the economic defense response team;

(B) the United States Agency for International Development, for the purpose of providing technical, humanitarian, and other assistance, generally;

(C) the Department of the Treasury, for the purposes of providing advisory support and assistance on all financial matters and fiscal implications of the crisis at hand;

(D) the Department of Commerce, for the purposes of providing economic analysis and assistance in market development relevant to the partner country’s response to the crisis at hand, technology security as appropriate, and other matters that may be relevant;

(E) the Department of Energy, for the purposes of providing advisory services and technical assistance with respect to energy needs as affected by the crisis at hand;

(F) the Department of Homeland Security, for the purposes of providing assistance with respect to digital and cybersecurity matters, and assisting in the development of any contingency plans referred to in paragraphs (3) and (4) as appropriate;

(G) the Department of Agriculture, for providing advisory and other assistance with respect to responding to coercive measures that result in food, feed, fiber, or fuel shortages that affect the partner country’s agricultural sector;

(H) the Office of the United States Trade Representative with respect to providing support and guidance on trade and investment matters;

(i) other Federal departments and agencies as determined by the President.

(2) Negotiation of memoranda of understanding, where appropriate, with other United States Government components for the purposes of establishing policies or a framework, or providing assistance, including appropriate liaison relationships with local governments, the private sector, and local authorities, and/or the private sector in the partner country.

(3) Negotiation of contracts, as appropriate, with private sector representatives or other individuals with relevant expertise to advance the objectives specified in subsection (a).

(4) Development within the United States Government of—

(A) appropriate training curricula for relevant experts identified under paragraph (1) and for diplomatic and consular personnel in a country actually or potentially threatened by coercive economic measures;

(B) operational procedures and appropriate protocols of assembly of experts into one or more teams for deployment to a country actually or potentially threatened by coercive economic measures; and

(C) procedures for ensuring appropriate support for such teams when serving in a country actually or potentially threatened by coercive economic measures, including appropriate, logistical assistance, office space, information support, and communications.

(5) Negotiation with relevant potential host countries regarding processes and methods for ensuring the rapid and effective deployment of such teams, and the establishment of appropriate liaison relationships with local public and private sector officials and entities.

(c) Reports Required.—

(1) Report on Establishment.—Upon establishment of the pilot program required by subsection (a), the Secretary of State shall provide the appropriate committees of Congress with a detailed report and briefing describing the operations over the previous year of the pilot program established pursuant to subsection (a), as well as the Secretary’s assessment of its performance and suitability for becoming a permanent program.

(2) Follow-up Report.—Not later than one year after the report required by paragraph (1), the Secretary of State shall provide the appropriate committees of Congress with a detailed report and briefing describing the operations over the previous year of the pilot program established pursuant to subsection (a), as well as the Secretary’s assessment of its performance and suitability for becoming a permanent program.

(d) Declaration of an Economic Crisis Requirement.—

(1) Notification.—The President may activate an economic defense response team for a period of 180 days upon the submission of a detailed analysis of facts described in paragraph (1) justifying why the continued deployment of the economic defense response team in response to the economic crisis is in the national security interest of the United States.

(2) Sunset.—The authorities provided under this section shall expire on December 31, 2026.

(3) Rule of Construction.—Neither the authority to declare an economic crisis provided in subsection (d), nor the declaration of an economic crisis pursuant to subsection (d), shall confer or be construed to confer an authority to activate an economic defense response team described in this section.

(f) Appropriations Committees of Congress Defined.—In this section, the term ‘‘appropriations committees of Congress’’ means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Agriculture, and the Committee on Ways and Means of the House of Representatives.

TITLE V—ENSURING STRATEGIC SECURITY

SEC. 5501. FINDINGS ON STRATEGIC SECURITY AND ARMS CONTROL.

Congress makes the following findings:

(1) The PRC has made threats to the United States and Taiwan since 1975. The PRC has been co-locating conventional and nuclear forces, including dual-use missiles like the DF-26, but to task the same unit with both nuclear and conventional missions. Such threats are capable of both conventional and nuclear strikes. Unlike the United States, which are capable of both conventional and nuclear capabilities for nuclear-armed bombers and submarines launched ballistic missiles.

(2) The United States has long taken tangible steps—both effective, verifiable, and verifiable—toward reducing the risk of war between the United States and China by—

(A) increasing the transparency of nuclear materials and technology;

(B) placing limits on the production, stockpiling, and deployment of nuclear weapons;

(C) decreasing misperception and miscalculation; and

(D) avoiding destabilizing nuclear arms competition.

(3) In May 2019, Director of the Defense Intelligence Agency Lieutenant General Rob Riggs testified that Beijing had made “clear threats to use nuclear weapons” in an August 2018 report and that China was likely to at least double the size of its nuclear stockpile in the course of implementing the most rapid expansion and diversification of its nuclear arsenal.

(4) In June 2020, the Department of State raised concerns in its annual “Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments” report to Congress that the PRC is not complying with the “zero-yield” nuclear testing ban and accused the PRC of “blocking the flow of data from the monitoring stations” in China.

(5) The Department of Defense 2020 Report on Military and Security Developments Involving the People’s Republic of China states that the PRC “intends to increase peacetime readiness of its nuclear forces by moving to a launch-on-warning posture with an expandable, intercontinental force.”

(6) The Department of Defense report also states that, over the next decade, the PRC’s nuclear stockpile—currently estimated to be the low 200s—is projected to at least double in size as the PRC expands and modernizes its nuclear force.

(7) The PRC is conducting research on its first, potential early warning radar, with technical cooperation from Russia. This radar could indicate that the PRC is moving to a launch-on-warning posture.

(8) The PRC plans to use its increasingly capable space, cyber, and electronic warfare capabilities against United States early warning systems and critical infrastructure in a crisis scenario. This poses great risk to strategic security, as it could lead to inadvertent escalation.

(9) The PRC’s nuclear expansion comes as a part of a massive modernization of the PLA which, combined with the PLA’s aggressive actions, has increasingly destabilized the Indo-Pacific region.

(A) The PLA Rocket Force (PLARF), which was elevated in 2015 to become a separate branch within the PLA, has formed 11 new missile brigades since May 2017, some of which are capable of carrying both conventional and nuclear strikes. Unlike the United States, which separates its conventional and nuclear capabilities, the PLARF appears to have a high-capability nuclear forces, including dual-use missiles like the DF-26, but to task the same unit with both nuclear and conventional missions. Such new missile brigades could lead to inadvertent escalation in a crisis. The United States Defense Intelligence Agency determined in March 2020 that the PLA tested more ballistic missiles than the rest of the world combined in 2019.

(B) A January 2021 report from the Institute for Defense Analysis found that many United States intelligence observers viewed China’s no-first-use policy with skepticism, especially in the wake of the expansion and modernization of its nuclear capabilities.

(C) The long-planned United States nuclear modernization program will not increase the United States nuclear weapons stockpile, predates China’s new conventional and nuclear expansion, and is not an arms race against China.

(D) The United States extended nuclear deterrence agreements.
(B) is an essential element of United States military alliances; and  
(C) serves a vital non-proliferation function.  

(14) As a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, the PRC is obligated under Article Six of the treaty to pursue arms control negotiations with the United States.

(15) The United States has, on numerous occasions, called on the PRC to participate in strategic arms control negotiations, but the PRC has thus far declined.

(16) The Governments of Japan, the United Kingdom, Poland, Slovenia, Denmark, Norway, Latvia, Estonia, the Netherlands, Romania, Austria, Montenegro, Ukraine, Slovakia, Spain, North Macedonia, Sweden, the Czech Republic, Croatia, and Albania, as well as the Deputy Secretary General of the North Atlantic Treaty Organization, have all encouraged the PRC to join arms control discussions.

SEC. 3502. COOPERATION ON A STRATEGIC NUCLEAR DIALOGUE.  
(a) STATEMENT OF POLICY.—It is the policy of the United States that—  
(1) in the midst of growing competition between the United States and the PRC, it is in the interest of both nations to cooperate in reducing risks of conventional and nuclear escalation;  
(2) a physical, cyber, or electronic system may also be attacked and partners if the United States is faced with two nuclear-armed peer competitors; and any likely corresponding implications for regional security architectures;  
(3) it is in the interests of the United States and its allies to pursue substantial and significant reductions in nuclear arsenals;  
(4) United States allies and partners should share the burden of protecting and promoting such reductions;  
(5) the United States and its allies should pursue efforts at engaging the People’s Republic of China to join arms control talks, whether on a bilateral or multilateral basis; and  
(6) the interest level of the Government of the People’s Republic of China in joining arms control talks, whether on a bilateral or multilateral basis.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People’s Republic of China became a full participant of the Nuclear Suppliers Group in 2004, committing it to apply a strong presumption of denial in exporting nuclear-related items that a foreign country could divert to a nuclear weapons program;  
(2) the People’s Republic of China also committed to the United States, in November 2020, to abide by the foundational principles of the 1967 Missile Technology Control Regime (MTCR) to not “assist, in any way, any country in the development of ballistic or cruise missiles that can be used to deliver nuclear weapons (i.e., missiles capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers)”.

(2) A June 5, 2019, press report indicated that the People’s Republic of China allegedly provided assistance to Saudi Arabia in the development of a ballistic missile facility, which, if confirmed, would violate the purpose of the MTCR and run contrary to the United States’ priority to prevent weapons of mass destruction proliferation in the Middle East.

(3) The Arms Export and Control Act of 1976 (Public Law 93-220) requires the President to sanction any foreign person or government who knowingly “exports, transfers, or otherwise engages in the trade of any missile-related item to a country that does not adhere to the MTCR.”

(4) The People’s Republic of China concluded two nuclear cooperation agreements with Saudi Arabia in 2020, respectively, which may facilitate the People’s Republic of China’s bid to build two reactors in Saudi Arabia to generate 2.9 Gigawatt-electric (GWe) of electricity.

(5) On August 4, 2020, a press report revealed the alleged existence of a previously
undisclosed uranium yellowcake extraction facility in Saudi Arabia allegedly constructed with the assistance of the People’s Republic of China, which if confirmed, would indicate significant progress by Saudi Arabia in developing the early stages of the nuclear fuel cycle that precede uranium enrichment.

(b) Saudi Arabia’s outdated Small Quantities Protocol and its lack of an in-force Additional Protocol to its International Atomic Energy Agency (IAEA) Comprehensive Safeguards Agreement severely curtails IAEA inspection. The President has led the Agency to call upon Saudi Arabia to either rescind or update its Small Quantities Protocol.

(b) MTCR TRANSFERS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a written determination, and any documentation to support that determination detailing—

(1) whether any foreign person in the People’s Republic of China knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex to any foreign person in the previous three fiscal years; and

(2) the sanctions the President has imposed or intends to impose pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)) against any foreign person who knowingly engaged in the export, transfer, or trade of that item or items.

(c) THE PEOPLE’S REPUBLIC OF CHINA’S NUCLEAR PROGRAM.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report detailing—

(1) whether any foreign person in the People’s Republic of China engaged in cooperation with any other foreign person in the previous three fiscal years in the construction of any nuclear-related fuel cycle facility or activity that has not been notified to the IAEA and would be subject to complementary access if an Additional Protocol was in force; and

(2) the policy options required to prevent and respond to any future effort by the People’s Republic of China to export to any foreign person an item classified as “plants for the separation of isotopes of uranium” or “plants for the processing of irradiated nuclear reactor fuel elements” under Part 10 of the Nuclear Regulatory Commission export licensing authority.

(d) FORM OF REPORT.—The determination required under subsection (b) and the report required under subsection (c) shall be unclassified as a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the House of Representatives;

(D) the Committee on Foreign Affairs of the House of Representatives;

(2) FOREIGN PERSON; PERSON.—The terms “foreign person” and “person” mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

DIVISION D—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE PROVISIONS

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Securing America’s Future Act”.

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

DIVISION D—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE PROVISIONS

Sec. 4001. Short title; table of contents.

PART I—BUY AMERICA SOURCING REQUIREMENTS

Sec. 4101. Short title.

PART II—MAKE IT IN AMERICA

Sec. 4201. Short title.

PART III—CYBER AND ARTIFICIAL INTELLIGENCE

Sec. 4301. Short title.

PART IV—SAFEGUARDING AMERICAN INNOVATION

Sec. 4401. Short title.

TITLES I—ENSURING DOMESTIC MANUFACTURING CAPABILITIES

Subtitle A—Build America, Buy America

SEC. 4010. SHORT TITLE.

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

Subtitle B—Cyber Response and Recovery

Sec. 4201. Short title.

Subtitle C—Reskilling

Sec. 4301. Short title.

Subtitle D—Federal Rotational Cyber Workforce Program

Sec. 4401. Short title.
PART I—BUY AMERICA SOURCING REQUIREMENTS

SEC. 4111. FINDINGS.

Congress finds that—

(1) the United States must make significant investments in infrastructure or public works in order to place the public works infrastructure of the United States in adequate working condition and to maintain and grow domestic manufacturing and domestic production of goods, helping to sustain and real property; 

(2) with respect to investments in the infrastructure of the United States, taxpayers expect that their public works infrastructure will be produced in the United States by American workers; 

(3) United States taxpayer dollars invested in public infrastructure should not be used to reward companies that have moved their operations, investment dollars, and jobs to foreign countries or foreign factories, particularly those that do not share or openly flout the commitments of the United States to environmental, worker, and workplace safety protections; 

(4) in procuring materials for public works projects, entities using taxpayer-financed Federal assistance should give a preference to products and materials produced in the United States in accordance with the high ideals embodied in the environmental, worker, workplace safety, and other regulatory requirements of the United States; 

(5) common construction materials used in public works infrastructure projects, including steel, iron, manufactured products, nonferrous metal products, and polymer products (including polyvinyl chloride, composites building materials, and polymers used in fiber optic cables), concrete and other aggregates, glass (including optical glass), lumber, and drywall are not adequately covered by a domestic content procurement preference, thus limiting the impact of taxpayer purchases to reposition supply chains in the United States; 

(6) the benefits of domestic content procurement preferences extend beyond economics; 

(7) by incentivizing domestic manufacturing, domestic content procurement preferences can encourage universities and processes using the highest labor and environmental standards in the world; 

(8) strong domestic content procurement preferences also help to prevent the use of products in production to countries that rely on production practices that are significantly less efficient and far more polluting than those in the United States; 

(9) for over 75 years, Buy America and other domestic content procurement preferences have been part of the United States procurement policy, ensuring that the United States can build and rebuild the infrastructure of the United States with high-quality, American-made materials; 

(10) before the date of enactment of this Act, a domestic content procurement preference requirement may not apply, may apply only to the provision of products and materials, or may be limited by waiver with respect to many infrastructure programs, which necessitates a review of such programs, including programs for roads, highways, and bridges, public transportation, dams, ports, harbors, and other maritime facilities, intercity passenger and freight railroads, freight and intermodal facilities, airports, water systems, including drinking water and wastewater systems, electrical transmission facilities and systems, utilities, broadband infrastructure, and buildings and real property; 

(11) Buy America laws create demand for domestically produced goods, helping to sustain and grow domestic manufacturing and the millions of jobs domestic manufacturing supports throughout product supply chains; 

(12) as of the date of enactment of this Act, domestic content procurement preference policies apply to all Federal Government procurement and to various Federal-aid infrastructure projects; 

(13) a robust domestic manufacturing sector is a vital component of the national security of the United States; 

(14) as current operations of the United States have moved offshore, the strength and readiness of the defense industrial base of the United States has been diminished; 

(15) domestic content procurement preference laws—

(A) are fully consistent with the international obligations of the United States; and 

(B) together with the government procurements to which the laws apply, are important levers for ensuring that United States manufacturers can access the government procurement markets of the trading partners of the United States.

SEC. 4112. DEFINITIONS.

In this part:

(1) DEFICIENT PROGRAM.—The term "deficient program" means a program identified by the head of a Federal agency under section 4113(c). 

(2) DOMESTIC CONTENT PROCUREMENT PREFERENCE.—The term "domestic content procurement preference" means a requirement that all manufacturing processes, from the start to the finish, be performed in the United States; 

(3) UTILITIES.—The term "utilities" includes, at a minimum, the transmission facilities and systems, including—

(A) hydroelectric power plants; 

(B) electric power plants; 

(C) natural gas facilities; 

(D) water and wastewater systems; and 

(E) electric power transmission and distribution facilities and systems; 

(4) FEDERAL FINANCIAL ASSISTANCE.—

(A) section 200.1 of title 2, Code of Federal Regulations (or successor regulations); 

(B) I NCLUSION.—The term "Federal financial assistance" has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations). 

(5) FEDERAL AGENCY.—The term "Federal agency" includes an agency of the United States that is an "agency" (as defined in section 3502 of title 44, United States Code), other than an independent regulatory agency (as defined in that section). 

(6) FEDERAL FINANCIAL ASSISTANCE.—

(A) I N GENERAL.—The term "Federal financial assistance" means the meaning given the term in section 3502 of title 44, United States Code; 

(B) I NCLUSION.—The term "Federal financial assistance" includes all expenditures by an agency of the United States for an infrastructure project, except that it does not include expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 562 or the Emergency Water Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5174, or 5192) relating to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. 5170, 5191) or pre and post disaster or emergency response expenditures.

(7) INFRASTRUCTURE.—The term "infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States—

(A) roads, highways, and bridges; 

(B) public transportation; 

(C) dams, ports, harbors, and other maritime facilities; 

(D) intercity passenger and freight railroads; 

(E) freight and intermodal facilities; 

(F) airports; 

(G) water systems, including drinking water and wastewater systems; 

(H) electrical transmission facilities and systems; 

(I) utilities; 

(J) broadband infrastructure; and 

(K) buildings and real property.

(8) PRODUCED IN THE UNITED STATES.—The term "produced in the United States" means—

(A) the in the case of iron or steel products, the manufactured product was manufactured, from the initial melting stage through the application of coatings, occurred in the United States; 

(B) in the case of manufactured products, that—

(i) the manufactured product was manufactured in the United States; and 

(ii) the cost of the components of the manufactured product that are purchased, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and 

(C) in the case of construction materials, that all manufacturing processes for the construction material occurred in the United States.

(9) PROJECT.—The term "project" means the construction, alteration, maintenance, or repair of infrastructure in the United States.

SEC. 4113. IDENTIFICATION OF DEFICIENT PROGRAMS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the head of each Federal agency shall—

(1) submit to the Office of Management and Budget and to Congress, including a separate notice to each appropriate congressional committee, a report that identifies each Federal financial assistance program for infrastructure administered by the Federal agency; and 

(2) publish in the Federal Register the report under paragraph (1).

(b) REQUIREMENTS.—In the report under subsection (a), the head of each Federal agency shall—

(1) identify all domestic content procurement preferences applicable to the Federal financial assistance; 

(2) assess the applicability of the domestic content procurement preference requirements, including—

(A) section 313 of title 23, United States Code; 

(B) section 5323(j) of title 49, United States Code; 

(C) section 22950(a) of title 49, United States Code; 

(D) section 50101 of title 49, United States Code; 

(E) section 600 of the Federal Water Pollution Control Act (33 U.S.C. 1388); 

(F) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300d-12(a)(4)); 

(G) section 305 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3914); 

(H) any domestic content procurement preference included in an appropriations Act; and 

(I) any other domestic content procurement preference in Federal law (including regulations); 

(3) provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement; and 

(4) include a description of the type of infrastructure projects that receive funding under the program, including information relating to—

(A) the number of entities that are participating in the program; 

(B) the amount of Federal funds that are made available for the program for each fiscal year; and
written explanation for the proposed deter-
the website of the Federal agency a detailed
accessible location on a website designated by
the Federal agency shall—
(1) does not apply in a manner consistent with
section 4114; or
(2) is subject to a waiver of general applica-
libility to the use of specific prod-
ucts for use in a specific project.

SEC. 4114. APPLICATION OF BUY AMERICA PREF-
ERENCE.

(a) In General.—Not later than 180 days
after the date of enactment of this Act, the
head of each Federal agency shall ensure that
none of the funds made available for a
Federal financial assistance program for in-
frastructure, including each deficient pro-
gram, may be obligated for a project unless
all of the iron, steel, manufactured products,
and construction materials used in the
project are produced in the United States.
(b) Waivers.—The head of a Federal agency
that applies a domestic content procurement
preference at any time after the date of en-
actment of this Act shall issue standards that
define the term “all manufacturing processes” in
the case of construction materials.

(2) CONSIDERATIONS.—In issuing standards
under paragraph (1), the Director shall—
(A) ensure that the standards require that
each manufacturing process required for the
manufacture of the construction material
and the inputs of the construction material
occurs in the United States; and
(B) take into consideration and seek to
maximize the direct and indirect jobs bene-
fitied or created in the production of the con-
struction material.

SEC. 4116. TECHNICAL ASSISTANCE PARTNER-
SHIP AND CONSULTATION SUP-
PORTING DEPARTMENT OF TRANS-
PORTATION BUY AMERICA REQUIRE-
MENTS.

(a) DEFINITIONS.—In this section:
(1) Buy AMERICA LAW.—The term “Buy
America law” means—
(A) section 313 of title 23, United States
Code;
(B) section 5323(h) of title 49, United States
Code;
(C) section 22905(a) of title 49, United States
Code;
(D) section 50101 of title 49, United States
Code; and
(E) any other domestic content procure-
ment preference for an infrastructure project
under the jurisdiction of the Secretary.
(2) Secretary.—The term “Secretary” means the
Secretary of Transportation.

(b) TECHNICAL ASSISTANCE PART-
ERSHIP.—Not later than 2 years after the date of
enactment of this Act, the Secretary shall enter into a technical assistance partnership
with the appropriate entity, acting through the
Director of the National Institute of
Standards and Technology—
(1) to ensure the development of a domestic
supply base to support intermodal transpor-
tation systems, highway construction or
reconstruction, and other infrastructure
projects, and other infrastructure projects
under the jurisdiction of the Secretary;
(2) to ensure compliance with Buy America
laws that apply to a project that receives as-
sistance from the Federal Highway Admin-
istration, the Federal Transit Administration,
the Federal Railroad Administration, the
Federal Aviation Administration, or another
office or modal administration of the Sec-
retary of Transportation;
(3) to encourage technologies developed
with the support of and resources from the
Secretary to be transitioned into commer-
cial market and applications; and
(4) to establish procedures for consultation
under subsection (c).

(c) CONSULTATION.—Before granting a writ-
ten waiver under a Buy America law, the
Secretary shall consult with the Director of
the Federal-Interstate Highway Partnership
regarding whether there is a domes-
tic entity that could provide the iron, steel,
manufactured product, or construction ma-
terial that is the subject of the proposed
waiver.

(d) ANNUAL REPORT.—Not later than 1 year
after the date of enactment of this Act, and
annually thereafter, the Secretary shall sub-
mit to the Committee on Commerce,
Science, and Transportation, the Committee
on Banking, Housing, and Urban Affairs, the
Committee on Environment and Public
Works, and the Committee on Homeland Se-
curity and Governmental Affairs of the Sen-
ate, and the Committee on Transportation
and Infrastructure and the Committee on
Oversight and Reform of the House of Rep-
resentatives a report that includes—
(1) a detailed description of the consulta-
tion procedures developed under subsection
(b)(4); and
(2) a detailed description of each waiver re-
 quested under a Buy America law in the pre-
 ceding year that was subject to consultation
under subsection (c), and the results of the
 consultation;
(3) a detailed description of each waiver
granted under a Buy America law in the pre-
ceding year, including the type of waiver and
the reasoning for granting the waiver; and
(4) a report on changes in the domestic supply base identified in carrying out subsection (b)(1), including a list of ac-
tion plans or policies that change the Secretary’s
recommendations or are taken to address those chal-
enges and gaps.

SEC. 4117. APPLICATION.

(a) IN GENERAL.—This part shall apply to a
Federal financial assistance program for in-
frastructure only to the extent that a domes-
tic content procurement preference as de-
scribed in section 4114 does not already apply to
iron, steel, manufactured products, and
construction materials.

(b) SAVINGS PROVISION.—Nothing in this
part affects a domestic content procurement
preference for a Federal financial assistance
program for infrastructure that is in effect and
that meets the requirements of section 4114.

PART II—MAKE IT IN AMERICA

SEC. 4121. REGULATIONS RELATING TO BUY
AMERICAN ACT.

(a) IN GENERAL.—Not later than 1 year
after the date of the enactment of the Buy
American Act, the Director of the Office of
Management and Budget (“Director”), acting through the
Administrator for Federal Procurement Pol-
cy, and the Director of the Federal Ac-
quisition Regulatory Council, shall promul-
gate final regulations or other policy or
management guidance, as appropriate, to
ensure that Federal agencies and agen-
cies comply with, report on, and enforce
the Buy American Act. The regulations or other policy or
management guidance shall in-
clude, at a minimum, the following:
(1) Guidelines for Federal agencies to
determine, for the purposes of applying sec-
tions 8302(a) and 8303(b)(3) of title 41, United States
Code, the circumstances under which
the acquisition of articles, materials, or sup-
plies produced, or manufactured in the
United States is inconsistent with the
public interest.
(2) Guidelines to ensure Federal agencies
base determinations of non-availability on
appropriate considerations, including antici-
pated project delays and lack of substi-
tutable articles, materials, and supplies mined,
produced, or manufactured in the
United States, when making determinations of non-
availability under section 8302(a)(1) of title
41, United States Code.

(3)(A) Uniform procedures for each Federal
agency to make publicly available, in an eas-
ily accessible location on the website of the
agency, and within the following time peri-
ods, the following information:

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(C) any other information the head of the Federal
agency determines to be relevant.
(c) LIST OF DEFICIENT PROGRAMS.—In the
report under subsection (a), the head of each
Federal agency shall include a list of Federal
financial assistance programs for infrastruc-
ture identified under that subsection for
which a domestic content procurement pref-
erence is required.
(1) does not apply in a manner consistent with
section 4114; or
(2) is subject to a waiver of general applica-
libility to the use of specific prod-
ucts for use in a specific project.
(i) A written description of the circumstances in which the head of the agency may waive the requirements of the Buy American Act.

(ii) A waiver made by the head of the agency within 30 days after making such waiver, including a justification with sufficient detail to explain the basis for the waiver.

(B) The procedures established under this paragraph shall ensure that the head of an agency, in consultation with the head of the Made in America Office, shall establish under section 4123(a), may limit the publication of classified information, trade secrets, or other information that could damage the United States.

(4) Guidelines for Federal agencies to ensure that a project is not disaggregated for purposes of avoiding the applicability of the requirements under the Buy American Act.

(5) An increase to the price preferences for domestic end products and domestic construction materials.

(6) Amending the definitions of “domestic end product” and “domestic construction material” to ensure that iron and steel products are, to the greatest extent possible, made in the United States.

(b) GUIDELINES RELATING TO WAIVERS.—

(1) INCONSISTENCY WITH PUBLIC INTEREST.—

(A) IN GENERAL.—To the extent otherwise permitted by law, before granting a waiver, the Federal agency shall assess whether a significant portion of the cost advantage of the product is the result of the use of dumped steel, iron, or manufactured goods or the use of end product manufactured in the United States, including employment among entities that manufacture the articles, materials, or supplies; or

(B) COVERED EMPLOYMENT.—For purposes of section (a), employment refers to positions in the manufacturing, processing, or production of articles, materials, or supplies, and does not include positions related to management, research and development, or engineering and design.

(2) ASSESSMENT ON USE OF DUMPED OR SUBSIDIZED FOREIGN PRODUCTS.—

(A) IN GENERAL.—To the extent otherwise permitted by law, before granting a waiver, in the public interest to the guidelines developed under subsection (a)(1), the Administrator shall seek to minimize waivers related to contract awards that—

(i) are in employment among entities that manufacture the articles, materials, or supplies; or

(ii) result in awarding a contract that would decrease domestic employment.

(B) COVERED EMPLOYMENT.—For purposes of subparagraph (A), employment refers to positions in the manufacturing, processing, or production of articles, materials, or supplies, and does not include positions related to management, research and development, or engineering and design.

(c) SENSE OF CONGRESS ON INCREASING DOMESTIC CONTENT REQUIREMENTS.—It is the sense of Congress that the Federal Acquisition Regulatory Council should amend the Federal Acquisition Regulation to increase the domestic content requirements for defense and domestic construction materials to 75 percent, or, in the event of no qualifying offers, 60 percent.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the end of the fiscal year during which the Build America, Buy America Act is enacted, and annually thereafter for 4 years, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations of the House of Representatives a report on the total amount of acquisitions made by Federal agencies in a relevant fiscal year for articles, materials, or supplies produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; and

(e) EXCLUSION FROM INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.—

(1) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘executive agency’ in section 133 of this title.

(2) CONFIRMING AMENDMENTS.—Title 41, United States Code, is amended—

(A) in section 8302(a)—

(i) by striking “department or independent establishment” and inserting “Federal agency”;

(ii) by striking “their acquisition to be inconsistent with the public interest, their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable”;

(B) in section 8303(a)–

(i) by striking “department or independent establishment” and inserting “Federal agency”;

(ii) by striking “their acquisition to be inconsistent with the public interest, their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable”.

(S) AMENDMENTS RELATING TO BUY AMERICAN ACT.

(1) EFFECTIVE DATE.—This section applies—

(A) in section 8302(b)—

(i) by striking “department or independent establishment” and inserting “Federal agency”;

(ii) by striking “their acquisition to be inconsistent with the public interest, their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable”.

(B) in section 8303(a)–

(i) by striking “department or independent establishment” and inserting “Federal agency”;

(ii) by striking “their acquisition to be inconsistent with the public interest, their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable”.

(C) AMENDMENTS TO OTHER SECTION 8303.—

(1) Amending section 8303 of title 41, United States Code, by striking “the articles, materials, or supplies from which they are manufactured, are not mined, processed, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality”.

(D) IN CONSISTENCY WITH PUBLIC INTEREST.—

(1) PRODUCTION OF IRON AND STEEL.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies.

(B) PRODUCTION OF IRON AND STEEL.—

(1) PRODUCTION OF IRON AND STEEL FOR PURPOSES OF CONTRACTS FOR PUBLIC WORKS.—Section 8303 of title 41, United States Code, is amended—

(A) by redesigning subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

(c) SPECIAL RULES.—

(1) PRODUCTION OF IRON AND STEEL.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies.

(c) ANNUAL REPORT.—Section 8302(a) of section 8302 of title 41, United States Code, is amended to read as follows:

(d) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the end of the fiscal year during which the Build America, Buy America Act is enacted, and annually thereafter for 4 years, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations of the House of Representatives a report on the total amount of acquisitions made by Federal agencies in a relevant fiscal year for articles, materials, or supplies produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(e) EXCLUSION FROM INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.—The Federal Acquisition Regulation to provide a definition for “end product manufactured in the United States,” including guidelines to ensure that manufacturing processes involved in production of the end product occur domestically.
(2) Develop and implement procedures to review waiver requests or inapplicability requests related to domestic preference statutes.

(3) Prepare the reports required under subsections (c) and (e).

(4) Ensure that Federal contracting personnel, financial assistance personnel, and non-Federal recipients are regularly trained on obligations under the Buy American Act and other agency-specific domestic preference statutes.

(5) Conduct the review of reciprocal defense agreements required under subsection (d).

(6) Ensure that Federal agencies, Federal financial assistance recipients, and the Hollings Manufacturing Extension Partnership partner with each other to promote compliance with domestic preference statutes.

(7) Support executivebranch efforts to develop and sustain a domestic supply base to meet Federal procurement requirements.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget, working through the Director of the Office of Federal Procurement Policy, shall report to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State:

(1) A summary of total procurement funds expended on articles, materials, and supplies mined, produced, or manufactured—

(A) inside the United States;

(B) outside the United States; and

(C) outside the United States—

(i) under each category of waiver under the Buy American Act;

(ii) for each country that mined, produced, or manufactured such articles, materials, and supplies; and

(iii) for each country that mined, produced, or manufactured such articles, materials, and supplies.

(2) For each fiscal year covered by the report—

(A) the dollar value of any articles, materials, or supplies produced, or manufactured outside the United States, in the aggregate and by country;

(B) an itemized list of all waivers made under this Act with respect to articles, materials, or supplies, where available, and the country where such articles, materials, or supplies were mined, produced, or manufactured;

(C) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States due to an exception that is not the micro-purchase threshold exception described under section 8302(a)(2)(C) of title 41, United States Code; and

(D) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States pursuant to a reciprocal defense procurement memorandum of understanding entered into after the date of the enactment of this Act that its counterpart in foreign governments to assess whether domestic entities will have equal and proportional access and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State;

(2) REVIEW OF RECIPROCAL PROCUREMENT MEMORANDUMS.—In this Act, the Director of the Office of Management and Budget shall review reciprocal procurement memorandums of understanding entered into after the date of the enactment of this Act between the Department of Defense and its counterparts in foreign governments to assess whether domestic entities will have equal and proportional access and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(1) REVIEW OF PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Department of Defense shall review the Department's use of reciprocal defense agreements to determine if domestic entities have equal and proportional access and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(2) DOMESTIC PROCUREMENT STATUTE DEFINED.—In this section, the term "domestic preference statute" means any of the following:

(A) the Buy American Act;

(B) a Buy America law (as that term is defined in section 4116(a));

(C) a determination by the head of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State that certain activities are inconsistent with the public interest;

(D) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States due to an exception that is not the micro-purchase threshold exception described under section 8302(a)(2)(C) of title 41, United States Code; and

(E) section 24405 of title 49, United States Code.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

Sec. 4125. United States obligations under international agreements.

(a) Special rule concerning the Jones Act.—Section 4862 of title 49, United States Code, is amended by striking ''section 2533a'' and inserting ''section 4862''.

(b) Berry Amendment.—The term "Berry Amendment" means section 2533a of title 10, United States Code.

(c) Buy American Act.—The term "Buy American Act" means chapter 83 of title 41, United States Code.

(d) Relevant congressional committee.—The term "relevant congressional committee" means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Armed Services of the Senate; and

(B) the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) Waiver.—The term "waiver", with respect to the acquisition of an article, materially produced or manufactured outside the United States, including iron, steel, construction materials, or manufactured goods offered in international maritime transport, including the Merchant Marine Act, 1920 (Public Law 66–261), commonly known as the "Jones Act"; and the Marine Act, 1920 (Public Law 66–261), commonly known as the "Jones Act"; and

(f) Executive order.—An executive order issued under Federal financial assistance awards or Federal procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or services produced in the United States, including iron, steel, construction material, and manufactured goods offered in the United States.

Sec. 4124. Hollings Manufacturing Extension Partnership activities.

(a) Use of Hollings Manufacturing Extension Partnership to Refer New Business Contracting Opportunities.—The Director of the Hollings Manufacturing Extension Partnership, through the Under Secretary of Commerce for Standards and Technology, shall jointly ensure that each business that participates in the Hollings Manufacturing Extension Partnership is automatically enrolled in General Services Administration Advantage.

(b) Automatic Enrollment in GSA Advantage.—The Administrator of the General Services Administration and the Secretary of the Army shall ensure that the Hollings Manufacturing Extension Partnership is automatically enrolled in General Services Administration Advantage.

Sec. 4123. United States obligations under international agreements.

This part, and the amendments made by this part, shall be applied in a manner consistent with United States obligations under international agreements.

Sec. 4126. Definitions.

In this part:

(1) Berry Amendment.—The term ‘‘Berry Amendment’’ means section 2533a of title 10, United States Code.

(2) Buy American Act.—The term ‘‘Buy American Act’’ means chapter 83 of title 41, United States Code.

(3) Federal agency.—The term ‘‘Federal agency’’ has the meaning given the term ‘‘executive agency’’ in section 131 of title 41, United States Code.

(4) Relevant congressional committee.—The term ‘‘relevant congressional committee’’ means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Armed Services of the Senate; and

(B) the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) Waiver.—The term ‘‘waiver’’, with respect to the acquisition of an article, materially produced or manufactured outside the United States, including iron, steel, construction materials, or manufactured goods offered in international maritime transport, including the Merchant Marine Act, 1920 (Public Law 66–261), commonly known as the ‘‘Jones Act’’; and

(f) Executive order.—An executive order issued under Federal financial assistance awards or Federal procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or services produced in the United States, including iron, steel, construction material, and manufactured goods offered in the United States.

Subtitle B—BuyAmerican.gov

Sec. 4131. Short title.

This subtitle may be cited as the ‘‘BuyAmerican.gov Act of 2021’’.

Sec. 4132. Prospective amendments to international cross-references.

(a) Special rule concerning the Kissell amendment.—Section 4126(f)(5) is amended by striking ‘‘section 2533b’’ and inserting ‘‘section 4863’’.

(b) Berry Amendment reference.—Section 4126(1) is amended by striking ‘‘section 2533a’’ and inserting ‘‘section 4863’’.
SEC. 4133. SENSE OF CONGRESS ON BUYING AMERICAN.

It is the sense of Congress that—

(1) an agency should maximize, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, and materials produced in the United States and contracts for outsourced government service contracts to be performed by United States nationals;

(2) every executive agency should scrupulously monitor, enforce, and comply with Buy American laws, to the extent they apply, and minimize the use of waivers; and

(3) a Buy American waiver refers to an exception to or waiver of any Buy American law, or the terms and conditions used by an agency in granting an exception to or waiver from Buy American laws.

SEC. 4134. ASSESSMENT OF IMPACT OF FREE TRADE AGREEMENTS.

Not later than 150 days after the date of the enactment of this Act, the Secretary of Commerce, the United States Trade Representative, and the Director of the Office of Management and Budget shall assess the impacts in a publicly available report of all United States free trade agreements, the World Trade Organization Agreement on Government Procurement, and Federal permitting processes on the operation of Buy American laws, including their impacts on the implementation of domestic procurement preferences.

SEC. 4135. JUDICIOUS USE OF WAIVERS.

(a) IN GENERAL.—To the extent permitted by law, a Buy American waiver that is determined by an agency head or other relevant official to be in the public interest shall be construed to ensure the maximum utilization of goods, products, and materials produced in the United States.

(b) PUBLIC INTEREST WAIVER DETERMINATIONS.—To the extent permitted by law, determinations under paragraph (a) shall be made by the head of the agency with the authority over the Federal financial assistance award or Federal procurement under consideration.

SEC. 4136. ESTABLISHMENT OF BUYAMERICAN.GOV WEBSITE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall establish an Internet website with the address BuyAmerican.gov that will be publicly available free to access. The website shall include information on all waivers of and exceptions to Buy American laws since the date of the enactment of this Act 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. The website shall also include the results of routine audits to determine data errors and Buy American law violators after an audit is conducted. The website shall provide publicly available contact information for the relevant contracting agencies.

(b) UTILIZATION OF EXISTING WEBSITE.—The requirements of subsection (a) may be met by utilizing an existing website, provided that the address of that website is BuyAmerican.gov.

SEC. 4137. WAIVER TRANSPARENCY AND STREAMLINING FOR CONTRACTS.

(a) COLLECTION OF INFORMATION.—The Administrator of General Services shall assess the integrity and effectiveness of the Buy American waiver system established under section 4136 for public comment for not less than 15 business days.

(b) WAIVER TRANSPARENCY AND STREAMLINING.—

(1) REQUIREMENT.—Prior to granting a request for a waiver or modification, the head of an executive agency shall submit a request to invoke a Buy American waiver to the Administrator of General Services, and make the request available on or through the public website established under section 4136 for public comment for not less than 15 days.

(2) EXCEPTION.—The requirement under paragraph (1) does not apply to a request for a Buy American waiver to satisfy an urgent national need or a declared emergency as the statutory basis for a Buy American waiver.

(c) INFORMATION AVAILABLE TO THE EXECUTIVE AGENCY CONCERNING THE REQUEST.—

(1) REQUIREMENT.—A Buy American waiver for purposes of awarding a contract may be granted if, in contravention of subsection (b),—

(A) information about the waiver was not made available on the website under section 4136; or

(B) no opportunity for public comment concerning the request was granted.

(2) SCOPE.—Information made available to the public concerning the request included on the website described in section 4136 shall properly document and justify the statutory basis cited for the requested waiver. Such information shall include—

(A) a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States;

(B) for requests citing unreasonable cost as the statutory basis of the waiver, a comparison of the cost of the domestic product to the cost of the foreign product or a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign-origin products or services, pursuant to the requirements of the applicable Buy American law, except that publicly available cost comparison data may be provided in lieu of proprietary pricing information;

(C) for requests citing the public interest as the statutory basis for the waiver, a detailed written statement, which shall include all appropriate factors, such as potential obviations under international agreements, justifying why the requested waiver is in the public interest; and

(D) a certification that the procurement official reasonably determined that making a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

(d) NONAVAILABILITY WAIVERS.—

(1) IN GENERAL.—Except as provided under paragraph (2), a Buy American waiver, an executive agency shall provide an explanation of the procurement objectives that led to the waiver from a domestic source and the reasons why a domestic product was not available from a domestic source. Those explanations shall be made available on BuyAmerican.gov prior to the issuance of the waiver, and the agency shall consider public comments regarding the availability of the product before making a final determination.

(2) EXCEPTION.—An explanation under paragraph (1) is not required for a product the nonavailability of which is established by law.

SEC. 4138. COMPTROLLER GENERAL REPORT.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws.

SEC. 4139. RULES OF CONSTRUCTION.

(a) DISCLOSURE REQUIREMENTS.—Nothing in this subtitle shall be construed to pre-empt, supersede, or otherwise affect the application of any disclosure requirement or requirements otherwise provided by law or regulation.

(b) ESTABLISHMENT OF SUCCESSOR INFORMATION SYSTEMS.—Nothing in this subtitle shall be construed as preventing or otherwise limiting the ability of the Administrator of General Services to move the data required to be included on the website established under subsection (a) to a successor information system. Any such information system shall include a reference to BuyAmerican.gov.

SEC. 4140. CONSISTENCY WITH INTERNATIONAL AGREEMENTS.

This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 4141. PROSPECTIVE AMENDMENTS TO INTERNATIONAL AGREEMENTS.

(a) IN GENERAL.—(Section 4132(2) is amended—

(1) in subparagraph (J), by striking “section 2533b” and inserting “section 4862”; and

(2) in subparagraph (H), by striking “section 2533d” and inserting “section 4863.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2022.

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.

Congress makes the following findings:

(1) The COVID-19 pandemic has exposed the vulnerability of the United States supply chains for, and lack of domestic production of, personal protective equipment (PPE).

(2) The United States requires a robust, secure, and domestically-produced PPE supply chain to safeguard public health and national security.

(3) Issuing a strategy that provides the government’s anticipated needs over the next three years will enable suppliers to assess what changes, if any, are needed in their manufacturing capacity to meet expected demand.

(4) In order to foster a domestic PPE supply chain, United States industry needs a
strong and consistent demand signal from the Federal Government providing the necessary certainty to expand production capacity investment in the United States.

(5) To incentivize investment in the United States and the re-shoring of manufacturing, long-term contracts must be no shorter than three years in duration.

(6) To accomplish this aim, the United States should seek to ensure compliance with its international obligations, such as its commitment to the World Trade Organization’s Agreement on Government Procurement and its free trade agreements, including any relevant obligations to those agreements, especially those related to national security and public health.

(7) The United States needs a long-term investment strategy for the domestic production of PPE items critical to the United States national response to a public health crisis, including the COVID-19 pandemic.

SEC. 4153. REQUIREMENT OF LONG-TERM CONTRACTS FOR DOMESTICALLY MANUFACTURED PERSONAL PROTECTIVE EQUIPMENT.

(a) Definitions.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means:

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Finance, and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Veterans’ Affairs of the House of Representatives.

(2) COVERED SECRETARY.—The term “covered Secretary” means the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs.

(3) PERSONAL PROTECTIVE EQUIPMENT.—The term “personal protective equipment” means surgical masks, respirator masks and other reusable respiratory protective equipment, and powered air purifying respirators and required filters, face shields and protective eyewear, gloves, disposable and reusable surgical gowns, isolation gowns, shoe and foot coverings, and other gear or clothing used to protect an individual from the transmission of disease.

(4) UNITED STATES.—The term “United States” means the 50 States, the District of Columbia, and the possessions of the United States.

(b) CONTRACT REQUIREMENTS FOR DOMESTIC PRODUCTION.—Beginning 90 days after the date of the enactment of this Act, in order to ensure the sustainment and expansion of personal protective equipment manufacturing in the United States and meet the needs of the current pandemic response, any contract for the purchase of personal protective equipment entered into by a covered Secretary, or a covered Secretary’s designee shall:

(1) be issued for a duration of at least 2 years, plus all option periods necessary, to incentivize investment in the production of personal protective equipment and the materials and components thereof in the United States; and

(2) be for personal protective equipment, including surgical masks, Respirator masks and other reusable respiratory protective equipment, that is, or that includes, a material listed in the Acquisition Regulation as one for which a non-availability determination has been made; or

(a) maximizes sources for personal protective equipment that is assembled outside the United States containing only materials and components that are grown, reprocessed, re-used, or produced in the United States.

(b) certifies every 120 days that it is necessary to procure personal protective equipment under alternative procedures to respond to the immediate needs of a public health emergency.

(d) AVAILABILITY EXCEPTION.—

(1) IN GENERAL.—Subsections (b) and (c) shall not apply to an item of personal protective equipment, or component or material thereof:

(A) that is, or that includes, a material listed in the Acquisition Regulation as one for which a non-availability determination has been made; or

(B) as to which the covered Secretary determines that a sufficient quantity of a satisfactory quality that is, or that includes, a material listed in the Acquisition Regulation as one for which a non-availability determination has been made; or

(2) Certification Requirement.—The covered Secretary shall certify every 120 days that the exception under paragraph (1) is necessary to respond to the immediate needs of a public health emergency.

(e) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the covered Secretaries, shall submit to the chairs of the committees of the appropriate congressional committees a report on the procurement of personal protective equipment.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) The United States long-term domestic procurement strategy for PPE produced in the United States under paragraph (1) to incentivize investment in and maintain United States supply chains for all PPE sufficient to meet the needs of the United States during a public health emergency.

(B) An estimate of long-term demand quantities for all PPE items procured by the United States.

(c) Recommendations for congressional action required to implement the United States Government’s procurement strategy.

(4) DETERMINATION BY SECRETARIES.—

(1) IN GENERAL.—In carrying out this section—

(A) before requesting a transfer under subsection (a) to a Federal agency or contractor of the Department, the Secretary of Health and Human Services shall determine whether the personal protective equipment requested to be transferred under subsection (a) is excess equipment; and

(B) when determining whether the personal protective equipment or medically necessary equipment is otherwise available; and

(2) Certification Requirement.—The covered Secretaries shall certify that the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

(5) NOTIFICATION.—The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under paragraphs (1) and (2), respectively.

(6) REQUIRED INVENTORY.—

(A) IN GENERAL.—The Secretary shall—

(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and

(ii) make the inventory required under clause (i) available, on a continual basis, to—

(I) the Secretary of Health and Human Services; and

(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

(B) FORM.—Each inventory required to be made available under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(C) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296, 116 Stat. 2133) is amended by inserting after the item relating to section 4152 the following:

“Sec. 529. Transfer of equipment during a public health emergency.”.

(7) STRATEGIC NATIONAL STOCKPILE.—Sec-

tion 259F–2a of the Public Health Service Act (44 U.S.C. 247d–6) is amended by adding at the end the following:

(6) TRANSFERS OF ITEMS.—The Secretary, in coordination with the Secretary of Homeland Security, may sell, drugs, vaccines and other biological products, medical devices, or other supplies maintained in the stockpile under section 259F–2a to a Federal agency or private, nonprofit, State, local, tribal, or territorial entity for immediate use and distribution, provided that any such items being sold are—

(A) within 1 year of their expiration date; and

(B) determined by the Secretary to no longer be needed in the stockpile due to advances in medical or technical capabilities.”.

(8) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—The President or the President’s designee shall take all necessary steps, including invoking the rights of the United States under Article III of the World Trade Organization’s Agreement on Government Procure-

ment, and its free trade agreements, including any relevant obligations of the United States to which the United States is a party, to ensure that
the international obligations of the United States are consistent with the provisions of this subtitle.

TITLE II—CYBER AND ARTIFICIAL INTELLIGENCE

Subtitle—Assisting American AI

SEC. 4203. DEFINITIONS.

In this subtitle:

(A) AGENCY.—The term ‘‘agency’’ has the meaning given the term in section 3502 of title 44, United States Code.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means:

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Reform of the House of Representatives.

(C) ARTIFICIAL INTELLIGENCE.—The term ‘‘artificial intelligence’’ has the meaning given the term in section 283 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(D) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ‘‘artificial intelligence system’’—

(i) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence; and

(ii) includes—

(A) the data system, software, application, tool, or utility established primarily for the purpose of developing, evaluating, or implementing artificial intelligence technology; or

(B) an artificial intelligence capability integrated into another system or agency business process, operational activity, or technology system.

(E) DEPARTMENT.—The term ‘‘Department’’ means the Department of Homeland Security.

(F) DIRECTOR.—The term ‘‘Director’’ means the Director of the Office of Management and Budget.

SEC. 4204. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(i) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled ‘‘Key Considerations for the Responsible Development and Fielding of AI’’, as updated in April 2021;

(ii) the principles articulated in Executive Order 13850 relating to promoting the use of trustworthy artificial intelligence in Government; and

(iii) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties entities established by the Director; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rendering artificial intelligence-enabled systems.

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) DISSEMINATION.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260); and

(ii) address protection of privacy, civil rights, and civil liberties; and

(B) ensure that the acquisition of a subcontractor on behalf of the Federal Government;

(2) sharing.—The sharing of agency inventories described in subsection (a)(2) may be
coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

SEC. 4206. RAPID PROTOTYPING, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies, shall identify and prioritize at least 3 new use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence–enabled systems to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—The paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems;

(B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected;

(ii) the lack of sufficient or quality training data;

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) ABSENCE OF ASSESSMENT.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:

(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) Applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management and risk; and

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with grants management; or

(iv) outcomes measurement to measure economic and social benefits.

(C) Applied artificial intelligence to improve agency coordination and information sharing for common use cases.

(D) Applied artificial intelligence to operationalize and secure multiparty computing; and

(E) use of differential privacy, federated learning.

(f) ORGANIC SECURITY.—Consistent with applicable laws and policies, the heads of agencies shall ensure the secure handling of data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(G) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(H) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(I) enables knowledge transfer and colaboration across agencies; and

(J) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the results of the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4207. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 10203(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (31 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking $10,000,000 and inserting $25,000,000;

(2) by amending subsection (f) to read as follows:

(1) DEFINITIONS.—In this section—

(A) the term ‘innovative product’ means—

(i) any new technology, process, or method, including research and development; or

(ii) any new application of an existing technology, process, or method; and

(B) the term ‘innovative means’ means—

(i) providing guidance on how best to use Federal resources and capabilities in a timely, effective manner to speed recovery from the incident.

(c) COMMERCIAL OFF THE SHELF SUPPLY.—Section 2371b(e) of title 10, United States Code, is amended by striking ‘‘September 30, 2017’’ and inserting ‘‘September 30, 2024’’.

SEC. 4301. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the purpose of this subtitle is to authorize the Secretary to declare that a significant incident has occurred, and establish the authorities that are provided under the declaration to respond to and recover from the significant incident, and (2) the authorities established under this subtitle are intended to enable the Secretary to provide voluntary assistance to non-Federal entities impacted by a significant incident.
SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.

(a) In General.—There is established a Cyber Response and Recovery Fund, which shall be available for—

(1) the coordination of activities described in section 2233(b); and

(2) response and recovery support for the specific significant incident associated with a declaration to Federal, State, local, and Tribal, entities and private entities on a reimbursable or non-reimbursable basis, including through asset response activities and technical assistance, such as—

(A) vulnerability assessments and mitigation;

(B) technical incident mitigation;

(C) malware analysis;

(D) analysis of data;

(E) threat detection and hunting; and

(F) network protections.

(b) Deposits and Expenditures.—

(1) In General.—Amounts shall be deposited into the Fund from—

(A) appropriations to the Fund for activities of the Fund; and

(B) reimbursement from Federal agencies for the activities described in paragraphs (1), (2), and (4) of subsection (a), which shall only be from amounts made available in advance in appropriations Acts for such reimbursement.

(2) Expenditures.—Any expenditure from the Fund for the purposes of this subtitle shall be made from amounts available in the Fund from a deposit described in paragraph (1).

(c) Classification.—Each notification made under subsection (b), and each report submitted under subsection (b) —

(1) shall be in an unclassified form with appropriate markings to indicate information that is exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); and

(2) may include a classified annex.

(d) Consolidated Report.—The Secretary shall not be required to submit multiple reports under subsection (b) for multiple declarations or renewals of the Secretary determines that the declarations or renewals substantively relate to the same specific significant incident.

(1) Appropriate.—The Secretary shall require an entity that receives amounts from the Fund to submit a report to the Secretary that details the specific use of the amounts.

SEC. 2235. NOTIFICATION AND REPORTING.

(a) Notification.—Upon a declaration or renewal, the Secretary shall immediately notify the National Cyber Director and appropriate congressional committees and include in the notification—

(1) an estimate of the planned duration of the declaration; and

(2) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident, including—

(A) the operational or mission impact or anticipated impact of the specific significant incident on Federal and non-Federal entities;

(B) if known, the perpetrator of the specific significant incident; and

(C) the scope of the Federal and non-Federal entities impacted or anticipated to be impacted by the specific significant incident; and

(4) justification as to why available resources, other than the Fund, are insufficient to respond to or mitigate the specific significant incident; and

(5) a description of the coordination activities described in section 2233(b) that the Secretary anticipates the Director to perform.

(b) Report to Congress.—Not later than 180 days after the date of a declaration or renewal, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) the reason for the declaration or renewal, including information and intelligence relating to the specific significant incident that led to the declaration or renewal;

(2) the use of any funds from the Fund for the purpose of responding to the incident or threat described in paragraph (1);

(3) a description of the actions, initiatives, and projects undertaken by the Department and State and local governments and public and private entities in responding to and recovering from the specific significant incident described in paragraph (1);

(4) an accounting of the specific obligations and outlays of the Fund; and

(5) an analysis of—

(A) the impact of the specific significant incident described in paragraph (1) on Federal and non-Federal entities;

(B) the impact of the declaration or renewal on the response to, and recovery from, the specific significant incident described in paragraph (1); and

(C) the impact of the funds made available from the Fund as a result of the declaration or renewal on the recovery from, and response to, the specific significant incident described in paragraph (1).

(c) Classification.—Each notification made under subsection (a), and each report submitted under subsection (b) —

(1) shall be in an unclassified form with appropriate markings to indicate information that is exempt from disclosure under section 522 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); and

(2) may include a classified annex.
shall not apply to the voluntary collection of information by the Department during an investigation of, a response to, or an immediate post-response review of, the specific significant incident leading to a declaration or renewal.

**SEC. 2236. RULE OF CONSTRUCTION.**

“Nothing in this subtitle shall be construed to impair or limit the ability of the Director to authorize the appropriate activities of the Cybersecurity and Infrastructure Security Agency.

**SEC. 2237. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to the Fund $20,000,000 for fiscal year 2022, which shall remain available until September 30, 2022.

**SEC. 2238. SUNSET.**

“The authorities granted to the Secretary or the Director under this subtitle shall expire on the date that is 7 years after the date of enactment of this subtitle.”

(b) **CLERICAL AMENDMENT.—**The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–286; 116 Stat. 1401) is amended by adding at the end the following:

“Subtitle C—Declaration of a Significant Incident

Sec. 2231. Sense of Congress.

Sec. 2232. Declaration.

Sec. 2233. Cyber response and recovery fund.

Sec. 2234. Notification and reporting.

Sec. 2235. Rule of construction.

Sec. 2236. Authorization of appropriations.

Sec. 2237. Sunset.”

TITLE III—PERSONNEL

Subtitle A—Facilitating Federal Employee Reskilling

SEC. 4101. SHORT TITLE.

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

SEC. 4102. REISKILLING FEDERAL EMPLOYEES.

(a) **DEFINITIONS.—**In this section:

(1) **AGENCY.**—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(2) **DIRECTOR.**—The term “Director” means the Director of the Office of Personnel Management.

(3) **DIRECTING FEDERAL AGENCY.**—The term “directing Federal agency” means the agency head or the Director, as applicable.

(4) **EMPLOYEE.**—The term “employee” means an employee serving in a position in the competitive service or the excepted service.

(5) **EXCEPTED SERVICE.**—The term “excepted service” means an employee serving in a position in the competitive service or the excepted service who is detailed to a rotational cyber workforce position.

(6) **FEDERAL RESKILLING PROGRAM.**—The term “Federal reskilling program” means a program established by the head of an agency to provide employees with the technical skill or expertise that would qualify the employees to serve in a different position in the competitive service or the excepted service.

(7) **FEDERAL RESKILLING PROGRAM.**—The term “Federal reskilling program” means a program established by the head of an agency or by the Director before, on, or after the date of enactment of this Act, the agency head or the Director, as applicable, shall ensure that the Federal reskilling program—

(1) is implemented in a manner that is in accordance with prescribed personnel practices under section 2302 of title 5, United States Code, and consistent with the merit system principles under section 2301 of title 5, United States Code, including by using merit-based selection procedures for participation by employees in the Federal reskilling program;

(2) includes appropriate limitations or restrictions associated with implementing the Federal reskilling program, which shall be consistent with any regulations prescribed by the Director under subsection (e);

(3) provides that any new position to which an employee who participates in the Federal reskilling program is transferred will utilize the technical skill or expertise that the employee acquired by participating in the Federal reskilling program;

(4) includes the option for an employee participating in the Federal reskilling program to return to the original position of the employee, or a similar position, particularly if the employee is unsuccessful in the position to which the employee transfers after completing the Federal reskilling program;

(5) provides that an employee who successfully completes the Federal reskilling program and transfers to a position that requires the technical skill or expertise provided through the Federal reskilling program shall be the grade of the position held immediately before the transfer in a manner in accordance with section 5362 of title 5, United States Code;

(6) provides that any employee serving in a position in the excepted service may not transfer to a position in the competitive service solely by reason of the completion of the Federal reskilling program by the employee; and

(7) includes a mechanism to track outcomes of the Federal reskilling program in accordance with the metrics established under subsection (c).

(8) **FEDERAL WORKFORCE.**—The term “Federal workforce” means the Executive branch workforce, excluding the Uniformed Services.

(c) **REPORTING AND METRICS.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish reporting requirements for, and standardized metrics and procedures for agencies to track outcomes of, the Federal reskilling programs which shall include, with respect to each Federal reskilling program—

(1) providing a summary of the Federal reskilling program;

(2) collecting and reporting demographic and employment data with respect to employees who have applied for, participated in, or completed the Federal reskilling program;

(3) attrition of employees who have completed the Federal reskilling program; and

(4) any other measures or outcomes that the Director determines to be relevant.

(d) **GAO REPORT.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive study of, and submit to Congress a report on, Federal reskilling programs that includes—

(1) a summary of each Federal reskilling program and methods by which each Federal reskilling program recruits, selects, and re-trains employees;

(2) an analysis of the accessibility of each Federal reskilling program for a diverse set of candidates;

(3) an evaluation of the effectiveness, costs, and benefits of the Federal reskilling programs; and

(4) recommendations to improve Federal reskilling programs, to be submitted to the Director of the Office of Personnel Management, and to Congress, consistent with any regulations prescribed by the Director under subsection (e);

(5) **REGULATIONS.**—The Director—

(1) not later than 1 year after the date of enactment of this Act, shall prescribe regulations for the reporting requirements and metrics and procedures under subsection (c); and

(2) in consultation with the Government Accountability Office, shall prescribe additional regulations, as the Director determines necessary, to provide for requirements with respect to, and the implementation of, Federal reskilling programs.

(2) any Federal reskilling program established by the head of an agency or the Director shall be carried out using amounts otherwise made available to that agency.

Subtitle B—Federal Rotational Cyber Workforce Program

SEC. 4351. SHORT TITLE.

This subtitle may be cited as the “Federal Rotational Cyber Workforce Program Act of 2021.”

SEC. 4352. DEFINITIONS.

In this subtitle:

(1) **AGENCY.**—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code, except that the term does not include the Government Accountability Office.

(2) **COMPETITIVE SERVICE.**—The term “competitive service” has the meaning given that term in section 2102 of title 5, United States Code.

(3) **COUNCIL.**—The term “Council” means—

(A) the Chief Human Capital Officers Council established under section 3603 of title 5, United States Code;

(B) the Chief Information Officers Council established under the Director, as applicable.

(4) **CYBER WORKFORCE POSITION.**—The term “cyber workforce position” means a position that has been designated as a rotational cyber workforce position under section 303 of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 998 note).

(5) **DIRECTOR.**—The term “Director” means the Director of the Office of Personnel Management.

(6) **EMPLOYEE.**—The term “employee” has the meaning given the term in section 2105 of title 5, United States Code.

(7) **EMPLOYING AGENCY.**—The term “employing agency” means the agency from which an employee is detailed to a rotational cyber workforce position.

(8) **EXCEPTED SERVICE.**—The term “excepted service” has the meaning given that term in section 2106 of title 5, United States Code.

(9) **ROTATIONAL CYBER WORKFORCE POSITION.**—The term “rotational cyber workforce position” means a cyber workforce position with respect to which a determination has been made under section 4353(a)(1).

(10) **ROTATIONAL CYBER WORKFORCE PROGRAM.**—The term “rotational cyber workforce program” means the program for the detail of employees among rotational cyber workforce positions.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

SEC. 4353. ROTATIONAL CYBER WORKFORCE POSITIONS.

(a) **DETERMINATION WITH RESPECT TO ROTATIONAL SERVICE.**
(1) In general.—The head of each agency may determine that a cyber workforce position in that agency is eligible for the rotational cyber workforce program, which shall not be conducted under subpart B, reporting under section 455(b)(3) that participation in the rotational cyber workforce program by an employee shall be voluntary.

(2) Preparation of list.—The head of an agency shall submit to the Director—

(A) notice regarding any determination made by the head of the agency under paragraph (1), the information required under subsection (b)(1), and

(B) for each position with respect to which the head of the agency makes a determination under paragraph (1), the information required under subsection (b)(1).

(c) Preparation of list.—The Director, with assistance from the Councils and the Secretary, shall develop a list of rotational cyber workforce positions that—

(1) with respect to each such position, to the extent that the information does not disclose sensitive national security information, includes—

(A) the title of the position;

(B) the occupational series with respect to the position;

(C) the grade level or work level with respect to the position;

(D) the agency in which the position is located;

(E) the duty location with respect to the position; and

(F) the major duties and functions of the position;

(2) shall be used to support the rotational cyber workforce program;

(c) Distribution of list.—Not less frequently than annually, the Director shall distribute an updated list developed under subsection (b) to the head of each agency and other appropriate entities.

SEC. 4354. ROTATIONAL CYBER WORKFORCE PROGRAM.

(a) Operation plan.—

(1) In general.—Not later than 270 days after the date of enactment of this Act, and in consultation with the Councils, the Secretary, representatives of other agencies, and any other entity as the Director determines appropriate, the Director shall develop and issue a Federal Rotational Cyber Workforce Program operation plan providing policies, procedures, and mechanisms for a program for the detailing of employees among rotational cyber workforce positions at agencies, which may be incorporated into, consolidated with, or otherwise integrated through mechanisms in existence on the date of enactment of this Act.

(2) Updating.—The Director may, in consultation with the Councils, the Secretary, and other entities as the Director determines appropriate, periodically update the operation plan developed and issued under paragraph (1).

(b) Requirements.—The operation plan developed and issued under subsection (a) shall, at a minimum—

(1) identify agencies for participation in the rotational cyber workforce program;

(2) establish procedures for the rotational cyber workforce program, including—

(A) any training, education, or career development requirements associated with participation in the rotational cyber workforce program;

(B) any prerequisites or requirements for participation in the rotational cyber workforce program; and

(C) appropriate rotational cyber workforce program performance measures, reporting requirements, employee exit surveys, and other accountability devices for the evaluation of the program;

(3) provide that participation in the rotational cyber workforce program by an employee shall be voluntary;

(4) provide that an employee shall be eligible to participate in the rotational cyber workforce program if the head of the employing agency of the employee, or a designated officer, approves of the participation of the employee;

(5) provide that the detail of an employee to a rotational cyber workforce position under the rotational cyber workforce program shall be on a nonreimbursable basis;

(6) provide that agencies may agree to permit an employee to serve in a rotational cyber workforce position under the rotational cyber workforce program in a participating agency that—

(A) prepared by an appropriate officer, supervisor, or management official of the employing agency, acting in coordination with the supervisor at the agency in which the employee is located, the occupational series or work level the employee held had the employee not been detailed;

(B) had employees from other participating agencies serve in rotational cyber workforce positions that are rotational cyber workforce positions under the rotational cyber workforce program and that are—

(1) the extent to which agencies have participated in the rotational cyber workforce program in a manner consistent with the merit system principles under section 2301(b) of title 5, United States Code;

(B) the term.—Except as provided in subparagraph (C), and notwithstanding section 3541(b) of title 5, United States Code, a detail to a rotational cyber workforce position shall be for a period of not less than 180 days and not more than 1 year.

(C) extension.—The chief Human Capital Officer of the agency to which an employee is detailed under the rotational cyber workforce program may extend the period of a detail under this subparagraph by a period of not more than 180 days unless the Chief Human Capital Officer of the employing agency of the employee objects to that extension.

(4) Written Service Agreement.—

(A) In general.—The detail of an employee to a rotational cyber workforce position shall be contingent upon the employee entering into a written service agreement with the employing agency under which the employee is required to complete a period of employment with the employing agency following the conclusion of the detail that is equal in length to the period of the detail.

(B) Other Agreements and Obligations.—A written service agreement under subparagraph (A) shall not override the terms or conditions of any other service agreement entered into by the employee under any other authority or relieve the obligation of the employing agency under such a service agreement.

Nothing in this subparagraph prevents an employing agency from terminating a service agreement entered into under any other authority or relieving the obligation of the employing agency under such an agreement, as required by law or regulation.

SEC. 4355. REPORTING BY GAO.

Not later than the end of the third fiscal year after the fiscal year in which the operation plan under section 4354(a) is issued, the Comptroller General of the United States shall submit to Congress a report assessing the operation and effectiveness of the rotational cyber workforce program, which shall address, at a minimum—

(1) the extent to which agencies have participated in the rotational cyber workforce program;

(2) the experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program, including a description of how many such requests were approved; and

(3) the extent to which employees serving in rotational cyber workforce positions under the rotational cyber workforce program are provided personnel development opportunities that are consistent with the merit system principles under section 2301(b) of title 5, United States Code.
intra-agency and interagency integration and coordination of cyber practices, functions, and personnel management.

SEC. 4356. SUNSET.

Effective 5 years after the date of enactment of this Act, this subtitle is repealed.

TITLE IV—OTHER MATTERS

Subtitle A—Ensuring Security of Unmanned Aircraft Systems

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the “American Security Drone Act of 2021”.

SEC. 4402. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means an entity included on and maintained by the Federal Acquisition Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extraterritorial jurisdiction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of Defense, determines poses a national security risk.

(D) Any entity domiciled in the People’s Republic of China or subject to influence or control by the Government of the People’s Republic of China or the Communist Party of the People’s Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

The term “covered unmanned aircraft system” has the meaning given the term “unmanned aircraft system” in section 4401 of title 49, United States Code.

SEC. 4403. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) through (f), the head of an executive agency may not procure any covered unmanned aircraft system that are manufactured or assembled by a covered foreign entity, which includes associated elements (consistent with communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system. The Secretary of Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement is for:

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for:

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations;

and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Federal Aviation Administration’s Alliance for System Safety of UAS through Research Excellence (AS-SURE) Center of Excellence (COE) for Unmanned Aircraft Systems is exempt from the restriction under subsection (a) if the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for the Federal Aviation Administration’s Alliance for System Safety of UAS through Research Excellence (AS-SURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is required for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis:

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

SEC. 4404. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system that are manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement is for:

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for:

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations;

and

(2) is required in the national interest of the United States.

(c) FEDERAL AVIATION ADMINISTRATION CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS EXEMPTION.—The Federal Aviation Administration’s Center of Excellence for Unmanned Aircraft Systems is exempt from the restriction under subsection (a) if the operation or procurement is for:

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis:

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

SEC. 4405. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATIONS OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used:

(1) to purchase a covered unmanned aircraft system, or a system to counter unmanned aircraft systems, that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—Federal department or agency is exempt from the restriction under subsection (a) if—

(1) the contract, grant, or cooperative agreement was awarded prior to the date of the enactment of this Act; or

(2) the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis for;

(A) electronic warfare;

(B) information warfare operations;

(C) development of UAS or counter-UAS technology;

(D) counterterrorism or counterintelligence activities; or

(E) Federal criminal or national security investigations, including forensic examinations;

and

(3) is required in the national interest of the United States.

(c) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis:

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(d) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations or guidance to implement this section.

SEC. 4406. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure...
SEC. 4407. MANAGEMENT OFEXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Effective immediately, all executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items’ capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTIONS.—The Department of Defense and Department of Homeland Security may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 4408. COMPROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall 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 covered foreign entities.

SEC. 4409. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UAS—NATIONAL SECURITY AND GOVERNMENTAL AFFAIRS.

(a) IN GENERAL.—Effective immediately, the Director of the Office of Management and Budget, in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of UAS—national security and governmental affairs, shall establish a government-wide policy for the procurement of UAS—national security and governmental affairs, as necessary, to implement the policy.

(b) DUTY TO IMPLEMENT.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall incorporate an exemption to the policy for the following reasons:

(1) In the case of procurement for the purpose of training, testing, or analysis for:

(A) electronic warfare operations; or

(B) information warfare operations.

(2) In the case of researching UAS technology, including testing, evaluation, research, or development of technology to counter UAS.

(3) In the case of a head of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination is—

(A) not be delegated below the level of the Deputy Secretary of the procuring department or agency; and

(B) shall specify:

(i) the quantity of end items to which the waiver applies, the procurement value of which may not exceed $50,000 per waiver; and

(ii) the time period over which the waiver applies, which shall not exceed 3 years;

(3) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(4) not later than 30 days after the date on which the determination is made, shall be provided to the House of Representatives and the Senate and the Committee on Oversight and Reform of the House of Representatives.

(b) DISCLAIMER OF FUND.—Not later than 30 days after the date of the enactment of this Act, the Deputy Secretary of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—

(A) shall not apply to any covered unmanned aircraft system component parts, such as the parts described in section 4403, are made domestically;

(B) information warfare operations;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination;

(D) not later than 30 days after the date on which the determination is made, shall be provided to the House of Representatives and the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 4410. STUDY.

(a) INDEPENDENT STUDY.—Not later than 3 years after the date of the enactment of this Act, the Director of the Office of Management and Budget shall request a study of—

(1) the current and future unmanned aircraft systems component parts domestic market;

(2) the ability of unmanned aircraft systems to meet network security and data protection requirements of the national security enterprise;

(3) the extent to which unmanned aircraft system component parts, such as the parts described in section 4408, are made domestically;

(4) an assessment of the economic impact, including cost, of the exclusion of foreign—made UAS for use across the Federal Government; and

(b) SUBMISSION TO OMB.—Upon completion of the study in subsection (a), the federal funded research and development center shall submit the study to the Director of the Office of Management and Budget.

(c) DISCLOSURE.—Not later than 30 days after the date on which the Director of the Office of Management and Budget receives the study under subsection (b), the Director shall submit the study to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(d) SUBMISSION TO CONGRESS.—Not later than 5 years after the date of the enactment of this Act, the Committee on Homeland Security and the Committee on Oversight and Reform shall conduct a review of the study conducted under subsection (a).

SEC. 4411. SUNSET.

Not later than 5 years after the date of the enactment of this Act, the Director of the Office of Management and Budget shall provide a report to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and by the Committee on Oversight and Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4412. NATIONAL RISK MANAGEMENT CYCLE.

(a) IN GENERAL.—(1) The term ‘‘covered application’’ means a software application developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

(b) EXCEPTIONS.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall incorporate an exemption to the policy for the following reasons:

(1) an assessment of the economic impact, including cost, of excluding the use of foreign—made UAS for use across the Federal Government; and

(2) the term ‘‘information technology’’ has the meaning given that term in section 11101 of title 44, United States Code.

(c) IMPLEMENTATION.—(1) The term ‘‘information technology’’ has the meaning given that term in section 11101 of title 44, United States Code.

(d) RESOURCES.—The standards and guidelines developed under paragraph (1) shall include—

(A) exemptions for law enforcement activities of the national security enterprise; and

(B) for any authorized use of a covered application under an exception, requirements for executive agencies to document and risk mitigation actions for such use.

Subtitle C—National Risk Management

SEC. 4411. SHORT TITLE.

This subtitle may be cited as the ‘‘National Risk Management Act of 2021’’.

SEC. 4412. NATIONAL RISK MANAGEMENT CYCLE.

(a) IN GENERAL.—(1) The term ‘‘national critical functions’’ means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction could have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

(b) SUBMISSION TO OMB.—(1) Risk Identification and Assessment—

(1) Risk Identification and Assessment—
brief the appropriate congressional committees on—

(A) the national risk management cycle activities undertaken pursuant to the strategy; and

(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the range of activities proposed by the strategy.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Department of Defense Appropriations Act, 2020 (Public Law 109-289; 116 Stat. 2135) is amended by inserting after the item relating to section 2217 the following:

Sec. 2218. National risk management cycle.

Subtitle D—Safeguarding American Innovation

SEC. 4491. SHORT TITLE.

This subtitle may be cited as the “Safeguarding American Innovation Act.”

SEC. 4492. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term “Federal science agency” means any Federal department or agency that—

(A) develops, conducts, supports, or oversees research and development efforts in any field of science;

(B) utilizes the same facilities as other research and development centers of the Executive agencies; and

(C) the amounts and timeline for funding were appropriated for the previous fiscal year.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term “research and development” means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term “development” means experimental development.

(3) EXPERIMENTAL DEVELOPMENT.—The term “experimental development” means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(4) RESEARCH.—The term “research”—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(A) utilize the same facilities as other research and development activities; and

(B) are not included in the instruction function.

SEC. 4493. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

"Chapter 79—Federal Research Security Council"

"Sec. 7901. Definitions."


"7903. Functions and authorities."

"7904. Strategic plan."

"7905. Annual report."

"7906. Requirements for Executive agencies."
“(B) private research and development centers in the United States, including for profit and nonprofit research institutes; (C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); (D) research and development centers of States, United States territories, Indian tribes, and municipalities; (E) government-owned, contractor-operated United States Government research and development centers; and (F) any person conducting federally funded research or receiving Federal research grant funding.

7902. Federal Research Security Council establishment and membership

(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, 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. 

(b) MEMBERSHIP.—

(1) IN GENERAL.—The following agencies shall be represented on the Council: (A) The Office of Management and Budget; (B) The Office of Science and Technology Policy; (C) The Department of Defense; (D) The Department of Homeland Security; (E) The Office of the Director of National Intelligence; (F) The Department of Justice; (G) The Department of Energy; (H) The Department of Health and Human Services; (I) The Department of Education; (J) The National Aeronautics and Space Administration; (K) The National Science Foundation; (L) The Department of the Treasury; (M) The Small Business Administration; (N) The Department of Transportation; (O) The National Aeronautics and Space Administration. 

(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION FORM.—In developing the uniform grant application form for Federal research and development grants required under subsection (b)(1), the Council shall—

(1) ensure that the process—

(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project to—

(i) disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and (ii) certify the accuracy of the required disclosures under penalty of perjury; and

(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants; (2) design the process—

(A) to reduce the administrative burden on persons applying for Federal research and development funding; and (B) to promote information sharing across the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created under section 1746 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing...
criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

(1) the information to be shared;

(2) the circumstances under which sharing is mandated or voluntary;

(3) the criteria under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

(4) the procedures for protecting intellectual capital that may be present in such information;

(5) appropriate privacy protections for persons involved in Federal research and development;

(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

(1) such programs—

(A) to deter, detect, and mitigate insider threats;

(B) to leverage countercriminal intelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats including through—

(A) monitoring user activity on computer networks controlled by Executive agencies;

(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

(C) gathering information for a centralized analysis, reporting, and response capability; and

(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency acquires and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

(4) the role of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

(1) The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

(2) Warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

(i) to exploit, interfere, or undermine research and development by the United States research community; or

(ii) to misappropriate scientific knowledge and intellectual property by the United States that is funded by Federal research and development; and

(B) by the agencies under subsection (a) includes—

(i) the science and technology of that foreign country; or

(ii) federally funded research and development; and

(3) prioritizing Federal research security risk assessments under paragraph (2) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States and the interests of the United States are integrated with the activities of the Council.

(4) ensuring that initiatives impacting Federalally funded research grant making policies and management to protect the national and economic competitiveness of the United States are developed and implemented in accordance with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b).

(g) INCLUDES.—To the extent the Council determines appropriate, the table of chapters at the beginning of this title, United States Code, is amended by inserting after the item relating to chapter 77 the following:

"79. Federal Research Security Council...".

SEC. 4494. FEDERAL GRANT APPLICATION FRAUD.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"7041. Federal grant application fraud

(a) Definitions.—In this section:

(1) FEDERAL GRANT.—The term 'Federal grant' has the meaning given to the term 'agency' in section 553 of title 5, United States Code.

(2) FEDERAL GRANT.—The term 'Federal grant' means a grant awarded by a Federal agency.

(b) FEDERAL GRANT.—Includes a grant awarded by a non-Federal entity to carry out a Federal grant program; and

(C) does not include—

(i) direct United States Government cash assistance to an individual;

(ii) a subsidy;

(iii) a loan;

(iv) a loan guarantee; or

(v) insurance.

(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

(A) a foreign government;

(B) a foreign government instrument; or

(C) a foreign public enterprise.

(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act as on behalf of—

(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency' means—

(A) a Federal, State, local, or Tribal law enforcement agency; and

(B) any other entity designated as such in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.) or in other applicable law.
“(ii) the Office of Inspector General, or similar office, of a State or unit of local government;”

“(9) OUTSIDE COMPENSATION.—The term ‘outside compensation’ means any compensation, resource, or support (regardless of monetary value) made available to the applicant in support of, or related to, any research following the receipt of a Federal grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

“(b) PROHIBITION.—It shall be 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 the individual;

“(2) forge, counterfeits, 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 material misrepresentation;

“(B) has no basis in law or fact; or

“(C) constitutes the use of a material fact.

“(c) EXCEPTION.—Subsection (b) does not apply to an activity—

“(1) carried out in connection with a lawfully obtained, non-commercial, protective, or intelligence activity of—

“(A) a law enforcement agency; or

“(B) a Federal intelligence agency; or

“(2) authorized under chapter 224.

“(d) PENALTY.—Any individual who violates subsection (b)—

“(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

“(2) shall be prohibited from receiving a Federal grant or any period beginning on the date on which a sentence is imposed on the individual under paragraph (1).

“(e) CRIMINAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Federal grant application fraud.”

“SEC. 4495. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

“(a) GROUNDS OF INADMISSIBILITY.—The Secretary of State may determine that an alien is inadmissible if the Secretary determines such alien is likely 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.

“(b) RELEVANT FACTORS.—To determine if an alien is inadmissible under subsection (a), the Secretary of State shall—

“(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Commerce, the Department of Energy, and other appropriate Federal agencies;

“(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

“(3) take account of relevant information concerning the foreign person’s employment or collaboration, to the extent known, with—

“(A) foreign military and security related organizations that are adversarial to the United States;

“(B) foreign institutions involved in the theft of United States research;

“(C) entities involved in export control violations or the theft of intellectual property;

“(D) a foreign entity that undermines the integrity and security of the United States research community; or

“(E) other associations or collaborations that pose a risk of national security threat based on intelligence assessments; and

“(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

“(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall—

“(1) make available documents submitted in support of a visa application to congressional committees having jurisdiction over the Executive Agency that concurs with the Secretary of State that the sponsor, after reviewing the requirements under subsection (a), is likely to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefiting an adversarial foreign government’s security or strategic capabilities; and

“(2) the number of individuals determined to be inadmissible under subsection (a), including the nationality of each such individual and the reasons for each determination of inadmissibility.

“(d) PENALTY.—Any individual who violates subsection (b)—

“(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

“(2) shall be prohibited from receiving a Federal grant or any period beginning on the date on which a sentence is imposed on the individual under paragraph (1).

“(e) CRIMINAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Federal grant application fraud.”

“SEC. 4496. MACHINE READABLE VISA DOCUMENTS.

“(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

“(1) use a machine-readable visa application form; and

“(2) make available documents submitted in support of a visa application in a machine readable format to assist in—

“(A) identifying fraud;

“(B) conducting lawful law enforcement activities; and

“(C) determining the eligibility of applicants for a visa under immigration and national security laws.

“(b) WAIVER.—The Secretary of State may waive the requirement under subsection (a) by providing to Congress, not later than 30 days before such waiver takes effect—

“(1) a detailed explanation for why the waiver is being issued; and

“(2) a timeframe for the implementation of the requirement under subsection (a).

“(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations of the Senate; the Committee on Homeland Security and Governmental Affairs of the House of Representatives, the Committee on House Oversight and Governmental Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

“(1) describes how supplementary documents provided by a visa applicant in support of a visa application are stored and shared by the Department of State with authorized Federal agencies;

“(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable; and

“(3) provides cost estimates, including personnel costs and a cost-benefit analysis for the national security, technologies, including optical character recognition, for—

“(A) making every element of a visa application, and documents submitted in support of a visa application, machine-readable; and

“(B) ensuring that such system—

“(i) protects personally-identifiable information; and

“(ii) limits the sharing of visa information with Federal agencies in accordance with existing law; and

“(4) includes an estimated timeline for completing the implementation of subsection (a).

“SEC. 4497. CERTIFICATIONS REGARDING ACCESS TO EXPORT CONTROLLED TECHNOLOGY IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

“Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended to read as follows:

“(5) promoting and supporting medical, scientific, cultural, and educational research and development by exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security, technologies, including optical character recognition, for the United States, by requiring—

“(A) the sponsor to certify to the Department of State that the sponsor, after reviewing all regulations implementing the Export Controls Act of 2018 (50 U.S.C. 4811 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.), has determined that—

“(i) a license is not required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; or

“(ii) a license is required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor and the sponsor will provide access to the controlled technology or technical data by the exchange visitor until the sponsor—

“(aa) has received the required license or other authorization to release it to the visitor; and

“(bb) has provided a copy of such license or other authorization to the Department of State; and

“(B) if the sponsor maintains export controlled technology or technical data, the sponsor to submit to the Department of State the sponsor’s plan to prevent unauthorized export or transfer of any controlled items, materials, information, or technology at the sponsor organization or entities associated with a sponsor’s administration of the exchange visitor program.”

“SEC. 4498. PRIVACY AND CONFIDENTIALITY.

“Nothing in this subtitle may be construed as affecting the right to privacy provided in section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’).
of 1974’’ or subchapter III of chapter 35 of 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

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Meeting the China Challenge Act of 2021.”

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

TITLE I—FINANCIAL SERVICES

Sec. 5101. Findings on transparency and due diligence of financial services.

Sec. 5102. Establishment of interagency task force to address Chinese market manipulation in the United States.

Sec. 5103. Expansion of study and strategy on money laundering by the People’s Republic of China to include risks of contributing to corruption.

Sec. 5104. Statement of policy to encourage transparency and due diligence of financial services.

Sec. 5105. Expansion of study and strategy on money laundering and providing for the collection of beneficial ownership information about the beneficial owners of the People’s Republic of China.

Sec. 5106. Expansion of study and strategy to identify and counter money laundering, the financing of terrorism, and other illicit activity, including—

(i) the pharmaceutical and medical devices industry;

(ii) the renewable energy industry;

(iii) the steel and aluminum industries; and

(iv) such other industries as the task force considers appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the pharmaceutical and medical devices industry;

(2) the renewable energy industry;

(3) the steel and aluminum industries; and

(4) such other industries as the task force considers appropriate.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall report to the appropriate congressional committees on—

(i) the progress of the interagency task force and its findings as described in subsection (a); and

(ii) the feasibility of—

(A) combatting illicit activity, including—

(1) the pharmaceutical and medical devices industry;

(2) the renewable energy industry;

(3) the steel and aluminum industries; and

(4) such other industries as the task force considers appropriate.

(2) in consultation with the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Finance,
the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Energy and Commerce of the House of Representatives.

SEC. 5103. EXPANSION OF STUDY AND STRATEGY ON MONEY LAUNDERING BY THE PEOPLE’S REPUBLIC OF CHINA TO INCLUDE RISKS OF CONTRIBUTING TO CORRUPTION.

(a) IN GENERAL.—Section 6007 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116-283) is amended—

(1) in subsection (a)—

(A) by striking ‘‘and’’; and

(B) by inserting a semicolon;

(2) in paragraph (3), by striking ‘‘; and’’; and

(3) by adding at the end the following:

‘‘(4) the ways in which such increased illicit finance risks may contribute to corruption involving Chinese firms and a strategy to combat such corruption.’’; and

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as if included in the enactment of the Anti-Money Laundering Act of 2020 (division F of Public Law 116-283).

SEC. 5104. STATEMENT OF POLICY TO ENCOURAGE THE DEVELOPMENT OF A CORPORATE CODE OF CONDUCT FOR COUNTERING MALIGNE INFLUENCE IN THE PRIVATE SECTOR.

It is the policy of the United States—

(1) to support business practices that are open, transparent, respect workers’ rights, and are environmentally conscious;

(2) to reaffirm the commitment of the United States to economic freedom, which is the best way to ensure that the United States economy and enables anyone in the United States to freely conduct business and pursue the American dream;

(3) to support freedom of expression for all people;

(4) to promote the security of United States supply chains and United States businesses against foreign influence;

(5) to welcome and commit to supporting business people from the People’s Republic of China who are in the United States to pursue their American dream, free from discrimination and surveillance, including freedom of inquiry and freedom of expression, that may be proscribed or restricted in the People’s Republic of China;

(6) to condemn and oppose xenophobia and racial discrimination in any form, including against Chinese businesspeople, entrepreneurs, and visitors in the United States;

(7) to recognize the threats posed to economic freedom and freedom of expression by the Government of the People’s Republic of China, including to influence and interfere with United States businesses and distort United States markets for the gain of the People’s Republic of China, either directly or indirectly;

(8) to condemn the practice by the Government of the People’s Republic of China of—

(A) direct and indirect surveillance and censorship, and acts of retaliation by officials of that Government or their agents against businesspeople, entrepreneurs, and Chinese students and scholars; or

(B) forbidding their family members in the People’s Republic of China;

(9) to encourage United States businesses that conduct substantial business with or in the People’s Republic of China to actively develop and commit to using best practices to ensure that their business in or with the People’s Republic of China is consistent with the policies of the United States;

(10) to specifically encourage United States businesses to agree to a code of conduct for business with or in the People’s Republic of China, pursuant to which a United States business would commit—

(A) to protect the rights of its employees to, in their personal capacities, express views on global issues without fear that pressure from the Government of the People’s Republic of China would result in them being retaliated against by the business;

(B) to ensure that products and services made by the business and sold in the People’s Republic of China do not enable the Government of the People’s Republic of China to undermine fundamental rights and freedoms, for example by facilitating repression and censorship;

(C) to maintain robust due diligence programs to ensure that the business is not engaging in business with—

(i) the military of the People’s Republic of China;

(ii) any Chinese entity subject to United States export controls without a required license; or

(iii) any other Chinese actor that engages in conduct prohibited by the law of the United States;

(D) to disclose publicly any funding or support received from Chinese diplomatic missions or other entities linked to the Government of the People’s Republic of China;

(E) to help mentor and support businesspeople and entrepreneurs from the People’s Republic of China to ensure that they can engage in economic freedom;

(F) to ensure that employees of the business in the People’s Republic of China are not subject to undue influence by the Government of the People’s Republic of China at their workplace; and

(G) to ensure that agreements and practices of the business in the People’s Republic of China ensure the protection of intellectual property.

TITLE II—PROTECTING UNITED STATES NATIONAL SECURITY

Subtitle A—Sanctions With Respect to People’s Republic of China

SEC. 5201. DEFINITIONS.

In this subtitle:

(1) ADMISSION; ADMITTED; ALIEN; LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—The terms ‘‘admission,’’ ‘‘admitted,’’ ‘‘alien,’’ and ‘‘lawfully admitted for permanent residence’’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(3) CHINESE ENTITY.—The term ‘‘Chinese entity’’ means an entity organized under the laws of or otherwise subject to the jurisdiction of the People’s Republic of China.

(4) ENTITY.—The term ‘‘entity’’ means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(5) FOREIGN PERSON.—The term ‘‘foreign person’’ means any person that is not a United States person.

(6) KNOWLEDGE.—The term ‘‘knowingly’’, with respect to conduct, a circumstance, or as a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) PERSON.—The term ‘‘person’’ means an individual or entity.

(a) UNITED STATES PERSON.—The term ‘‘United States person’’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 5202. USE OF SANCTIONS AUTHORITIES WITH RESPECT TO THE PEOPLE’S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has provided the President with a broad range of tough authorities to impose sanctions to address malign behavior by the Government of the People’s Republic of China and individuals and entities in the People’s Republic of China, including individuals and entities engaging in—

(A) intellectual property theft;

(B) cyber-related economic espionage;

(C) repression of political liberties;

(D) the use of forced labor and other human rights abuses;

(E) abuses of the international trading system;

(F) illicit assistance to and trade with the Government of North Korea; and

(G) drug trafficking, including trafficking in fentanyl and other opioids.

(2) Congress has in many cases mandated the imposition of sanctions and other measures with respect to individuals and entities identified as responsible for such behavior.

(b) RECOMMENDATION TO USE AUTHORITIES.—

(1) IN GENERAL.—The President should use the range of authorities available to the President, including the authorities described in paragraph (2) to impose sanctions and other measures to combat malign behavior by the Government of the People’s Republic of China, entities owned or controlled by that Government, and other Chinese individuals and entities responsible for such behavior.

(2) AUTHORITIES DESCRIBED.—The authorities described in this paragraph include the following:


(C) The Fentanyl Sanctions Act (21 U.S.C. 230 et seq.).

(D) The Hong Kong Autonomy Act (Public Law 118-149; 22 U.S.C. 5701 note) (relating to the imposition of sanctions with respect to the erosion of certain obligations of the People’s Republic of China with respect to Hong Kong).

(E) Section 7 of the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116-76; 22 U.S.C. 5701 note) (relating to the imposition of sanctions relating to undermining fundamental freedoms and autonomy in Hong Kong).


(H) Export control measures required to be maintained with respect to entities in the telecommunications sector of the People’s Republic of China, including under section 1201 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–28; 113 Stat. 1313) (relating to limiting the removal of Huawei Technologies Co. Ltd. from the export list of the Bureau of Industry and Security).


SEC. 5203. IMPOSITION OF SANCTIONS WITH RESPECT TO ACTIVITIES UNDERMINING CYBERSECURITY. The sanctions to be imposed pursuant to section (a)(1) is—

(A) VIAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) ineligible to receive a visa or other documentation to enter the United States; and

(ii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VIAS REVOKED.—

(i) In general.—An alien described in subsection (a)(1) is subject to revocation of any visa previously issued to that alien regardless of when the visa or other entry documentation is or was issued.

(ii) Inability to depart.—A revocation under clause (i) shall—

(I) take effect pursuant to section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1731); and

(II) cancel any other valid visa or entry documentation that is in the alien’s possession.

(C) SANCTIONS FOR ENTITIES ENGAGING OR ASSISTING SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The sanctions to be imposed under subsection (a)(3) with respect to an entity are the following:

(i) financial institution, to the extent that such entity is subject to revocation of any interest of the entity.

(ii) provision or reexport of goods or services.

(iii) loans or credits are provided for such activities to relieve human suffering and the imposition of both such sanctions and the imposition of such sanctions shall be treated as one sanction for purposes of subsection (a)(3).

(6) PROCUREMENT SANCTION.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and provide for United States Government funds.

(7) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and provide for United States Government funds.

(8) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the entity.

(9) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transporting, withdrawing, transferring, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the entity has any interest; or

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(10) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the entity.

(11) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the entity.

(12) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the entity the following sanctions:—

(A) prohibiting any United States financial institution from making loans or providing credits to the entity totaling more than $10,000,000 in any 12-month period unless the person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

(B) requiring the United States executive director to each international financial institution to use the term ‘significant activities undermining cybersecurity’ includes—

(1) significant efforts—

(A) knowingly engages in significant activities undermining cybersecurity against any person, including a democratic institution, or governmental entity on behalf of the Government of the People’s Republic of China;

(B) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a person described in subparagraph (A); or

(C) materially assists, sponsors, or provides financial, material, or technological support for, or goods or services in support of—

(i) an activity described in subparagraph (A); or

(ii) a person described in subparagraph (A) or (B) the property and interests in property of which are blocked pursuant to this section;

(2) imposes the sanctions described in subsection (b) with respect to each individual identified under paragraph (1); and

(3) imposes 5 or more of the sanctions described in subsection (c) with respect to each entity identified under paragraph (1).

(b) SANCTIONS FOR ENGAGING IN SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The sanctions to be imposed under subsection (a)(3) with respect to an individual are the following:

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the entity identified under paragraph (1), and in property in which the entity has any interest of the entity.

(2) INELIGIBILITY FOR VIAS, ADMISSION, OR PAROLE.—
(2) significant destructive malware attacks; or
(3) significant denial of service activities.
SEC. 5204. IMPOSITION OF SANCTIONS WITH RESPECT TO SHFT OF TRADE SECRETS OF UNITED STATES PERSONS.
(a) REPORT REQUIRED.—(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall submit to the appropriate congressional committees a report—
(A) identifying any foreign person the President determines, by the period specified in paragraph (2),
(i) has knowingly engaged in, or benefitted from, significant theft of trade secrets of United States persons, if the theft of such trade secrets occurred on or after such date of enactment and is reasonably likely to result in, or has materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States;
(ii) has provided significant financial, material, or technological support for, or goods or services in support of or to benefit significantly from, such theft;
(iii) is an entity that is owned or controlled by a United States person from investing in or purchasing significant amounts of equity or debt instruments of the entity.
(b) AUTHORITY TO IMPOSE SANCTIONS.—The President may, pursuant to this subsection, impose any sanctions under subsection (b) with respect to a person if the President determines that such a waiver is in the national interests of the United States; and
(ii) more than 15 days after issuing the waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.
(d) TERMINATION OF SANCTIONS.—Sanctions imposed under subsection (b) with respect to a foreign person identified in a report submitted under subsection (a) shall terminate if the President certifies to the appropriate congressional committees, before such termination takes effect, that the person is no longer engaged in the activity identified in the report.
(e) DEFINITIONS.—In this section:
(1) sanctions applicable to entities.—In the case of a foreign entity identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under that subsection, the President shall impose not less than 5 of the following:
(A) BLOCKING OF PROPERTY.—The President may, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the entity that would benefit the entity.
(B) export-import bank assistance for exports to sanctioned persons.—The President may direct the Export-Import Bank of the United States not to approve the issuance of any guarantee, loan, or extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the entity.
(C) export-import bank assistance for exports to sanctioned persons.—The President may direct the Export-Import Bank of the United States not to approve the issuance of any guarantee, loan, or extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the entity.
(D) LOANS FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The President may prohibit any United States financial institution from making loans or providing credits to the entity totaling more than $10,000,000 in any 12-month period unless the person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.
(E) LOANS FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The President may direct the Export-Import Bank of the United States not to approve the issuance of any guarantee, loan, or extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the entity.
(F) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds. The imposition of either such sanction under clause (i) or clause (ii) shall—
(i) cause the financial institution to the extent that such transfers or payments are subject to the jurisdiction of the United States and
(ii) prohibit any transfers of credit or payments between financial institutions outside the United States, as authorization for purposes of this subsection, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of this subsection.
(G) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the entity.
(H) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions outside the United States, as authorization for purposes of this subsection.
(I) BANKING.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions outside the United States, as authorization for purposes of this subsection.
(J) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions outside the United States, as authorization for purposes of this subsection.
(K) E XCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines a person from investing in or purchasing significant amounts of equity or debt instruments of the entity.
(L) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines a person.
(M) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the entity, or on individuals performing similar functions as authorized for purposes of this subsection, any of the sanctions under this paragraph.
same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 5206. EXCEPTIONS.

(a) INTELLIGENCE ACTIVITIES.—This subsection shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the President.

(b) LAW ENFORCEMENT ACTIVITIES.—Sanctions under this subsection shall not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force April 24, 1951, and the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations.

(c) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under this subsection shall not apply with respect to the admission of a Federal agency as appropriate, shall conform a review of items subject to controls for intelligence activities of the United States.

(d) COOPERATION OF OTHER AGENCIES.—Upon request from the Secretary, the head of a Federal agency shall provide full support and cooperation to the Secretary in carrying out this section.

(e) INTERNATIONAL COORDINATION ON CONTROLS TO PROTECT HUMAN RIGHTS.—It shall be the policy of the United States to seek to cooperate with other governments to impose export controls that are consistent, to the extent possible, with the controls imposed under this section.

(f) CONFORMING AMENDMENT.—Section 1752(2)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4811(2)(A)) is amended—

(1) in clause (iv), by striking “; or” and inserting a semicolon;

(2) in clause (v), by striking the period and inserting “;’’; and

(3) by adding at the end the following:

‘‘(iv) serious human rights abuses.’’

(g) DEFINITIONS.—In this section:

(1) END-USER; KNOWLEDGE; ULTIMATE CONSIGNEE.—The terms “end-user”, “knowledge”, and “ultimate consignee” have the meanings given those terms in section 772.1 of the Export Administration Regulations.

(2) EXPORT; EXPORT ADMINISTRATION REGULATIONS; IN-COUNTRY TRANSFER; ITEM; REEXPORT.—The terms “export”, “Export Administration Regulations”, “in-country transfer”, “item”, and “reexport” have the meanings given those terms in section 742.1 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(3) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

SEC. 5211. PROHIBITION ON REVIEWS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Committee on Foreign Investment in the United States may not review or consider a gift to or establishment of higher education from a foreign person, or the entry into a contract by such an institution with a foreign person, that is not a covered transaction as defined in section 721(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)), as in effect on the day before the date of the enactment of this Act.

(b) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated for fiscal year 2021 or any fiscal year thereafter may be obligated or expended by the Committee on Foreign Investment in the United States to review or investigate a gift or contract described in subsection (a).

SEC. 5212. CONFORMING AMENDMENTS TO TREASURY DEPARTMENT ESTABLISHED BY FOREIGN INVESTMENT RISK REVIEW MODERNIZATION ACT OF 2018.

(a) TITLE 31.—Section 306(e) of title 31, United States Code, is amended in the first sentence by striking “8” and inserting “9”.

(b) TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of the Treasury (10)” and inserting “Assistant Secretaries of the Treasury (11)”.

SEC. 5301. REVIEW OF THE PRESENCE OF CHINESE ENTITIES IN UNITED STATES CAPITAL MARKETS.

(a) REPORT REQUIRED.—In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Director of National Intelligence, the Secretary of State, and the Chairman of the Securities and Exchange Commission, shall submit to the appropriate congressional committees an unclassified report that describes the risks posed to the United States by the presence in United States capital markets of entities incorporated in the People’s Republic of China.

(b) MATTERS TO BE INCLUDED.—Each report required under paragraph (1) shall include—

(1) the securities (including American depositary receipts of which are listed or traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States, and that have “A Shares” listed or traded on mainland exchanges in the People’s Republic of China that are traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States, and that have a substantially increased financial risk exposure for United States-based investors;

(2) identify entities incorporated in the People’s Republic of China—

(I) the securities (including American depositary receipts) of which are listed or traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States;

(II) that have a “A Shares” listed or traded on mainland exchanges in the People’s Republic of China that are traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States, and that have a substantially increased financial risk exposure for United States-based investors;

(3) develop policy recommendations for the United States Government, United States financial institutions, national securities exchanges, and other relevant stakeholders to address the risks posed by the presence in United States capital markets of the entities identified pursuant to subparagraph (A) and for their implications for the United States; and

(4) the presence of entities incorporated in the People’s Republic of China that are traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States, and that have a substantially increased financial risk exposure for United States-based investors;

(c) REPORT REQUIRED.—In completing each report under paragraph (1), the Secretary of the Treasury shall consider in determining whether an entity identified pursuant to paragraph (1) is a covered entity—

(1) the presence of entities incorporated in the People’s Republic of China that are traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States, and that have a substantially increased financial risk exposure for United States-based investors;

(2) develop policy recommendations for the United States Government, United States financial institutions, national securities exchanges, and other relevant stakeholders to address the risks posed by the presence in United States capital markets of the entities identified pursuant to subparagraph (A) and for their implications for the United States; and

(3) identify entities incorporated in the People’s Republic of China—

(I) the securities (including American depositary receipts) of which are listed or traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States; and

(II) that have a “A Shares” listed or traded on mainland exchanges in the People’s Republic of China that are traded on one or several national securities exchanges, or traded through any process commonly referred to as the “over-the-counter” method of trading, within the United States, and that have a substantially increased financial risk exposure for United States-based investors;
or directly supported by the Government of the People’s Republic of China;

(1) has failed to comply fully with Federal securities laws (including required audits by the Public Company Accounting Oversight Board) and “material risk” disclosure requirements of the Securities and Exchange Commission; or

(3) has contributed to other activities or behavior determined to be relevant by the Secretary of the Treasury.

(b) REPORT FOR EACH EXCHANGE. Each report required under subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) PUBLICATION. The unclassified portion of a report under subsection (a) shall be made accessible to the public online through relevant United States Government websites.

(d) DEFINITIONS. In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.


SEC. 5302. REPORT ON MALIGNANT ACTIVITY INVOLVING CHINESE STATE-OWNED ENTERPRISES.

(a) IN GENERAL. Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that—

(1) assesses whether and to what extent state-owned enterprises in the People’s Republic of China are engaged in or knowingly facilitating—

(A) the commission of serious human rights abuses, including toward religious or ethnic minorities in the People’s Republic of China;

(B) the use of forced or child labor, including forced or child labor involving ethnic minorities in the People’s Republic of China; or

(C) any actions that erode or undermine the autonomy of Hong Kong from the People’s Republic of China, as established in the Basic Law of Hong Kong and the Joint Declaration, and as further described in the Hong Kong Autonomy Act (Public Law 118–149; 22 U.S.C. 5701 note);

(2) identifies—

(A) any state-owned enterprises in the People’s Republic of China that are engaged in or knowingly facilitating any activities described in paragraph (1);

(B) any Communist Chinese military companies identified under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1996 (Public Law 105–261; 50 U.S.C. 1701 note); and

(C) any majority-owned subsidiaries of such enterprises or companies with a market capitalization of $40,000,000 or more;

(3)(A) assesses whether each enterprise, company, or subsidiary identified under paragraph (2) received, during the 5-year period preceding submission of the report, any financial assistance from the United States Government; and

(B) in the case of any such enterprise, company, or subsidiary, identifies—

(i) such enterprise, company, or subsidiary that received financial assistance from an agency of the United States Government during that period, identified in the report that—

(1) identifies current or projected domestic shortfalls of industrial resources, materials, or critical technology items essential to the national defense; and

(2) assesses strategic and critical materials for which the United States relies on the People’s Republic of China as the sole or primary source; and

(iii) the Committee on Banking, Housing, and Urban Affairs of the House of Representatives;

(b) FORM OF REPORT. The report required by subsection (a) shall include—

(1) a list of all relevant authorities under laws or regulations described in subsection (a) that—

(A) have jurisdiction over Hong Kong; or

(B) are responsible for oversight of the People’s Republic of China; and

(2) an assessment of where, if at all, such authorities may conflict, overlap, or otherwise require clarification.

(c) DEFINITIONS. In this section—

(1) HUMAN RIGHTS VIOLATIONS.—The term “human rights violations” includes—

(A) crimes against humanity;

(B) genocide;

(C) torture; and

(D) violations of internationally recognized human rights.

(2) INDUSTRIAL RESOURCES, MATERIALS, AND CRITICAL TECHNOLOGY ITEMS.—The term “industrial resources”, “materials”, “critical technology items”, “national defense”, and “national security” have the meanings given to those terms in section 702 of the Defense Production Act of 1950 (50 U.S.C. 4522).
safeguard the international financial system; and
(B) other relevant national security implications of such changes.

(2) In addition to assessing the implications of any ongoing collaborations of international financial messaging systems with emerging cross-border payment or financial messaging systems;

(3) an assessment of the economic and national security implications for the United States of changes in participation by banks and other financial institutions in alternative cross-border payment and financial messaging systems;

(4) recommendations for actions—
(A) to protect the status of existing strong and reliable financial messaging systems for cross-border payments; and

(B) to ensure that the national security interests of the United States, including those related to enforcement of international anti-money laundering, countering the financing of terrorism, and sanctions standards, are protected.

(c) Form of Report.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(d) Appropriate Congressional Committees Defined.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5307. REPORT ON DEVELOPMENT AND UTILIZATION OF DUAL-USE TECHNOLOGIES BY THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) assesses the Government of the People’s Republic of China’s development and utilization of dual-use technologies (including nanotechnology, biotechnology, robotics, artificial intelligence and autonomous systems, facial recognition systems, quantum computing, cryptography, space systems, 5G telecommunications, and other digitally enabled technologies and services) and the effects of such technologies on the national security interests of the United States and allies of the United States;

(2) assesses the Government of the People’s Republic of China’s use of global supply chains and other international mechanisms to access foreign technology sources to aid in the development of its domestic dual-use technologies, including—

(A) the use of United States-sourced software and hardware in Chinese manufactured technologies;

(B) the use of European-sourced software and hardware in Chinese manufactured technologies; and

(C) the use of the Belt and Road Initiative to secure resources, knowledge, and other components needed to develop critical dual-use technologies;

(3) assesses the Government of the People’s Republic of China’s industrial policy and monetary or other incentives, including their effects on the development of Chinese-made dual-use technologies;

(4) assesses the Government of the People’s Republic of China’s cyber espionage and the extent to which such espionage has aided in China’s development of dual-use technologies;

(5) describes the policies the United States Government is adopting to protect the interests of the United States with respect to dual-use technologies; and

(6) recommends additional actions the United States Government should take to enhance the protection of such interests.

(b) Appropriateness of Report.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 5308. REPORT ON CURRENCY ISSUES WITH RESPECT TO THE PEOPLE’S REPUBLIC OF CHINA.

The Secretary of the Treasury shall submit to Congress a report analyzing the economic and national security implications for the United States Government is adopting to protect the interests of the United States while the United States on Chinese investment in the People’s Republic of China that includes—

(1) an assessment of the effects of reforms to the currency of the People’s Republic of China’s movement toward a free floating currency, including the effects on United States exports and economic growth and job creation in the United States—

(A) not later than 180 days after the date of enactment of this Act; and

(B) not later than 30 days after the submission to Congress of each report on the macroeconomic and currency exchange rate policies of countries that are major trading partners of the United States and are required to be submitted under section 701 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4241) after the date specified in paragraph (1);

(2) an assessment of the economic and national security implications of the policies of the People’s Republic of China with respect to the United States—

(A) not later than one year after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Commodity Futures Trading Commission, shall submit to Congress a report on the economic and national security implications of the policies of the People’s Republic of China with respect to the United States—

(1) an assessment of the effect of policies of the People’s Republic of China on the United States—

(A) the effects of such policies on the financial sector of the People’s Republic of China; and

(B) the effects of such policies on the financial sector of the People’s Republic of China;

(2) a description of the policies the United States Government is adopting to protect the interests of the United States while the financial sector of the People’s Republic of China undergoes such reforms; and

(3) recommendations for additional actions the United States Government should take to protect such interests.

SEC. 5310. REPORT ON INVESTMENT RECIPROCITY BETWEEN THE UNITED STATES AND THE PEOPLE’S REPUBLIC OF CHINA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Chairman of the Securities and Exchange Commission, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Committee on Energy and Commerce, shall submit to Congress a report analyzing the economic and national security implications of the policies of the United States Government is adopting to protect the interests of the United States while the financial sector of the People’s Republic of China undergoes such reforms; and

(a) In General.—The Secretary of Health and Human Services shall require disclosure of participation in foreign talent programs, consistent with section 2903, including the provision of copies of all grants, contracts, or other agreements related to such programs, and other supporting documentation related to such programs, as a condition of receipt of Federal extramural biomedical research funding awarded through the Department of Health and Human Services.

SEC. 6102. SECURING IDENTIFIABLE, SENSITIVE INFORMATION.

(1) in General.—The Secretary of Health and Human Services shall require disclosure of participation in foreign talent programs, consistent with section 2903, including the provision of copies of all grants, contracts, or other agreements related to such programs, and other supporting documentation related to such programs, as a condition of receipt of Federal extramural biomedical research funding awarded through the Department of Health and Human Services.

(2) SECURING IDENTIFIABLE, SENSITIVE INFORMATION.

(a) in General.—The Secretary of Health and Human Services shall require disclosure of participation in foreign talent programs, consistent with section 2903, including the provision of copies of all grants, contracts, or other agreements related to such programs, and other supporting documentation related to such programs, as a condition of receipt of Federal extramural biomedical research funding awarded through the Department of Health and Human Services.

(b) in General.—The Secretary of Health and Human Services shall require disclosure of participation in foreign talent programs, consistent with section 2903, including the provision of copies of all grants, contracts, or other agreements related to such programs, and other supporting documentation related to such programs, as a condition of receipt of Federal extramural biomedical research funding awarded through the Department of Health and Human Services.
appropriate, shall ensure that biomedical research supported or conducted by the National Institutes of Health and other relevant agencies and offices within the Department of Health and Human Services involving the sequencing of human genomic information, and collection, analysis, or storage of identifiable, sensitive information, as defined in section 1001 of the Public Health Service Act (42 U.S.C. 241(d)(4)), is conducted in a manner that appropriately considers national security risks, including national security risks related to potential furnishing of such data. Not later than 1 year after the date of enactment of this Act, the Secretary shall ensure that the National Institutes of Health and other relevant agencies and offices within the Department of Health and Human Services, working with the heads of agencies and national security experts, including the Office of the National Security Advisor, develop a comprehensive framework for assessing and managing such national security risks that includes—

(A) criteria for how and when to conduct risk assessments for projects that may have national security implications;

(B) security controls and training for researchers or entities, including peer reviewers, that manage or have access to such data; and

(C) methods to incorporate risk-reduction in the process for funding such projects that may have national security implications;

(2) not later than 1 year after the risk framework is developed under paragraph (1), develop and implement controls to—

(A) ensure that researchers or entities that manage or have access to such data have complied with the requirements of paragraph (1) and ongoing requirements with such paragraph; and

(B) ensure that data access committees reviewing data access requests for projects that may have national security risks, as appropriate, include members with expertise in current and emerging national security threats, in order to make appropriate decisions related to access to such identifiable, sensitive information; and

(3) not later than 2 years after the risk framework is developed under paragraph (1), update data access and sharing policies related to biomedical and genomic data, as appropriate, based on current and emerging national security threats.

(b) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall provide a briefing to the Committee on Health, Education, Labor, and Pensions and the Select Committee on Intelligence of the Senate and the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence of the House of Representatives on the activities and efforts required under subsection (a).

SEC. 6103. DUTIES OF THE DIRECTOR.

Section 402(b) in the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (24), by striking ‘‘; and’’ and inserting ‘‘; and’’;

(2) in paragraph (25)(B), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (25) the following:

‘‘(26) shall consult with the Director of the Office of National Security within the Department of Health and Human Services, the Assistant Secretary for Preparedness and Response, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of other appropriate agencies and offices, regarding biomedical research conducted or supported by the National Institutes of Health that may affect or be affected by matters of national security; and

‘‘(27) shall ensure that recipients of awards from the National Institutes of Health, and, where appropriate, other agencies collaborating with such recipients, have in place and are adhering to appropriate technology practices and policies for the security of identifiable, sensitive information, including information collected, stored, or analyzed by domestic and non-domestic entities.’’.

SEC. 6104. PROTECTING AMERICA’S BIOMEDICAL RESEARCH ENTERPRISE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ‘‘Secretary’’), in collaboration with the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of other relevant departments and agencies, and in consultation with research institutions and research advocacy organizations or other relevant experts, as appropriate, shall—

(1) identify ways to improve the protection of intellectual property and other proprietary information, as well as identify how sensitive information of participants in biomedical research and development, from national security risks and other applicable threats, including the identification of gaps in policies and procedures in such areas related to biomedical research and development supported by the Department of Health and Human Services, research supported by other agencies as applicable, and make recommendations to institutions of higher education or other entities that traditionally do not receive Federal funding for biomedical research to protect such information;

(2) identify or develop strategies to prevent, mitigate, and address national security threats in biomedical research and development supported by the Federal Government, including such threats associated with foreign talent programs, by countries seeking to exploit United States technology and other proprietary information as it relates to such biomedical research and development;

(3) identify national security risks and potential misuse of proprietary information, and identify and inform biomedical research participants and other applicable risks, including with respect to peer review, and make recommendations for additional policies and procedures to protect such information;

(4) develop a framework to identify areas of biomedical research and development supported by the Federal Government that are emerging areas of interest for state actors and would compromise national security if they were to be subjected to undue foreign influence; and

(5) regularly review recommendations or policies developed under this section and make additional recommendations or updates, as appropriate.

(b) REPORT TO PRESIDENT AND TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit a manner that does not compromise national security, to the President and the Committee on Health, Education, Labor, and Pensions and the Select Committee on Intelligence of the Senate, the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence of the House of Representatives, a report on findings and recommendations pursuant to subsection (a).

SEC. 6105. GENOMIC SEQUENCING AND GENETIC SERVICES.

(a) IN GENERAL.—The Comptroller General of the United States (referred to in this section as the ‘‘Comptroller General’’) shall conduct a study to assess the extent to which the Department of Health and Human Services (referred to in this section as the ‘‘Department’’) utilizes, or provides funding to entities that utilize such funds for human genomic sequencing services or genetic services (as such term is defined in section 2106 of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff(6))) provided by entities, or subsidiaries of such entities, organized under the laws of a country other than the United States, that may affect or be affected by matters of national security, a report on actions taken by such Secretary—

SEC. 6106. REPORT ON PROGRESS TO ADDRESS UNDESIRED FOREIGN INFLUENCE.

Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall submit a report on actions taken by such Secretary—

SEC. 6107. FUNDING AND DESIGNATION.

SEC. 6108. STAFFING LEVELS.

SEC. 6109. SENSE OF CONGRESS.

SEC. 6110. OVERSIGHT.

SEC. 6111. LEGISLATIVE HISTORY.

SEC. 6112. IMPLEMENTATION.
(1) to address cases of noncompliance with disclosure requirements or other policies established under section 2303 or research misconduct related to foreign influence, including—
(A) the number of potential noncompliance cases investigated by the National Institutes of Health or reported to the National Institutes of Health or other research institution, including relating to undisclosed research support, undisclosed conflicts of interest or other conflicts of commitment, and peer review with relevance to foreign influence;
(B) the number of cases referred to the Office of Inspector General of the Department of Health and Human Services, the Office of Special Counsel of the Department of Health and Human Services, the Federal Bureau of Investigation, or other law enforcement agencies;
(C) a description of enforcement actions taken for noncompliance related to undue foreign influence; and
(D) any other relevant information; and
(2) to prevent, address, and mitigate instances of noncompliance with disclosure requirements or other policies established under section 2303 or research misconduct related to undue foreign influence.

Subtitle B—Elementary and Secondary Education

SEC. 6111. POSTSECONDARY STEM PATHWAYS GRANTS.

(a) PURPOSE.—The purpose of this section is to support equitable access to postsecondary STEM pathways to increase the number of students exposed to high-quality STEM advanced coursework, support students in reducing college costs, and improve postsecondary credit transfers.

(b) DEFINITIONS.—In this section:
(1) ADVANCED COURSEWORK.—The term “advanced coursework” means coursework designed for students to earn postsecondary credit that may be successful completion while still in high school, including coursework or assessments associated with Advanced Placement, International Baccalaureate, a dual or concurrent enrollment program, or an early college high school program.
(2) ELIGIBLE ENTITY.—The term “eligible entity” means a partnership that—
(A) shall include—
(i) the State educational agency;
(ii) one or more local educational agencies located in the State, which may include an educational service agency; and
(iii) either—
(I) the State public higher education system inclusive of all 2-year and 4-year public institutions of higher education in the State; or
(II) a consortium of the State’s public higher education institutions or systems that, when taken together, include all of 2-year and 4-year public institutions of higher education in the State; and
(B) may include 1 or more businesses, associations, or nonprofit organizations representing businesses, private nonprofit institutions of higher education, nonprofit organizations, a State workforce agency, or a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 311).
(3) ESEA DEFINITIONS.—The terms “dual or concurrent enrollment program”, “early college high school”, “educational service agency” “elementary school”, “English learner”, “evidence-based”, “high school”, “institution of higher education”, “local educational agency”, “middle grades”, “other staff”, “professional development”, “regular high school”, “school district”, “State educational agency”, and “technology” shall have the meaning given the terms in section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) AUTHORIZATION OF GRANTS.—From the amounts appropriated under subsection (i) and not reserved for technical assistance and dissemination, which may include—
(1) providing, directly or through grants, contracts, or cooperative agreements, technical assistance on using evidence-based practices to improve the outcomes of activities funded under this section; and
(2) disseminating information on evidence-based practices that are successful in improving the quality of activities funded under this section.

(d) DURATION.—A grant awarded under this section shall be for a period of not more than 5 years.

(e) CREDIT.—A grant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out the purposes of this section.

(f) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications that—
(1) provide postsecondary STEM pathways to increase high-quality STEM credits earned in high schools operated by local educational agencies;
(2) prioritize evidence-based strategies to ensure subgroups of students have equitable access to postsecondary STEM pathways; and
(3) are submitted by eligible entities that include local educational agencies who are in the highest quartile of local educational agencies, in a ranking of all qualified local educational agencies in the State, ranked in descending order by the number or percentage of children in each agency counted under section 112(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2726(h)).

(g) DISBURSEMENT.—In awarding grants under this section, the Secretary shall—
(1) make disbursement of funds to the eligible entity at the same time that the eligible entity must submit an application to receive a grant under subsection (c)(1), the Secretary shall—
(I) the State educational agency;
(ii) the State school officer, and State higher education officer verifying the eligible entity;
(iii) the State higher education officer;
(iv) a 2-year or 4-year public postsecondary institution;
(v) an eligible entity;
(vi) a State agency; or
(vii) a local educational agency.
(h) USE OF FUNDS.—Each grant awarded under this section shall be for a period of not more than 5 years.

(i) USE OF FUNDS.—An eligible entity shall—
(1) use the funds awarded under this section for one or more purposes, including—
(A) providing, directly or through grants, contracts, or cooperative agreements, technical assistance on using evidence-based practices to improve the outcomes of activities funded under this section; and
(B) disseminating information on evidence-based practices that are successful in improving the quality of activities funded under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—The funds authorized under subsection (a) shall be available for 3 years from the date of enactment of this Act.
(aa) counts as credit for a regular high school diploma;
(bb) fully transfers to, and is credited by, all public institutions of higher education in the State, and that such credits will count toward meeting related degree or certificate requirements; and
(cc) is transferable to any private nonprofit institution of higher education and private nonprofit institutions of higher education (if such private nonprofit institutions of higher education choose to participate in a postsecondary STEM pathway, such associate degree, awarded by a participating institution of higher education in the State, shall be fully acceptable in transfer and credited as the first 2 years of a related baccalaureate program at a public institution of higher education in the State.

(ii) to facilitate the seamless transfer of credit earned in the postsecondary STEM pathway among such institutions of higher education, and private institutions of higher education (if such private nonprofit institutions of higher education choose to participate in a postsecondary STEM pathway, such associate degree, awarded by a participating institution of higher education in the State, shall be fully acceptable in transfer and credited as the first 2 years of a related baccalaureate program at a public institution of higher education in the State);

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of computers and algorithmic processes and the study of computing principles and theories, as defined by a State, and may include instruction or learning on—

(A) computer programming or coding as a tool to—

(i) create software, such as applications, games, and websites; and

(ii) process, manage, analyze, or manipulate data;

(B) development and management of computer hardware related to sharing, processing, storing, securing, and using digital information; and

(C) computational thinking skills and interdisciplinary skills relating to equipping students with the skills and abilities necessary to apply computational thinking in the digital world.

(3) COMPUTATIONAL THINKING SKILLS.—The term “computational thinking skills” means critical thinking skills that include—

(A) knowledge of how problems and solutions can be expressed in such a way that allow them to be modeled or solved using a computer or machine;

(B) the use of strategies related to problem decomposition, pattern matching, abstraction, modularity, and algorithm design; and

(C) that involve creative problem solving skills and are applicable across a wide-range of disciplines and contexts.

(4) STATE’S COMPUTER SCIENCE EDUCATION STANDARDS.—The term “State’s computer science education standards” means a set of standards the State regarding computer science education and computational thinking skills.

(b) STUDENTS FACING SYSTEMIC BARRIERS.—The term “students facing systemic barriers” means students who are underrepresented in the computer science field, including but not limited to students with disabilities, English learners, students with low income, students at risk of homelessness, and children and youth in foster care.

(c) TECHNOLOGY INFRASTRUCTURE.—The term “technology infrastructure” means computer devices and internet connectivity.

(d) AUTHORIZATION OF GRANTS.—In order to receive a grant under this section, a State educational agency shall—

(A) identify best practices related to improving the alignment of computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers, including how the State educational agency will—

(i) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

(ii) use data collected under subparagraph (A) to target State-level investments or support to close identified equity gaps;

(iii) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

(2) DESCRIPTION OF THE STATE EDUCATIONAL AGENCY.—A description of the State educational agency’s data-driven plan to provide equitable access to computer science education and improve the development of computational thinking skills, particularly students facing systemic barriers, including how the State educational agency will—

(A) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

(B) use data collected under subparagraph (A) to target State-level investments or support to close identified equity gaps;

(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

(3) STATE GRANTS.—

(A) IN GENERAL.—A State educational agency receiving a grant under paragraph (1) shall use not less than 90 percent of the grant funds to award competitive subgrants to local educational agencies and educational service agencies.

(B) STATE RESERVATIONS.—A State educational agency receiving a grant under paragraph (1) shall reserve not less than 10 percent of the total grant amount received by the State for State level activities described in subsection (f)(1), of which not less than 2 percent of the total grant amount received by the State shall be used to provide technical assistance or for administrative purposes.

(C) SUFFICIENT SIZE AND SCOPE.—Grants awarded by the Secretary under this section shall be of sufficient size and scope to allow State educational agencies to carry out the purpose of this section.

(D) DURATION; RENEWAL.—A grant awarded under this section shall be for a period of not more than 5 years. A grant awarded under this section for 1 additional 2-year period for programs that meet the outcomes described in the data-driven plan required under paragraph (d)(1).

(4) COORDINATION.—The Secretary shall coordinate with the Director of the National Science Foundation to identify and disseminate best practices to computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers, including how the State educational agency will—

(A) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

(B) use data collected under subparagraph (A) to target State-level investments or support to close identified equity gaps;

(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

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(A) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

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(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

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(D) DURATION; RENEWAL.—A grant awarded under this section shall be for a period of not more than 5 years. A grant awarded under this section for 1 additional 2-year period for programs that meet the outcomes described in the data-driven plan required under paragraph (d)(1).

(4) COORDINATION.—The Secretary shall coordinate with the Director of the National Science Foundation to identify and disseminate best practices to computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers, including how the State educational agency will—

(A) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

(B) use data collected under subparagraph (A) to target State-level investments or support to close identified equity gaps;

(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

(2) DESCRIPTION OF THE STATE EDUCATIONAL AGENCY.—A description of the State educational agency’s data-driven plan to provide equitable access to computer science education and improve the development of computational thinking skills, particularly students facing systemic barriers, including how the State educational agency will—

(A) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

(B) use data collected under subparagraph (A) to target State-level investments or support to close identified equity gaps;

(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

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(B) STATE RESERVATIONS.—A State educational agency receiving a grant under paragraph (1) shall reserve not less than 10 percent of the total grant amount received by the State for State level activities described in subsection (f)(1), of which not less than 2 percent of the total grant amount received by the State shall be used to provide technical assistance or for administrative purposes.

(C) SUFFICIENT SIZE AND SCOPE.—Grants awarded by the Secretary under this section shall be of sufficient size and scope to allow State educational agencies to carry out the purpose of this section.

(D) DURATION; RENEWAL.—A grant awarded under this section shall be for a period of not more than 5 years. A grant awarded under this section for 1 additional 2-year period for programs that meet the outcomes described in the data-driven plan required under paragraph (d)(1).

(4) COORDINATION.—The Secretary shall coordinate with the Director of the National Science Foundation to identify and disseminate best practices to computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers, including how the State educational agency will—

(A) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

(B) use data collected under subparagraph (A) to target State-level investments or support to close identified equity gaps;

(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

(2) DESCRIPTION OF THE STATE EDUCATIONAL AGENCY.—A description of the State educational agency’s data-driven plan to provide equitable access to computer science education and improve the development of computational thinking skills, particularly students facing systemic barriers, including how the State educational agency will—

(A) measure equity gaps across the State, across and within local educational agencies, and across and within schools served by such agencies, in access and enrollment in computer science coursework for students facing systemic barriers;

(B) use data collected under subparagraph (A) to target State-level investments or support to close identified equity gaps;

(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to grant-making that addresses such agency’s goals described in subsection (b)(2)(A), including through the measurement and collection of local data aligned with the State educational agency’s State plan.

(3) STATE GRANTS.—
(ii) provide access to high-quality instruction to improve the development of computational thinking skills in elementary and secondary education, particularly for students facing systemic barriers.

(B) how the State’s elementary school and secondary school programs provide rigorous instruction in computer science education and the development of computational thinking skills, particularly for students enrolled in elementary school or in the middle grades; and

(C) how the State’s data-driven plan described in paragraph (1) and grant funds provided to one or more educational agencies used to inform and change such policies and practices to increase access to instruction in computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers across the State.

(e) SUBGRANT APPLICATIONS.—

(1) IN GENERAL.—In order to receive a subgrant under this section, a local educational agency (which may include a consortium of local educational agencies) or an educational service agency shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require. At a minimum, such application shall include the following:

(A) A description of how the local educational agency or educational service agency will—

(i) develop and implement a plan to address equity gaps in enrollment and access to computer science education, including the development of computational thinking skills, for students facing systemic barriers and align such plan with the State educational agency’s data-driven plan described in subsection (d)(1); and

(ii) diversify and support its computer science educators, including through recruitment and retention activities, analyzing disparities among its educators by race, ethnicity, sex, socioeconomic status, age, disability status, and language ability, and addressing such disparities, in alignment with the State’s strategy described in subsection (d)(4).

(B) A description of the existing computer science education coursework offered in secondary schools and the development of computational thinking skills in elementary schools and secondary school students, including—

(i) the State educational agency’s efforts to establish and incentivize, or require school districts to—

(A) recruiting educators or individuals with backgrounds in computer science to teach computer science, diversifying the computer science educator pipeline, providing evidence-based professional development for current educators, or providing evidence-based professional development for current educators seeking to transition from other content areas to computer science; and

(B) working with public institutions of higher education in the State to examine the State’s policies regarding educator preparation and licensure to support increased access for and development of educators prepared in educator preparation programs and current educators in computer science education.

(C) A description of the policies and practices of the State educational agency intended to support increased access and enrollment in computer science and support the development of computational thinking skills for elementary school and secondary school students, including—

(A) the State educational agency’s efforts to incentivize, or require school districts to—

(i) offer computer science education in secondary schools, including Advanced Placement or International Baccalaureate computer science courses, computer science courses in dual or concurrent enrollment programs, in-demand industry credentials, or high-quality distance education, particularly for students facing systemic barriers across the State; and

(ii) support the development of opportunities for extracurricular computer science education, particularly for students facing systemic barriers across the State;

(B) how the State’s elementary school and secondary school programs provide rigorous instruction in computer science education and the development of computational thinking skills, particularly for students enrolled in elementary school or in the middle grades; and

(C) how the State’s data-driven plan described in paragraph (1) and grant funds provided to one or more educational agencies used to inform and change such policies and practices to increase access to instruction in computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers across the State.

(f) USES OF FUNDS.—

(1) IN GENERAL.—In order to receive a subgrant under this section, a local educational agency or educational service agency shall use amounts reserved under subsection (c)3(A) for 1 or more of the following:

(A) implementing the data-driven plan described in subsection (d)(1), including through the provision of technical assistance, data collection and analysis, and capacity building supports to all local educational agencies within the State, to expand access to rigorous computer science education and increase the development of computational thinking skills for elementary school and secondary school students facing systemic barriers.

(B) implementing the State educational agency’s strategy to support computer science educators described in subsection (d)(4) by diversifying and increasing the number of educators adequately prepared to deliver rigorous instruction in computer science, through recruitment, evidence-based professional development for educators, or evidence-based training for current educators.

(C) identifying and supporting the implementation and scaling of evidence-based strategies in computer science education and instruction on how to develop computational thinking skills in students
that are supported by strong or moderate evidence.

(D) Supporting the development of opportunities for youth to access extracurricular opportunities focused on exploration and exposure to higher education careers, including career pathways.

(2) LOCAL EDUCATIONAL AGENCY’S USE OF FUNDS.—A local educational agency or educational service agency that receives a subgrant under this section shall comply with the following:

(A) Develop and implement a plan (in alignment with the State educational agency’s data-driven plan described in subsection (d)(1)) that—

(i) regularly monitors, measures, and addresses disparities in access to and enrollment in computer science education and in the development of computational thinking skills for students facing systemic barriers;

(ii) is in alignment with the State’s computer science education standards for students in local educational agency or educational service agency is located in a State who has adopted such standards;

(iii) establishes and specifies activities supported by subgrant funds to meet those goals by—

(I) expanding access to computer science education coursework in elementary schools and secondary schools that do not offer such courses;

(II) addressing challenges faced by students facing systemic barriers in enrolling and succeeding in computer science education coursework in elementary schools and secondary schools that do offer such courses; and

(III) providing high-quality instruction to support the development of computational thinking skills for students in elementary schools and secondary schools, particularly for students in elementary schools and middle grades; and

(iv) prioritizes using subgrant funds to support schools with significant enrollments of students from families with low incomes as described in subsection (e)(2).

(B) Requirement for the plan.

(i) LOCAL REPORTING.—Each local educational agency or educational service agency that receive a subgrant under this section shall not use more than 15 percent of subgrant funds for purchasing technology infrastructure as described in paragraph (2)(B)(1)(II).

(ii) REQUIREMENT FOR THE PLAN.

(1) LOCAL REPORTING.—Each local educational agency and educational service agency that receive a subgrant under this section shall submit a report to the State educational agency on an annual basis that contains any information required by the State educational agency and, at a minimum, the following:

(A) The number of students enrolled in computer science education coursework in the schools served by such local educational agency or educational service agency, and an update on the progress in meeting the goals established under the agency’s plan to address disparities in access to computer science education for students facing systemic barriers, as required under subsection (f)(2).

(B) A description of actions and changes in policies and practice by the local educational agency or educational service agency to improve access and enrollment in computer science education and the development of computational thinking skills for elementary school and secondary school students.

(C) Data on the number and diversity of educators providing high-quality instruction in computer science and increasing access for students in computer science courses and middle grades.

(2) STATE REPORTING.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State educational agency that receives a grant under this section shall provide a report to the Secretary containing the information the Secretary requires, including—

(A) a summary of the reports received by the State educational agency under paragraph (1);

(B) a description of changes in State policy to improve access and increase enrollment in computer science education and the development of computational thinking skills in the curriculum for elementary school and secondary school students;

(C) an update of the State educational agency’s implementation of its strategy to support computer science educators described in subsection (d)(4), including data on diversifying and increasing the number of educators adequately prepared to deliver rigorous instruction in computer science education.

(h) EVALUATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program funded under this section and disseminate best practices to expand access to computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers.

(2) CONTENTS.—The evaluation under paragraph (1) shall measure—

(A) the effectiveness of the program in expanding access to computer science education and the development of computational thinking skills for all students, particularly students facing systemic barriers; and

(B) the extent to which the program improved the development of computational thinking skills for elementary schools and secondary school students, particularly in elementary schools and middle grades; and

(c) the effectiveness in diversifying, supporting, and increasing the number of educators adequately prepared to deliver rigorous instruction in computer science education on how to develop computational thinking skills in students.

(i) RULE OF CONSTRUCTION.—The Secretary shall comply with requirements of section 6111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7911(b)) in carrying out activities under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2022 through 2026.

Subtitle C—Higher Education

SEC. 6121. REAUTHORIZATION OF INTERNATIONAL EDUCATION PROGRAMS UNDER TITLE VI OF THE HIGHER EDUCATION ACT OF 1965.

(a) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—


(A) in clause (II), by striking ‘‘or’’;

(B) in subclause (IV), by striking the period at the end and inserting ‘‘; or’’; and
(A) Assess and document international and foreign language education capacity and supply through studies or surveys that—
(i) determine the number of foreign language teachers and enrollments at all levels of education and in all languages, including a determination of gaps in those languages deemed critical to the national interest;
(ii) measure the number and types of degrees or certificates awarded in area studies, global studies, foreign language studies, and international or language teaching and related professional studies, including identification of gaps in those studies deemed critical to the national interest; 
(iii) measure the number of foreign language or area or international studies faculty, including international business faculty, and elementary school and secondary school foreign language teachers by language, degree, and world area; or
(iv) measure the number of undergraduate and graduate students engaging in long- or short-term education or internship abroad programs as part of their curriculum, including countries of destination.
(B) Assess the employment or utilization of graduates of programs supported under this title by educational, governmental, and private sector organizations (including business and other professions); and
(C) Develop and manage a national standardized database that includes the strengths, gaps, and trends in the international and foreign language education capacity, structures, and effectiveness in meeting growing demands by education, government, and the private sector (including business and other professions).
(2) REQUIRED ACTIVITIES. An eligible entity—
(A) is easily understandable, made publicly available, and contributes to achieving the purpose described in subsection (a); and
(B) achieves at least 1 of the outcomes described in subsection (b)(1).
(3) DISCRETIONARY ACTIVITIES. An eligible entity may use any of the funds received under this subsection to carry out any of the following activities:
(A) Conduct research and studies that contribute to the purpose described in subsection (a) and include research to provide a systematic understanding of the United States’ international and foreign language education capacity, structures, and effectiveness in meeting growing demands by education, government, and the private sector (including business and other professions).
(B) Create innovative paradigms or enhance or scale up proven strategies and practices that address systemic challenges to developing and delivering international and foreign language education resources and expertise across educational disciplines and institutions, and for employers and other stakeholders.
(C) Develop and manage a national standardized database that includes the strengths, gaps, and trends in the international and foreign language education capacity, structures, and effectiveness in meeting growing demands by education, government, and the private sector (including business and other professions).
coupd with outcome-focused training mod-
ules, such as certificates or badges, immer-
se learning, or e-portfolio systems.

(1) Effective and easily accessible method-
ologies or strategies professionally used levels of proficiency in foreign languages or com-
petencies in area, culture, and global knowl-
edge or other international fields in pro-
grams under this title, which may include use of open access online and other cost-effec-
tive tools for students and educators at all educational levels and in the workplace.

(2) Innovation.—Each eligible entity dis-
sire a grant under this section shall sub-
mit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

"(1) a description of each proposed project the eligible entity plans to carry out under this section and how such project meets the purpose described in subsection (a);

"(2) if applicable, a demonstration of why the entity needs a waiver or reduction of the matching requirement under subsection (g); and

"(3) an assurance that each such proposed project will be self-sustainable after the project is completed.

"(g) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Federal share of the total amount of the project supported by a grant under this section shall be not more than 66.66 percent.

"(2) NON-FEDERAL SHARE CONTRIBUTIONS.—

The non-Federal share shall be at least 33.34 percent and may be pro-
vided either in-kind or in cash, from institu-
tional and non-institutional funds, including contributions from State or private sector orga-
nizations, nonprofit entities, or founda-
tions.

"(h) SPECIAL RULE.—Notwithstanding para-
graphs (1) and (2), the Secretary may waive or reduce the non-Federal share required under paragraph (2) for eligible entities that—

"(1) are minority-serving institutions or are community colleges; or

"(B) have submitted a grant application as required by subsection (f) that demonstrates a need for such a waiver or reduction.

"(i) DATABASE AND REPORTING.—The Sec-
cretary shall directly, or through grants or contributions, establish a grant receipt repository of the information, resources, and best practices generated through activities con-
ducted under this section; and

"(2) prepare, publish, and disseminate to Congress and the public at least once every 5 years, a report that summarizes key find-
ings and policy issues from the activities conducted under this section, especially as such activities relate to international and foreign language education outcomes.

(c) DISCONTINUATION OF FOREIGN INFORMATION ACT 4062 PART A OF TITLE VI OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C. 1121I et seq.) is further amended—

"(1) by striking sections 606 and 610; and

"(2) redesignating sections 607, 608, and 609 as sections 606, 607, and 608, respectively.

(d) FINDINGS AND PURPOSE FOR GLOBAL BUSINESS EDUCATION PROGRAMS.—Section 611 of the Higher Education Act of 1965 (20 U.S.C. 1130a) is amended—

"(1) in subsection (a)—

"(A) by amending paragraph (3) to read as follows:

"(3) concerted efforts are necessary to en-
gage business and other professional edu-
cation curricula or courses to service busi-
ness and other professional and nonprofit communities, including development of new programs for nontraditional, mid-career, or part-time students.

"(B) by adding a new subsection (d) to read as follows:

"(d) INNOVATING AND IMPROVING INTER-
national, global, and foreign language edu-
cation curricula or courses to service busi-
ness and other professional and nonprofit communities, including development of new programs for nontraditional, mid-career, or part-time students.

"(C) by amending section 402A, and heritage learners, for edu-
cation and training in global professional de-
velopment activities.

"(4) Establishing opportunities or fellow-
ships for faculty or junior faculty of profes-
sional education or technical training (in-
cluding the faculty of minority-serving insti-
tutions or community colleges) to acquire or strengthen international and global skills and perspectives.

"(4) Establishing international linkages or partnerships with institutions of higher edu-
cation, corporations, or organizations that contribute to the objectives of this section.

"(5) Developing programs to inform the public of increasing global interdependence in professional education and technical training.

"(6) Establishing trade education programs through agreements with regional, national, global, bilaterial, or multilateral trade centers, councils, or associations.

"(e) APPLICATION.—Each eligible entity de-
siring a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may rea-
sonably require, including assurances that—

"(1) each proposed project has reasonably and demonstrable plans for sustainability and replicability upon completion of the project.

"(2) the institution of higher education will use the assistance provided under this section to supplement and not supplant

American public of the internationalization of our economy and numerous other profes-
sional areas important to the national inter-
res in the 21st century;

"(B) by establishing, curating, maintaining, and up-
loading or updating a project supported by a grant under this section shall be not more than 66.66 percent.

"(C) by amending paragraph (2) to read as follows:

"(2) concerted efforts are necessary to en-
gage business and other professional edu-
cation curricula or courses to service busi-
ness and other professional and nonprofit communities, including development of new programs for nontraditional, mid-career, or part-time students.

"(D) by amending section 402A, and heritage learners, for edu-
cation and training in global professional de-
velopment activities.

"(4) Establishing opportunities or fellow-
ships for faculty or junior faculty of profes-
sional education or technical training (in-
cluding the faculty of minority-serving insti-
tions or community colleges) to acquire or strengthen international and global skills and perspectives.

"(4) Establishing international linkages or partnerships with institutions of higher edu-
cation, corporations, or organizations that contribute to the objectives of this section.

"(5) Developing programs to inform the public of increasing global interdependence in professional education and technical training.

"(6) Establishing trade education programs through agreements with regional, national, global, bilaterial, or multilateral trade centers, councils, or associations.

"(e) APPLICATION.—Each eligible entity de-
siring a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may rea-
sonably require, including assurances that—

"(1) each proposed project has reasonably and demonstrable plans for sustainability and replicability upon completion of the project.

"(2) the institution of higher education will use the assistance provided under this section to supplement and not supplant

American public of the internationalization of our economy and numerous other profes-
sional areas important to the national inter-
res in the 21st century;
other activities described in subsection (b) that are conducted by the institution of higher education as of the date before the date of the grant or contract; and

(3) by adding at the end the following:

"(1) the term ‘community college’ means a public institution of higher education at which the highest degree that is predominately awarded to students is an associate degree, including a 2-year Tribal College or University (as defined in section 315);" (12) the term ‘heritage student’ means a student who—

"(A) was born in the United States to immigrant parents or immigrated to the United States at an early age;

"(B) is proficient in English, but raised in a family primarily speaking 1 or more languages of the country of origin; and

"(C) maintains a close affinity with the family’s culture of origin; and

"(13) the term ‘minority-serving institution’ means an institution of higher education that is eligible to receive a grant under part A or B of title III or title V."

(1) PRIORITY TO MINORITY-SERVING INSTITUTIONS.—(a) PRIORITY.—In seeking applications and awarding grants under this title, the Secretary, may give priority to

"(1) minority-serving institutions; or

"(2) institutions of higher education that apply for such grants that propose significant and sustained collaborative activities with one or more minority-serving institutions;

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to minority-serving institutions to ensure maximum distribution of grants to eligible minority-serving institutions and among each category of such institutions.

(c) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL EDUCATION PROGRAMS.—Part C of title VI of the Higher Education Act of 1965 (20 U.S.C. 1132 et seq.), as redesignated by subsection (g)(2), is further amended by adding at the end the following:

"SEC. 638. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—The Secretary is authorized to be appropriated to carry out this title $208,059,000 for fiscal year 2022 and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 6112. CONFUCIUS INSTITUTES.

(a) DEFINITIONS.—In this section—

"(1) the term ‘Confucius Institute’ means 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; and

"(2) the term ‘institute of higher education’ has the meaning given that term in section 204 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(b) REPEAL OF INSTITUTE FOR NATIONAL PUBLIC POLICY.—Title VI of the Higher Education Act of 1965 (20 U.S.C. 1130 et seq.) is further amended by striking section 614.

(c) REPEAL OF INSTITUTE FOR INTERNATIONAL EDUCATION.—Section 611(a)(C), a copy of their partnership agreement that demonstrates compliance with subsection (b) will be provided to the Secretary;

"(4) the activities funded by the grant or contract will reflect diverse perspectives and a wide range of views of world regions and international affairs where applicable; and

"(5) a demonstration of why the eligible entity needs a waiver or reduction of the matching requirement under subsection (f).

(2) FAILURE TO SATISFY CONDITIONS.—If the Secretary of Education, in consultation with the National Academies of Science, Engineering, and Medicine, cannot confirm that the contract or agreement includes the clear provisions in accordance with paragraph (1), the conditions under such paragraph shall not be considered to be satisfied for the purposes of subsection (b).

SEC. 6123. SUSTAINING THE TRUMAN FOUNDATION AND THE MADISON FOUNDATION.

(a) TRUMAN MEMORIAL SCHOLARSHIP FUND.—(1) IN GENERAL.—Section 10(b) of Public Law 93–412 (20 U.S.C. 2001 et seq.) is amended by adding after such paragraph the following:

"(b) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund.

(b) investments of amounts appropriated to the fund shall be made in public debt securities of the United States with maturities suitable to the fund. For such purpose, such obligations may be acquired:

"(A) on original issue at the issue price; or

"(B) by purchase of outstanding obligations of the market rate for such obligations issued at the market rate for such obligations issued at the market rate.

 SEC. 6124. INCREASE IN INTEREST ON SPECIAL OBLIGATIONS.

(1) IN GENERAL.—The purposes for which the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at the market rate for such obligations issued at the market rate at 1/8 of 1 percent, the rate of interest of such special obligations may be increased by the Secretary of Education, in consultation with the National Academies of Science, Engineering, and Medicine, shall evaluate any contract or agreement between an institution of higher education and a Confucius Institute, and publish such evaluation on the website of the Department of Education. Such contract or agreement includes clear provisions that—

"(A) protect academic freedom at the institution;

"(B) prohibit the application of any foreign law on any campus of the institution; and

"(C) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute;

(2) FAILURE TO SATISFY CONDITIONS.—If the Secretary of Education, in consultation with the National Academies of Science, Engineering, and Medicine, cannot confirm that the contract or agreement includes the clear provisions in accordance with paragraph (1), the conditions under such paragraph shall not be considered to be satisfied for the purposes of subsection (b).

(3) The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at the market rate for such obligations issued at the market rate at 1/8 of 1 percent, the rate of interest of such special obligations may be increased by the Secretary of Education, in consultation with the National Academies of Science, Engineering, and Medicine, shall evaluate any contract or agreement between an institution of higher education and a Confucius Institute, and publish such evaluation on the website of the Department of Education. Such contract or agreement includes clear provisions that—

"(A) protect academic freedom at the institution;

"(B) prohibit the application of any foreign law on any campus of the institution; and

"(C) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute;
purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(2) AUTHORIZATION OF APPROPRIATIONS.—
Section 14 of Public Law 93–642 (20 U.S.C. 345) amending section 301 of title 31 of the United States Code, are hereby extended to authorize the issuance at par of special obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of 1/2 of 1 percent, the rate of such special obligations shall be the multiple of 1/2 of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States, or at the market price, is not in the public interest.

(3)(A) Notwithstanding paragraph (2), upon the authorization of the Board described in subparagraph (B), the Secretary shall invest up to 40 percent of the fund's assets in securities other than public debt securities of the United States, provided that the authorized purchase is made in established United States markets.

(B) A determination described in this subparagraph is a determination by the Board that investments as described in subparagraph (A) are necessary to enable the Foundation to carry out the purposes of this title with the maximum of flexibility and independence, including the enhancement of the capacity of the Foundation to raise substantially additional private support or other funds.

(4) Nothing in this paragraph shall be construed to limit the authority of the Board to increase the number of fellowships provided under section 804, or to increase the amount of the fellowship authorized by section 809, as the Board considers appropriate and in accordance with the requirements of this title.

(2) AUTHORIZATION OF APPROPRIATIONS.—
Section 618 of the James Madison Memorial Fellowship Act (20 U.S.C. 4515) is amended to read as follows:

SEC. 816. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the James Madison Memorial Fellowship Fund such sums as may be necessary to carry out the provisions of this title for fiscal year 2022 and each succeeding fiscal year.

SEC. 6124. DISCLOSURES OF FOREIGN GIFTS AND CONTRACTS AT INSTITUTIONS OF HIGHER EDUCATION.
(a) DISCLOSURES OF FOREIGN GIFTS.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended to read as follows:

``SEC. 117. DISCLOSURES OF FOREIGN GIFTS.
(a) Disclosure Reports.—
(1) Aggregate Gifts and Contract Disclosures.—An institution shall file a disclosure report described in subsection (b) with the Secretary not later than March 31 immediately following any calendar year in which the institution enters into a contract with a foreign source that has an undetermined monetary value.

(2) Foreign Source Ownership or Control Disclosures.—In the case of a gift or contract entered into with a foreign source, the institution shall file a disclosure report described in subsection (b) with the Secretary not later than March 31 of every year.

(b) Contents of Report.—Each report to the Secretary required by subsection (a) shall contain the following:

(1) A copy of each agreement subject to the disclosure requirements of this section, the Secretary may impose a fine on any person who violates the requirements of this section.

(2) Disclosures of contracts with undetermined monetary value.—An institution shall file a disclosure report described in subsection (b) with the Secretary not later than March 31 immediately following any calendar year in which the institution enters into a contract with a foreign source.

(3) Disclosures of foreign source ownership or control.—In the case of a contract with a foreign source, the institution shall file a disclosure report described in subsection (b) with the Secretary not later than March 31 of every year.

(c) Additions to the disclosure report required under subsection (a) are necessary to enable the Foundation to carry out the purposes of this title with the maximum of flexibility and independence, including the enhancement of the capacity of the Foundation to raise substantially additional private support or other funds.

(d) Additional Disclosures for Restricted Conditional Gifts and Contracts.—Notwithstanding the provisions of subsection (b), whenever any institution receives a restricted or conditional gift or contract from a foreign source, the institution shall disclose the following to the Department translated into English by a third party unaffiliated with the foreign source or institution:

(1) For such gifts received from or contracts entered into with a foreign source other than a foreign government, the amount, the date, a description of such conditions or restrictions.

(2) For gifts received from or contracts entered into with a foreign government, the amount, the date, a description of such conditions or restrictions, and the name of the foreign government.

(3) RELATION TO OTHER REPORTING REQUIREMENTS.—
(a) STATE REQUIREMENTS.—If an institution that is required to file a disclosure report under subsection (a) is within a State which has enacted requirements for public disclosure of gifts from or contracts with a foreign source that includes all information required under this section for the same or an equivalent time period, a copy of the disclosure report may be filed with the Secretary in lieu of the report required under such subsection.

(b) PUBLIC DISCLOSURE AND MODIFICATION OF REPORTS.—
(1) IN GENERAL.—Not later than 30 days after receiving a disclosure report under this section, the Secretary shall make such report electronically available to the public for downloading on a searchable database under which institutions can be individually identified and any changes in ownership or structure resulting from the change in ownership or control.

(2) MODIFICATIONS.—The Secretary shall incorporate a process permitting institutions to revise and update previously filed disclosures of gifts or contracts subject to the disclosure requirements under this section, until the latest of:

(A) the date that is 4 years after the date of the report; or

(B) the date on which the agreement terminates;

(C) the last day of any period that applicable State public record laws require a true copy of such agreement to be maintained;

(D) an event that is not more than $250 but not more than the amount of the gift or contract with the foreign source; or
“(B) in the case of any violation of the requirements of subsection (a)(3), in an amount that is not more than 25 percent of the total amount of funding received by the institution under this Act;”

“(2) Repeated failures.—

“(A) Knowingly and willful failures.—In addition to a fine for a violation in any year in accordance with paragraph (1) and subject to subsection (e)(2), the Secretary shall impose a fine on an institution that knowingly and willfully fails in 3 consecutive years to comply with the requirements of this section, that is—

“(i) in the case of a failure to disclose a gift or contract from a foreign source required under this section or to comply with the requirements of subsection (b)(4), in an amount that is not less than $100,000 but not more than the amount of the gift or contract with the foreign source; or

“(ii) in the case of any violation of the requirements of subsection (a)(3), in an amount that is not more than 25 percent of the total amount of funding received by the institution under this Act.

“(B) Administrative failures.—The Secretary may impose a fine on an institution that fails to comply with the requirements of this section in 3 consecutive years, in an amount that is not less than $250 but not more than the amount of the gift or contract with the foreign source.

“(C) Compliance plan requirement.—An institution that fails to file a disclosure report in accordance with paragraph (1) and with a foreign source in 2 consecutive years, shall be required to submit a compliance plan to the Secretary.

“TREATMENT OF CERTAIN PAYMENTS AND GIFTS

“(1) Exclusions.—The following shall not be considered a gift from a foreign source under this section:

“(A) Any payment of one or more elements of a student’s cost of attendance (as defined in section 472) to an institution by, or scholarship from, an entity other than a natural person, acting in their individual capacity and not as an agent for, at the request or direction of, or on behalf of, any person or entity (except the student), made on behalf of no more than 15 students that is not made under contract with such foreign source, except for the agreement between the institution and such students’ parents or custodial legal guardian.

“(B) Assignment or license of registered intellectual property rights, such as patents, utility models, trademarks, or copyrights, or technical assistance, that are not identified as being associated with a country or with a country or region through the Federal Research Security Council as described under section 7902 of title 31, United States Code, as added by section 4493 of the Securing America’s Future Act.

“(2) Inclusions.—Any gift to, or contract with, an entity or organization, such as a research foundation, that operates substantially for the benefit or under the auspices of an institution shall be considered a gift to or with respectively, such institution.

“(D) Definition of ‘contract’—

“(A) means any—

“(i) agreement under the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties, except as provided in subparagraph (B); or

“(ii) affiliation, agreement, or similar transaction with a foreign source and is based on the use or exchange of an institution’s name, likeness, time, services, or resources, except as provided in subparagraph (B); and

“(B) does not include any agreement made by an institution located in the United States for the acquisition, by purchase, lease, or barter, of property or services from a foreign source;

“FOREIGN GIFTS AND CONTRACTS TO FACULTY AND STAFF

“(1) Requirement to maintain policy and database.—Each institution of higher education that fails to disclose a gift or contract from a foreign source, for the direct benefit or use of either of the parties, or

“(A) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties; or

“(B) affiliation, agreement, or similar transaction with a foreign source based on the use or exchange of an institution’s name, likeness, time, services, or resources of faculty, professional staff, and other staff engaged in research and development (as determined by the institution), that is—

“(i) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties; or

“(ii) affiliation, agreement, or similar transaction with a foreign source and is based on the use or exchange of an institution’s name, likeness, time, services, or resources of faculty, professional staff, and other staff engaged in research and development (as determined by the institution);

“(C) the term ‘professional staff’ means professional employees, as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d));

“(D) ‘the award of grants, loans, scholarships, fellowships, or other forms of financial aid to students of a specified country, religion, sex, ethnic origin, or political opinion’; and

“(E) ‘the term ‘faculty’ means any gift of money, property, resources, staff, or services;”

“SEC. 124. INSTITUTIONAL POLICY REGARDING FOREIGN GIFTS AND CONTRACTS TO FACULTY AND STAFF.

“(1) Requirement to maintain policy and database.—Each institution of higher education described in subsection (b) shall—

“(a) maintain a policy requiring faculty, professional staff, and other staff engaged in research and development (as determined by the institution) to disclose to such institution any gifts received from, or contracts entered into with, a foreign source;

“(b) maintain a searchable database of information disclosed in paragraph (1) for the purposes of this section, that is—

“(i) the terms ‘foreign source’ and ‘gift’ have the meaning given the terms in section 1197a;

“(ii) the term ‘contract’ means any—

“(A) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties; or

“(B) affiliation, agreement, or similar transaction with a foreign source based on the use or exchange of an institution’s name, likeness, time, services, or resources of faculty, professional staff, and other staff engaged in research and development (as determined by the institution);”

“(2) Compliance plan requirement.—An institution that fails to disclose a gift or contract from a foreign source required under this section or to comply with the requirements under this section for 2 consecutive years shall be required to submit a compliance plan to the Secretary.

“(B) definition of ‘institution’.—In this subsection—

“(1) the terms ‘foreign source’ and ‘gift’ have the meaning given to such terms in section 1197a;

“(2) the term ‘contract’ means any—

“(A) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties; or

“(B) affiliation, agreement, or similar transaction with a foreign source based on the use or exchange of an institution’s name, likeness, time, services, or resources of faculty, professional staff, and other staff engaged in research and development (as determined by the institution);”

“(3) the term ‘professional staff’ means professional employees, as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d));

“(4) regulation.—In general.—As a sanction for noncompliance with the requirements under this section, the Secretary may impose a fine on an institution that in any year knowingly or willfully violates this section, in an amount that is not less than $250 but not more than $1,000.

“(5) compliance plan requirement.—An institution that fails in 3 consecutive years to comply with the requirements of this section, in an amount that is not less than $1,000 but not more than $25,000.

“(6) third and additional failures.—In addition to a fine for a violation in accordance with paragraph (1) or (2), the Secretary may impose a fine on an institution that knowingly, willfully, and repetitively fails to comply with the requirements of this section in any consecutive year in an amount that is not less than $25,000 but not more than $50,000.

“(7) administrative failures.—The Secretary may impose a fine on an institution that fails in 3 consecutive years to comply with the requirements of this section in an amount that is not less than $250 but not more than $25,000.

“(8) compliance plan requirement.—An institution that fails in 3 consecutive years to comply with the requirements under this section for 2 consecutive years shall be required to submit a compliance plan to the Secretary.

“(9) definition of ‘institution’.—In this section—

“(1) the terms ‘foreign source’ and ‘gift’ have the meaning given to such terms in section 1197a;

“(2) the term ‘contract’ means any—

“(A) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties; or

“(B) affiliation, agreement, or similar transaction with a foreign source based on the use or exchange of an institution’s name, likeness, time, services, or resources of faculty, professional staff, and other staff engaged in research and development (as determined by the institution);”

“(3) the term ‘professional staff’ means professional employees, as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d));

“(c) regulations.—

“(1) in general.—Not later than 1 year after the date of enactment of this Act, the Secretary, shall promulgate regulations in the Federal Register extending the negated rulemaking process under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1082(a)) to carry out the amendments made by section 124 of this Act.

“(2) Issues.—Regulations issued pursuant to paragraph (1) to carry out the amendment
made by subsection (a) shall, at a minimum, address the following issues: (A) Instructions on reporting structured gifts and contracts. (b) The inclusion in institutional reports of gifts received from, and contracts entered into with, foreign sources by entities and organizations, such as research foundations, that are primarily for the benefit or under the auspices of the institution. (C) Procedures to protect confidential or proprietary information included in gifts and contracts. (D) The alignment of such regulations with the reporting and disclosure of foreign gifts or contracts required by other Federal agencies. (E) The treatment of foreign gifts or contracts involving research or technologies identified as being associated with a national security risk or concern by the Federal Research Security Council as described under section 7902 of title 31, United States Code, as added by section 4493 of this Act. (3) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date on which the regulations issued under paragraph (1) take effect.

TITLES II—COMMITTEE ON THE JUDICIARY PROVISIONS

SEC. 6201. SHORT TITLE. This title may be cited as the “Merger Filing Fee Modernization Act of 2021”.

SEC. 6202. NOTIFICATION FILING FEES. Section 605 of Public Law 101-162 (15 U.S.C. 18a note) is amended— (1) in subsection (a)— (A) in paragraph (1)— (i) by striking “$45,000” and inserting “$330,000”; (ii) by striking “$100,000,000” and inserting “$161,500,000”; (iii) by striking “2017” and inserting “2022”; and (iv) by striking “2003” and inserting “2021”; (B) in paragraph (2)— (i) by striking “$125,000” and inserting “$100,000”; (ii) by striking “$100,000,000” and inserting “$161,500,000”; (iii) by striking “but less” and inserting “but is”; and (iv) by striking “and” at the end; (C) in paragraph (3)— (i) by striking “$280,000” and inserting “$250,000”; and (ii) by striking the period at the end and inserting “but is”; and (D) by adding at the end the following: “(4) $400,000 if the aggregate total amount determined under section 7(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $1,000,000,000 (as so adjusted and published) but is less than $2,000,000,000 (as so adjusted and published); and (5) $2,250,000 if the aggregate total amount determined under section 7(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $5,000,000,000 (as so adjusted and published); and (6) $2,250,000 if the aggregate total amount determined under section 7(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $5,000,000,000 (as so adjusted and published); and (7) by adding at the end the following: “(c) FEES.—In conducting the assessment and analysis required under paragraph (1), the Secretary shall— (I) report the aggregate total amount determined under section 7(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) but is less than $2,000,000,000 (as so adjusted and published); and (II) the period during which the decline in the rate described in paragraph (B) shall be determined by the Department of Labor or its successor, for the year then ended over the level so established for the year ending September 30, 2021. “(2) As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amounts required by paragraph (1). “(3) The Federal Trade Commission shall not adjust amounts required by paragraph (1) if the percentage increase described in paragraph (1) is less than 1 percent. “(4) An amount adjusted under this section shall be rounded to the nearest multiple of $5,000.”.

SEC. 6203. AUTHORIZATION OF APPROPRIATIONS. There is authorized to be appropriated for fiscal year 2022— (1) $252,000,000 for the Antitrust Division of the Department of Justice; and (2) $418,000,000 for the Federal Trade Commission.

TITLES III—MISCELLANEOUS

SEC. 6301. ENHANCING ENTREPRENEURSHIP FOR THE 21ST CENTURY. (a) DEFINITIONS.—In this section: (1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means— (A) the Committee on Commerce, Science, and Transportation of the Senate; and (B) the Committee on Commerce and Com- merce of the House of Representatives. (2) ENTREPRENEUR.—The term “entrepreneur” means an individual who, founded, organized under the laws of a State or territory, possesses, or is a member of a group that, founded, United States business. (3) SECRETARY.—The term “Secretary” means the Secretary of Commerce. (4) UNITED STATES BUSINESS.—The term “United States business” means a corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or proprietorship that— (A) has its principal place of business in the United States; or (B) is organized under the laws of a State of the United States or a territory, possession, or commonwealth of the United States. (b) FINDINGS.—Congress finds the following: (1) Recent research has demonstrated that— (A) new businesses commonly referred to as “startups” are disproportionately responsible for the innovations that drive economic growth; and (B) account for virtually all new net job creation; (2) the rate of formation of United States businesses has fallen significantly in recent years; and (C) as determined by widely cited research, the decline in the rate described in subparagraph (B) is occurring in all 50 States, in all industries, and across a broad range of industry sectors. (2) Before policymakers can identify ways in which the decline in the rate described in paragraph (1) may be counteracted, the underlying causes of the decline must be identified. (3) Economists have identified several factors that may explain the decline in the rate described in paragraph (1), including— (A) demographic changes caused by an aging workforce and slowing population growth; (II) increased industry concentration and whether such concentration may make it more difficult for new market entrants to compete with established companies; (III) increased risk-aversion following the financial crisis and recession that occurred in 2008 and 2009 and deterioration of household balance sheets; (IV) difficulties relating to access to capital, particularly difficulties encountered by underserved populations, women, and members of minority groups; (V) the concentration of venture capital in only a few cities; (VI) record levels of student debt; (VII) inefficiencies or other difficulties relating to the commercialization of federally funded research and innovation; (VIII) the use of federally funded research and innovation in the commercial market; (IX) regulatory burden, overlap, complexity, and uncertainty at the Federal and State levels; (X) aspects of the Internal Revenue Code of 1986 that penalize, obstruct, or otherwise disadvantage new businesses, or investors in new businesses, relative to incumbent businesses, or investors in incumbent businesses, respectively; (XI) the role of born-entrepreneurs and the impact of those entrepreneurs on job creation; and (XII) any other factor that the Secretary determines appropriate; and (ii) consult with— (I) the heads of any agencies and offices of the Federal Government that the Secretary determines appropriate, including— (aa) the Secretary of Labor;
SA 1503. Ms. MURKOWSKI (for herself, Mr. RISCH, Mr. CRAMER, Mrs. CAPPETTO, Mr. TILLIS, Mr. SULLIVAN, Mr. MACHIN, Mr. DAINES, Mr. LANKFORD, and Ms. INEMA) submitted an amendment
and Ms. S INEMA) submitted an amend-
ment, amending the data.

(3) REPORT.—The Secretary shall submit to the appropriate committees of Congress a report regarding the findings of the Secretary with respect to the assessment and analysis conducted under paragraph (1).

SA 1504. Mr. JOHNSON (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. CRITICAL MINERAL SUPPLY CHAINS AND RELIABILITY.

(a) DEFINITION OF CRITICAL MINERAL.—In this section, the term "critical mineral" has the meaning given in section 202(a) of the Energy Act of 2020 (30 U.S.C. 1602(a)).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) critical minerals are fundamental to the economy, competitiveness, and security of the United States;

(2) many critical minerals are only economically recoverable when combined with the production of a host mineral;

(3) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and

(4) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(c) FEDERAL PERMITTING AND REVIEW PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of Federal permitting and review processes with respect to critical mineral production on Federal land, the Secretary, through the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to as the "Secretaries"), to the maximum extent practicable, shall complete the Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(2) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress toward those goals;

(3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(A) to incorporate and address the interests of those parties; and

(B) to minimize delays;

(4) ensuring transparency and accountabil-

ity in the use of cost-effective information technology to collect and disseminate informa-
tion regarding individual projects and agency performance;

(b) in early and active consultation with State, local, and Tribal government—

(A) to avoid conflicts or duplication of ef-
fort;

(B) to resolve concerns; and

(C) to allow for concurrent, rather than se-
quential, reviews;

(5) identifying options, including cost recov-
ery paid by permit applicants, for ensuring adequate staffing and training of Federal en-
tities and personnel responsible for the con-
sideration of applications, operating plans, leases, licenses, permits, and other use au-
thorizations for critical mineral-related ac-
tivities on Federal land;

(6) prioritizing reviews and developing other practices, such as preapplication review;

(d) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) identifies additional measures, includ-
ing regulatory and legislative proposals, if appropriate, that would increase the timeli-

ness of permitting activities for the explo-
ration and development of domestic critical
minerals;

(2) identifies options, including cost recov-
ery paid by permit applicants, for ensuring adequate staffing and training of Federal en-
tities and personnel responsible for the con-
sideration of applications, operating plans, leases, licenses, permits, and other use au-
thorizations for critical mineral-related ac-
tivities on Federal land;

(3) compares the United States to other coun-
tries in terms of permitting efficiency and any other criteria relevant to the glob-
ally competitive critical minerals industry.

(g) INDIVIDUAL PROJECTS.—Each year, using data contained in the reports sub-
mitted under subsection (f), the Director of the Office of Management and Budget shall prepare a report on the status and progress of individual critical mineral projects on the line item budgeted by the Office of Management and Budget in accordance with subsection (c) of title 31, United States Code.
SA 1505. Mr. WYDEN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION G—COMPETES ACT

SEC. 7001. SHORT TITLE: TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as "Combating Oppressive and Manipulative Policies that Endanger Trade and Economic Security Act of 2021" or the "COMPETES Act".

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

Sec. 7001. Short title; table of contents.
Sec. 7002. Appropriate congressional committees defined.

TITLE I—TRADING CONSISTENT WITH AMERICAN VALUES

Subtitle A—Preventing Importation of Goods Produced by Forced Labor

Sec. 7011. INVESTIGATIONS OF ALLEGATIONS OF GOODS PRODUCED BY FORCED LABOR.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) by striking "All" and inserting the following:

(a) IN GENERAL.—All; (b) by striking "Forced labor", as herein used, shall mean and inserting the following—

(C) ACCOUNTABILITY OF TRADING PARTNERS.
SEC. 7111. CENSORSHIP AS A TRADE BARRIER.

(a) IN GENERAL.—Chapter 8 of title I of the Trade Act of 1974 (19 U.S.C. 2221 et seq.) is amended by adding at the end the following:

"SEC. 183. IDENTIFICATION OF COUNTRIES THAT DISRUPT DIGITAL TRADE.

"(a) DEFINITIONS.—In this section—

"(1) digital trade means trade in information, electronic communications products, content, or services;

"(2) digital trade partner means a foreign country that is engaged in digital trade with the United States;

"(3) digital trade activity includes the provision of digital trade products, services, or content; and

"(4) digital trade partner means a foreign country that is engaged in digital trade with the United States.

"(b) REQUIREMENTS FOR IDENTIFICATIONS.—In identifying countries under subsection (a), the Trade Representative shall identify only foreign countries that—

"(1) disrupt digital trade in a discriminatory or trade-distorting manner with the goal, or substantial effect, of promoting censorship or extrajudicial data access that disadvantages United States persons;

"(2) require or otherwise make digital trade activities, including—

"(A) coerced censorship in their own markets or extraterritorially; and

"(B) coordinate or facilitate digital trade with the goal, or substantial effect, of promoting censorship or extrajudicial data access that disadvantages United States persons;

"(3) engage in coerced censorship or extra-judicial data access so as to harm the integrity of services or products provided by United States persons in the market of that country, the United States market, or other markets;

"(4) require additional regulatory, reporting, or other obligations; and

"(5) create due process concerns; and

"(6) engaging in acts, policies, or practices that have the greatest impact on the United States.

"(c) DESIGNATION OF PRIORITY FOREIGN COUNTRIES.—

"(1) IN GENERAL.—The Trade Representative shall designate as priority foreign countries the foreign countries identified under subsection (a) that—

"(A) engage in the most onerous or egregious acts, policies, or practices that have the greatest impact on the United States; and

"(B) are not negotiating or otherwise making progress to end those acts, policies, or practices.

"(d) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

"(1) IN GENERAL.—The Trade Representative may at any time, if information available to the Trade Representative indicates that such action is appropriate—

"(A) revoke the designation of any foreign country as a priority foreign country under paragraph (1); or

"(B) designate a foreign country as a priority foreign country under paragraph (1).

"(2) REPORT ON REASONS FOR REVOCATION.—The Trade Representative shall include in the semiannual report submitted to Congress under section 308(a) a detailed explanation of the reasons for the revocation under subparagraph (A) of the identification of any foreign country designated as a priority foreign country under paragraph (1) during the period covered by the report.

"(3) REFERAL TO ATTORNEY GENERAL OR INVESTIGATIVE COUNCIL.—The Trade Representative may, if appropriate, initiate an investigation under section 302 and impose a remedy under section 301.

"(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of any foreign countries identified under subsection (a) and foreign countries designated as priority foreign countries under subsection (c) and shall make such revisions to the list as may be required by reason of action under subsection (c).

"(f) ANNUAL REPORT.—Not later than 90 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on actions taken under this section during the one-year period preceding that report, and the reasons for those actions, including—

"(1) a list of any foreign countries identified under subsection (a); and

"(2) a description of progress made in decreasing disruptions to digital trade.

"(g) INVESTIGATION UNDER TITLE III OF THE TRADE ACT OF 1974.—Section 302(b)(2) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)) is amended—

"(1) in subparagraph (A), in the matter preceding clause (1), by inserting "or designated as a priority foreign country under section 183(c)" after "section 182(a)(2)"; and

"(2) in subparagraph (B), by striking "reason of subparagraph (A)" and inserting "with respect to a country identified under section 182(a)(2)".

"(h) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following:

"Sec. 183. Identification of countries that disrupt digital trade..."

SEC. 7112. INVESTIGATION OF CENSORSHIP AND BARRIERS TO DIGITAL TRADE.

(a) INVESTIGATION OF PROPOSALS.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the United States Trade Representative shall initiate an investigation regarding any discriminatory digital trade legislative or regulatory proposals by major trading partners of the United States.

"(2) ELEMENTS.—The investigation required by paragraph (1) shall include an investigation of any proposed digital trade measure that discriminates by targeting United States entities, whether by law or in effect, including by—

"(A) requiring additional regulatory, reporting, or other obligations; and

"(B) requiring re-engineering or separation of integrated products.

"(c) AUTHORIZED ACTION.—Subsection (c) of such section is amended by inserting at the end the following:

"(7) In the case of an act, policy, or practice described in paragraph (2) of subsection (b) by the government of a foreign country determined to be unreasonable under paragraph (1) of that subsection, the Trade Representative may direct the blocking of access from that country to data from the United States to address the lack of reciprocal market access or parallel data flows.


"(g) AMENDMENT.—Section 302(b)(2) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)) is amended—

"(1) in subparagraph (A), in the matter preceding clause (1), by inserting "required under subsection (a)(1)(B) or (b)(1) of section 301 of the Trade Act of 1974..." after "section 182(a)(2)"; and

"(2) in subparagraph (B), by striking "reason of subparagraph (A)" and inserting "with respect to a country identified under section 182(a)(2)".

"(h) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following:

"Sec. 183. Identification of countries that disrupt digital trade..."
makes an affirmative determination under subsection (b)(1) with respect to a digital trade legislative or regulatory measure described in subsection (a)(1) proposed by a major trading partner of the United States, the Trade Representative shall discuss that determination with the major trading partner, if the measure continues to be proposed, with the United States Trade Representative any act, policy, or practice in connection with that measure.

(d) Action Upon Implementation of Measures

(1) In general.—Upon the implementation by a major trading partner of the United States of a measure covered by an investigation under subsection (a)(1), the Trade Representative may initiate—

(A) dispute settlement procedures under a trade agreement to which the United States and the major trading partner are both parties; or

(B) an investigation under section 301 of the Trade Act of 1974 (19 U.S.C. 2411), unless subsection (a)(2)(B) of that section applies.

(2) Timimg of Determination.—Notwithstanding the timing requirements of section 302 of the Trade Act of 1974 (19 U.S.C. 2412), if the Trade Representative initiates an investigation under subsection (b)(1) of that section in connection with the implementation of a measure covered by an investigation under subsection (a)(1) of this section, the Trade Representative shall make the determination required under section 301(a)(1) of that Act (19 U.S.C. 2411(a)(1)) not later than the earlier of—

(A) with respect to dispute settlement procedures under a trade agreement to which the United States and the major trading partner are both parties, the date that is 90 days after the date on which those procedures are concluded; or

(B) with respect to an investigation under subsection (a)(2)(B) of that section, the date that is 90 days after the date on which the investigation is initiated.

(3) Treatment of Other Requirements.

Except as otherwise provided in this subsection, the Trade Representative may carry out paragraph (1) without regard to any requirement in any other provision of law relating to—

(A) initiation of a case described in subparagraph (A) of that paragraph or an investigation described in subparagraph (B) of that paragraph; or

(B) consultations with a major trading partner in connection with such a case or investigation.

(e) United States Entity Defined.

In this section, the term “United States entity” means an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

Subtitle C—Protecting Innovators and Consumers

SEC. 7121. TECHNICAL AND LEGAL SUPPORT FOR ADDRESsing INTELLECTUAL PROPERTY RIGHTS INFRINGEMENT CASES.

(a) In General.—The head of any Federal agency may provide support, as requested and appropriate, to United States persons seeking technical, legal, or other support in addressing intellectual property rights infringement cases regarding the People’s Republic of China.

(b) United States Person Defined.—In this section, the term “United States person” means—

(1) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(2) an entity organized under the laws of the United States or of any jurisdiction of the United States used Hong Kong to circumvent the laws and protections of the United States.

Title III of the United States–Hong Kong Policy Act of 1992 (22 U.S.C. 7571 et seq.) is amended by adding at the end the following:

SEC. 303. REPORT ON MANNER AND EXTENT TO WHICH THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA EXPLOITS HONG KONG TO CIRCUIT UNITED STATES LAWS AND PROTECTIONS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence—

(A) an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent the laws and protections of the United States; and

(B) a list of all significant incidents in which the Government of the People’s Republic of China used Hong Kong to circumvent those laws and protections.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) In consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence—

(A) an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent antidumping or countervailing duties and duties under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) on merchandise exported to the United States from the People’s Republic of China; and

(B) a list of all significant incidents in which the Government of the People’s Republic of China used Hong Kong to circumvent those duties during the reporting period.

(2) In consultation with the Secretary of the Treasury and the Secretary of Commerce—

(A) an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent sanctions imposed by the United States or pursuant to multilateral regimes; and

(B) a list of all significant incidents in which the Government of the People’s Republic of China used Hong Kong to circumvent those sanctions during the reporting period.

(3) In consultation with the Secretary of the Treasury, the Secretary of Homeland Security, and the Director of National Intelligence—

(A) an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent export controls of the United States; and

(B) a list of all significant incidents in which the Government of the People’s Republic of China used Hong Kong to circumvent those export controls.

(4) In consultation with the Secretary of Homeland Security and the Director of National Intelligence—

(A) an assessment of how the Government of the People’s Republic of China uses Hong Kong to circumvent sanctions imposed by the United States or pursuant to multilateral regimes; and

(B) a list of all significant incidents in which the Government of the People’s Republic of China used Hong Kong to circumvent those sanctions during the reporting period.
“(A) an assessment of how the intelligence, security, and law enforcement agencies of the Government of the People’s Republic of China, including the Ministry of State Security, the Public Security Bureau, and the People’s Armed Police, use the Hong Kong Security Bureau and other security agencies in Hong Kong to conduct espionage on or for, or in support of, United States persons, conduct influence operations, or violate civil liberties guaranteed under the laws of Hong Kong; and

(B) a list of all significant incidents of such espionage, influence operations, or violations of civil liberties during the reporting period.

(c) FORM OF REPORT: AVAILABILITY.—

(1) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified index.

(2) AVAILABILITY.—The unclassified portion of the report required by subsection (a) shall be posted on a publicly available internet website of the Department of State.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Select Committee on Intelligence of the Senate and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Ways and Means of the House of Representatives.

(2) FOREIGN NATIONAL.—The term ‘foreign national’ means a person that is neither—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the People’s Republic of China or of a jurisdiction within the People’s Republic of China.

(3) REPORTING PERIOD.—The term ‘reporting period’ means the 5-year period preceding submission of the report required by subsection (a).

(4) UNITED STATES PERSON.—The term ‘United States person’ means—

(A) a United States citizen or an alien lawfully admitted for temporary resident to the United States; and

(B) an entity organized under the laws of the United States of America or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 7132. ASSESSMENT OF OVERCAPACITY IN THE PEOPLE’S REPUBLIC OF CHINA.

(a) REPORT ON OVERCAPACITY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the United States Trade Representative, in consultation with the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives a report on the overcapacity of industries in the People’s Republic of China.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a determination on whether overcapacity resulting from industrial policy exists in any major industry in the People’s Republic of China; and

(B) a description of the effects of that overcapacity on the industry in the United States.

(b) BRIEFING.—Not later than 180 days after a positive determination of overcapacity under subsection (a), the Trade Representative shall submit to the appropriate congressional committees a report identifying any anti-dumping or countervailing duty determinations under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) that in the year preceding the report was subject to a remand pursuant to an order from the United States Court of International Trade or a Chapter 10 Panel under the USMCA or that was found to be inconsistent with the obligations of the United States under the World Trade Organization.

(b) ELEMENTS.—With respect to each determination under subparagraph (A), the Secretary of Commerce shall submit to Congress a report identifying—

(i) the specific statutory requirement that the Court of International Trade or the Chapter 10 Panel found that the Secretary of Commerce or the USMCA Panel violated the WTO Agreement that a dispute settlement panel or Appellate Body found to have been breached by the determination; and

(ii) how and when the Secretary intends to comply with the order or obligations described in subparagraph (A), as the case may be.

(2) NOTICE OF SUSPENSION OF ANTIDUMPING DUTY INVESTIGATION.—Section 754(b) of the Tariff Act of 1930 (19 U.S.C. 1674(b)) is amended—

(A) by redesigning paragraphs (1) and (2) and inserting those two subparagraphs, as so redesignated, two ems to the right;

(B) by striking ‘‘The administering authority’’ and inserting ‘‘the administering authority’’; and

(C) by adding at the end following:

‘‘(2) NOTIFICATION TO CONGRESS.—The administering authority shall submit to Congress a report describing—

(i) the implementation of the Economic and Trade Agreement Between the Governments of the United States of America and the Government of China, dated January 15, 2020, including an identification of those provisions in the agreement that have yet to be implemented;

(ii) progress toward addressing the issues identified in the report prepared by the Trade Representative dated March 22, 2018, and titled, ‘‘Findings of the Investigation into China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation under Section 301 of the Trade Act of 1974’’; and

(iii) any action taken by the administering authority toward addressing the issues identified in paragraph (1) that is not consistent with the obligations of the United States under the World Trade Organization and the obligations of China under the WTO Agreement that a dispute settlement panel or Appellate Body found to have been breached by the determination.

(3) APPRAISAL BODY; DISPUTE SETTLEMENT PANEL.—the terms ‘Appraisal Body’ and ‘dispute settlement panel’ have the meanings given those terms in section 121 of the Uruguay Round Agreement Acts (19 U.S.C. 3531).

(4) USMCA.—The term ‘USMCA’ means the Agreement between the United States of America, the United Mexican States, and Canada, which is—

(A) attached as an Annex to the Protocol Replacing the North American Free Trade Agreement with the Agreement Between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018, as amended by the Protocol of Amendment to the Agreement Between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019, and as approved by Congress under section 101(a)(1) of the United States–Mexico–Canada Agreement Implementation Act (19 U.S.C. 2551(a)); and

(B) the Protocol of Amendment to the Agreement Between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019, and as approved by Congress under section 101(a)(1) of the United States–Mexico–Canada Agreement Implementation Act (19 U.S.C. 451(a)).

(5) WTO AGREEMENT.—The term ‘‘WTO Agreement’’ has the meaning given that term in section 2 of the Uruguay Round Agreement Acts (19 U.S.C. 3501(b)).

SEC. 7202. AUTHORITY OF U.S. CUSTOMS AND BORDER PROTECTION TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.

(a) IN GENERAL.—Section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) is amended—

(1) in subsection (b)–

(A) in paragraph (1)—

(i) by striking ‘‘consolidate, discontinue,’’ and inserting ‘‘discontinue’’; and

(ii) by adding at the end the following:

‘‘(6) THE STAFFING LEVEL.—Consistent with the staffing level the following: ‘‘below the optimal staffing level determined in the most recent
SA 1509. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. PROHIBITION ON THE PURCHASE OF DOGS AND CATS FROM WET MARKETS USING FEDERAL FUNDS.

(a) DEFINITION OF WET MARKET.—In this section, the term ‘‘wet market’’ means a marketplace where fresh meat, fish, and live animals are bought, sold, and slaughtered; and

(b) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds made available by any law may be used by the Federal Government, or any recipient of Federal funds under a contract, grant, subgrant, or other assistance, to purchase from a wet market—

(1) a live cat, dog, or other animal;

(2) a carcass, any part, or any item containing any part of a cat, dog, or other animal; or

(3) any other animal product.

SA 1507. Ms. ERNST (for herself, Mr. JOHNSON, and Mr. MARSHALL) submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. PROHIBITION ON FEDERAL FUNDING FOR WUHAN INSTITUTE OF VIROLOGY.

Notwithstanding any other provision of law, no Federal funding may be made available to the Wuhan Institute of Virology located in the City of Wuhan in the People’s Republic of China.

SA 1508. Ms. ERNST (for herself, Mr. MARSHALL, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2219. NSF STUDY ON ELECTRIC VEHICLE EMISSIONS.

The Director shall conduct a study on the emissions of the full lifecycle of an electric vehicle, from battery production to disposal, including the emissions associated with the electricity generated to power the vehicle throughout its life.
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(e) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and make publicly available a report, which shall—

(1) analyze the compliance of agencies, contractors, subcontractors, and grantees with the requirements of this section;

(2) identify any obstacles that remain to prevent the public from accessing the cost and findings of covered studies and other research and development projects funded by agencies; and

(3) analyze efforts by agencies to prevent duplicative spending.

SA 1510. Ms. ERNST (for herself and Ms. SINEMA) submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 25. REPEAL OF CERTAIN TIME LIMITATIONS ON AWARDS FOR SPOUSES.
Section 102(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(f)) is repealed.

SA 1511. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 25. ESTABLISHMENT OF THE OFFICE OF AUDITOR GENERAL OF THE NATIONAL SCIENCE FOUNDATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the National Science Foundation should pass a financial statement audit on a yearly basis; and

(2) the National Science Foundation should be able to demonstrate the recipients of all appropriated money.

(b) APPOINTMENT.—

(1) IN GENERAL.—There is established in the National Science Foundation an Office of Auditor General to be headed by an Auditor General.

(2) ROLE.—The Auditor General appointed under subsection (b) shall fulfill the role of the internal auditor of the National Science Foundation through conducting independent reviews of the financial administration of the National Science Foundation.

(c) DUTIES AND AUTHORITIES.—Subject to the authority, direction, and control of the Director of the National Science Foundation, the Auditor General appointed under subsection (b) shall perform such duties and exercise such powers as may be prescribed by the Director, which may include—

(1) Managing the day-to-day accounting and finance activities of the National Science Foundation.

(2) Establishing policies, procedures, and requirements to ensure that all financial statements of the National Science Foundation are audited.

(3) Exercising authority, direction, and control over the financial statements of the National Science Foundation, including authority to determine the information required for the audit.

(4) Providing to Congress on a yearly basis, a report of all research expenditures, grants, and awards, including identification of any foreign recipients of expenditures, grants, or awards.

(5) Evaluating and providing recommendations regarding—

(A) indirect costs charged to grants;

(B) duplication and overlap in funding among different grants and other government agencies and programs; and

(C) the cost effectiveness of initiatives in meeting the stated goals and missions.

SA 1512. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 25. SBIR AND STTR PROGRAMS: USE OF GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTION AUTHORITY; USE OF SIMPLIFIED ACQUISITION PROCEDURES.

(a) IN GENERAL.—Chapter 301 of title 10, United States Code, as added by section 1841 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283), is amended by inserting after section 4004 the following new section:

"4005. SBIR and STTR programs: use of grants, cooperative agreements, and other transaction authority; use of simplified acquisition procedures.

(1) USE OF GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTION AUTHORITY; USE OF SIMPLIFIED ACQUISITION PROCEDURES.—

(A) Use of grants, cooperative agreements, and other transaction authority; use of simplified acquisition procedures.

(1) The terms ‘SBIR’ and ‘STTR’ have the meanings given those terms, respectively, in section 8(a)(1) of the Small Business Act (15 U.S.C. 638(a)).

(2) The term ‘simplified acquisition procedures’ means the simplified acquisition procedures described in section 3571 of this title.

(3) The term ‘simplified acquisition threshold’ has the meaning given that term in section 254 of title 10.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 4005 and inserting the following:

4005. SBIR and STTR programs: use of grants, cooperative agreements, and other transaction authority; use of simplified acquisition procedures."

SA 1513. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, insert the following:

SEC. 25. ADVANCED BIOFUEL RESEARCH.

The Director shall ensure that any study of electric vehicles or renewable fuels funded by the Foundation includes research on advanced biofuel.

SA 1514. Ms. ERNST (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for
other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 11A. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF NSF FUNDS.

“(a) Disclosure Requirements for Recipients of NSF Funds.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended by inserting after section 11 the following:

"SEC. 11A. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF NSF FUNDS.

“(a) In General.—A grantee or subgrantee carrying out a program, project, or activity that is, in whole or in part, carried out using funds provided by the Foundation shall clearly state, to the extent possible, in any statement, press release, request for proposals, bid solicitation, or other document describing the program, project, or activity, other than a communication containing not more than 280 characters—

“(1) the percentage of the total costs of the program, project, or activity which will be financed with funds provided by the Foundation;

“(2) the dollar amount of the funds provided by the Foundation made available for the program, project, or activity;

“(3) the percentage of the total costs of, and dollar amount for, the program, project, or activity that will be financed by non-governmental sources.

“(b) Noncompliance.—If the Director determines that an individual or entity is failing to comply with subsection (a), the Director may withhold not more than 25 percent of the amount of funds provided by the Foundation that would otherwise be provided to the individual or entity, until the date on which the individual or entity complies with subsection (a).

(b) Public Availability.—Notwithstanding any other provision of this Act, the Director of the National Science Foundation shall require that any publication of research or a study funded in whole or in part by the National Science Foundation be publicly available at no cost not later than 365 days after the date of publication.

(c) Authority to Exclude.—Notwithstanding any other provision of law, the Director of the National Science Foundation may waive a requirement under subsection (b) if the Director determines the requirement would compromise national security.

SA 1515. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. EXPANDING THE DOMESTIC PRODUCTION OF MEDICAL SUPPLIES.

Title III of the Public Health Service Act is amended by inserting after section 319F-4 (42 U.S.C. 247d-6d) the following:

"SEC. 319F-5. EXPANDING THE DOMESTIC PRODUCTION OF MEDICAL SUPPLIES.

“(a) In General.—The Secretary, in consultation with the Secretary of Defense, shall award grants to drug, biological product (including vaccines), device (including respiratory protective devices), and other medical supply manufacturers for the purpose of incentivizing such manufacturers to manufacture such products domestically or in nearshoring, and to advance assurance that the Nation is able to retain or acquire necessary supplies to address critical public health needs, including countermeasures required to prevent a pandemic or other public health emergency.

“(b) Eligible Products.—The Secretary, in consultation with the Secretary of Defense, shall develop a list of drugs, biological products (including vaccines), devices (including respiratory protective devices), and other medical supplies that are critical supplies in the event of a pandemic or public health emergency.

“(c) Eligibility.—A grantee shall be eligible for a grant under this section, a manufacturer shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the applicant’s plan for the advanced manufacturing, domestically, of a product on the list under subsection (b),

“(d) Grant Awards.—A grant awarded under this section—

“(1) shall be used for the capital costs associated with the installation of countermeasure manufacturing equipment (including both final finished products and the related critical components required for these products), including the building and assembly of manufacturing equipment, modifications to existing facilities to accommodate such equipment, or expansion of existing facilities to accommodate such equipment, in accordance with the advanced manufacturing plan set forth in the application under subsection (c); and

“(2) shall be in amount not to exceed the amount sufficient to cover up to 50 percent of the costs described in paragraph (1).

“(e) Waiver of Certain Requirements.—The requirements of section 75.323 of title 45, Code of Federal Regulations (or any successor regulations) shall not apply with respect to a grant awarded under this section.

“(f) Ongoing Monitoring.—The Secretary, in coordination with the Secretary of Defense, shall establish and implement procedures for the ongoing monitoring of the program under this section to ensure that such funds are used to carry out the program works toward the goal of expanding domestic production of drugs, biological products (including vaccines), devices (including respiratory protective devices), and other medical supplies.

“(g) Reporting.—Not later than 180 days after the date of the enactment of this section and annually thereafter, the Secretary, in coordination with the Secretary of Defense, shall submit to Congress a report on the program under this section. Each such report shall include certification that all funds appropriated for the purpose of carrying out this section are used solely for such purpose.

“(h) Authorization of Appropriations.—To carry out the provisions of this section, there are authorized to be appropriated $250,000,000 for each of fiscal years 2022 through 2026.

SA 1516. Ms. ROSEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and cybersecurity research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. UNITED STATES-ISRAEL CYBERSECURITY COOPERATION.

(a) Definitions.—In this section—

(1) the term ‘cybersecurity research’ means research, including social science research, into ways to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(2) the term ‘cybersecurity technology’ means technology intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(3) the term ‘cybersecurity threat’ has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

(4) the term ‘Department’ means the Department of Homeland Security;

(5) the term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 18931); and

(6) the term ‘Secretary’ means the Secretary of Homeland Security.

(b) Grant Program.—The Secretary, in accordance with the agreement entitled the ‘Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters’, dated May 29, 2008 (or successor agreement), and the requirements specified in paragraph (2), shall establish a grant program at the Department to support—

(A) cybersecurity research and development; and

(B) demonstration and commercialization of cybersecurity technology.

(2) Requirements.—

(A) Applicability.—Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, the Secretary shall require cost sharing in accordance with this paragraph.

(B) Research and Development.—In general.—Except as provided in clause (ii), the Secretary shall require cost sharing of no less than 50 percent of the cost of a research, development, demonstration, or commercial application program or activity that is authorized under this section.

(C) Merit Review.—In carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, awards shall be made only after an impartial review of the scientific and technical merit of the proposals for the awards has been carried out by or for the Department.

(D) Review Processes.—In carrying out a review under subparagraph (C), the Secretary may use merit review processes developed under section 202(14) of the Homeland Security Act of 2002 (6 U.S.C. 182(14)).

(3) Eligible Applicants.—An applicant shall be eligible to receive a grant under this section if the proposed project—

(A) addresses a requirement in the area of cybersecurity research or cybersecurity
technology, as determined by the Secretary; and

(B) is a joint venture between—

(i) a for-profit business entity, academic institution, or non-profit entity in the United States; and

(ii) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board to—

(i) monitor the method by which grants are awarded under this subsection; and

(ii) provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of 3 members, to be appointed by the Secretary, of whom—

(i) shall be a representative of the Federal Government;

(ii) shall be selected from a list of nominees provided by the United States-Israel Bi-national Science Foundation; and

(iii) shall be selected from a list of nominees provided by the United States-Israel Bi-national Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding any other provision of law—

(A) the Secretary may accept or retain funds contributed by any person, government entity, or organization for purposes of carrying out this subsection; and

(B) the funds described in subparagraph (A) shall be available, subject to appropriation, without fiscal year limitation.

(7) REPORTS.—

(A) GRANT RECIPIENTS.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(i) a description of how the grant funds were used; and

(ii) an evaluation of the level of success of each project funded by the grant.

(B) SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the grant program established under this section terminates, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the grants awarded and projects completed under the program.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the Federal Government and Israel.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated for purposes of carrying out this section not less than $6,000,000 annually thereafter until the grant program established under this section terminates, or

(2) obligate the use of Federal funds to pay any contract for the construction or improvement of any physical barrier along the United States border or for any other border security measures for which Federal funds have been obligated; or

(3) obligate the use of Federal funds to pay any penalty resulting from the cancellation of any contract described in paragraph (1).

SA 1519. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division D, insert the following:

SEC. 4. PROHIBITING THE CANCELLATION OF CERTAIN CONTRACTS FOR PHYSICAL BARRIERS AND OTHER BORDER SECURITY MEASURES. Notwithstanding any other provision of law, the Secretary of Homeland Security and any other Federal official may not—

(1) cancel, invalidate, or breach any contract for the construction or improvement of any physical barrier along the United States border or for any other border security measures for which Federal funds have been obligated; or

(2) obligate the use of Federal funds to pay any penalty resulting from the cancellation of any contract described in paragraph (1).
science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 6203, strike “$418,000,000” and insert “$301,000,000”.

SA 1521. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In title V of division B, insert the following:

SEC. 22. RECISSION.

Of the amounts made available by the American Rescue Plan Act of 2021 (Public Law 117–2) (including any amendments made by such amounts made available under this Act, E, F, G, or H of title II of such Act (or amendments made by any such title), and remaining unobligated on the date of enactment of this Act, $109,900,000,000 (or, if the full such amount is not unobligated on such date, the portion of such amount that remains unobligated) is hereby rescinded.

SA 1522. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In title III of division F, insert the following:

SEC. 63. USE OF PREVIOUSLY APPROPRIATED FUNDS.

(a) In General.—Notwithstanding any other provision of law, any amounts appropriated under the American Rescue Plan Act of 2021 (Public Law 117–2) (including any amounts appropriated under this Act, E, F, G, or H of title II of such Act, or any such title), and remaining unobligated on the date of enactment of this Act, shall be made available for purposes of carrying out this Act, including the amendments made by this Act.

(b) Exemptions.—No amounts made available under this Act, E, F, G, or H of title II, subtitle C of title III, or title V of the American Rescue Plan Act of 2021 (Public Law 117–2) (other than amounts appropriated under a provision exempted under subsection (b), that are unobligated on the date of enactment of this Act) shall be available for purposes of carrying out this Act, including the amendments made by this Act, pursuant to subsection (a).

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have 10 requests for committees to meet during today’s session of the Senate.

They have the approval of the Majority and Minority leaders. Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY

The Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 10 a.m., to conduct a hearing.

SUBCOMMITTEE ON TOURISM, TRADE, AND EXPORT PROMOTION

The Subcommittee on Tourism, Trade, and Export Promotion of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, May 18, 2021, at 3 p.m., to conduct a hearing.

RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to consider the resolution. There being no objection, the Senate proceeded to consider the resolution. Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”

CONGRATULATING THE CITY OF COLUMBIA HEIGHTS, MINNESOTA, ON ITS 100TH ANNIVERSARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to consider the resolution. Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”

The PRESIDENT pro tempore. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: The Senator from Oregon (Mr. WASHINGTON); The Senator from Michigan (Ms. STABENOW); The Senator from Washington (Ms. CANTWELL); The Senator from Idaho (Mr. CRAPO); and The Senator from Iowa (Mr. GRASSLEY).