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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, do not permit negativity to triumph over us. Use our Senators to remind us with their faith and works that the best is yet to be. As they remember that Your mighty power is at work in our Nation and world, may their optimism create a contagion of hope.

Lord, continue to accomplish in our lives infinitely more than we request or imagine. We exalt You, for You continue to rescue us. We trust You to save us though the storms may rage.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 18, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATE LEGISLATIVE AGENDA

Mr. SCHUMER. Mr. President, a landmark report from the International Energy Agency says countries need to move faster and more aggressively to cut planet-warming pollution.

That is from the New York Times this morning. The International Energy Agency, for the first time, is recommending specific steps to accomplish the drastic cuts in carbon emissions that nearly every developed country has pledged to achieve. One of the principal recommendations is ''the rapid phase-out of gasoline-powered vehicles.''

It just so happens that this report lands on the same day that President Biden is in Michigan to celebrate the release of a new line of electric pickup trucks. As one of the best-selling cars in America, replacing gasoline pickups with electric pickups could save us huge amounts of carbon.

But we shouldn't stop there. Transportation still accounts for roughly one-third of America's carbon output. There is no way the United States can reduce its greenhouse gas emissions without looking out how Americans drive.

So I have put forward an ambitious, comprehensive proposal to accelerate our country's transition to zero-emission vehicles. We call it Clean Cars for America. The goal of that plan is that by 2040, all vehicles on the road should be clean. The International Energy Agency, by the way, recommends the world reach that target by 2050. So we beat them by 10 years, if this proposal goes into effect.

My plan would help us get there 10 years ahead of time. It is one of the many reasons that President Biden put Clean Cars for America at the heart of his American Jobs Plan, something I hope and expect he will discuss today in Michigan.

I want to thank the Biden administration. They have been open to many new ideas: the American Competitive Innovation Act that we will be debating today and Clean Cars for America, which they have more or less adopted in whole and put into their Build Back Better plan.

The benefits would be far-reaching, far beyond the subject of climate change. For a long time, critics have been saying you can't help the environment without hurting the economy or costing jobs. Not so, it is actually the reverse.

We negotiated the Clean Cars for America proposal with the unions, with the environmental groups, and with the auto companies, and all three are onboard. The good news is that Clean Cars for America would create tens of thousands of good-paying union jobs in battery manufacturing, construction, and auto making. Through targeted investments, it would put Americans to work all across the country building charging stations for a new fleet of electric cars. Right now, China leads the world in the electric vehicle market, overtaking us in 2015. We need to take back the initiative and create thousands upon thousands of good-paying jobs as we do.

I am very glad that the Biden administration has taken this proposal and adopted it. We worked, as I said, long and hard, for the first time on a major

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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environmental proposal to bring our friends in the union movement onboard so that workers saw that their future—a bright future, a prosperous future—was with clean energy, that we weren't excluding them but including them.

That is why, unlike many proposals in the past, my Clean Cars for America proposal unites the environmental community, the labor movement, and major automakers. The Sierra Club, UAW, Ford, and GM are all supportive. Isn't that amazing? Isn't that great?

When you want to get something done in Washington, you need to build a broad and powerful coalition for support. That is what we did with Clean Cars for America. The Senate and the country should prioritize it this year.

ENDLESS FRONTIER ACT

Mr. SCHUMER. Now, on the Endless Frontier Act, last night the Senate voted to move forward with the Endless Frontier Act with a vote of 86 to 11. It is likely that today the Senate will take another step to begin debate on the bill. It is my intention to have an open, bipartisan amendment process.

The Endless Frontier Act already includes more than 20 bipartisan amendments from the Commerce Committee, under the leadership of Senator CANTWELL and Ranking Member WICKER. I will expect we will consider several more here on the floor of the Senate.

Later today, I will file a substitute amendment that pulls together more bipartisan legislation from across Senate committees into our comprehensive bill that we are now calling the U.S. Innovation and Competition Act.

In addition to Chairwoman CANTWELL and Ranking Member WICKER, I want to thank Chairman MENENDEZ and Ranking Member RISCH of Foreign Relations; Chairman BROWN and Ranking Member TOOMEY of Banking; Chairman PETERS and Ranking Member PORTMAN of HSGAC; Chairwoman MURRAY and Ranking Member BURR of HELP; and Chairman DURBIN, Ranking Member GRASSLEY, and Senator KLOBUCHAR of Judiciary.

Finally, I want to thank the bipartisan group of Senators working on the CHIPS and 5G proposals throughout the process—not only Senators CANTWELL and WICKER but Senators WARNER, KELLY, CORNYN, COTTON, LEAHY, and STABENOW.

Restoring America's competitive edge should unite Senators from both sides of the aisle. The foundation of the past century of American prosperity has been our leadership in science, technology, and innovation. If we are going to win the next century, the United States needs to be the one discovering the next groundbreaking technology.

We had that opportunity, for instance, with tech, and we lead the world because of early investments by NSF and DARPA. We have the opportunity now to set our country on a path to outinnovate, outproduce, and outcompete the world in emerging industries of the 21st century, with profound consequences for our economic and national security. If we don't lead in science and innovation, we will fall way behind. If we don't lead in science and innovation, millions of good-paying jobs that will be available to this generation and the next one will go poof—gone. We have no choice. We have no choice.

We have always led, and now we have fallen behind. Other countries are investing more than we are. They are not as good at it as we are. They are not as innovative as we are. But if they put in the dollars and we don't, woe is us. Woe is us.

So when you ask Americans why they are upset and they say: We are not sure about our future. We are not sure if our children will have better jobs than we will. We are not sure that our jobs will grow. This is the way to do it. This is the key. This unlocks our future to a bright, sunny America, the way we have always had, but we may have lost in the last few years, at least to some extent.

I am so glad that this legislation, which we worked so hard on, has bipartisan support. It is a place where we can unite America and say we will stay No. 1, and we are giving our country, our universities, our businesses, our workers tools to do it.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. SCHUMER. Next is the EEOC CRA. Today, the Senate will vote to overturn yet another terrible regulation approved during the final days of the Trump administration, a rule that actually makes it harder for victims of employment discrimination to get justice.

For decades, the Equal Employment Opportunity Commission, or EEOC, has protected employees against workplace discrimination. If a worker believes they were targeted by their employer because of their age, their sex, their religion, their disability, or any other unlawful basis—their race—the EEOC can conduct an investigation and begin a conciliation process.

Rather than force employees to sue in court, where well-heeled corporations can afford high-priced lawyers and the plaintiff almost has no chance of winning, conciliation gives the EEOC the power to fight on workers' behalf against discriminatory behavior and win some speedy and effective results.

So, of course, the Trump administration, in another example of their callousness, another example where they talk about working people but don't care about them and do things to help them, sort of nastily—almost viciously—changed the rules on conciliation at the EEOC to put a large thumb down on the scale in favor of corporations and against individuals who were discriminated against or at least who allege discrimination, making it easier for corporations to slow down investigations and even retaliate against workers.

Today's vote will use the Congressional Review Act process to immediately repeal this rule change.

At every opportunity, the Trump administration seemingly relished in making life harder for working Americans, while stacking the deck in favor of unscrupulous corporations. Now that Donald Trump is President no more—thank God, I say—we have a chance to undo this terrible rule and give workers the confidence that the Federal Government is in their corner.

COVID–19 HATE CRIMES ACT

Mr. SCHUMER. Finally, on Asian hate crimes, I am delighted the House will pass the Anti-Asian hate crimes bill today, which passed the Senate last month with overwhelming bipartisan support. Once the legislation is approved by the House, it will go directly to the President's desk. I expect it will be signed into law later this week.

Discrimination against Asian Americans is, sadly, not a new phenomenon in our Nation's history, but the pandemic brought old biases and prejudices back to the foreground.

This legislation will strengthen law enforcement's ability to detect, deter, and prosecute hate crimes of all varieties, especially hate crimes involving Asian Americans. It sends a powerful message of solidarity to all our friends in the Asian American community. It is so important, so vital, so strong, and an important piece of the puzzle of how we build a better future in America.

I thank my colleagues from both Chambers, from Senators Hirono and Duckworth in the Senate to Representative MENG in the House and all those who improved the legislation through the amendment process here in the Senate.

Today, we are another step closer to making progress in the fight against racial discrimination and violence aimed at Asian Americans in recent months. The Senate can be proud it took the lead.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STATE BUDGETS

Mr. MCCONNELL. Mr. President, recent headlines have reinforced a warning that Republicans and economic experts have been articulating literally for months: The massive spending the Democrats insisted upon at the outset of the Biden administration was not in step with actual needs.

Yesterday, I talked about some of the ways the multitrillion-dollar spending spree rammed through in March has actually delayed our reopening and our recovery: about the disappointing fall-off in hiring, despite a historic number of open jobs, after the Democrats renewed a Federal program that pays people extra not to work. Well, here is another misplaced priority from that spending spree: our Democratic friends' insistence on stuffing another wheelbarrow of cash into the accounts of State and local governments that were already rebounding from the crisis.

Back in February, as the Democrats insisted States were in dire need of another huge bailout, 29 of the 50 States were actually closing a 12-month chapter in which their revenues met or exceeded the year before. Twenty-nine of the fifty States were actually closing a 12-month chapter in which their revenues met or exceeded the year before the pandemic.

The faster-than-expected economic recovery, combined with the five bipartisan bills Congress passed in 2020, left a lot of cities and States in even better shape in exiting the pandemic than they were heading into it. Rising tax revenues had put these States in a position not only to weather pandemic-related downturns but to fill in preexisting budgetary potholes that actually had nothing to do with COVID hardships.

Of course, that didn't stop the Democrats from cramming nearly another $200 billion in State bailouts into the American Rescue Plan. Impressively, California got its hands on $26 billion of the $200 billion. By the way, the State of California now claims it already has a budget surplus three times that size—three times that size of a budget surplus—and we are sending them another $26 billion.

They are having to brainstorm new ideas to spend the unneeded avalanche of cash. I understand the State's Governor has come up with one idea he likes. He is planning to cut a timely round of State-level stimulus checks to include people who are in the country illegally—just in time for his recall election later this year. Is that the kind of urgent priority the Democrats had in mind when they used COVID to push through what they called the ''most progressive'' legislation in history?

Experts warned it was poorly targeted, and Republicans said American families deserved better, but the big catalog of political payouts was pushed right through. Let's remember exactly how this played out before we are doomed to repeat it again.

ENDLESS FRONTIER ACT

Mr. MCCONNELL. Now, Mr. President, on an entirely different matter, yesterday, the Senate took a step toward considering wide-ranging legislation that would touch on multiple parts of the U.S. economy in the name of increasing innovation and competitiveness.

A secure, productive, and innovative America that can outcompete China is something that all 100 Senators want. Of course, in a place like the Senate, you are guaranteed to find a wide variety of different ideas about the best ways to encourage that. A number of our colleagues have assembled a proposal that touches on a long list of subjects—everything from funding universities, to regional economic development, to Indo-Pacific geopolitics, to artificial intelligence, to cyber security, and beyond. Legislation this broad needs a thorough, robust, and bipartisan floor process, including a healthy series of amendment votes.

As one of my Republican colleagues—the ranking member on the Commerce Committee—explained, as he supported moving the legislation out of committee, the current draft is ''not ready for prime time'' yet and deserves a robust process here on the floor.

I understand this bill has come to the floor with a bipartisan understanding and the Democratic leader's assurances that there won't be an effort to close debate on amendments prematurely. So I look forward to the Senate's considering these important issues, and I hope all of this interest in our competition with China will lead our Democratic friends to rethink President Biden's intention to cut our defense spending after inflation. The single best thing we can do to stay competitive with China is to give our Armed Forces the resources they need to stay competitive with China.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. MCCONNELL. Mr. President, on one final matter, sometime soon, we also expect to vote on a Democratic resolution to overturn a rule put in place by the previous administration. Under Republican leadership, the Equal Employment Opportunity Commission—an aggressive Washington regulator of the American job market—issued modified marching orders that increased transparency and decreased the odds of expensive lawsuits.

Several years back, one investigation found the EEOC had become very aggressive and was perpetrating a kind of legal harassment on job creators, often leaving American taxpayers on the hook for court cases which the Commission had actually lost. Taxpayers were paying to sue job creators and lose in court, so the Republicans updated their guidance. It was the first substantial update of the way the EEOC handles disputes and conciliation since 1977. It said that the employer in question deserves a written summary of the facts behind a complaint, a written explanation of the legal justification, a few other details, and 14 days to respond. Sounds pretty reasonable. This helps ensure the Commission is making a good-faith effort to see if the dispute can be settled outside of court before beginning a costly, adversarial process.

Apparently, even these modest steps were too much for my friends on the Democratic side. They want to roll back this progress. A number of groups have asked them not to do this, from small business owners, to builders and contractors, to restaurant owners, to retailers, and beyond. These are the same employers who are already struggling to climb back out of this pandemic and rehire workers. They don't need any more Washington headwinds in their faces, and taxpayers don't need more of their dollars being funneled back toward trial lawyers. So I would urge Senators to vote against this resolution so the current, improved rule can actually be left in place.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

ENDLESS FRONTIER ACT-MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1260, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 58, S. 1260, a bill 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.

The ACTING PRESIDENT pro tempore. The Republican whip.

BUREAU OF LABOR STATISTICS APRIL JOBS REPORT

Mr. THUNE. Mr. President, Ronald Reagan once said that the nine most terrifying words in the English language are ''I'm from the government, and I'm here to help.''

He was partially joking, of course, but what he was getting at is that government is not always the solution, and the government can sometimes do more harm than good, and we are definitely seeing some evidence of that right now.

On May 7, the Bureau of Labor Statistics released the April jobs report. With businesses desperate to hire and vaccinations increasing daily, the report was expected to be big, with a good chance that a million or more workers would be hired.

But that is not what happened. Just 266,000 workers were hired, despite the fact that there were 8.1 million job openings as of the end of March, and the unemployment rate ticked up.

That is right. Despite the fact that businesses are desperate to hire workers, the unemployment rate actually increased, and it turns out that we don't have to look far for one of the reasons—Democrats' massive, partisan spending bill, which, among others things, extended the expanded unemployment benefits to September of this year, to the point where many workers are making more staying home than they would be going back to work.

Increasing unemployment benefits was the right thing to do early in the pandemic. Businesses were closed, workers were being forced to say home, and the landscape was bleak. But even last year it became clear that our economy was starting to rebound.

That didn't mean it was time to eliminate all government help, but it did mean that we needed to calibrate the help to actual need.

But Democrats consistently rejected that line of thinking, and despite the fact that we had passed our fifth bipartisan COVID relief bill in December—bringing the total amount of COVID funding the Federal Government had provided to $4 trillion—weeks later, Democrats announced that we needed another massive COVID relief bill.

Republicans tried to suggest that maybe we should keep it carefully targeted to meet remaining needs without wasting taxpayer dollars or running the risk of overstimulating the economy and driving up inflation, but Democrats were having none of that. This was urgently needed funding, we were told. America needed a massive rescue plan to save us from the virus, and Democrats were going to make it happen.

Well, as it turns out, that massive rescue package was too massive. Democrats insisted on extending increased unemployment benefits to September of this year, and now we are seeing the result.

Reports suggest that many people are declining to return to work because they can make more money staying home and drawing unemployment benefits. That is right. Jobs are available—the number of job openings is very high—but thanks to Democrats' long-term extension of increased unemployment benefits, some workers are staying on the sidelines.

It is not surprising. If individuals can make as much or more sitting at home instead of working, it is not very shocking that many would choose not to work.

The long-term increase in unemployment benefits is not, of course, the only factor keeping people from returning to the workforce, but it is clear that it is one substantial reason why businesses are struggling to find workers.

In the wake of April's dismal jobs report, Democrats, of course, were quick to discredit or downplay any association between increased unemployment benefits and the reluctance of some workers to come off the sidelines.

The President's Treasury Secretary suggested that a significant reason for not returning to work was the fact that schools have not fully reopened. Well, that is definitely another factor, and it is a problem Democrats could have addressed with their March COVID legislation.

Democrats directed tens of billions of additional dollars to schools in their legislation, most of which will be used long after the pandemic is over.

Republicans repeatedly urged Democrats to tie this funding to school reopening, but the teachers unions were not too interested in returning to school, and Democrats have made it very clear that unions' wish is Democrats' command.

And so Democrats gave schools billions of additional dollars to respond to COVID, without actually requiring schools to follow the science and reopen.

And so, yes, many parents are struggling with returning to work because their kids are still not fully back to in-person learning, and it is too bad that Democrats were more committed to satisfying the teachers unions than getting kids back to the classroom.

Before Democrats passed their COVID bill, there were concerns that the size of it could end up overstimulating the economy and thus driving up inflation. Even some liberal economists sounded the alarm over the size of Democrats' coronavirus legislation. But, again, Democrats were not about to listen to any calls to reduce the size of their massive spending bill.

And while the full results of Democrats' spending spree have yet to be seen, there are already signs that inflation may be becoming a problem.

Consumers are seeing increases—in some cases, steep increases—in the price of everything from groceries to used cars, to trucks.

There is no question that government had a significant role to play in responding to the COVID crisis. That is why a Republican-led Senate passed five—five—COVID relief bills, totaling $4 trillion, and why we supported everything from increased unemployment benefits to forgivable loans to help small businesses weather the virus.

But as the crisis wanes, so should the role of government. American workers are no longer being forced to stay home while businesses close their doors. Our economy is back up and running, and businesses are desperate for workers.

We should be doing everything that we can to get Americans back to work, and Democrats' $1.9 trillion boondoggle isn't helping us with that goal.

A Democratic operative famously said: ''Never let a serious crisis go to waste.'' And as our economy has recovered, a lot of Democrats have seemed very unwilling to let go of the pandemic. I don't know if that is because Democrats want to take credit for getting our Nation out of this, even though all the essential groundwork for our massive vaccination campaign and our economic recovery was laid in the previous administration or if it is because Democrats think that the COVID crisis will provide them with the cover they need to permanently increase government spending and government intervention on a massive scale. But whatever their motivation, the fact is that Democrats need to realize that it is time—it is time to get government out of the way of the recovery, and that should start with increasing, not decreasing, incentives for Americans to get back to work.

As we are seeing right now, sometimes throwing government money at a situation can do more harm than good.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

ISRAEL

Mr. COTTON. Mr. President, over the weekend, Israeli fighter jets demolished an office building in Gaza that housed the members of Hamas, the terrorist organization dedicated to wiping Israel and its people off the map, and they are actively pursuing that mission as we speak by firing thousands of rockets and missiles indiscriminately into Israeli cities.

To minimize civilian casualties, the Israeli Defense Forces gave persons in the building 1 hour advance notice the building was coming down. Everyone evacuated safely, including, one sadly assumes, Hamas fighters. When the airstrike came, there were no reported civilian casualties.

Certain activists in the press seem to meet every Israeli airstrike against terrorists with outrage, but this one elicited even more self-righteous indignation than usual. It quickly came to light that the Associated Press and Al Jazeera had news bureaus in that very building. The AP had lost prime real estate in the strike—real estate with a rooftop terrace. Some even lost their cameras.

The AP's top newsman said he was ''shocked and horrified'' by an airstrike that caused no casualties. He also disclaimed any knowledge of Hamas's presence in the building, despite ''actively check[ing].'' Many other journalists and their advocacy organizations also mounted up on their moral high horses against Israel.

But the AP story just didn't add up. So I asked a few basic questions in a speech right here yesterday afternoon; namely, why was the Associated Press sharing a building with Hamas in the first place? Did it knowingly allow its journalists to be used as human shields by a U.S.-designated terrorist organization? Did the AP pull its punches and decline to report for years on Hamas's misdeeds?

One would think that these are simple and reasonable questions, but I directed them to a media organization. So the usual suspects circled the wagons, expressing more outrage at my audacity to question AP's leadership than they do at Hamas for trying to kill Jews by the thousands.

Keith Olbermann called me an ''anti-Constitution, anti-Free Press, racist fascist.'' One Slate reporter wrote that I was making ''deranged insinuations'' and going to ''bat against civilians in a war-zone,'' even though no civilians had been harmed in this airstrike.

The constant refrain of their criticism was that I was attacking the brave reporters of the Associated Press's Gaza bureau. My claims were baseless, reckless, ''without evidence,'' they claimed. But, in fact, there is plenty of evidence that some media outlet station in Gaza allowed themselves to be used as pawns by Hamas.

According to an article from the Atlantic magazine in 2014, written by none other than, yes, a former Associated Press reporter, the AP had abundant reason to suspect Hamas's presence years before the IDF informed them by telephone last weekend. According to the article, Hamas fighters burst into the AP's Gaza bureau during a previous conflict and threatened the staff. Hamas also launched missiles right outside the AP's office. In each case, somehow the intrepid reporters of the Associated Press's Gaza bureau didn't even report on these incidents.

The AP instead turned a blind eye to terrorism and embraced a culture of silence on behalf of murderers who actively endangered its own reporters and staff. What is equally scandalous is that the AP continued to locate their offices in a building they knew was dangerous. The AP had been in that building for 15 years. Hamas fighters had threatened AP staff and its offices and launched missiles right outside on the street. In 15 years did no one ever say: Gosh, I wonder why Hamas keeps running around our office building? Did no one in AP's leadership think: You know, maybe we should move our people to a safer building in a better neighborhood?

Under the circumstances, I am not sure what is worse, that the AP knew they shared their building with Hamas or that they didn't know.

Instead of uncovering the truth, the AP concealed it. Then, when the IDF carried out its fully justified and wholly appropriate airstrike, the AP condemned Israel in one final parting gift to their neighbors from Hamas.

Now, one would think that this episode might result in some soul-searching. The AP's leadership might see it as a humbling moment, instead of an opportunity to self-aggrandize and play the victim. But the AP's willingness to double down on their Hamas apologism raises, yet again, some more uncomfortable questions. Would the AP allow its reporters to share a building with al-Qaida? What about ISIS? Because there are little differences between these U.S.-designated terrorist organizations and Hamas.

Some prestigious news outlets have fallen pretty far from the heights they once occupied. Being a reporter, and, certainly, a war correspondent, can be honorable work. Great men and women, including Winston Churchill, have dedicated themselves to the profession. Correspondents have gone to the frontlines and reported on some of the deadliest conflicts in human history with courage, commitment to truth, and patriotism.

During the Second World War, for example, a great American named Ernie Pyle marched alongside GIs in North Africa, Italy, Normandy, and the Pacific, reporting right up until the moment he was killed by Japanese machine-gun fire. He did some of his very best work for none other than the Associated Press.

Ernie Pyle was the farthest thing from an old press hack. He described the fighting up close and advocated for better pay and conditions for the troops. He could be critical of the services when they were wrong, but he never forgot whose side he was on, and he never gave up his commitment to telling the stories of normal people and the hard-working troops on the frontline.

Before America's entrance into the war, Pyle reported from the streets of London during the Blitz, recounting the terrifying scenes for readers back home in the States. He told the story of a resolute people under siege and forced into bombshell shelters by an indiscriminate and evil attacker—a people unbent and unbroken by terror, dedicated to victory, no matter the adversity.

We often learn from reporting like that, but you may not read it these days in the Associated Press.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

PIPELINE INFRASTRUCTURE

Mr. GRASSLEY. Mr. President, on May 7, we learned of a cyber attack on the Colonial Pipeline. This resulted in gas shortages and lines across the east coast. You see it on television every day.

During a news conference, Energy Secretary Granholm said: ''Pipelines are the best way to transport fuel.'' This is certainly a fact. Pipelines are much safer than transporting oil by rail or truck. Iowa has over 40,000 miles of pipeline which go largely unnoticed but play a large role in providing our Nation's transportation fuel.

It is not lost on millions of Americans that this statement from the Energy Secretary comes from the same administration that, on day one, January 20, shut down the Keystone Pipeline. On day one, January 20, this administration cut 10,000 jobs. Remember, they ran on a platform of creating jobs. This has already resulted in rising gas prices like we are seeing across the country. In fact, gas prices will soon be more expensive than at any time since the Obama administration.

This cyber attack on Colonial showed America just how critical pipeline infrastructure is for transportation and how that affects national security. For an administration that is stressing infrastructure, maybe they should take a second look at the decision on January 20 to shut down the Keystone XL Pipeline. I shudder to think that if the Colonial Pipeline were attempting to get a permit today, this administration might not even allow the construction.

The United States should be encouraging private infrastructure investment, not getting in the way of progress that investment would bring. As long as our country is still relying on oil to fill our gas tanks, we need to have the infrastructure and security in place so that what happened last week never happens again.

When there is a shortage of oil, then biofuels can be an easy substitute that can be subbed in, but again, government redtape is getting in the way. The Environmental Protection Agency should quickly finalize a rule to broaden the availability of existing infrastructure for use with E15 ethanol and related labeling requirements. This would allow more gas stations to use their current tanks for E15.

We need a balanced approach, and biofuels such as ethanol and biodiesel can help achieve greenhouse gas reductions and strengthen our national security, keeping gas prices in check and helping agriculture of America at the same time.

PRESIDENTIAL POWER

Mr. President, on another matter, I have heard from a large number of Iowans convinced that our Republic is effectively lost with the election of President Biden. This seems to be like the Flight 93 election theory in the 2016 election, where some conservatives felt that, if Clinton won, the country would

be lost for good. So, like the Flight 93 passengers who rushed the cockpit in a last-ditch attempt to avert a catastrophic outcome that probably would have hit this Capitol Building, they argued that any alternative to Clinton was justified.

The left, then, felt the same way after Trump won. When President Trump was elected, I received an outpouring of messages expressing a truly startling degree of fear and anguish. It is as if we had just elected an evil King or dictator.

Understanding human nature, the Framers of our Constitution set up a system of separation of powers, knowing it was not safe to just trust the character of individual public officials. The President is supposed to, as the Constitution said, ''see that the laws be faithfully executed,'' not to be some all-powerful, elected King.

The American Presidency shouldn't be and was never supposed to be so important or so powerful that Americans ought to feel that their entire future is at stake every 4 years. Yet many Americans do feel that way, and it isn't all just a misunderstanding.

Presidential power has grown beyond its proper bounds intended by the Constitution. Why is that? That ''Why is it?'' lies right here with the Congress of the United States because, over time, Congress has delegated too much authority piece by piece, in countless bills, and failed to this very day to do much to take back that authority.

During the Trump administration, I worked to reclaim some delegated powers over tariffs, emergency declarations, and regulations but lacked sufficient bipartisan support to get the job done. I have no illusions that a Democratic Congress will limit President Biden's powers, but perhaps we could agree to reclaim powers for Congress with some future effective date.

So much focus on one person, whether it is a Republican or a Democrat, and one election every 4 years, like we worried about 2016 or people are still worrying about 2020—that is not a healthy environment for a democracy. Restoring the proper balance between the Presidency and the Congress can help restore some balance to our fiscal discourse.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1260

Mr. SASSE. Mr. President, Winston Churchill is often credited with the apocryphal quote that ''we sleep soundly in our beds because rough men stand ready in the night to visit violence on those who would do us harm.''

This is still true, but the 21st century has gotten more complicated. We live in an era of hybrid wars. There are fewer D-days on enemy beaches and more zero-day exploits in enemy servers.

Americans sleep soundly at night because, in addition to these rough men at the ready, brilliant men and women work around the clock to develop national security technology that defends our interests and undermines our enemies. DARPA—the Defense Advanced Research Projects Agency—is on the frontlines of that work. They are racing against our adversaries.

Our technology struggle against the Chinese Communist Party is the defining national security challenge of our time. Chairman Xi and his techno-authoritarian regime are fundamentally opposed to not just American values but American interests all around the globe.

Our citizens watching this Chamber on most days might think that most of their political leaders are content to ignore this reality, but I assure my colleagues in this Chamber that the CCP is not asleep at the switch.

Beijing is aggressively investing in machine learning and artificial intelligence and in quantum computing. They are hacking and stealing America's research and America's intellectual property. The Chinese Communist Party is on a mission, and they make no attempt to hide it. They want to become the world's preeminent superpower, and they think that by claiming first-mover advantage in the cyber domain, they can achieve this. We can't let that happen.

My amendment to today's legislation is simple: It doubles DARPA's budget, $3.5 billion to $7 billion a year for each of the next 5 years. The work of the National Science Foundation is important as well, and I support that work. I support that research. But the NSF's research is broad. DARPA's research is directly applied to our most critical national security challenges.

Cutting-edge, classified tech development is in DARPA's DNA. When we talk about identifying and disrupting the CCP's AI-enabled cyber and information campaigns, we want DARPA to be leading that work. When we talk about developing new technological tools to push back on the CCP's hybrid warfare, we want DARPA to be leading that work.

If we want American democracy to outlast Chinese techno-authoritarianism, we can make this investment. Doubling DARPA's budget is a cost-effective investment that bolsters that work, and it bolsters the work of the Endless Frontier legislation we are debating this week, and I encourage all of my colleagues to support this amendment.

The PRESIDING OFFICER (Mr. LUJÁN). The Senator from Florida.

CHINA

Mr. RUBIO. Mr. President, a year ago Saturday, the previous administration, the Trump administration, launched something called Operation Warp Speed. At that time, it was a $10 billion program by the government, and it was designed to incentivize pharmaceutical companies to invest in developing, researching, and producing effective treatments and a vaccine for a disease that was ravaging and continues to ravage the world today.

Less than 4 months later, a new antibody treatment was beginning to save American lives and improving the outcomes of patients with COVID–19 here in America. And less than 7 months after that Operation Warp Speed program began, Americans began receiving the first dose of two different and highly effective vaccines.

Why did the government have to step in? Why did the government have to provide the money? Wouldn't the market have solved this? There was certainly a demand. There was certainly a need for it. In fact, I would argue that people probably would have paid whatever it took to get their hands on a vaccine and on new treatments given the level of desperation that existed in May of last year here and around the world.

Yes, the market would have eventually developed the antivirals, would have developed the antibody treatments, and would have developed the vaccine. The market would have eventually done it without the government stepping in, in this dramatic way. But it wouldn't have done it in the timing that we needed it. We needed it right away. Our economy was shut down. Children were not going to school. Workers had no jobs. Small businesses were being wiped out. Hospitals were being overrun, and people were dying. We were facing a global crisis and a national emergency. It was a moment that required urgent attention and the fastest results possible. So for the common good of our country, our government partnered with the private sector to reach a targeted end, one that served the interest of our country and our people. In short, we pursued ''industrial policy'' and almost 1 year to the very day, it was announced that life in America is, slowly but steadily, returning to normal.

I first spoke about the need for a 21st century American industrial policy well over a year before the pandemic hit. Let me tell you that for much of my adult life, much of the time I even paid attention to policy, ''industrial policy'' was generally sort of a dirty phrase for me. Politically, I was raised capitalist orthodox. It is an economic faith grounded in the belief of less taxes and less government and more freedom.

I still believe in less taxes and less government and more freedom, and my faith in capitalism has only grown because, unlike socialism, the market always produces the most efficient outcome and, usually, generally, invariably, the result of that is prosperity and opportunity. The free market—capitalism—has eradicated more poverty than all the socialist programs in the world combined.

But the market is agnostic. It doesn't take into account the impact that an efficient outcome, a market outcome, would have on its people. Thus the market does not take into account its national interests. It is agnostic.

We in public policy cannot be agnostic. The job of those of us who serve in the American Government is to make decisions that are in the best interests of America and the people that we serve. I believe that, generally and invariably, that usually means supporting a vibrant system of free enterprise in which private businesses invest and innovate and produce, and government makes it easier for them to do that and gets out of the way.

But what do we do, what should we do, when the market reaches the most efficient outcome and the most efficient outcome is one that is bad for America, bad for Americans, or doesn't meet a crisis at hand fast enough? What is our role when we face such a crisis, when we must address one that has to be addressed faster than the market's ability to do it?

This is not a hypothetical question. It describes what we faced in May of last year, when Operation Warp Speed was announced, and it describes many of the important challenges we face today.

Over the last 20 years—maybe 25 years—the market sent American factories and jobs to other countries. This was the most efficient decision to make because workers in other countries cost less, and so it lowered labor costs and increased profits. It was the market's decision. It was the efficient decision, but it destroyed the jobs of Americans. It shattered families. It gutted once-vibrant communities.

Major American corporations headquartered here in the United States—multinationals—have allowed China to steal trade secrets and cheat on trade because, for them, gaining access to even a small sliver of the growing Chinese market of over a billion people led to profits. This, indeed, did create short-term profits and extravagant wealth for some, but in the process it began transforming America from a country that invents and makes things into one that increasingly just finances and buys them.

It is, indeed, more efficient to make the active ingredients in many of our medicines in China. It is cheaper to do it. So, today, we find ourselves depending on China to produce the active ingredients in everything from acetaminophen, which is generic for Tylenol, all the way to blood thinners and everything in between.

It was cheaper to buy rare-earth minerals from China—it still is—than to produce and mine our own. Today, we depend on them for almost 90 percent of these valuable metals that are needed not just for advanced electronics but for our own major weapons systems. We made the decision to allow Chinese companies free rein to own and to buy and to make money in America, almost without restrictions, because we are capitalists.

They, on the other hand, restrict and ban our businesses from doing work in China because they are nationalists. None of this is an accident. China has a plan. It has a plan to overtake America as the world's leading economic, technological, geopolitical, diplomatic, and military power. I don't say this to you based on some supersecret intelligence document or an educated guess. They put it on paper. They have written this out for everyone to see in 2015. The Chinese Communist Party laid out a plan with a title called ''Made in China 2025.''

It basically is a plan to invest in and overtake us in 10 of the industries that will define the 21st century economy—biomedicine, advanced technology, air and space, artificial intelligence, quantum computing, telecommunications, 5G, rail systems, ship building. They intend to lead the world in all of these areas, and they are executing on a plan to carry that out, and we have been complacent and distracted.

So while China channels every element of their national power, every element that you can imagine—while they channel all of it—to dominate these key industries and to do it at our expense, we assume that our position in the world will continue on its own without having to do anything to maintain it.

While China is pursuing economic and technological dominance, we find ourselves here busy canceling people, demanding the use of the right pronoun to describe people, or claiming that requiring a photo ID to vote is the return of a Jim Crow era.

We have placed ourselves on the road of decline and humiliation, headed toward a world in which a totalitarian regime—one guilty right now, as we speak, of committing genocide against Uighur Muslims—becomes the leading power on the planet and relegating our country, America, into the status of a once great nation in decline.

We do not need to abandon capitalism and embrace socialism to take on this challenge. I believe socialism would only accelerate the damage our decisions are doing to our country. We need capitalism, but it must be a capitalism geared toward promoting the national interest and the common good, where the private market drives our economic decisions. And in those instances where the market outcome is bad for our country, in those instances in which the market's most efficient outcome is one that is bad for our people, for our national security, for our national interests, bad for America—in those instances—what we need is targeted industrial policy to further the common good and to protect our people, our country, and our future. We need an industrial policy targeted not to every industry or to the one who hires the right lobbyist. No, we need an industrial policy like Operation Warp Speed, targeted to urgent national needs; policies like my Medical Manufacturing, Economic Development, and Sustainability Act, which would help bring back our ability to make medicines in this country again, including in places like Puerto Rico that need the economic growth and jobs; like the CHIPS Act we passed last year to make sure we never have to depend on China or any other country, for that matter, for semiconductors.

In 2019, well before the pandemic, I proposed modernizing the Small Business Administration and aligning its programs to the national interest, like my American Innovation and Manufacturing Act, which would incentivize private investment in small American manufacturers through the SBA.

And even as we make these sorts of targeted industrial policy decisions, we need to make sure that we are protecting them from being stolen from us. One of the changes we need to make in the China bill that is now before the Senate is we need to have stronger protections against the research that we are funding from being stolen.

First, more of this money should be invested through agencies like DARPA, as an example, which has very good safeguards in place.

Second, we should prohibit any entity from receiving the funds called for in this bill if they receive China-based financial or in-kind support, or if they otherwise failed to disclose foreign funding in the past 10 years.

Third, we should require certification that a potential recipient of the funding has sufficient protections in place to guard against IP theft and other threats from foreign governments before they were giving them the money. It would be something if we appropriate all this money for industrial policy, we invest it, and then we see it stolen.

Fourth, we should prohibit Federal employees and contractors from participating in any foreign government talent recruitment program, and we should require Federal contractors to disclose any commercial ties they might have to the Communist Party in China.

And, fifth, we should establish a system of outbound investment screening. Even if we are successful in preventing adversarial actors from acquiring Federal research dollars or intellectual property developed by it, there is nothing to stop nationless corporations from simply buying the IP and using it to develop capacities to benefit China and hurt our interests.

This is an important moment, I think, one that will define the remainder of the century. When the book about the 21st century is written, it will have a few chapters about a lot of different things. But that book is going to be about the relationship between China and the United States and what happened, and what happened is in very many ways being decided right now.

We must ensure that our public policies are aligned to the urgent challenges of our time. Our job here is to promote the common good and to defend the national interest. By and large, that is a free enterprise, capitalist economy that will produce the innovation, the investments, and all of the things necessary to make that possible.

Yet, in those instances in which a national need is urgent, in which the outcome that the market has delivered is harming our country and its long-term future, we have an obligation to act on the common good. We should not allow orthodoxy or policies that made a lot of sense in the 1980s—a very different world from today—to stand in the way of the sorts of targeted government-private partnerships needed: the kinds of partnerships that gave us a vaccine that is bringing us back to normal; the kind of partnership that will allow us to tackle the challenges we face now so that the 21st century will ultimately be an American century and so that our leadership in these key industries that will define the century is neither endangered nor lost.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

INFRASTRUCTURE

Mr. CORNYN. Mr. President, one of the topics of discussion right now here in Washington, DC—actually, there are many different topics of discussion, but one of those is infrastructure. Depending on who you ask, you are likely to get different answers on what exactly people mean when they say the word ''infrastructure.''

When I and my constituents in Texas think about infrastructure, we think about our highways and bridges. Now, those are two of the big things that come to mind. We are home to the largest network of highways in the Nation, as well as the largest number of bridges, and these structures are supporting more and more Texans by the day. It is no secret that, in the last decade, Texas has grown by nearly 4 million people—roughly the population of our neighbor to the north, Oklahoma. If we want to get all 29 million Texans and our visitors and our crucial commercial cargo around the State safely and efficiently, we need a reliable network of transportation infrastructure, and there is a lot of room for improvement over the status quo.

Every year, the American Society of Civil Engineers evaluates America's infrastructure and issues a report card that lets us know how we are doing. Well, America is barely passing with a C-minus. Texas is faring only slightly better than the rest of the class with a C. There is no doubt about it—it is time for an investment in our infrastructure. Now more than ever, that investment must be made responsibly.

We just spent trillions of dollars to help the American people and our economy get through a pandemic, and our national debt is at its highest level since World War II. I have told my friends back home that this is the domestic equivalent to a world war. We didn't ask in World War II: How much money can we spend? We needed to defeat our enemies, and we did. Then we needed to come together responsibly and figure out how to pay for it.

We don't need to quit spending altogether, but we surely must take a closer look at what is necessary and what is desirable and what is something we would like to have but that could be put off for another day. Think of the Goldilocks principle: not too hot, not too cold. In this case: not too small, not too big. We need to find the right size, and we need to agree on what that means.

The most recent highway and transit funding bill that became law was the FAST Act of 2015. That bill came in right around $300 billion. Last Congress, before the pandemic hit, it looked like we were poised to pass a similar bill at roughly the same pricetag. I think we can all agree that, now, something of that size is probably too small. We need to invest in our infrastructure—repair our roads, our bridges, our airports, our levees, and other transportation infrastructure that is long overdue.

The pandemic has highlighted the need to expand that definition, though; for example, to strengthen broadband and internet access. For many Americans, the daily commutes to work or to school have been replaced by virtual classrooms and telework. Our 21st-century economy and society depend on internet connections, and we need to do more to improve access, especially in rural areas, where the big internet companies don't find it commercially advantageous to offer service.

Republicans and Democrats agree that, this time around, we need a larger investment in our Nation's infrastructure, but, frankly, the proposal from President Biden is far too big. The nonpartisan Committee for a Responsible Federal Budget estimates it would cost an additional $2.65 trillion—roughly nine times the recent highway bill that became law—and that is on top of the $1.9 trillion that the Senate majority and the House and the President just passed into law purportedly for additional COVID–19 relief, although only about 10 percent of it actually addressed COVID–19. The point is, we have been spending a lot of money, and we can't keep spending money that we are borrowing from future generations.

Not surprisingly, only a fraction of the President's infrastructure bill is dedicated to roads and bridges—5 percent, in fact. The vast majority of the funding goes toward a long list of programs and policies that are unrelated to infrastructure—for example, caregiving for the elderly and disabled; community colleges; programs to improve diversity in STEM careers. All of those are important topics, but they are not infrastructure, and we shouldn't be paying for them by borrowing money from future generations. We ought to figure out appropriate offsets and pay-fors like we used to do here before the pandemic hit. Our job is to find the right-sized bill that suits our needs without going overboard with unnecessary and unrelated spending.

Fortunately, Mrs. CAPITO, the Senator from West Virginia, is leading the way to find that Goldilocks just-right fit. She and a number of our colleagues have outlined to President Biden and our Democratic colleagues a framework to improve our Nation's infrastructure. The plan they have proposed comes in at $568 billion—more than we have spent in the past but far less than the President's proposal.

When we talk about the need for bipartisan compromise, this is a great place to start. The Republican plan includes nearly $300 billion for roads and bridges—2½ times the President's plan for roads and bridges. It also invests in airports, drinking and waste water, ports and waterways, broadband, and some of the most urgent infrastructure priorities in our country.

Last week, Senator CAPITO and five of our Republican colleagues met with Vice President HARRIS and President Biden to discuss a path forward. They, apparently, had a productive meeting, and the President seemed to be receptive to many of the ideas that were shared. I hope this is the starting point for a consensus package that addresses our infrastructure needs.

There is a question that almost nobody wants to talk about, but thanks to Senator RON WYDEN of Oregon and Senator MIKE CRAPO of Idaho, we actually had a virtual hearing on this this morning in the Senate Finance Committee to answer the taboo question that nobody really wants to talk about, which is, How do we pay for it? As I said, this was the subject of the Senate Finance Committee hearing this morning, and I am sure some of the ideas that were put forward will begin to start to take traction and, hopefully, lead us to a way to responsibly pay for this infrastructure bill.

In the past, funding for infrastructure bills has come from the highway trust fund, but for years, it has faced severe shortfalls. To a serious degree, my constituents in Texas have footed the bill for those shortfalls. We are one of the few States, for example, that receives less than it contributes to the highway trust fund. In other words, we are a donor State. For every dollar we put into the highway trust fund, we get 95 cents back. Well, that is not the same treatment every State is getting. In fact, we have a lower rate of return than every other State. If we want to have any long-term success in maintaining our roads and bridges, we have to bring this formula up to date, and it has to be equitable.

The smart spending, though, can't stop there. We need to repurpose the mountain of unused Federal funds from

the so-called COVID–19 relief bill. States are awash with cash that they, frankly, don't know how to spend. The massive $1.9 trillion bill became law without the support of a single Republican because it was so extravagant and poorly targeted. Case in point: the blue State bailout. This legislation sent 350 billion additional dollars to State and local governments, many of which were not facing any budgetary shortfalls.

We have started to see a flurry of news stories in the past few weeks that have demonstrated exactly why we were opposed to this reckless spending. For example, California has reported a $75 billion budget surplus—a massive amount of money. Governor Newsom says this will be used to pay down past State debts, send direct checks to Californians, and add to its rainy day fund. In addition to California, you have New York, Colorado, Michigan, Minnesota. Each of these States is expected to have more than a $1 billion surplus—again, because of the massive shuffling of cash out of Washington, DC, into the States that was not targeted to COVID–19 relief.

This is exactly why we advocated against this tidal wave of funding for States that were not even operating in the red. Taxpayer dollars shouldn't be spent to erase the debts of mismanaged States or to add to their rainy day funds. They have the ability to raise revenue themselves, so it shouldn't be the responsibility of the Federal taxpayers to bail them out or to provide them with this huge cash cushion with their looking to try to find responsible ways to spend it.

Tens of billions of unused dollars from this legislation should be repurposed to help cover the costs of these investments without driving our national debt even higher. It is common sense, and I actually believe that there is a way to incentivize the States to use that additional cash for infrastructure purposes, whether it is through modifications and cost sharing between State and local governments. Many of those States are struggling to find a way, within the guidelines and guardrails that we have provided for COVID–19 relief, to spend it anyway, so why not spend it for infrastructure? Maybe there is a win-win there.

There are a number of ideas now on the table about how to pay for this infrastructure bill, but I hope we can all agree that the massive tax hike that President Biden is proposing is not the answer. This would constitute the largest set of tax hikes in more than half a century, and these increases would do serious damage to our economy just as we are coming out of a pandemic-induced recession.

At a time when our economy is already on fragile footing, the tax burden on Americans would be greater than that of our biggest trading partners and competitors, and this would have far-reaching consequences for our competitiveness and our economy as a whole. After all, we know these tax hikes won't be reflected in lower earnings for CEOs. The brunt will be borne by consumers, who will pay higher prices, and by workers, who will earn lower wages, and let's not forget those whose jobs have disappeared entirely. We are already seeing some price hikes on some of our most used consumer products, covering everything from cereal, to diapers, to lumber, and to cars.

This is not the time to increase taxes and drive inflation across our economy, which is, actually, a tax increase on low- and middle-income people. We need to find responsible ways to fund an investment in our infrastructure without hurting our economy and the people we represent. Right now, it appears that bipartisan progress is being made toward that just-right-sized policy and for it to be paid for in a responsible way or, at least, that is my optimistic hope.

So I want to thank Senator CAPITO for her leadership on this effort and all those who have been working with our Democratic colleagues and the administration and encourage them to continue to work with folks on our side of the aisle so we can get this done on a timely basis.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer. (Ms. SINEMA).

ENDLESS FRONTIER ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Democratic whip.

TAXES

Mr. DURBIN. Madam President, yesterday marked the deadline for filing personal income taxes in America. I am sure many people spent the past weekend surrounded by 1099 forms and shoe boxes full of receipts, hoping to claim a well-deserved tax refund after a year of financial stress due to the pandemic.

That is another reason why the American Rescue Plan that Congress passed earlier this year was such a major accomplishment. It included, that plan, included the largest, single-year tax cut for middle- and low-income earners in the history of the Nation. Let me repeat that. This year's American Rescue Plan included the largest, single-year tax cut for middle- and low-income earners in America's history.

But for a privileged few, those tax cuts are pennies compared to the deductions they enjoy every year because of Republican tax proposals, proposals like the Trump tax plan that Republicans signed into law in 2017, just 4 years ago. Over the next few years, it is estimated that more than 80 percent of the benefits from this Trump tax plan will go exclusively to the top 1 percent of American earners—the top 1 percent. It is nothing more than welfare for the wealthiest.

Perhaps the most egregious aspect of the Trump tax plan is the billions of taxpayer dollars it will give to the world's wealthiest individuals and corporations over the next decade. We are already feeling the devastating impact this corporate giveaway has had on America's economy.

Listen to this now, if you just turned in your taxes. Last year, 55 of the largest companies in America paid zero—zero dollars in Federal taxes despite making more than $40 billion in profits. Forty billion dollars in profits; zero taxes. It is a glaring example of the imbalance in our tax system.

I don't think there is any rational explanation for having schoolteachers and janitors pay more in taxes than the largest corporations, but it seems the folks on the other side of the aisle disagree.

When Senator MCCONNELL met with President Biden last week, he said that raising taxes on corporations—the same corporations that paid zero last year in taxes—is a ''red line'' when it comes to funding the President's infrastructure package. That means Senator MCCONNELL, the Republican leader in the Senate, would rather cut taxes for the ultrawealthy than repair America's crumbling roads and bridges.

Did you see that picture in the news? Of the bridge? I think it was in Tennessee, on one of the interstates. It cracked so badly, they had to close it, close an interstate bridge. We remember just a few years ago in Minnesota, an interstate highway collapsed, taking American lives. It can happen and will continue to happen unless we do our part. That is not just bad policy; it is dangerous.

I guess this is the picture that I brought to show what was happening with this bridge in Tennessee. You can see the crack in the steel girders there and the reason they closed the bridge. God forbid some other bridge is in that same shape and we haven't discovered it or we won't discover it soon enough.

We need to put some money in our infrastructure. We count on it every day. People rely on the safety of these bridges and other facilities, and it is our job to make sure they are kept up.

That is not just bad policy, saying no tax increases for corporations if it means paying for infrastructure that way; it is dangerous.

Take a look at what happens when we fail to adequately invest in our infrastructure. That photo tells it all. A ''structural crack'' they called it. That was found in a bridge in Memphis, TN, last week. Tens of thousands of vehicles drive over that bridge every day. It connects commuters and commercial traffic between Arkansas and Tennessee. If not for a scrupulous engineer who caught the crack, local authorities

said it would have led to a ''catastrophic'' result. Luckily, the catastrophe was averted.

But now the people of Memphis and across America have a different problem. Repairs take time. That means the economic damage caused by the bridge's closure is going to last for months. And it means that shipping and transportation networks will have to reroute for the foreseeable future. So it has a national impact on the economy, one bridge.

Is this what we have come to in terms of infrastructure in America? Are we supposed to accept bridges hanging by a thread?

This closure happened the same week that cyber criminals shut down one of the largest petroleum pipelines in the United States. Did you see the newscast? Did you see the lines of people and their panicked buying? They didn't know if there would be enough gas to get to work, to get the kids to school, or in emergencies, so they went and filled their tanks, and we had a real mess on our hands. We saw the chaos that was created by that ransomware attack: cars lining up in every direction; people actually filling—and this is dangerous—plastic bags with gasoline.

While it may have been a bridge in Memphis or a pipeline on the east coast last week, what is next?

According to the American Society of Civil Engineers, 43 percent of our public roadways are in poor or mediocre condition. Maybe that just means potholes and banging up your car or slowing down the traffic, but it could be worse.

All of these signs point to the same conclusion: We are living on borrowed funds from a previous generation. We are using the infrastructure that they paid for because we don't want to create our own infrastructure.

Cutting corners is simply not an option. That is exactly where we are going to end up if Senator MCCONNELL's redline becomes the standard for deciding if we have infrastructure. And it is predicated on a failed economic theory.

The Republican approach—the so-called aptly named Laffer curve—believes if you just cut taxes on the wealthiest people, that will take care of the whole economy. Everybody is going to get well if the wealthiest have more money. I don't buy it.

It is time to wake up from the trickle-down fever dream. Look at where 50 years of cutting taxes on the extra-wealthy has brought us: bridges on the verge of collapse; pipelines held for ransom; the most unequal economy since the Gilded Age in American history.

The economic consensus is clear: Tax cuts on the wealthy have never created jobs. They have never boosted economic growth. They just boost the banks accounts of the people who already have it. The benefits rise all the way to the top of the economic ladder and stay there.

If we want to rebuild America, we need to invest in America. To do that, we need the wealthiest Americans and massive corporations to step up and pay their fair share.

If you think you paid your fair share or more yesterday, how about the corporations that paid zero on $40 billion of profit?

President Biden understands this. That is why he has proposed the American Jobs Plan. It is going to grow our economy by putting millions of people to work rebuilding roads and bridges, like the Hernando de Soto Bridge. And it would make our crucial infrastructure more resilient to 21st-century threats like ransomware and cyber criminals.

President Biden also has a plan to pay for these investments, unlike the Trump tax plan. To start, the President's plan would raise hundreds of billions of dollars by holding tax cheats accountable and rolls back the tax breaks that encourage corporations to ship jobs overseas.

This is something that boils my blood. Here is a corporation—and many of them have been located in my State—doing well, making a handsome profit, and expanding their business. They sit down with their counsel, lawyers, and come up with a brandnew idea: Well, let's just move our headquarters out of the United States, out of the State of Illinois, and put it in some foreign country. Think of how much we will save by not paying our fair share of taxes in the United States. We get all the benefits in this country. We use its infrastructure. We locate here. We actually live here. But we take a post office box in some faraway place and skip paying taxes to America.

What a grand idea that is for some. For me, it is just deception and fraud.

The only people who would see their taxes increase under President Biden's proposals are those making over $400,000 a year. Now, if you are making over that amount of money and don't want to announce it publicly, but you are sick and tired of DURBIN's speech, get up and leave at this point. But if you are making under $400,000 a year, stick around because President Biden has made sure these tax increases will not affect you.

Let me put it another way. We can fund President Biden's infrastructure plan without raising a single tax on actual working families in America. How about that? Frankly, it is about time we balance the scales of our tax system.

During the pandemic, how did the richest 1 percent of Americans do? What was their struggle during this crisis? They saw, the 1 percent, saw their net worth increase by $4 trillion—not a bad year.

If we want to get serious about creating jobs in America, everybody has to do their part. And this isn't just about rebuilding our country. It is the next century of global leadership at stake.

S. 1260

Mr. President, this week, the Senate will consider the Endless Frontier Act, a bipartisan measure introduced by Senator SCHUMER, a Democrat, and Senator YOUNG, a Republican. It is primarily focused on investing in America's leadership in scientific and technological innovation and making sure those investments create jobs—good-paying jobs—in manufacturing and emerging industries. I am sure there are some worthwhile amendments that should be voted on, but I think it is an excellent example of the legislative process at work.

With the Endless Frontier Act, Republicans and Democrats are coming together to recognize that we need to invest in our capacity to compete with China and the rest of the world. This is one of our highest priorities.

While this bill is a promising starting point, remember, it is just a starting point. I hope it is the beginning of a new bipartisan agenda for the future. We can't afford to stand still. While we might not agree on every solution, I am sure we share the same goal—put America on track to win in the 21st century.

I have listened carefully to many of my Republican colleagues who say President Biden is too ambitious, wants to invest too much money, and has too many big ideas. These Republicans have a solid second-place strategy for America. I don't want to be part of that.

This country can prosper and lead with the right inspiration. President Biden is bringing that to the table. That is what the American Jobs Plan is all about, President Biden is calling on everybody—everybody—to play a part in building that future.

Let's invest in America and create millions of good-paying jobs in the process.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

NOMINATION OF KRISTEN M. CLARKE

Mr. LEE. Madam President, I rise today to oppose the nomination of Kristen Clarke to be the Assistant Attorney General for the Civil Rights Division.

As I have said multiple times, I am not here to call into question Ms. Clarke's motives, nor am I here to call into question whether she is a good person. In fact, I am willing to assume and even concede, for purposes of our conversation today, that she is a good person and that her motives are good. It is not my job as a Member of the Senate to go beyond that, but I do have some very serious concerns reflected in

Ms. Clark's record, concerns that, regrettably, she has failed to rebut.

First, given the importance of the Civil Rights Division to the enforcement of our Nation's anti-discrimination laws, I am concerned about past instances in which she has publicly pushed the Department of Justice to not pursue egregious instances of voter intimidation.

Ms. Clarke criticized the Department of Justice's decision to prosecute Ike Brown for voter intimidation and suppression. As a reminder, in that case, the case involving Ike Brown, a Mississippi Democratic official engaged in rampant vote manipulation and absentee ballot fraud.

Rather than praising the Justice Department's successful prosecution of the case, she criticized the decision, stating that some of the claims were ''weak.'' When asked point-blank whether she agreed with DOJ's decision to prosecute two members of the New Black Panther Party who, by the way, showed up to a polling place wielding a billy club, she demurred, saying:

> I believe the leadership of the Justice Department had the prerogative to bring the cases that it deemed appropriate to bring.

Well, that is a completely nonresponsive answer. It is a little like saying Congress has the prerogative to pass the legislation that it deems appropriate to pass.

In short, Ms. Clarke was unwilling to decry outrageous voter suppression and intimidation when Democrats were implicated. She showed no corresponding hesitancy in challenging commonsense election security laws, like voter identification requirements, passed by Republican State legislatures.

Indeed, she has frequently challenged State election laws attempting to paint ballot security measures as categorically racially discriminatory, which raises the question: Does Ms. Clarke, in fact, oppose all voter intimidation or just voter intimidation against certain groups? When the position the nominee is applying for involves being the head of the Civil Rights Division at the U.S. Department of Justice—the very division that is responsible for overseeing voter rights laws—that is not a question that you want to have to ask.

Second, Ms. Clarke has shown a troubling disregard toward certain constitutional rights. A few years ago, she decried the Trump administration's creation of a Religious Liberty Task Force, saying that the goal was ''to make it easier for people to use religion to mask their discriminatory goals. Shameful.''

I would remind Ms. Clarke that the very first sentence of the Bill of Rights safeguards the very religious freedoms that she accuses of ''masking discriminatory goals.''

Again, late last year, Ms. Clarke attacked the Supreme Court's decision in Roman Catholic Diocese v. Cuomo, saying the Court's ruling wrongly privileged ''religious freedom above all else.''

Now, by way of reference here, just to set the context straight, that decision in the Supreme Court's ruling in Roman Catholic Diocese v. Cuomo simply stated that commonsense proposition—one that is, in my view, unremarkable—that the government must treat mosques and synagogues and churches the same way that it treats liquor stores and acupuncture clinics.

Statements like these give religious Americans like myself pause. Why should we believe that she will defend the civil rights, including the religious rights of all Americans, not just those with whom she happens to agree?

Finally, I am worried about Ms. Clarke's failure adequately to address her troubling history of inflammatory statements and irresponsible activism.

In college, she wrote an article stating that ''Melanin endows Blacks with greater mental, physical, and spiritual abilities—something which cannot be measured based on Eurocentric standards.''

Not surprisingly, she was asked about this at the Senate Judiciary Committee hearing. And when she was asked about it at her hearing, she claimed this statement was meant to be satirical. But at no point—not during the hearing, not in connection with followup questions for the record—did Ms. Clarke ever acknowledge the obvious; that these statements were unacceptable, regardless of whether she intended them to be satirical.

Likewise, rather than express regret for her decision to participate and assist in a conference defending cop killers and domestic terrorists in law school, she merely said that she ''provided logistical support.'' That contradicts the statements made by numerous speakers at the conference who personally thanked her for her efforts.

In preparation for that same conference, Ms. Clarke recommended that an article entitled ''Mumia, 'Lynch Law,' and Imperialism'' be included in the conference newspaper and discussed in connection with one of the panels.

That article contains some of the most inflammatory anti-police rhetoric I have ever seen. Here is a quote from it, an actual quote: ''The Klan is now the Police, with Blue uniforms replacing the sheets and hoods. The corrupt racist Judges, are petty Klan administrators.''

When asked about her promotion of this article in her questions for the record before the Judiciary Committee, Ms. Clarke stated that she ''ha[d] no independent recollection of that email.''

Now, once again, we have here a complete nonanswer. Ms. Clarke declined to explain, much less take responsibility for, associating herself with extraordinarily, obscenely dangerous rhetoric.

Moreover, if Ms. Clarke were to be confirmed, she would be responsible for overseeing pattern and practice investigations of law enforcement agencies, which makes her unexplained, inexcusable involvement with anti-law enforcement activities all the more troubling.

I would also point out that the article's author, Amiri Baraka, was—like Professor Martin mentioned a moment ago—famously anti-Semitic. On one occasion, he wrote, in reference to Jews, that he had ''the extermination blues.'' So, again, we have Ms. Clarke casually associating herself with a virulently anti-Semitic thinker.

Ms. Clarke also denied on the record that she had served on the editorial staff of a college journal with Amiri Baraka. But a simple Google search of ''Kristen Clarke'' and ''Amiri Baraka'' shows that when she was an assistant editor of that journal, Amiri Baraka was a contributing editor. Her denial of this easily verifiable fact is hard to understand.

Now, let's be perfectly clear. I don't bring any of this up to suggest that all of it is unforgivable. Look, everyone has, from time to time, said or done things that they later come to regret, but let's keep in mind what we are looking at here. Ms. Clarke, herself, is asking us to apply a very different standard to her than we have applied to others—a different standard, in many ways, than she has asked be applied to others.

In 2019, her name appeared on a letter sent by the Leadership Conference on Civil and Human Rights, where she sat on the board of directors of that organization, opposing the nomination of a lawyer named Ryan Bounds, who had been nominated to serve on the U.S. Court of Appeals for the Ninth Circuit. That letter stated that, ''[w]hile [Bounds] recently apologized for those comments''—comments that had come up in connection with his confirmation proceedings—''the timing of that apology suggests it is one of convenience rather than remorse, offered in a last-ditch effort to salvage his nomination.''

In her hearing testimony, Ms. Clarke provided no explanation for why we should overlook her extraordinarily controversial activities and statements while she was a student. Rather, she attempted to minimize or, in some cases, even evade her actions.

Ms. Clarke's history of irresponsible actions and words didn't end with law school. In 2019, she signed a letter defending Tamika Mallory, a woman who stated that ''white Jews'' ''uphold white supremacy'' and associated herself with Louis Farrakhan.

When pressed on this point, she gave no explanation for her statement of support, other than saying that the letter ''denounce[d] . . . antisemitism.''

Now, I am confused. How can a letter defending a woman accused of making anti-Semitic statements actually be a letter that is denouncing anti-Semitism? Either anti-Semitism is bad or it is not. You can't have your cake and eat it too. The way I read that letter, I don't see the letter as saying, yes,

that statement was bad, but there are other circumstances that should be considered. Instead, I see a wholehearted defense of the individual herself.

Likewise, just last year, Ms. Clarke wrote an article titled ''I Prosecuted Police Killings, Defund the Police—But Be Strategic.''

When pressed about this by my colleagues on the Judiciary Committee, Ms. Clarke, once again, sought to evade responsibility, saying that she has ''developed a practice of being deferential to editors on title selection.'' But I don't think that is how this works. The article does, in fact, have her name on it. Even if she were deferential, the fact that she is describing herself as deferential here suggests that she did, in fact, make a conscious decision to defer. She didn't say: I had absolutely no choice in it. I didn't see the title. She just said that she adopted a practice of being deferential.

In any event, you can hardly blame the editor for the title that he or she chose. Ms. Clarke wrote three times in that piece—three times—''We must invest less in police.''

In short, Ms. Clarke's record reflects a consistent pattern of inflammatory statements and actions, followed by a disclaimer of responsibility and a lack of candor and remorse. Moreover, her record gives us reason to doubt that she will defend the civil rights of all Americans, not just her political allies.

For these reasons, I regretfully cannot support her nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, very shortly, we will be voting on the Kristen Clarke nomination to the Department of Justice. This week is an apt time to start the discussion about her nomination because it marks the anniversary of two of the most important Supreme Court decisions in the history of America. The first is the infamous Plessy v. Ferguson decision in 1896, wherein the Supreme Court established a standard of separate but equal. That was the standard that was used to justify—legally justify—racial discrimination throughout America. Sixty years later, in the landmark decision of Brown v. Board of Education, the Supreme Court unanimously—unanimously—rejected that shameful document and blazed a trail for the modern civil rights movement.

This year, 2021, the Senate has a chance to continue America's long march toward equality and racial justice by confirming principled, experienced leaders to the Department of Justice. The Senate should work expeditiously to consider and confirm these nominees. We have already confirmed Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, and Associate Attorney General Vanita Gupta. The next one in the order of the administration's priority on hiring in the Department of Justice is Kristen Clarke. President Biden has nominated her to lead the Justice Department's Civil Rights Division.

Ms. Clarke is the right person to restore credibility to the Civil Rights Division. Under the previous President, the former Attorneys General Sessions and Barr, that Division was warped into a target and a tool to discriminate against marginalized Americans. During that previous administration, the Division rescinded guidance that strengthened protections for transgender students. They prohibited the use of consent decrees with local police departments that engaged in systemic misconduct. And they abandoned the longstanding principle of defending Americans' right to vote. Now we have an opportunity for a course correction in the Civil Rights Division by confirming a proven civil rights leader to head that Division.

As a former trial attorney in the Division's Voting Section and as a prosecutor in its Criminal Section, Ms. Clarke has clearly played in the big leagues. She personally understands the role that the Division's line attorneys play on a day-to-day basis. Ms. Clarke knows that these career attorneys must be independent from political pressure in order to carry out the mission to defend the civil rights of all Americans, and her diverse background as a legal expert will serve her well.

As the former codirector of the NAACP Legal Defense and Educational Fund's voting rights group, Clarke confronted assaults on voting rights and ballot access, like those we are seeing in State legislatures across America today. As the former chief of the New York Attorney General's Civil Rights Bureau, she helped establish the Office of Religious Rights Initiative, defending the First Amendment rights of workers throughout the State.

You would find it hard to believe about Ms. Clarke and the issue of freedom of religion, based on some of the earlier statements made on the floor, and to then learn that she established the office's Religious Rights Initiative in New York. Today, as the president and executive director of the Lawyers' Committee for Civil Rights Under Law, Ms. Clarke has spearheaded new initiatives to address civil rights issues created by new technologies.

She is singularly qualified to head the Civil Rights Division at this moment. She brings with her a wealth of expertise and experience needed to lead this Division at this moment in history.

She also boasts broad, enthusiastic support from the law enforcement community. If you were on the floor and heard the statement previously made by the senior Senator from Utah, you would find it hard to believe that law enforcement would support this woman. Some of the things they say about her in criticizing her record suggest that those in the law enforcement community are her natural enemies. The opposite is true.

Throughout her decades of civil rights work—20 years of working in civil rights that included several years as a prosecutor—she has partnered closely with law enforcement. Many of them have publicly endorsed her, and I will get to that in a moment. Yet, if you were to listen to the arguments from the other side of the aisle—and we heard them in committee—you would think this amazing woman must be so gifted that she can engage in the practice of law for 20 years in the same theater, including with law enforcement leaders from all over America, and somehow they never caught on to the fact, according to them, that she was virulently against law enforcement. In fact, they came out and said the opposite. She was fair. She was objective. She was a good partner in trying to resolve difficult issues.

They would have us believe that she has this mystical power to take people in law enforcement and delude them because secretly she is a radical, a Socialist radical. Not true. The partnership she has had with law enforcement began when she prosecuted hate crimes in the Civil Rights Division, and it continues to this day through her work on the Lawyers' Committee James Byrd Jr. Center to Stop Hate. This center provides community resources, training, and support for law enforcement to better identify, investigate, prosecute, and report hate crimes.

In each of these roles throughout her history as a professional prosecutor at the highest levels in the United States of America, Ms. Clarke has earned the respect and trust of members of law enforcement, reflected in their strong support for her nomination.

Listen to some of the groups that openly support her and then reflect on some of the charges that were just made against her on the floor by the Senator from Utah.

She has support from the Major Cities Police Chiefs Association. She has the support of the National Organization of Black Law Enforcement Executives. She has the support of Women in Federal Law Enforcement; the Hispanic American Police Command Officers Association; over 40 prominent police chiefs and sheriffs; and Sheriff David Mahoney, who just this month stepped down as president of the National Sheriffs' Association.

Ms. Clarke's critics would come to the floor and have you believe she has deluded all of them. She has deceived all of them. Despite the work they have done with her, she secretly can't stand them.

Well, it is not true. And it is not true, and they know it. I think the Senators on the other side of the aisle should know it as well.

Ms. Clarke has the support of a bipartisan group of former Justice Department officials who wrote to the committee and said: ''Ms. Clarke's experience, in addition to her high character, make her a superior choice to lead'' the Civil Rights Division. People who worked with her have endorsed her for promotion.

Although Ms. Clarke's record demonstrates that she has devoted her life to advancing the civil rights of all Americans, in recent weeks, she has been the target of an incredible amount of baseless, vitriolic attacks.

I don't understand what is going on around here sometimes when I look at these nominations and wonder how people like her—Kristen Clarke, Vanita Gupta, and others—really enrage people on the other side of the aisle, to the point where organizations are making concerted efforts to really twist and distort their life's work, their values, and the talents that they bring.

Listen to one of these attacks that was just made again on the floor of the Senate. The attack is that she personally defended Mumia Abu-Jamal, who was convicted in 1982 of the murder of a Philadelphia police officer named David Faulkner.

The attack is missing one key point. Ms. Clarke never—never—worked on the Abu-Jamal case. You wouldn't know that from the charges made.

But perhaps the most vicious attack against her is the false accusation of anti-Semitism.

Now, I am not Jewish, and the Senator who suggested that she was anti-Semitic in some of the things that she had said and done is not Jewish either, but those who are of the Jewish faith have considered the charges made against her. Let me tell you what they found.

They found these accusations couldn't be further from the truth. Ms. Clarke has spent much of her career defending the rights of Jewish Americans.

At the New York State attorney general's office, she repeatedly defended Jewish employees' right to observe the Sabbath in the workplace.

Does that sound like someone who is negative on the issue of freedom of religion or anti-Semitic?

She has also been at the forefront of confronting the growth of anti-Semitic hate and harassment online through her work with the Lawyers' Committee. For instance, she helped shut down a virulent White Supremacist and anti-Semitic website called Stormfront.

Several Jewish groups have emphatically denounced the baseless attacks, which continue to be made, even to this day, against this woman.

Notably, the Union for Reform Judaism, the Nation's largest Jewish denomination, wrote to the Judiciary Committee to voice unwavering support for Ms. Clarke's nomination.

Let me tell you what they said. ''We've heard the voices who have hurled accusations of antisemitism at Ms. Clarke, and we reject them. They do not comport with the career and record of the colleague we have worked with throughout her career.''

These attempts to smear Ms. Clarke's record are a last-ditch effort to discredit a nominee with exemplary qualifications.

The bottom line is this: Ms. Clarke is the right person to lead the Civil Rights Division. It is a difficult assignment. At any time in our history, it is difficult, probably more so today than ever. She is the person for the job.

At this moment in history, our country needs her combination of expertise, experience, skills, and thoughtfulness to ensure the Civil Rights Division will again work for all Americans.

If she is confirmed to be part of Merrick Garland's team at the Department of Justice, Ms. Clarke would certainly make history, being the first Black woman confirmed by the Senate to lead the Justice Department's Civil Rights Division—the first.

I look forward to supporting her nomination on the floor, as we continue this process, and I urge all of my colleagues to vote to discharge her nomination from committee and ultimately confirm her to this critical position at the Justice Department.

My assignment on the Senate Judiciary Committee is a challenging one. The committee is evenly divided 11 to 11. There are some of the fiercest and strongest partisans from the other side of the aisle as part of this committee structure.

I marvel sometimes at things that are said in the committee. When I look at the evidence—certainly when it comes to Ms. Clarke, her actual life, her career, her experience, and what she has done—it belies some of the baseless criticism that is made.

I just wonder, What is it about this woman that drives some Members into a rage? I have met her. I have heard her questioned in the committee. I believe she has proven throughout her life that she is the right person to move up into this critical position at this moment in history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

LOUISIANA

Mr. CASSIDY. Madam President, I rise today to bring attention to an ongoing situation in South Louisiana.

Heavy rains are hammering our communities. A state of emergency exists across the area, with more rain expected today.

It has been a difficult 2 years, pandemic aside. Eight months ago, Lake Charles was devastated by Hurricanes Delta and Laura, one of the few times in history in which a hurricane followed upon a hurricane, almost identically tracking.

Yesterday, areas got anywhere from 8 to 15 inches of rain in 12 hours. It was heartbreaking to see Lake Charles hit again by natural disaster.

And this is 18 to 15 inches in 12 hours, and there you can see the impact of cars flooded up almost to their window. There is a home in the background, and you can see where the water level is relative to that home.

And here we have another example of vehicles flooded, to give you an idea of how much rain occurred in a short period of time.

Now, other floods and disasters in parts of the country—often floods and disasters in parts of the country, other than the west and the east coasts, get overlooked. I am here to make the case to not overlook. We cannot ignore the pain and destruction left in the wake of these storms.

Overnight, 80 people were rescued from flash flooding in Lake Charles. On top of the rain and submerged roads, there were warnings for possible tornadoes, prompting shelter-in-place precautions.

I heard from constituents that students were kept in schools until late into the night.

Now, it is not just Lake Charles; Baton Rouge flooded as well. In Baton Rouge, more than 250 people were rescued after the city got a deluge of over 13 inches of rain on Monday night.

And this is Baton Rouge—not as bad as Lake Charles in that picture, but even more people had to be rescued.

This morning, at least 15,000 homes and businesses were without power in East Baton Rouge Parish.

The number of homes and businesses flooded in Lake Charles and Baton Rouge combined is not known, but I can promise we will continue to hear distressing and saddening stories about the loss of both life and property throughout South Louisiana in the coming days.

Now, through firsthand accounts, social media posts, and local news coverage, we have already heard emotional stories. In Lake Charles, a resident and their newborn had to swim to safety as water levels rose. In Baton Rouge, a body was found submerged in a vehicle that had gone into a canal.

Water rescues and emergency evacuations have been underway for the last 24 hours, but Americans are at our best when we help those in need, and folks in Louisiana are resilient.

So I give thanks to all the brave men and women of local fire and police departments for their work in saving lives. We will get through this together.

When I was in Lake Charles after the last hurricane, Hurricane Delta, I picked up a bracelet that read ''Lake Charles Strong.'' We are Lake Charles Strong; we are Baton Rouge Strong; we are Louisiana Strong.

While some outside of our State have already forgotten about the natural disasters of 2020, Louisiana has not. Many have yet to return to their homes.

Just 2 weeks ago, President Biden visited Lake Charles, talking about infrastructure in front of the Calcasieu

River Bridge. Well, when I met him, I raised the issue of a disaster relief package.

Our State was hit by hurricanes and winter storms, as well as the pandemic. A record five main storms made landfall last year in my State. The strongest was Laura, a category 4 hurricane, hitting Lake Charles, followed by Hurricane Delta, a category 2, just a month later.

Louisiana farmers were also hit with catastrophic damage to livestock, crops, and structures during unprecedented winter storms.

We need a disaster supplemental legislation to help communities struggling to recover. We cannot afford to allow the impact of an entire year's worth of natural disasters to go unaddressed.

Our best line of defense for these natural disasters is coastal resiliency, which in our State is funded through what is called GOMESA. That is revenue from offshore oil and gas development.

And folks wonder why I fight so hard to preserve that funding for GOMESA. GOMESA allows Louisiana to rebuild our coastline so if there is a hurricane coming onshore, there is the resiliency from a coastline which is built out with wetlands to absorb the strength of that hurricane.

We need to preserve GOMESA to continue having dollars flow not just to Louisiana but to other Gulf Coast States to protect against natural disasters.

It will be raining today and maybe longer, but to those—oh, one more thing to mention.

There is a portion of the President's—a portion of the President's infrastructure bill which has not attracted a lot of notice but which I would agree with. It is called nature resilience—using the natural structures of our coastlines in order to increase resiliency against water events and other events.

And in a spirit of bipartisanship, but once seeing the necessity of it, I would support that provision as I now understand it.

So for all those in South Louisiana, please stay safe, listen to local officials for further instructions.

I will continue to monitor the situation and help, as possible, with recovery efforts. My office is in contact with the White House, ensuring the full support of the Federal Government is there to help now and then to help recovery.

Our prayers are with those experiencing flooding and other hardships. We thank the American people for their support.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

ECONOMIC RECOVERY

Mr. PORTMAN. Mr. President, I am here on the floor this afternoon to talk about the economy, how to get it on the right track and particularly how to deal with the jobs crisis we face right now. It is a different kind of crisis than we normally talk about. There are a lot of jobs open, and the workers who are needed are not coming forward. Washington needs to change direction to get the economy on the right track.

Current law provides that at least until Labor Day—that is in September of this year—there will be a Federal supplemental payment of $300 per week added to the State unemployment benefit. So if somebody is on unemployment insurance, they will get their normal State benefit, which in Ohio is about half of whatever your income was, but on top of that, now there is a $300 Federal supplement. It was put in place during COVID–19, but it continues until at least September.

By doing so, adding that $300, it nearly doubles the unemployment insurance benefit, on average. It also results in about 42 percent of those people who are on unemployment insurance making more on UI than they were making at work. It has the effect of, in most States, more than doubling the amount of unemployment insurance, and it also doubles the minimum wage. So you can imagine why this is a disincentive for some people to go back to work, if they can make more not working.

On top of that, Democrats here in Congress, during the COVID legislation, added another benefit to people on unemployment insurance compared to people who are working, and that is to say that your first $10,000 of unemployment insurance is tax-free. So if you are a truckdriver making 35,000, 40,000 bucks a year, you don't get that tax benefit, but if you are on unemployment insurance, you do get that benefit—again, another disincentive to go back to work.

People are logical. If the government is going to pay you more not to work than to work, it creates a problem. And you can see that problem. We have a record number of job openings right now; 8.1 million jobs are open in America today.

The economic recovery we all are looking forward to is being hampered by what? A lack of workers. If you go down your Main Street wherever you live, you will see the ''help wanted'' signs up. If you go by your restaurants, you will see, instead of the marquees saying ''Come and check out our great apple pie or our hamburgers,'' they say ''We are paying signing bonuses''—$500, $250. I went by a Frisch's Big Boy on the way to the airport on Monday, and that is what I saw—McDonald's offering a $500 bonus.

There are manufacturers I know in the State of Ohio I represent offering much more in terms of signing bonuses. I talked to a woman last week, who is a friend of mine, who runs a manufacturing company, a great little company, which has about 200, 250 employees. She is looking for 60 people right now. She is offering a $1,000 signing bonus plus other incentives, benefits, to be able to come to work, and she can't get people to show up to apply for work. So this is a real problem in terms of our interest in getting this economic recovery going.

It is time to stop this extraordinary Federal unemployment supplement. By keeping in place this $300 per week on top of this UI benefit and not taxing that benefit, President Biden and my colleagues on the other side of the aisle are putting us in a tough position and, I think, on the verge of a real jobs crisis because some of these jobs will end up going away, some permanently, if we don't do something about it.

I believe the Federal unemployment insurance was necessary, the Federal supplement, when we were at the heat of the COVID–19 crisis—let's say a year ago now. People were losing their jobs through no fault of their own. Their businesses were shutting down, in part because the government was putting in place social distancing guidelines or otherwise saying that businesses had to temporarily close. A lot of people lost their jobs.

In my view, Congress rightly put in place expanded unemployment benefits to help those families get by when the economy was largely shut down, but we are in an entirely different place now, entirely different place. Again, 8.1 million jobs are open right now. It is a historic time. We have never had this many jobs open in America.

Thanks to the hard work of a lot of our researchers and scientists, this vaccine has gotten out there at record pace. We now have had vaccinations at levels that we had all hoped for earlier. As a result, with more than half of Americans already having had one vaccination—in my State of Ohio, it is even better than that—restrictions are easing, and businesses are opening up, fully open again. In my home State of Ohio, there is no longer a mask mandate. Here in the U.S. Senate is an example. Things are opening up. With that reopening, again, comes all these job openings that can't be filled.

The economic recovery you would expect right now is not happening because people are not getting back to work.

We just had the jobs numbers from last month. The country added 266,000 jobs in April. This was alarming because it was only one-quarter of what the economists predicted, only 25 percent of what people predicted. It is an early warning sign that should not be ignored.

These disappointing monthly job reports typically tell bad news on two fronts. One is that there haven't been as many new jobs added as you would want, and that is certainly true.

But second, it says there are not enough available jobs out there. There

aren't enough open jobs out there. That is not the problem now. Adequate number of jobs is not the problem. The jobs are available. But if the President and Congress don't change course, that could become a problem. If steps aren't taken to dismantle some of the disincentives to work, some of these record number of available jobs we talked about are going to go away.

Let me give an example. There is a restaurant called Geordie's in Columbus, OH. They have closed down. Geordie's is closed down. They can't find workers. That is the reason. The owner was quoted as saying something like: You know, COVID–19 didn't take me down. He got the PPP loan. He kept going, and he struggled through, and he was staying open. He said: My own government has taken me down, because he can't compete with unemployment insurance at that level.

We have lots of other businesses in Ohio. Here are some. Your Pizza Shop, Muddy's, Donatos—all in Wooster, OH—have told me that they are closing down 1 day a week or more because they are understaffed. Facing no alternative, other businesses are figuring out ways to permanently move forward with fewer employees.

This concerns me. In some cases, they tell me they are just downsizing their business. If you can't find those 60 employees and you are the manufacturer right now, what do you do? You are restricting your business. You are not opening new markets, and you are closing down maybe even some existing customers because you can't serve them. So these jobs are going. Others are figuring out ways to do it with fewer people. Again, some might say that is a good thing—using technology and using automation to displace workers. I don't think it is a good thing. I would rather have more people working. That is what they want, too, but they can't afford it, so they are going to more automation, they tell me, going to anything they can do to do it with fewer workers.

This is a problem, and again, Washington is creating this problem. Why would we do that? Again, I understood it and supported it when we had the COVID–19 crisis. People were losing their jobs through no fault of their own. But the opposite is happening now.

We have to change gears. We are at a crossroads. We can continue to have this economy stagnate, continue to hurt working families, or we can get people back to work and create robust and sustained economic growth.

I would take the $300 a week, by the way, and shift it to a 6-week temporary bonus of $100 a week to go to work, a work bonus. You could do that immediately even while keeping the $300 in place for a short period of time because, right away, you could help people to get back to work. It would happen.

By the way, some States have decided on their own just to get rid of the $300 because they know it is not working for the small businesses; it is not working for the economy; it is not working for individuals who are not getting back to their career track, who are losing training and losing the ability to keep up with what is going on at work because they are, again, given this disincentive to go back.

It is working. There was a hotel, I am told, in the first State that decided to do this, which was Montana—did it about 2 weeks ago—a hotel where they were offering every week to hire more employees. They were looking for more employees. They were getting 1 person a week to show up; last week, 60 people—60 people—because they are not offering the $300 anymore. They are giving the money back.

The Biden administration, as you know, would like to spend a lot more money on a lot of different things—that totals about $6 trillion when you add it all up—to prime the pump, more stimulus, get the country back to work, as they say.

What has happened is, a lot of this stimulus money, particularly in the $1.9 trillion COVID package, has overheated the economy—and you can see it in the higher inflation numbers—which is what a lot of people predicted, including Democratic economists and former Secretary of Treasury Larry Summers. A lot of us on the Republican side were concerned about this. Well, it is happening. And we are seeing more and more proposals for more and more stimulus. Inflation is not what we need.

By the way, that spending of $6 trillion is about six times what the government spent during the New Deal in the 1930s, and that is inflation-adjusted. I mean, this is a lot of money.

Instead, what we ought to do is help get people back to work and encourage them and let this economy grow on its own, which it is going to do. During the COVID–19 discussion, the Congressional Budget Office—a nonpartisan group here in Washington and Congress—told us that the economy is going to recover to its pre-COVID level by midyear if we do nothing, no more stimulus. Yet people insisted on more and more stimulus, and we can see what is happening.

Part of that stimulus, part of that spending, was this $300 until Labor Day, $300 week per week in expanded unemployment benefits from the Federal Government, on top of the fact that you don't get taxed on your first $10,000. Again, that $300 is on top of whatever the State benefit is.

Are there other factors that are leading to this labor problem we have now in our country? I think there are. I think there are. One is that we have a situation now where some people just can't afford childcare. So they are not only getting more money on unemployment, perhaps, than they are getting at work; if they go to work, they have to pay for childcare. And childcare is too expensive, and I would like to work on that.

One of the reasons, we are hearing, is that schools are not open, so they have to use childcare because their kids are not in school. With only 54 percent of K–8 schools actually being open today—that is the latest number we have—that is a real problem. Again, that is one we can solve. The CDC is playing a role in that by saying: Get the kids back to school. They can do so safely. There certainly should not be any reason for this now, given the fact that so many people have been vaccinated and, thank goodness, the infection levels are going down so much.

So I know that is an issue. Childcare is an issue.

The other issue, I think, that we have to know is that some people are concerned about still getting infected at work and what the virus might, you know, lead to in terms of an unsafe workplace. But I will tell you, that concern is a lot less now. Again, so many people have been vaccinated, and the CDC again has responded to that and said: You can have a safe workplace. You can have a safe school. It is not hard to do.

So let's get back to work, and particularly, let's deal with this unemployment insurance issue because that is the main reason people are not returning to work, I am told by the employers out there. With more than 40 percent of workers making more with unemployment insurance and that supplement than they would in their jobs, businesses just can't compete.

Think how tragic this is. A small business owner works tirelessly to keep the lights on through COVID–19—again, maybe uses the PPP or otherwise and stays in business—and finally, after more than a year, reaches a point where the virus is in retreat—we are doing all the things we should be doing to make our workplaces safe—and now they might have to close because they just can't find people to work.

The same story is being told all over the country and certainly all over my State. Again, this is why 21 States now, as of this afternoon, including my home State of Ohio, have decided to give the $300 back. But we shouldn't, here in Washington, continue to provide that $300 to everybody else.

Governors in these States understand that encouraging workers to return to the job market is essential to the economy, but it is also good for the workforce to get back to work, get back to what happens when you go to work, which is you have that sense of fulfillment, that dignity and self-respect that come with work, and you are keeping up with whatever the technological changes at work are and getting back on your career track.

Guidance from the Biden administration, the CDC, says we can move forward with getting back to normal. It is time for President Biden to follow that advice and to end the disincentive to work that is holding back the economic recovery.

These are simple steps we can take. Again, I would do a $100 bonus to go

back to work for 6 weeks. But the most important thing is to end the $300 and to let people once again have the opportunity to pursue their American dream, which is not unemployment; it is getting a job. With 8.1 million jobs being offered—a historic number, the most ever—it is time to make that change.

I urge my colleagues and I urge the administration to change course.

I yield back my time.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF KRISTEN M. CLARKE

Mr. GRASSLEY. Mr. President, I will not be voting to discharge the nominee Kristen Clarke to run the Civil Rights Division of the Department of Justice, so I come to the floor to explain to my colleagues why I feel this way.

While Ms. Clarke may be a very good attorney—in fact, I don't think there is any doubt that she is—she continues the trend of politicized nominees to the Justice Department under this President. While I disagree with her strongly on some of her views, especially when it comes to defunding the police, my issues with Ms. Clarke go beyond that.

The Justice Department and especially the Civil Rights Division need to be committed to impartial and equal justice. In the wrong hands, the Civil Rights Division can be used to target and harass the President's political opponents. It can threaten law enforcement, school choice advocates, religious schools, red States, and prolifers.

This isn't a hypothetical. Under Ms. Gupta, the Civil Rights Division defended an effort to take over Louisiana's school choice program. Now, can you imagine that? Luckily, a group of African-American mothers stopped them in the Fifth Circuit. Just think—African Americans stopped an obvious injustice by the Justice Department.

The fact is that our civil rights laws are broad, and the mere threat of their enforcement can chill legitimate political opposition. Because of that, I think that the head of the Civil Rights Division needs to be above reproach when it comes to partisanship.

Unfortunately, Ms. Clarke is a liberal partisan. She has opposed the enforcement of the law against Ike Brown, a Mississippi voter suppressor, either because of the color of his skin or because he was a Democrat. Neither answer is acceptable. She has disparaged religious freedom groups like the Alliance Defending Freedom. She has opposed important Supreme Court decisions protecting religious liberty, individual Supreme Court Justices, and even some of my colleagues. She has held Republican nominees to a standard she didn't want to apply to herself.

Ms. Clarke has run away from her record. I asked her at the hearing whether Mumia Abu-Jamal, the country's most notorious cop killer, was a political prisoner, like someone said at a conference that she helped organize. She wouldn't answer, telling me she was unfamiliar with the case. Given her youthful activism, I find that very hard to believe. Last summer, she wrote an article in Newsweek advocating for defunding the police, but she insists the words on the page aren't what she meant. I am sorry, but if it is not what she meant, then she shouldn't have said it.

I don't think she is the right person for this job at this time. A nominee to lead the Civil Rights Division should be nonpartisan, should be independent, and should be upfront about her beliefs. Unfortunately, I think Ms. Clarke misses all three marks.

As I have said, I don't want to return to the Eric Holder days, so I will vote no.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The majority leader.

Mr. SCHUMER. Good afternoon.

The PRESIDING OFFICER. Good afternoon.

Mr. SCHUMER. I am adding a little stability and friendship to these august proceedings, I hope you realize.

VOTE ON MOTION

Mr. President, I know of no further debate on the motion.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion to proceed.

The motion was agreed to.

ENDLESS FRONTIER ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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.

AMENDMENT WITHDRAWN

Mr. SCHUMER. Mr. President, I ask unanimous consent to withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

AMENDMENT NO. 1502

(Purpose: In the nature of a substitute.)

Mr. SCHUMER. Mr. President, I call up amendment 1502.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1502.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SCHUMER. Mr. President, I am going to speak on this amendment for a minute, then we will move to the motion to discharge Kristen Clarke.

Mr. President, I have just filed a substitute amendment to the Endless Frontier Act that will pull together bipartisan legislation from across the Senate committees into a single comprehensive bill to restore America's competitive edge.

This new bill will be called the U.S. Innovation and Competition Act, and it will include bipartisan legislation from the Foreign Relations Committee to strengthen our alliances and hold China accountable for predatory trade practices; bipartisan legislation from the Homeland Security committee to invest in AI, cyber security, and policies to make sure American taxpayer money is used to buy American products; bipartisan legislation from the HELP Committee to protect our research and invest in STEM; bipartisan legislation from the Judiciary Committee to bolster antitrust enforcement; bipartisan legislation from Banking to sanction predatory behavior from the Chinese Communist Party. And, very importantly, the substitute amendment will now include a historic $52 billion investment to make sure the United States stays on the cutting edge of chip production—semiconductor chip production—which is essential for this country's economy, including our auto industry, our tech industry, and our military.

Again, this legislation will now include a historic and immediate infusion of Federal money in the semiconductor industry to boost domestic production and shore up critical supply chains.

This is a very big deal. It fits in with the concept of the Endless Frontier Act, and I am very pleased it will be in the bill.

American manufacturing has suffered rather dramatically from a chip shortage. We have all heard about auto plants in our States that are closed or operating in reduced capacity because they can't get the chips. The shortage in our tech industry shows how vulnerable our supply chains are.

We simply cannot rely on foreign processors for chips. This amendment will make sure we don't have to.

America invented the semiconductor chip. We are still at the cutting edge of research, but fewer than 12 percent of them are made in America. And if this bill doesn't pass, it will go down to 6. Other countries—notably, China—will become the leaders, not just in chip manufacturing and chip production but in the many industries that depend on chips. We cannot let that happen.

The best way to do that is to add this amendment to the bill, which I have just done, and make sure it passes.

The substitute amendment is dramatic not only in terms of chips but in terms of American investment in research, in science, and innovation. When we invest in research and science and innovation, millions of good-paying jobs follow, and the American economy leads the world. Our failure to invest will displace us from that position and all too soon.

All told, the substitute amendment will mean that the legislation we are about to debate is the product of a half a dozen Senate committees, with input from just about every Member of the Senate. This legislation, I am proud to say, is thoroughly bipartisan, and it shows. When our colleagues will work with us, we want to work together whenever we can.

Now, these policies may sound complicated, but they are propelled by a simple motivation—making sure the United States stays the global economic leader. In the 20th century, American prosperity was anchored in our unmatched capacity for innovation and invention. Researchers at American universities and laboratories fashioned marvels that changed the way we work, the way we communicate, and the way we live. American workers and businesses brought those innovations to a global market, producing the largest middle class in the world and an almost innate optimism about the future.

Here, unfortunately, in the 21st century, America is falling behind. Other countries are investing more in their economies and training their focus on beating the United States to the key technologies of the future. If we don't step up now—now, not 2 years from now—and if we don't step up in a big and bold way, we risk missing out on a generation of good-paying jobs, millions and millions of them. We risk ceding the mantle of global economic leadership to our adversaries. We risk losing the sunny optimism that has defined the American character for generations.

This is an issue where we can unite our country behind the goal of keeping America No. 1 in science and in technology, and this bill puts us a giant step closer to keeping America one step ahead for decades to come.

EXECUTIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to executive session. We are now on the motion to discharge.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

MOTION TO DISCHARGE

Mr. SCHUMER. Mr. President, pursuant to S. Res. 27, the Committee on the Judiciary being tied on the question of reporting, I move to discharge the Senate Committee on the Judiciary from further consideration of the nomination of Kristen M. Clarke, of the District of Columbia, to be an Assistant Attorney General.

I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Ms. STABENOW) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 193 Ex.]

YEAS—50

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Hassan	Padilla	

NAYS—48

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Paul	Young

NOT VOTING—2

Murkowski	Stabenow

The motion was agreed to.

The PRESIDING OFFICER. Pursuant to S. Res. 27 and the motion to discharge having been agreed to, the nomination will be placed on the Executive Calendar.

The Senator from Washington.

LEGISLATIVE SESSION

Mrs. MURRAY. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RELATING TO ''UPDATE OF COMMISSION'S CONCILIATION PROCEDURES''—Motion to Proceed

Mrs. MURRAY. Mr. President, right now, Democrats are hard at work building back an economy that works for everyone, not just those at the top. We are committed to fighting for workers. And we have big, bold ideas to do that, like establishing national paid sick, family and medical leave policies; rebuilding our childcare infrastructure; raising the Federal minimum wage to $15 an hour; ending the wage gap; and strengthening our Nation's labor laws.

But after 4 years of nonstop attacks on workers' rights, it is also critical that we undo the damage done by the Trump administration. So I am urging my colleagues to join me in voting to overturn a Trump administration rule that imposed strict limits on the Equal Employment Opportunity Commission's ability to address workplace discrimination.

The EEOC is a critical Agency. It is responsible for holding employers accountable for following workplace discrimination laws. And when they don't, it is one of the few places a worker can go to make sure they get a fair hearing, accountability, and justice. But in January, the Trump administration's Republican Commissioners voted to finalize a rule that tipped the scales in favor of employers in EEOC's process to settle discrimination cases.

That rule gave employers access to information about the worker's case, but not the other way around. It made it easier for employers to demand the identity of victims and witnesses, increasing the risk of retaliation. And it was set to worsen the backlog of cases at the EEOC, forcing workers to wait longer for justice. Put simply, that rule was designed to make it easier for employers to delay or deny justice to workers who have experienced discrimination on the job.

We cannot accept a system that is designed to let employers get away with violating workers' rights. So we absolutely cannot let this rule stand. Let's overturn this rule and restore a fair settlement process for the tens of thousands of workers who file discrimination charges with the EEOC each year.

This is a small but important step in the fight to build a more fair and inclusive economy for all workers, and I believe every one of us who thinks workers deserve to do their jobs free from harassment and discrimination can support this.

Thank you.

Mr. President, I move to proceed to S.J. Res. 13.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

Motion to proceed to Calendar No. 33, S.J. Res. 13, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Equal Employment Opportunity Commission relating to ''Update of Commission's Conciliation Procedures''.

VOTE ON MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Paul	
Fischer	Portman	

NOT VOTING—1

Murkowski

The motion was agreed to

The PRESIDING OFFICER (Mr. PETERS).

The clerk will report the bill by title.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RELATING TO ''UPDATE OF COMMISSION'S CONCILIATION PROCEDURES''

The senior assistant legislative clerk read as follows:

A bill (S.J. Res 13), providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Equal Employment Opportunity Commission relating to ''Update of Commission's Conciliation Procedures''.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered

IDAHO GOLD STAR FAMILIES MEMORIAL MONUMENT

Mr. CRAPO. Mr. President, along with my colleagues Senator JIM RISCH and Representative MIKE SIMPSON, I congratulate all those who worked on the completion of the Idaho Gold Star Memorial Monument to honor Idaho's fallen servicemembers and commemorate the enormous cost of our freedoms shouldered by their families.

We commend the members of the Idaho Gold Star Families Memorial Monument Committee on their work to see this project through to completion. Bringing together the partners, volunteers, and many supporters to make the monument happen was no small undertaking. We extend a special thank you to the committee's chairperson, Gold Star mother Rebecca Webb, for leading the establishment of the memorial. You have turned your profound sorrow for the loss of your son, MSG Christopher Webb, and the grief of all Gold Star Families, into a profound tribute to the great strength and devotion of our Nation's servicemembers and their families.

How great it is to reach the final stage in the transformation of a piece of Idaho into an enduring memorial. From the memorial's large, central gold star symbolizing the great loss experienced by loved ones of fallen servicemembers, to the inherent recognition of the service of those who laid down their lives for our country, the depth of your love is clear in every thoughtful detail. You honor not only the memories of your loved ones but also the lives of the servicemembers and families who served our country before them and those who will follow in their eternal footsteps.

We are blessed to have this outstanding tribute in Idaho and to be part of the network of Gold Star memorials nationwide. You have created a beautiful place of tribute to Gold Star Families, who give far more to our country than we can ever reciprocate. The Idaho Gold Star Families Memorial stands as a lasting place for all Americans to remember fallen servicemembers and the great sacrifice of the families who stood with them and will always love them.

NATIONAL LUPUS AWARENESS MONTH

Mr. SCOTT of Florida. Mr. President, I rise today in recognition of National Lupus Awareness Month.

This is an important time to pause to reflect on what more we can do to solve the cruel mystery of this disease, while providing caring support to those across our Nation who suffer from its impact. Lupus affects around 1.5 million Americans and 100,000 Floridians, including men, women, and children of all ages. It is a chronic autoimmune disease that is difficult to diagnose, and there is no known cause or cure.

I want to recognize the hard-working Americans fighting to understand, educate, and find a cure for this disease, and I want to thank the Florida Chapter of the Lupus Foundation of America for their work to raise awareness, support research, and conduct education programs so every Floridian affected by lupus can have an improved quality of life.

I also want to thank the volunteers that generously give their time throughout the year to educate and help patients with lupus, including two outstanding Floridians: Anne Bright and Denise Brown.

Anne Bright, who suffers from lupus herself, is one of the founding members of the Florida chapter and has dedicated her life to growing the organization and providing help to so many Floridians struggling with lupus. Anne leads the Butterfly Bash committee, which has raised over half a million dollars over the past decade. As a spirited lupus advocate, she touches countless lives, providing hope, resources, and comfort to those affected by lupus.

Denise Brown lost her 18-year-old daughter, Brooke, to lupus in 2017. Brooke had been diagnosed with lupus at the age of 12, and her courageous battle with lupus inspired her dreams to become a nurse. Unfortunately, Brooke never got to pursue those dreams. Denise honors Brooke's memory every day by dedicating her life to raising awareness of lupus and its effect on people of all ages, especially children, and helping those going through the unimaginable stress and hardship of this disease.

This Lupus Awareness Month, I thank the brave and hard-working volunteers like Anne and Denise and the wonderful organizations in Florida and across the Nation working hard to improve the quality for those struggling with lupus and getting us closer to a cure.

HONORING SEAMAN SECOND CLASS HOWARD SCOTT MAGERS

Mr. PAUL. Mr. President, during Memorial Day weekend in my home community, a fleet of cars will depart a local funeral home and make the 25-mile trip to Merry Oaks United Methodist Church Cemetery in neighboring Smiths Grove, KY. This will be the final leg of a journey that began over 6,000 miles and nearly 80 years ago.

U.S. Navy Seaman 2nd Class Howard Scott Magers was one of the 429 crew members who perished aboard the USS *Oklahoma* on December 7, 1941. Scott was 18 years old. The tragedy of his death was made ore unbearable because he was buried in a mass grave alongside those of his shipmates who were also unable to be identified.

Thankfully, beginning in 2015, new dental, anthropological, and mitochondrial DNA analyses were employed to identify those who had fallen

at Pearl Harbor. As a result, the remains of Scott Magers will soon return to beautiful Barren County, KY where he grew up. Among those welcoming him home will be Betty Magers, who was only 11 when Scott said his goodbyes to family and friends and headed to basic training.

As on every Memorial Day, we want to honor those men and women who have lost their lives in the service of their country in our Armed Forces. But today, we remember one very specific young man, Howard Scott Magers, and, on behalf of all the other fallen, say to him, ''Welcome home. Fair winds and following seas.''

TRIBUTE TO SHERIFF DAVID MAHONEY

Ms. BALDWIN. Mr. President, today I rise to honor David Mahoney, sheriff of Dane County, WI, on his retirement. Throughout his long and notable career in law enforcement, Sheriff Mahoney has been a champion of those in the profession and an advocate of deepening community engagement.

After earning degrees from Madison College and the University of Wisconsin-Madison, Sheriff Mahoney began his 41-year career in law enforcement, all but one of which was spent in the Dane County Sheriff's Office. He also graduated from the National Sheriffs' Institute Executive Management Program and the FBI National Academy for Executive Management. Sheriff Mahoney's distinguished career includes extensive experience in labor management, having served 12 years as a local, State, and national labor executive officer, including several years as head of the Wisconsin Professional Police Association. His leadership abilities were recognized when he was appointed president of the National Sheriffs' Association and the Badgerland Sheriffs' Association.

Sheriff Mahoney was elected as the 52nd sheriff of Dane County in 2006. He won reelection in 2010, 2014, and 2018. As Sheriff, Dave led an organization of 600 staff in a county spanning 1,238 square miles with over 575,000 residents. He was a steadfast advocate for justice, safety, taxpayers, and the men and women in uniform who served on his team.

During his tenure, Sheriff Mahoney worked hard to reduce recidivism and engage in partnerships to promote criminal justice reform. He is especially respected for his work in understanding the reasons people enter the criminal justice system and developing programming in a jail setting to address these reasons. He has been a strong advocate for more humane conditions in the county's aging jail facilities, including improving access to mental health and substance abuse treatment. He also expanded electronic monitoring programs to reduce a growing jail population and ended a costly program that transferred inmates to facilities in other counties.

But Sheriff Mahoney is perhaps best known for his efforts to expand community engagement and rebuild trust between communities of color and law enforcement. Under his leadership, the sheriff's office partnered with the Justified Anger Coalition, a local initiative designed to eliminate racial disparities and create opportunities for African Americans. He also served on the county's Criminal Justice Council, which pursues reform across both the legal and penal systems.

While Sheriff Mahoney is retiring from the Dane County Sheriff's Office, he is not retiring from his dedication to safety and security. He will continue his leadership in his new role as the director of Strategy and Support in the Protective Services Division of American Family Insurance, and he will remain a strong voice in the community's pursuit of racial justice reform.

I am proud to honor Sheriff David Mahoney's four decades of protecting Dane County citizens with respect and grace, and I am grateful to call him my friend.

TRIBUTE TO MAJOR AIMEE A. MACK

Mr. INHOFE. Mr. President, I am pleased to recognize MAJ Aimee A. Mack, U.S. Army, on the conclusion of her current assignment. Since May 2020, Major Mack has served with great distinction as the legislative liaison for the Countermeasures Acceleration Group, which was previously known as Operation Warp Speed. Throughout the development, production, and distribution of the various coronavirus vaccines, Major Mack has been an outstanding source of information for my staff and me, helping us understand a fast-moving and game-changing program that is saving millions of American lives.

I think we all need to pause and marvel at the miracle that Operation Warp Speed fostered. Today, based on the successful foundational work of Operation Warp Speed, it is extremely easy for any eligible American to receive a coronavirus vaccine. So it might be hard to remember just how far-fetched that objective seemed when Operation Warp Speed was launched during the height of the pandemic, approximately 1 year ago. At the time, many in the mainstream media doubted that a coronavirus vaccine could be produced so quickly. President Trump's plan to make a coronavirus vaccine available by the end of 2020 was repeatedly ''fact checked,'' and leading political and medical figures viewed the program as either a low-odds gamble or a political stunt.

This was the very difficult information environment that Major Mack confronted when she was appointed as Operation Warp Speed's legislative liaison in May 2020, but she was uniquely suited for the assignment. Like all of the best legislative liaisons, Major Mack had the confidence of her commanding officer, GEN Gustave A. Perna, and was meticulous in her provision of precise, detailed information to Congress. She is also a Nurse Corps officer, and her medical knowledge made her an exceptional asset to Members of Congress and their staffs, particularly when it came to explaining the program's revolutionary scientific and medical testing decisions, which were vital to finding, testing, and receiving emergency approval for three vaccines in record time. In this sense, Major Mack was not merely a source of information but of education. Thanks to her efforts, when the first coronavirus vaccines were administered in December 2020, there was broad, bipartisan congressional confidence in the vaccines' safety and efficacy because she taught our staffs and us what we needed to know.

In the months that followed, as attention shifted from the development of the vaccines to their production and delivery, Major Mack continued to provide regular and detailed updates for Members and staff. Again, I think we need to admire Operation Warp Speed's achievement here: For the first time in history, vaccines are effectively going from conveyor belts to arms within days. Major Mack's deep knowledge of the process and her outstanding work in sharing it with us bolstered congressional confidence in the program. To put a finer point on it, when our State health departments needed the latest information on vaccine allotments and projections, we knew who to call—MAJ Aimee Mack.

Major Mack will soon depart for Command and General Staff College at Fort Leavenworth, KS, and she will be greatly missed. I want to thank her for her exceptional service and thank her family as well—her husband, MAJ Jamaal Mack, and her children, Daunte and Alisa. I wish her every success in the future and sincerely hope we get to work with her again soon.

TRIBUTE TO LIEUTENANT COLONEL ANTHONY V. SANTINO

Ms. ERNST. Mr. President, I rise today to honor a great American and an exceptional member of the United States Air Force. On this occasion, I believe it is fitting to recognize Lt. Col. Anthony ''Tony'' Santino's distinguished service and dedication to fostering the relationship between the U.S. Air Force and this Chamber.

Lieutenant Colonel Santino has distinguished himself through his professional character and leadership by serving this Nation in uniform. A leader and expert communicator, he has provided exemplary service to our country while assigned to the Air Force Senate Liaison Office. Tony is a senior missileer, operating at the highest levels of America's nuclear enterprise, ensuring the United States and its allies are strategically prepared to defend this great nation from external threats.

Prior to his current assignment, Tony had the privilege of being an Air Force fellow for Representative LIZ CHENEY. In addition to his numerous and impressive professional accomplishments, it is worth noting he flawlessly balanced his duties, evidenced by his ability to allocate personal time to selflessly volunteer as local neighborhood math tutor, where Tony's enthusiastic service empowered DC youth and inspired community partnership. His passion for not only the organization he works for but also the community in which he resides is unrivaled.

As a legislative liaison in the Air Force Senate Liaison Office from November 2019 to May 2021, Lieutenant Colonel Santino expertly performed his duties without reservation. His strategic thinking and strategic foresight helped to strengthen and improve our national security. Tony accomplished this by utilizing his in depth Air Force knowledge with numerous engagements between Congress and the Department of the Air Force. During this assignment, Tony conducted congressional engagements to provide Members of Congress and staff insights into the Air Force we need and Air Force required to support the national defense strategy. Tony transformed congressional engagement norms amidst coronavirus limitations, leading more than 40 remote and virtual engagements between Air Force senior leaders and U.S. Senators, exponentially increasing trust and mutual understanding.

Tony's innovative efforts and trusted credibility on Capitol Hill enabled the passage of foundational legislation in support of Air Force priorities, securing more than $170 billion in annual requirements and directly contributing to the stand-up of the United States Space Force. All of these conversations and engagements helped stakeholders understand the defense equities and impact on national security. Tony remained engaged with Members of Congress to ensure all were informed, advised, and educated on initiatives important to the Air Force and the citizens of this great country. Due to his direct involvement and stewardship, Members of Congress were able to make informed decisions and ensure the Department of the Air Force was properly resourced and funded.

After concluding this challenging assignment, Lieutenant Colonel Santino will move to his next duty station at Vandenberg AFB, where he will be the director of operations for the 576th Flight Test Squadron. Tony has sacrificed much in service to our Nation. I am eternally thankful for Tony's selfless service and superb work with my office and the Senate over the past 18 months on issues important to the State of Iowa and this great Nation. I salute this American patriot whose selfless service has kept our country safe and strong.

ADDITIONAL STATEMENTS

RECOGNIZING THE LINTON HIGH SCHOOL STUDENT RADIO PROGRAM

● Mr. CRAMER. Mr. President, as another school year comes to a close, I want to recognize the students at one North Dakota school for their accomplishments in a remarkable program. Students in Linton operate my State's first and only high school radio station. KLHS AM 1620 is a full-fledged AM station that went live in 2017. Since then, it has given students hands-on experience in broadcasting, interviewing, and news writing.

KLHS and now KLPS play rock, oldies, and country music and feature local weather, news, and sports. It is all done by the students enrolled in the Linton High School radio broadcasting classes who write and produce all programs heard on the air. While mastering broadcasting, they also learn to operate a console board and other skills like speaking, articulation, production, script writing, and interviewing.

These Linton students have also attended the annual national conferences of the Intercollegiate Broadcasting System, and their accomplishments have been recognized with many awards. At this year's conference, the Linton students took home 20 Golden Microphone Awards, in categories such as best promotional event, most creative show, best station logo, best sports play-by-play, and best website.

I also want to salute the founder of the Linton High School program, longtime State radio veteran Jay Schmaltz. The idea for a high school broadcasting program originated after he became the supervisor of the Emmons County alternative education programs. Today, it is the most popoular elective class at the school and remains the only high school radio station in North Dakota.

Mr. President, there are many good jobs in broadcasting in North Dakota and around the world. These Linton High School students are receiving a head start in the professional world of communications and will be able to apply the valuable skills they learn in many directions in their future professions. I commend Linton High School for offering such a valuable program and Jay Schmaltz for his dedication to its success, and I congratulate the Linton High School broadcasting students for recognizing the value of learning a skill that will benefit them the rest of their lives. I know we will be hearing much more from these broadcasting entrepreneurs for many years to come.●

REMEMBERING ERNEST EDISON WEST

● Mr. PAUL. Mr. President, Ernest Edison West not only served his country in the U.S. Army during the Korean war but embarked on a lifetime of service, consistently demonstrating courage, selflessness, and, above all, brotherhood. Orphaned at an early age, Mr. West was raised in a children's home that stressed this important concept—a value that was repeatedly put to the test in the Korean war. Once, despite losing an eye under intense enemy gunfire, he retreated and saved two wounded fellow soldiers and carried his injured patrol leader to safety while killing three enemy combatants. In the immediate aftermath, he said he had no idea that he was even wounded and that his fellow soldiers would have done the same for him.

President Dwight Eisenhower was set to award Ernest the Medal of Honor. His sense of brotherhood on full display, West initially declined, asserting that everyone was doing his duty and that all were equal to him. He reluctantly accepted the Medal of Honor and was later awarded a Purple Heart.

Fortunately, Mr. West's selfless service did not end with his enlistment.

In 1954, he married Gwendolyn Stafford in a nationally televised ceremony on an episode of the CBS show ''Bride and Groom.'' He and Gwen moved back to Wurtland, KY, along the Ohio River in beautiful Greenup County. There, Ernest would later serve as mayor and play a huge part in creating a State veterans cemetery, where he is now buried.

Mayor West was admired for his willingness to get his hands dirty—quite literally—like digging water lines along county roads. He coached youth basketball and football and used sports to pass along his strong sense of brotherhood. How can we even measure the impact he made on all of those young lives?

Ernest Edison West, who was born in Russell, KY, on September 2, 1931, died this year on May 1, at the age of 89. While his daughter, Amy Hogsett, his many grandchildren, his community, and the Commonwealth are saddened to say goodbye to this extraordinary man, we are not left emptyhanded. We are left with a powerful example of brotherhood lived out.●

MESSAGES FROM THE HOUSE

At 3:17 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2911. An act to direct the Secretary of Veterans Affairs to submit to Congress a plan for obligating and expending Coronavirus pandemic funding made available to the Department of Veterans Affairs, and for other purposes.

The message also announced that pursuant to 14 U.S.C. 1903(b), and the order of the House of January 4, 2021, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Coast Guard

Academy: Mr. COURTNEY of Connecticut, Ms. BARRAGÁN of California, Mr. RUTHERFORD of Florida, and Mrs. MCCLAIN of Michigan.

At 5:00 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 937. An act to facilitate the expedited review of COVID–19 hate crimes, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2911. An act to direct the Secretary of Veterans Affairs to submit to Congress a plan for obligating and expending Coronavirus pandemic funding made available to the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. ROUNDS):

S. 1664. A bill to require the Secretary of Veterans Affairs to take certain actions to improve the processing by the Department of Veterans Affairs of claims for disability compensation for post-traumatic stress disorder, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TUBERVILLE:

S. 1665. A bill to amend title 5, United States Code, to prohibit sums in the Thrift Savings Fund from being invested in any security of an entity based in the People's Republic of China, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL:

S. 1666. A bill to clarify the authority for regulating laboratory-developed testing procedures; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. KENNEDY, Mr. MANCHIN, and Mr. BURR):

S. 1667. A bill to protect the privacy of users of social media and other online platforms; to the Committee on Commerce, Science, and Transportation.

By Mr. KING (for himself and Mr. BLUMENTHAL):

S. 1668. A bill to establish a competitive grant program to support the development, implementation, and evaluation of successful educator and school leader professional development programs on family engagement that will increase the capacity of educators and school leaders to work with families to develop and support the social-emotional learning of children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PORTMAN (for himself, Ms. WARREN, Mr. CRAMER, Mr. BOOZMAN, and Mr. MENENDEZ):

S. 1669. A bill to amend title 10, United States Code, to direct the forgiveness or offset of an overpayment of retired pay paid to a joint account for a period after the death of the retired member of the Armed Forces; to the Committee on Armed Services.

By Ms. ERNST (for herself, Mr. BENNET, Mrs. CAPITO, and Ms. WARREN):

S. 1670. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for working family caregivers; to the Committee on Finance.

By Mr. WICKER (for himself, Mr. WARNER, Mrs. CAPITO, Mr. CARDIN, Mr. BOOZMAN, Ms. SINEMA, Mr. HOEVEN, and Mrs. HYDE-SMITH):

S. 1671. A bill to amend the Internal Revenue Code of 1986 to provide for new markets tax credit investments in the Rural Jobs Zone; to the Committee on Finance.

By Mr. KELLY (for himself and Mr. PORTMAN):

S. 1672. A bill to direct the Secretary of Transportation to establish a working group to conduct a study on access to certain resources for infrastructure projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MARSHALL (for himself and Mr. CRAMER):

S. 1673. A bill to preserve access to Federal land, control fires, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CORTEZ MASTO (for herself, Mr. PADILLA, Mrs. FEINSTEIN, Mr. SANDERS, and Mr. MERKLEY):

S. 1674. A bill to amend the Emergency Economic Stabilization Act of 2008 to authorize use of amounts under the Troubled Assets Relief Program to be used for activities under the Housing Trust Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNOCK (for himself, Mr. RUBIO, Ms. SMITH, Mr. MARSHALL, Ms. HASSAN, and Mr. CASSIDY):

S. 1675. A bill to improve maternal health; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself and Mrs. CAPITO):

S. 1676. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be used for qualified broadband projects, to provide for tax credit payments to issuers of tax-exempt bonds used to finance broadband infrastructure projects, and to provide an investment credit for qualified broadband projects; to the Committee on Finance.

By Ms. BALDWIN (for herself, Mr. SANDERS, Ms. WARREN, Mr. MERKLEY, Mr. MARKEY, Mr. BOOKER, and Mr. BLUMENTHAL):

S. 1677. A bill to establish a process by which participants of employee welfare plans select guidelines to be used by the plan fiduciary for voting proxies on securities held in investment portfolios under the plan, and for other purposes; to the Committee on Health, Education, Labor , and Pensions.

By Mr. HEINRICH (for himself, Mr. BLUMENTHAL, and Mr. MANCHIN):

S. 1678. A bill to amend title 39, United States Code, to maintain certain service standards for first-class mail, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Ms. MURKOWSKI):

S. 1679. A bill to amend title VII of the Public Health Service Act to authorize assistance for increasing workforce diversity in the professions of physical therapy, occupational therapy, respiratory therapy, audiology, and speech-language pathology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. DUCKWORTH (for herself, Mr. BROWN, and Mr. CASEY):

S. 1680. A bill to amend chapter 53 of title 49, United States Code, to provide competitive grants to assist State and local governmental authorities in addressing accessibility needs of legacy rail fixed guideway public transportation systems; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PETERS (for himself, Mr. SULLIVAN, and Ms. CORTEZ MASTO):

S. 1681. A bill to amend title 49, United States Code, to promote transportation career opportunities and improve diversity in the workforce; to the Committee on Commerce, Science, and Transportation.

By Mr. MORAN:

S. 1682. A bill to prohibit certain provisions of an Executive Order relating to land conservation from taking effect, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCOTT of South Carolina (for himself, Mr. TOOMEY, Mr. GRASSLEY, and Mr. BURR):

S. 1683. A bill to prohibit the use of funds to support a measure at the World Trade Organization waiving intellectual property rights, and for other purposes; to the Committee on Finance.

By Ms. CORTEZ MASTO (for herself, Mr. LEAHY, and Mr. SANDERS):

S. 1684. A bill to strengthen the ability of the Federal Home Loan Bank system to provide critical financing to address the economic crisis caused by the COVID–19 and to meet the short- and long-term housing and community economic development needs of low-income communities, including Tribal communities, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. KING, and Mr. CRAMER):

S. 1685. A bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings; to the Committee on the Budget.

By Mr. LEE:

S. 1686. A bill to amend the Wilderness Act to allow local Federal officials to determine the manner in which nonmotorized uses may be permitted in wilderness areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RUBIO (for himself, Mrs. SHAHEEN, Ms. HASSAN, Mr. RISCH, and Mr. CASSIDY):

S. 1687. A bill to amend section 21 of the Small Business Act to require cyber certification for small business development center counselors, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. VAN HOLLEN (for himself, Mr. SCHATZ, and Mr. BOOKER):

S. 1688. A bill to establish a Federal standard in order to improve the Nation's resilience to current and future flood risk; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOOKER (for himself, Ms. HIRONO, Mr. MARKEY, Mr. MENENDEZ, Ms. WARREN, Mr. BROWN, Ms. BALDWIN, Mr. BLUMENTHAL, Ms. SMITH, Ms. DUCKWORTH, and Mr. MERKLEY):

S. 1689. A bill to provide for the overall health and well-being of young people, including the promotion and attainment of lifelong sexual health and healthy relationships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ROSEN:

S. 1690. A bill to provide direct appropriations for processing applications for the paycheck protection program, and for other purposes; to the Committee on Appropriations.

By Mr. RUBIO (for himself, Mr. RISCH, and Mr. CASSIDY):

S. 1691. A bill to require an annual report on the cybersecurity of the Small Business Administration, and for other purposes; to

the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Mr. YOUNG, Mr. WYDEN, Mr. BRAUN, Ms. SMITH, Mr. VAN HOLLEN, Mr. BOOKER, Mrs. CAPITO, Mr. GRASSLEY, Ms. ROSEN, Mr. TILLIS, and Mr. LANKFORD):

S. Res. 219. A resolution designating May 18, 2021, as ''CASA/GAL Volunteers' Day''; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Ms. MURKOWSKI, and Mr. KAINE):

S. Res. 220. A resolution calling upon the United States Senate to give its advice and consent to the ratification of the United Nations Convention on the Law of the Sea; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Mr. CORNYN):

S. Res. 221. A resolution recognizing the cultural and historical significance of the Cinco de Mayo holiday; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mrs. SHAHEEN, Mr. BLUMENTHAL, Ms. SMITH, Mr. PADILLA, Ms. CORTEZ MASTO, Mr. LEAHY, Mr. MENENDEZ, Ms. HASSAN, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. TILLIS, Mr. DURBIN, and Mr. WHITEHOUSE):

S. Res. 222. A resolution recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; considered and agreed to.

By Ms. SMITH (for herself and Ms. KLOBUCHAR):

S. Res. 223. A resolution congratulating the city of Columbia Heights, Minnesota, on its 100th anniversary; considered and agreed to.

By Mr. HEINRICH (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. PADILLA, Mr. MERKLEY, Mr. MARKEY, Mr. DURBIN, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. BENNET, Mr. VAN HOLLEN, Mr. WYDEN, Ms. ROSEN, Ms. WARREN, Mr. LUJÁN, and Mr. KING):

S. Res. 224. A resolution expressing the sense of the Senate that the United States must seize the opportunity to create millions of jobs, become a net exporter of clean energy, and secure a better, more equitable future by accelerating the electrification of households, buildings, and businesses in the United States, modernizing the United States electricity grid, and continuing on the path towards decarbonizing electricity generation in the United States by 2035; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SINEMA, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 89, a bill to require the Secretary of Veterans Affairs to secure medical opinions for veterans with service-connected disabilities who die from COVID–19 to determine whether their service-connected disabilities were the principal or contributory causes of death, and for other purposes.

S. 116

At the request of Ms. KLOBUCHAR, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 116, a bill to require the Consumer Product Safety Commission to study the effect of the COVID–19 pandemic on injuries and deaths associated with consumer products, and for other purposes.

S. 304

At the request of Ms. DUCKWORTH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 304, a bill to provide targeted funding for States and other eligible entities through the Social Services Block Grant program to address the increased burden that maintaining the health and hygiene of infants and toddlers, medically complex children, and low-income adults or adults with disabilities who rely on adult incontinence materials and supplies place on families in need, the resultant adverse health effects on children and families, and the limited child care options available for infants and toddlers who lack sufficient diapers and diapering supplies, and for other purposes.

S. 344

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retirement pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 464

At the request of Ms. MURKOWSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 464, a bill to amend the Employee Retirement Income Security Act of 1974 to require a group health plan or health insurance coverage offered in connection with such a plan to provide an exceptions process for any medication step therapy protocol, and for other purposes.

S. 519

At the request of Mr. HAGERTY, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 519, a bill to review the use of election security grants in the 2020 Presidential election and to prohibit future election security grants to States with unconstitutional election procedures.

S. 524

At the request of Mr. CRUZ, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 524, a bill to abolish the Federal Insurance Office of the Department of the Treasury, and for other purposes.

S. 586

At the request of Mrs. CAPITO, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 586, a bill to amend title XVIII of the Social Security Act to combat the opioid crisis by promoting access to non-opioid treatments in the hospital outpatient setting.

S. 610

At the request of Mr. KAINE, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 610, a bill to address behavioral health and well-being among health care professionals.

S. 612

At the request of Mr. PORTMAN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 612, a bill to require the Under Secretary for Health of the Department of Veterans Affairs to provide certain information to medical center staff and homelessness service providers of the Department regarding the coordinated entry processes for housing and services operated under the Continuum of Care Program of the Department of Housing and Urban Development, and for other purposes.

S. 613

At the request of Mr. TILLIS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 613, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy and to amend title 38, United States Code, to authorize the Secretary to provide service dogs to veterans with mental illnesses who do not have mobility impairments.

S. 638

At the request of Mr. VAN HOLLEN, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 638, a bill to amend title 23, United States Code, to include a payment and performance security requirement for certain infrastructure financing, and for other purposes.

S. 659

At the request of Mr. YOUNG, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 659, a bill to require the Secretary of Transportation to promulgate regulations relating to commercial motor vehicle drivers under the age of 21, and for other purposes.

S. 735

At the request of Mr. WICKER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 735, a bill to amend the Scientific and Advanced-Technology Act of 1992 to further support advanced technological manufacturing, and for other purposes.

S. 749

At the request of Ms. HASSAN, the names of the Senator from Delaware (Mr. COONS), the Senator from Montana (Mr. DAINES) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 749, a bill to amend the Internal Revenue Code of 1986 to enhance tax benefits for research activities.

S. 844

At the request of Mr. THUNE, the name of the Senator from Wisconsin

(Ms. BALDWIN) was added as a cosponsor of S. 844, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 1031

At the request of Mr. WARNOCK, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1031, a bill to require the Comptroller General of the United States to conduct a study on disparities associated with race and ethnicity with respect to certain benefits administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1090

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1090, a bill to eliminate the Bureau of Consumer Financial Protection.

S. 1125

At the request of Ms. STABENOW, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1125, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 1187

At the request of Mr. BROWN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1187, a bill to amend the Tariff Act of 1930 to improve the administration of antidumping and countervailing duty laws, and for other purposes.

S. 1251

At the request of Mr. BRAUN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1251, a bill to authorize the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners in certain voluntary markets, and for other purposes.

S. 1338

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1338, a bill to repeal the Protection of Lawful Commerce in Arms Act, and provide for the discoverability and admissibility of gun trace information in civil proceedings.

S. 1383

At the request of Mr. KING, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1383, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes.

S. 1431

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1431, a bill to prohibit the Director of the Office of Management and Budget from raising the minimum urban area population to qualify a metropolitan statistical area from 50,000, and for other purposes.

S. 1441

At the request of Mr. WICKER, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Alabama (Mr. TUBERVILLE) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 1441, a bill to appropriate an additional amount to improve the Navy shipyard infrastructure of the United States.

S. 1488

At the request of Ms. DUCKWORTH, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1488, a bill to amend title 37, United States Code, to establish a basic needs allowance for low-income regular members of the Armed Forces.

S. 1489

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1489, a bill to amend the Inspector General Act of 1978 to establish an Inspector General of the Office of the United States Trade Representative, and for other purposes.

S. 1512

At the request of Mr. SCHATZ, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 1512, a bill to amend title XVIII of the Social Security Act to expand access to telehealth services, and for other purposes.

S. 1522

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1522, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 1542

At the request of Mr. BOOKER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1542, a bill to amend titles XIX and XXI of the Social Security Act to improve Medicaid and the Children's Health Insurance Program for low-income mothers.

S. 1571

At the request of Ms. DUCKWORTH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1571, a bill to amend title 10, United States Code, to expand parental leave for members of the Armed Forces, to reduce the service commitment required for participation in the career intermission program of a military department, and for other purposes.

S. 1572

At the request of Ms. DUCKWORTH, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 1572, a bill to expand child care opportunities for members of the Armed Forces, and for other purposes.

S. 1637

At the request of Mrs. BLACKBURN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1637, a bill to impose certain measures with respect to Hizballah-dominated areas in Lebanon and to impose sanctions with respect to senior foreign political figures in Lebanon supporting Hizballah.

S. 1662

At the request of Mr. LUJAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1662, a bill to increase funding for the Reagan-Udall Foundation for the Food and Drug Administration and for the Foundation for the National Institutes of Health.

S.J. RES. 10

At the request of Mr. KAINE, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S.J. Res. 10, a joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes.

S. CON. RES. 6

At the request of Mr. BOOKER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation.

S. RES. 213

At the request of Mr. MENENDEZ, the names of the Senator from Tennessee (Mr. HAGERTY) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. Res. 213, a resolution recognizing the importance of the United States-Republic of Korea relationship to safeguarding peace, security and prosperity on the Korean Peninsula, in the Indo-Pacific region and beyond, and welcoming the visit of President Moon Jae-in to the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 219—DESIGNATING MAY 18, 2021, AS ''CASA/GAL VOLUNTEERS' DAY''

Mr. BROWN (for himself, Mr. YOUNG, Mr. WYDEN, Mr. BRAUN, Ms. SMITH, Mr. VAN HOLLEN, Mr. BOOKER, Mrs. CAPITO, Mr. GRASSLEY, Ms. ROSEN, Mr. TILLIS, and Mr. LANKFORD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 219

Whereas Court Appointed Special Advocate (referred to this preamble as ''CASA'') and Guardian ad Litem (referred to in this preamble as ''GAL'') volunteers are trained and qualified to advocate nationwide for the best interests of children before courts in cases with allegations of abuse or neglect;

Whereas more than 424,000 children in the United States enter the foster care system, through no fault of their own, due to allegations of abuse or neglect and rely on adults to advocate on their behalf;

Whereas children of color are more likely to stay in the foster care system for longer

periods of time and are less likely to be reunited with their biological families;

Whereas CASA and GAL volunteers, appointed by a judge—

(1) provide the court with the comprehensive and objective information the court needs to make the most well-informed decisions and help ensure positive outcomes for children and youth; and

(2) take time to build meaningful and authentic relationships with such children and youth;

Whereas CASA and GAL communities across the country remain committed to the recruitment and retention of volunteers who reflect the diversity of the children they serve;

Whereas research shows that when a caring and consistent adult like a CASA or GAL volunteer is assigned to a case, outcomes are strengthened for children and families, a higher number of services are ordered, and children are significantly less likely to reenter the child welfare system, perform better academically and behaviorally, and have higher levels of hope;

Whereas, in January 1974, Congress enacted the Child Abuse Prevention Treatment Act (42 U.S.C. 5101 et seq.);

Whereas the Child Abuse Prevention Treatment Act provides financial assistance to States for the prevention and treatment of child abuse and neglect and includes a requirement that in every case a GAL must be appointed to represent the best interest of the child;

Whereas such GAL requirement was subsequently amended to provide that the GAL may be an attorney or a court-appointed special advocate; and

Whereas, today, CASA and GAL volunteers span 49 States and the District of Columbia, including 948 State organizations and local programs, and more than 96,000 volunteers offer their services to nearly 277,000 children, youth, and families: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 18, 2021, as ''National CASA/GAL Volunteers' Day''; and

(2) commends and celebrates CASA and GAL volunteers for their dedication and hard work in advocating for the best interest of children so that every child who has experienced abuse or neglect can be safe, have a permanent home, and have the opportunity to thrive.

SENATE RESOLUTION 220—CALLING UPON THE UNITED STATES SENATE TO GIVE ITS ADVICE AND CONSENT TO THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Ms. HIRONO (for herself, Ms. MURKOWSKI, and Mr. KAINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 220

Whereas the United Nations Convention on the Law of the Sea (UNCLOS) was adopted by the Third United Nations Conference on the Law of the Sea in December 1982 and entered into force in November 1994 to establish a treaty regime to govern activities on, over, and under the world's oceans;

Whereas the UNCLOS builds on four 1958 Law of the Sea conventions to which the United States is a party, namely the Convention on the Territorial Sea and the Contiguous Zone, the Convention on the High Seas, the Convention on the Continental Shelf, and the Convention on Fishing and Conservation of the Living Resources of the High Seas;

Whereas the UNCLOS and an associated 1994 agreement relating to implementation of the treaty were transmitted to the Senate on October 6, 1994, and, in the absence of Senate advice and consent to ratification, the United States is not a party to the treaty or the associated 1994 agreement;

Whereas the treaty has been ratified by 167 parties, which includes 166 countries and the European Union, but not the United States;

Whereas the United States, like most other countries, maintains that coastal States under the UNCLOS have the right to regulate economic activities in their Exclusive Economic Zones (EEZs), but do not have the right to regulate foreign military activities in their EEZs;

Whereas the treaty's provisions relating to navigational rights, including navigational rights in EEZs, reflect the diplomatic position of the United States on the issue dating back to the adoption of the UNCLOS in 1982;

Whereas becoming a party to the treaty would codify the United States' current position of recognizing the provisions within the UNCLOS as customary international law;

Whereas becoming a party to the treaty would give the United States standing to participate in discussions relating to the treaty and thereby improve the ability of the United States to intervene as a full party to disputes relating to navigational rights and to defend United States interpretations of the treaty's provisions, including those relating to whether coastal States have a right under the UNCLOS to regulate foreign military activities in their EEZs;

Whereas relying on customary international norms to defend United States interests in those issues is not sufficient, because customary international law is not universally accepted and is subject to change over time based on state practice;

Whereas relying on other countries to assert claims on behalf of the United States at the Permanent Court of Arbitration at The Hague is woefully insufficient to defend and uphold United States sovereign rights and interests;

Whereas the Permanent Court of Arbitration, in the July 12, 2016, ruling on the case In the Matter of the South China Sea Arbitration, stated that ''the Tribunal forwarded to the Parties for their comment a Note Verbale from the Embassy of the United States of America, requesting to send a representative to observe the hearing'', and ''the Tribunal communicated to the Parties and the U.S. Embassy that it had decided that 'only interested States parties to the United Nations Convention on the Law of the Sea will be admitted as observers' and thus could not accede to the U.S. request'';

Whereas, on November 25, 2018, the Russian Federation violated international norms and binding agreements, including the UNCLOS, in firing upon, ramming, and seizing Ukrainian vessels and crews attempting to pass through the Kerch Strait;

Whereas, on May 25, 2019, the International Tribunal for the Law of the Sea ruled in a vote of 19–1 that ''[t]he Russian Federation shall immediately release the Ukrainian naval vessels Berdyansk, Nikopol and Yani Kapu, and return them to the custody of Ukraine'' and that ''[t]he Russian Federation shall immediately release the 24 detained Ukrainian servicemen and allow them to return to Ukraine'', demonstrating the Tribunal's rejection of the Russian Federation's arguments in that matter in relation to the Law of the Sea;

Whereas, despite the Tribunal's ruling aligning with the position of the United States Government on the November 25, 2018, incident, the continued nonparticipation of the United States in the UNCLOS limits the ability of the United States to effectively respond to the Russian Federation's actions and to any potential future violations by the Russian Federation and any other signatory of UNCLOS;

Whereas the current Secretary of Defense, the Honorable Lloyd Austin, stated that ''the United States has long treated the UNCLOS's provisions related to navigation and overflight as reflective of longstanding and customary international law. Our military already acts in a manner consistent with these rights and freedoms, so accession to the Convention will not impact the manner in which we conduct our operations'', in response to a question for the record from Senator Hirono on January 21, 2021;

Whereas the current Chief of Naval Operations, Admiral Michael Gilday, stated that ''becoming a party to the Convention would reinforce freedom of the seas and the navigational rights vital to our global force posture in the world's largest maneuver space. Joining the Convention would also demonstrate our commitment to the rule of law, and strengthen our credibility with other Convention parties'', in response to advance policy questions on July 30, 2019, before the Committee on Armed Services of the Senate;

Whereas the current Chief of Naval Operations, Admiral Michael Gilday, further stated that ''acceding to the Convention would strengthen our strategic position on issues pertaining to the [South China Sea and the Arctic]. The United States would have increased credibility when responding to excessive maritime claims and militarization efforts in the South China Sea. With respect to the Arctic, becoming a party to the Convention would allow the U.S. to position itself to safeguard access for the purposes of maritime traffic, resource exploitation, and other human activities, while ensuring other states comply with the law of the sea'', in response to advance policy questions on July 30, 2019, before the Committee on Armed Services of the Senate;

Whereas the current Commander of the United States Indo-Pacific Command, Admiral John C. Aquilino, stated that ''there's really two main reasons [to ratify the UNCLOS]: as the group gets together, it would be certainly beneficial if we had a seat at the table when there were discussions occurring as it applied to potential adjustments and the interpretations of those international laws and the second reason is it puts us in an increased position of credibility . . . we adhere to the UNCLOS treaty in our operations, and it would make our position must stronger if we were signatories'', on March 23, 2021, at his nomination hearing before the Committee on Armed Services of the Senate;

Whereas the Commander, North American Aerospace Defense Command and United States Northern Command, General Glen VanHerck, stated, ''It would be [in the interests of the United States to accede to the UNCLOS because] it gives us a better posture, a seat at the table, more credibility when we work many of the issues that we have to work around the globe with allies, partners, and potential competitors'', on March 16, 2021, before the Committee on Armed Services of the Senate;

Whereas the Commander, North American Aerospace Defense Command and United States Northern Command, General Glen VanHerck, further stated in regard to United States ratification of the UNCLOS that ''as Russia takes over the Arctic Council in May [2021], it's never been more crucial for us with our like-minded nations and allies and partners that we come to agreement to not allow Russia and China to exploit any seams

and gaps'', on March 16, 2021, before the Committee on Armed Services of the Senate;

Whereas the Commander, North American Aerospace Defense Command and United States Northern Command, General Glen VanHerck, stated ''I support the accession to UNCLOS. I think it puts us in a more strategic position when we address these issues internationally, globally, with competitors or our allies and partners as well'', on April 14, 2021, before the Committee on Armed Services of the House of Representatives;

Whereas the Commander, United States European Command, General Tod Wolters, answered in the affirmative under questioning from Congressman Joe Courtney on whether General Wolters supported the United States becoming a full participant to the UNCLOS, on April 15, 2021, before the Committee on Armed Services of the House of Representatives;

Whereas the past Commander of United States Indo-Pacific Command, Admiral Philip S. Davidson, stated that ''our accession to the UNCLOS would help our position legally across the globe and would do nothing to limit our military operations in the manner in which we're conducting them now'', on April 17, 2018, before the Committee on Armed Services of the Senate;

Whereas the past Commander of United States Indo-Pacific Command, Admiral Philip S. Davidson, further stated, ''I'm on record saying that [ratification of the UNCLOS] would be good for us, I think we would be hard-pressed to find a Navy Admiral that's said otherwise'', on March 9, 2021, before the Committee on Armed Services of the Senate;

Whereas the past Commander of United States Pacific Command, retired Admiral Harry B. Harris, stated ''I believe that UNCLOS gives Russia the potential to, quote, unquote 'own' almost half of the Arctic Circle, and we will not have that opportunity because of, we're not a signatory to UNCLOS'', on March 15, 2018, before the Committee on Armed Services of the Senate; and

Whereas the past Commander of United States Pacific Command, Admiral Harry B. Harris, stated ''I think that by not signing onto it that we lose the creditability for the very same thing that we're arguing for'', and ''which is the following—accepting rules and norms in the international arena. The United States is a beacon—we're a beacon on a hill but I think that light is brighter if we sign on to UNCLOS'', on February 23, 2016, at a hearing before the Committee on Armed Services of the Senate;

Whereas the past Secretary of the Navy, the Honorable Ray Mabus, stated that ''the UNCLOS treaty guarantees rights such as innocent passage through territorial seas; transit passage through, under and over international straits; and the laying and maintaining of submarine cables'', and ''the convention has been approved by nearly every maritime power and all the permanent members of the UN Security Council, except the United States'', on February 16, 2012, before the Committee on Armed Services of the Senate;

Whereas the past Secretary of the Navy, the Honorable Ray Mabus, further stated, ''Our notable absence as a signatory weakens our position with other nations, allowing the introduction of expansive definitions of sovereignty on the high seas that undermine our ability to defend our mineral rights along our own continental shelf and in the Arctic.'' and that ''the Department strongly supports the accession to UNCLOS, an action consistently recommended by my predecessors of both parties'', on February 16, 2012, before the Committee on Armed Services of the Senate;

Whereas the past Chairman of the Joints Chiefs of Staff, General Joseph F. Dunford, stated, ''The Convention provides legal certainty in the world's largest maneuver space.'', that ''access would strengthen the legal foundation for our ability to transit through international straits and archipelagic waters; preserve our right to conduct military activities in other countries' Exclusive Economic Zones (EEZs) without notice or permission; reaffirm the sovereign immunity of warships; provide a framework to counter excessive maritime claims; and preserve or operations and intelligence-collection activities'', and ''joining the Convention would also demonstrate our commitment to the rule of law, strengthen our credibility among those nations that are already party to the Convention, and allow us to bring the full force of our influence in challenging excessive maritime claims'', on July 9, 2015, before the Committee on Armed Services of the Senate;

Whereas the past Chairman of the Joints Chief of Staff, General Joseph F. Dunford, further stated that ''by remaining outside the Convention, the United States remains in scarce company with Iran, Venezuela, North Korea, and Syria'' and ''by failing to join the Convention, some countries may come to doubt our commitment to act in accordance with international law'', on July 9, 2015, before the Committee on Armed Services of the Senate;

Whereas the past President and Chief Executive Officer of the United States Chamber of Commerce, Mr. Thomas J. Donahue, stated that ''we support joining the Convention because it is in our national interest—both in our national security and our economic interests'', ''becoming a party to the Treaty benefits the U.S. economically by providing American companies the legal certainty and stability they need to hire and invest'', and ''companies will be hesitant to take on the investment risk and cost to explore and develop the resources of the sea—particularly on the extended continental shelf (ECS)—without the legal certainty and stability accession to LOS provides'', on June 28, 2012, before the Committee on Foreign Relations of the Senate;

Whereas the past President and Chief Executive Officer of the United States Chamber of Commerce, Mr. Thomas J. Donahue, further stated that ''the benefits of joining cut across many important industries including telecommunications, mining, shipping, and oil and natural gas'', and ''joining the Convention will provide the U.S. a critical voice on maritime issues—from mineral claims in the Arctic to how International Seabed Authority (ISA) funds are distributed'', on June 28, 2012, before the Committee on Foreign Relations of the Senate;

Whereas the past Commandant of the United States Coast Guard, retired Admiral Paul Zukunft, stated on February 12, 2016, ''With the receding of the icepack, the Arctic Ocean has become the focus of international interest.'', ''All Arctic states agree that the Law of the Sea Convention is the governing legal regime for the Arctic Ocean . . . yet, we remain the only Arctic nation that has not ratified the very instrument that provides this accepted legal framework governing the Arctic Ocean and its seabed.'', and ''Ratification of the Law of the Sea Convention supports our economic interests, environmental protection, and safety of life at sea, especially in the Arctic Ocean.'';

Whereas the past Chief of Naval Operations, Admiral John M. Richardson, stated that ''acceding to the Convention would strengthen our credibility and strategic position'', and ''we undermine our leverage by not signing up to the same rule book by which we are asking other countries to accept'', on July 30, 2015, in his nomination hearing before the Committee on Armed Services of the Senate;

Whereas the past Chief of Naval Operations, Admiral John M. Richardson, further stated that ''becoming a part of [the UNCLOS] would give us a great deal of credibility, and particularly as it pertains to the unfolding opportunities in the Arctic'', and ''this provides a framework to adjudicate disputes'', on July 30, 2015, in his nomination hearing before the Committee on Armed Services of the Senate; and

Whereas the past United States Special Representative of State for the Arctic and former Commandant of the Coast Guard, Admiral Robert Papp, Jr., stated that ''as a non-party to the Law of the Sea Convention, the U.S. is at a significant disadvantage relative to the other Arctic Ocean coastal States'', ''those States are parties to the Convention, and are well along the path to obtaining legal certainty and international recognition of their Arctic extended continental shelf'', and ''becoming a Party to the Law of the Sea Convention would allow the United States to fully secure its rights to the continental shelf off the coast of Alaska, which is likely to extend out to more than 600 nautical miles'', on December 10, 2014, before the Subcommittee on Europe, Eurasia, and Emerging Threats of the Committee on Foreign Affairs of the House of Representatives: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is in the national interest for the United States to become a formal signatory of the United Nations Convention on the Law of the Sea (UNCLOS), done at Montego Bay December 10, 1982;

(2) urges the United States Senate to give its advice and consent to the ratification of the UNCLOS; and

(3) recommends the ratification of the UNCLOS remain a top priority for the Federal Government, the importance of which was most recently underscored by the strategic challenges the United States faces in the Asia-Pacific, the Arctic, and the Black Sea regions.

SENATE RESOLUTION 221—RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF THE CINCO DE MAYO HOLIDAY

Mr. MENENDEZ (for himself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 221

Whereas May 5, or ''Cinco de Mayo'' in Spanish, is celebrated each year as a date of importance by Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which Mexicans defeated the French at the Battle of Puebla, one of the many battles that the Mexican people won in their long and brave fight for independence, freedom, and democracy;

Whereas the victory of Mexico over France at Puebla represented a historic triumph for the Mexican government during the Franco-Mexican war fought between 1861 and 1867 and bolstered the resistance movement;

Whereas the success of Mexico at the Battle of Puebla reinvigorated the spirits of the Mexican people and provided a renewed sense of unity and strength;

Whereas the French army, which had not experienced defeat against any of the finest troops of Europe in more than half a century, sustained a disastrous loss at the hands of an outnumbered and ill-equipped, but

highly spirited and courageous, Mexican army;

Whereas the courageous spirit that Mexican General Ignacio Zaragoza and his men displayed during that historic battle can never be forgotten;

Whereas, in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez, the president of Mexico during the Battle of Puebla, once said, ''El respeto al derecho ajeno es la paz'', meaning ''respect for the rights of others is peace'';

Whereas the sacrifice of Mexican fighters was instrumental in keeping Mexico from falling under European domination while, in the United States, the Union Army battled Confederate forces in the Civil War;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States was built by people from many countries and diverse cultures who were willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close ties between the people of Mexico and the people of the United States;

Whereas Cinco de Mayo encourages the celebration of a legacy of strong leaders and a sense of vibrancy in communities; and

Whereas Cinco de Mayo serves as a reminder to provide more opportunity for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic struggle of the people of Mexico for independence and freedom, which Cinco de Mayo commemorates; and

(2) encourages the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

SENATE RESOLUTION 222—OFFICIAL TITLE NOT AVAILABLE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas the Senate is committed to the awareness, prevention, and deterrence of sexual violence affecting individuals in the United States;

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as the ''CDC''), 1 in 4 women and 1 in 10 men experience sexual or physical violence and stalking by an intimate partner;

Whereas, according to the 2019 Child Maltreatment Report of the Department of Health and Human Services, child protection service agencies throughout the United States substantiated, or found strong evidence to indicate that, 60,927 children under 18 years of age were victims of sexual abuse that year;

Whereas children and young adults are at significant risk of experiencing sexual assault, as up to 69 percent of sexual assault victims are under 34 years of age;

Whereas sexual violence is a burden for many individuals who serve in the Armed Forces, and the Department of Defense estimates that approximately 20,500 members of the Armed Forces, including approximately 13,000 women and 7,500 men, experienced some form of contact or penetrative sexual assault during 2018;

Whereas, due to the unprecedented challenges presented by the Coronavirus Disease 2019 (COVID–19) pandemic, including mandatory stay-at-home orders, the needs of sexual assault victims have become even more complex and challenging;

Whereas, according to a March 2020 survey by the National Alliance to End Sexual Violence, 62 percent of rape crisis centers have a waiting list for counseling services, 35 percent lack a therapist on staff, and 40 percent of programs have an increased demand for services since the beginning of the COVID–19 pandemic;

Whereas the American Journal of Emergency Medicine reported a 10 to 30 percent increase in reports of family violence since the beginning of the COVID–19 pandemic;

Whereas sexual assault does not discriminate on any basis and can affect any individual in the United States;

Whereas sexual violence may take many forms, including acquaintance, stranger, spousal, and gang rape, incest, child sexual abuse, elder sexual abuse, sexual abuse and exploitation of disabled persons and members of the LGBTQ community, commercial sex trafficking, sexual harassment, and stalking;

Whereas studies have suggested that the rate at which American Indians and Alaska Natives experience sexual violence is significantly higher than for other populations in the United States;

Whereas, according to a 2010 CDC survey, approximately 1 in 8 lesbian women (13 percent or 214,000), nearly half of all bisexual women (46 percent or 1,500,000), and 1 in 6 heterosexual women (17 percent or 19,000,000) have been raped in their lifetime;

Whereas, according to the National Alliance to End Sexual Violence, in addition to the immediate physical and emotional costs, sexual assault has numerous adverse consequences, which can include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide;

Whereas, according to the National Crime Victimization Survey, an average of only 34 percent of rapes or sexual assaults in the United States were reported to law enforcement agencies;

Whereas many sexual assaults are not reported to law enforcement agencies, and many States have restrictive criminal statutes of limitations, which enable many perpetrators to evade punishment for their crimes;

Whereas advances in deoxyribonucleic acid (commonly known as ''DNA'') technology have enabled law enforcement agencies to identify and prosecute the perpetrators in tens of thousands of previously unsolved sexual assault cases;

Whereas incarceration of sexual assault perpetrators can prevent perpetrators from committing additional crimes;

Whereas national, State, territorial, and Tribal coalitions, community-based rape crisis centers, and other organizations across the United States are committed to—

(1) eliminating sexual violence through prevention and education; and

(2) increasing public awareness of sexual violence and the prevalence of sexual violence;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers;

Whereas thousands of volunteers and staff at rape crisis centers, State coalitions against sexual assault, and nonprofit organizations across the United States play an important role in making crisis hotlines and other services available to survivors of sexual assault;

Whereas free, confidential help is available to all victims and survivors of sexual assault through—

(1) the victim service programs of the Rape, Abuse & Incest National Network (commonly known and referred to in this preamble as ''RAINN''), including the National Sexual Assault Hotline—

(A) by telephone at 800–656–HOPE; and

(B) online at https://hotline.rainn.org; and

(2) more than 1,500 sexual assault service providers across the United States;

Whereas the victim service programs of RAINN, including the National Sexual Assault Hotline, helped a total of 60,437 victims receive help in May and June of 2020, up 18 percent from the same time period in 2019;

Whereas the Department of Defense provides the Safe Helpline, Safe HelpRoom, and Safe Helpline mobile application, each of which provide support and help to members of the Department of Defense community—

(1) by telephone at 877–995–5247; and

(2) online at https://SafeHelpline.org;

Whereas individual and collective efforts reflect the dream of the people of the United States—

(1) for individuals and organizations to actively work to prevent all forms of sexual violence; and

(2) for no victim of sexual assault to be unserved or feel that there is no path to justice; and

Whereas April 2021 is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to—

(i) educate the people of the United States about sexual violence; and

(ii) encourage—

(I) the prevention of sexual assault;

(II) improvement in the treatment of survivors of sexual assault; and

(III) the prosecution of perpetrators of sexual assault;

(B) it is appropriate to properly acknowledge survivors of sexual assault and to commend the volunteers and professionals who assist those survivors in their efforts to heal;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in—

(i) promoting awareness about sexual assault;

(ii) providing information and treatment to survivors of sexual assault; and

(iii) increasing the number of successful prosecutions of perpetrators of sexual assault; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to ensure perpetrators of sexual assault are held accountable; and

(2) the Senate supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

SENATE RESOLUTION 223—CONGRATULATING THE CITY OF COLUMBIA HEIGHTS, MINNESOTA, ON ITS 100TH ANNIVERSARY

Ms. SMITH (for herself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 223

Whereas the city of Columbia Heights is a first-ring suburb of Minneapolis situated in the southern part of Anoka County;

Whereas Columbia Heights was established as a village in 1898 and incorporated as a city in 1921;

Whereas Columbia Heights is now home to a diverse population, which brings together cultures from all across the world;

Whereas Columbia Heights was designated in 2006 by community stakeholders and city officials as the ''City of Peace'';

Whereas Columbia Heights is a city that embraces ethnic and cultural differences so that all its citizens may live in peace;

Whereas Columbia Heights was named an All-America City recipient in 2016;

Whereas Columbia Heights prides itself in being a place where families can thrive;

Whereas Columbia Heights has a small-town feel while still striving towards the goals of a big city; and

Whereas, on July 21, 2021, the Columbia Heights will celebrate 100 years of incorporation: Now, therefore, be it

Resolved, That the Senate congratulates Columbia Heights, Minnesota on its 100th anniversary.

SENATE RESOLUTION 224—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES MUST SEIZE THE OPPORTUNITY TO CREATE MILLIONS OF JOBS, BECOME A NET EXPORTER OF CLEAN ENERGY, AND SECURE A BETTER, MORE EQUITABLE FUTURE BY ACCELERATING THE ELECTRIFICATION OF HOUSEHOLDS, BUILDINGS, AND BUSINESSES IN THE UNITED STATES, MODERNIZING THE UNITED STATES ELECTRICITY GRID, AND CONTINUING ON THE PATH TOWARDS DECARBONIZING ELECTRICITY GENERATION IN THE UNITED STATES BY 2035

Mr. HEINRICH (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. PADILLA, Mr. MERKLEY, Mr. MARKEY, Mr. DURBIN, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. BENNET, Mr. VAN HOLLEN, Mr. WYDEN, Ms. ROSEN, Ms. WARREN, Mr. LUJÁN, and Mr. KING) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 224

Whereas the United States enjoys an abundance of clean energy resources, world-class research facilities, cutting-edge industrial capabilities, and an unrivaled culture of entrepreneurship and technological innovation;

Whereas, as of the date of adoption of this resolution, technology exists to power the majority of energy systems in the United States with zero-emission electricity;

Whereas achieving widespread electrification—

(1) will reduce the overall energy needs of the United States economy by up to 50 percent; and

(2) can substantially decrease overall consumer energy costs while maintaining the same or better lifestyles for individuals and families in the United States;

Whereas national and subnational economies around the world, including in the United States, are engaged in a fundamental transition away from energy systems based on fossil fuels to zero-emission energy systems;

Whereas the United States has the opportunity to become a clean energy superpower, and in the process has the opportunity—

(1) to become a net exporter of bulk zero-emission electricity and of products made with zero-emission electricity;

(2) to capture new and expanding power and technology markets;

(3) to benefit from the ongoing global transition away from fossil fuel energy towards widespread electrification using zero-emission electricity; and

(4) to become an international leader in the production and adoption of zero-emission vehicles;

Whereas climate change caused by human activities, especially by greenhouse gas emissions from fossil fuel combustion, represents a serious, present, and growing threat—

(1) to human health, security, and economic well-being; and

(2) to the environment;

Whereas low-income communities and communities of color are disproportionately impacted by the harmful effects of climate change and air pollution, including being at a higher risk of experiencing—

(1) severe floods, droughts, and wildfires;

(2) economic dislocation; and

(3) significant health problems, including pneumonia, asthma, bronchitis, heart attacks, strokes, and lung cancer;

Whereas transitioning the energy systems of the United States to zero-emission electricity would—

(1) drastically reduce net greenhouse gas emissions in the United States;

(2) improve air and water quality throughout the United States; and

(3) improve numerous health conditions associated with the burning of fossil fuels for millions of individuals in the United States;

Whereas the work required to electrify the economy of the United States would produce millions of high-paying, sustainable jobs that would—

(1) be created throughout the United States, including in urban, rural, suburban, and Tribal communities; and

(2) require directly translatable skills from individuals who, as of the date of adoption of this resolution, hold jobs in—

(A) the fossil fuel industry;

(B) the construction and building industry;

(C) the electricity industry, including residential and commercial electricians; and

(D) the automotive industry;

Whereas the average household in the United States spends, as of the date of adoption of this resolution, approximately $4,500 per year on energy, including $2,000 per year on vehicle fuel;

Whereas, with supportive policy, households in the United States can save up to half of their annual energy costs by electrifying their household energy systems, including through—

(1) the installation of—

(A) rooftop or distributed photovoltaic solar and home battery systems;

(B) electric heat pumps and electric heat pump water heaters; and

(C) electric household appliances; and

(2) the purchase of electric vehicles;

Whereas many low- and moderate-income families in the United States lack access to credit and financing options that would enable those families to install money-saving electrified household energy systems;

Whereas reaping the benefits of electrification could be made more accessible and cost-effective for individuals in the United States, so that the access and costs compare more favorably with other countries, by—

(1) reducing the up-front capital outlays typically required; and

(2) decreasing the cost of local permitting and regulations for rooftop solar and other distributed renewable energy generation in the United States;

Whereas investments in energy efficiency programs can—

(1) reduce the size and cost of electric heating systems;

(2) help increase systemic resiliency to periods of extreme temperature; and

(3) in addition to other investments in infrastructure, help improve the ability of the electric power grid to serve peak electric demand;

Whereas utility-scale wind and solar installations are among the lowest-cost sources of electricity available in the United States;

Whereas additional interregional high-voltage direct-current electricity transmission capacity—

(1) is critical to the development of new clean energy generation; and

(2) can help ensure reliable and consistent electricity supply; and

Whereas supporting rapid electrification and innovation in all sectors of the United States economy while transitioning to zero-emission electricity production using proven generation technologies is one of the fastest, most efficient ways to reduce United States greenhouse gas emissions, reduce the average energy bills of people of the United States, and create millions of good-paying jobs to put individuals in the United States back to work in response to the COVID–19 pandemic: Now, therefore be it

Resolved, That it is the sense of the Senate that—

(1) the United States must seize the opportunity to create millions of jobs, become a net exporter of clean energy, and secure a better, more equitable future by accelerating the electrification of households, buildings, and businesses in the United States, modernizing the United States electricity grid, and continuing on the path towards decarbonizing electricity generation in the United States by 2035;

(2) the goals described in paragraph (1) are consistent with, and should be achieved through, efforts that prioritize the objectives of—

(A) creating millions of good-paying jobs, with collective bargaining agreements, and advancing a thriving, equitable economy with an expanded middle class;

(B) maintaining the global leadership of the United States in innovation;

(C) ensuring that not less than 40 percent of the benefits of Federal investments in electrification efforts flow to historically marginalized communities and individuals disproportionately affected by the health and environmental impacts of fossil fuels;

(D) rehiring through place-based policies, retraining, and certifying, for electrification and clean energy jobs, individuals that, as of the date of adoption of this resolution, hold jobs in the fossil fuel industry (referred to in this resolution as ''energy veterans'');

(E) advancing strong labor and safety standards throughout the supply chain by using certain Federal provisions, including—

(i) chapter 83 of title 41, United States Code (commonly known as the ''Buy American Act''); and

(ii) subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly known as the ''Davis-Bacon Act'');

(F) decreasing the harmful health and environmental impacts of climate change, which fall disproportionately on low-income people and communities of color in the United States;

(G) ensuring access to low-cost, reliable electricity for individuals, families, and businesses, while recognizing and addressing the infrastructural challenges in rural and Tribal communities;

(H) modernizing the electric power grid of the United States and its operations to increase the security, resilience, reliability, fairness, and flexibility of the electric power grid;

(I) transforming existing industries in the United States into 21st century industries that use and produce clean energy; and

(J) enhancing the national security of the United States, including the cybersecurity of the electric power grid; and

(3) to succeed, the goals described in paragraph (1) and the objectives described in paragraph (2) should be accomplished through efforts that—

(A) electrify the activities of high-emissions sectors, such as the residential and commercial construction, transportation, and industrial sectors, including by—

(i) supporting and incentivizing the residential and commercial deployment of electric technologies, including battery storage systems, electric heat pumps, electric induction stoves, electric vehicle chargers, and electric water heaters;

(ii) supporting the expansion of residential, commercial, and public electric vehicle charging infrastructure, including in rural areas and low- and moderate-income communities;

(iii) supporting the widespread electrification of public transportation systems, including the expansion of public transportation systems in rural and suburban communities; and

(iv) investing in research, development, demonstration, and deployment programs for electrification of key industrial processes;

(B) increase the deployment of zero-emission electricity resources, including by—

(i) expanding investment in zero-emission electricity generation;

(ii) lowering the permitting and hardware costs, and streamlining the process, of installing distributed energy systems;

(iii) improving the permitting and leasing processes for zero-emission electricity generation facilities on public land and offshore waters within the jurisdiction of the United States; and

(iv) ending subsidies for fossil fuel development on both public and private land;

(C) invest in energy efficiency programs paired with electrification measures, including household weatherization and high efficiency electric heating and cooling systems;

(D) expand interregional transmission capacity and planning to promote widespread and reliable zero-emission electrification;

(E) adopt and expand the use of technologies and processes that will make the electric power grid more resilient, reliable, and efficient;

(F) improve commercial, infrastructural, and manufacturing capacity for zero-emission electrification, including by—

(i) identifying and encouraging best practices for organizing electrification markets across communities and streamlining local regulations and permitting requirements;

(ii) upgrading home-load centers to support the power supply necessary for widespread household electrification;

(iii) setting national standards for electrification projects that align electrification markets across jurisdictions, while still allowing for private sector innovation and technological advances; and

(iv) expanding and electrifying manufacturing facilities so that the United States can produce and export products made with clean energy;

(G) increase the available financing for zero-emission electrification supporting technologies at all scales, from utility-scale power stations and transmission lines to individual homes and businesses, including by—

(i) providing seed funding for a clean energy and sustainability accelerator that will leverage public and private investment in zero-emission electricity across the United States;

(ii) adopting policies to increase available financing for distributed zero-emission electricity generation, especially by low- and moderate-income households and individuals historically denied access to credit;

(iii) increasing financial incentives at the Federal, State, and local levels for domestic manufacturing of electric appliances, vehicles, technologies, and systems; and

(iv) creating accessible financing mechanisms to make electrification projects affordable for all households, including for both homeowners and renters, across rural, urban, suburban, and Tribal communities across the United States;

(H) expand access to, and increase the quality of, higher education, vocational training, and certification programs for workers contributing to the goals described in paragraph (1) and the objectives described in paragraph (2) with an emphasis on—

(i) ensuring and encouraging access to those programs for—

(I) low-income individuals; and

(II) people of color;

(ii) eliminating gender-based and race-based pay gaps;

(iii) protecting the right of workers to organize and bargain collectively; and

(iv) rehiring through place-based policies and retraining of energy veterans;

(I) facilitate the modernization of Federal, State, and local building, electric, and other codes to encourage the adoption of low-cost zero-emission electricity resources, including through grant and technical assistance programs;

(J) invest in achieving full access to zero-emission electricity for rural and Tribal communities through a combination of new transmission and distribution, and new generation, such as through distributed solar and microgrids;

(K) pursue a Federal Government-wide approach to zero-emission electrification;

(L) increase understanding of the health impacts of indoor and outdoor air pollution created by fossil fuel appliances and electricity generation, especially on the most vulnerable members of society;

(M) invest in research, development, and demonstration on the efficient use, recycling, and waste management of materials used in clean energy technologies, including the sustainable sourcing and recycling of critical minerals used in the technologies; and

(N) increase research, development, and demonstration funding for the next generation of cutting-edge zero-emission electricity resources, deployment techniques, and grid modernization technologies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1498. Mr. SASSE 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.

SA 1499. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1500. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1501. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1502. Mr. SCHUMER proposed an amendment to the bill S. 1260, supra.

SA 1503. Ms. MURKOWSKI (for herself, Mr. RISCH, Mr. CRAMER, Mrs. CAPITO, Mr. TILLIS, Mr. SULLIVAN, Mr. MANCHIN, Mr. DAINES, Mr. LANKFORD, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

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

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

SA 1506. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

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

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

SA 1509. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1510. Ms. ERNST (for herself and Ms. SINEMA) submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1511. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1512. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1513. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1514. Ms. ERNST (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1515. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1516. Ms. ROSEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1517. Mr. TILLIS (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1518. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1519. 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.

SA 1520. 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.

SA 1521. 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.

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. SASSE 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. ___. AUTHORIZATION OF APPROPRIATIONS FOR THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

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 2307(a)(1)) 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. ___. ENHANCED AUTHORITY TO SHARE INFORMATION WITH RESPECT TO MERCHANDISE SUSPECTED OF VIOLATING INTELLECTUAL PROPERTY RIGHTS.

Section 628A of the Tariff Act of 1930 (19 U.S.C. 1628a) 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 packing 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.''.

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. ___. 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—

(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 those 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; and

(5) provides estimates of the costs to collect, store, and utilize that information.

SA 1502. Mr. SCHUMER proposed an amendment 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States Innovation and Competition Act of 2021''.

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

Sec. 1. Short title; table of contents.

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

Sec. 1001. Table of contents.
Sec. 1002. Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Fund.
Sec. 1003. Appropriations for wireless supply chain innovation.

DIVISION B—ENDLESS FRONTIER ACT

Sec. 2001. Short title; table of contents.
Sec. 2002. Definitions.
Sec. 2003. Sense of Congress.
Sec. 2004. Interagency working group.
Sec. 2005. Key technology focus areas.

TITLE I—NSF TECHNOLOGY AND INNOVATION

Sec. 2101. Definitions.
Sec. 2102. Directorate establishment and purpose.
Sec. 2103. Personnel management.
Sec. 2104. Innovation centers.
Sec. 2105. Transition of NSF programs.
Sec. 2106. Providing scholarships, fellowships, and other student support.
Sec. 2107. Research and development.
Sec. 2108. Test beds.
Sec. 2109. Academic technology transfer.
Sec. 2110. Capacity-building program for developing universities.
Sec. 2111. Technical assistance.
Sec. 2112. Coordination of activities.
Sec. 2113. Reporting requirements.
Sec. 2114. Hands-on learning program.
Sec. 2115. Intellectual property protection.
Sec. 2116. Authorization of appropriations for the Foundation.
Sec. 2117. Authorization of appropriations for the Department of Energy.

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

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

TITLE III—RESEARCH SECURITY

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

TITLE IV—REGIONAL INNOVATION CAPACITY

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

TITLE V—MISCELLANEOUS

Sec. 2501. Strategy and report on economic security, science, research, and innovation to support the national security strategy.
Sec. 2502. Person or entity of concern prohibition.
Sec. 2503. Study on emerging science and technology challenges faced by the United States and recommendations to address them.
Sec. 2504. Report on global semiconductor shortage.
Sec. 2505. Supply chain resiliency program.
Sec. 2506. Semiconductor incentives.
Sec. 2507. Research Investment to Spark the Economy Act.
Sec. 2508. Office of Manufacturing and Industrial Innovation Policy.
Sec. 2509. Telecommunications Workforce Training Grant Program.
Sec. 2510. Country Of Origin Labeling Online Act.
Sec. 2511. Country of origin labeling for king crab and tanner crab.
Sec. 2512. Internet exchanges and submarine cables.
Sec. 2513. Study of sister city partnerships operating within the United States involving foreign communities in countries with significant public sector corruption.
Sec. 2514. Prohibition on transfer, assignment, or disposition of construction permits and station licenses to entities subject to undue influence by the Chinese Communist Party or the Government of the People's Republic of China.
Sec. 2515. Limitation on nuclear cooperation with the People's Republic of China.
Sec. 2516. Certification.
Sec. 2517. Fairness and due process in standards-setting bodies.
Sec. 2518. Shark fin sales elimination.
Sec. 2519. Sense of Congress on forced labor.
Sec. 2520. Open network architecture.
Sec. 2521. Combatting sexual harassment in science.
Sec. 2522. National Science Corps.
Sec. 2523. Annual report on foreign research.
Sec. 2524. Accelerating unmanned maritime systems research.
Sec. 2525. Foundation funding to institutions hosting or supporting Confucius Institutes.
Sec. 2526. Supporting documents.
Sec. 2527. BASIC Research.

TITLE VI—SPACE MATTERS

Subtitle A—SPACE Act

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

Subtitle B—National Aeronautics and Space Administration Authorization Act

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

PART I—AUTHORIZATION OF APPROPRIATIONS

Sec. 2613. Authorization of appropriations.

PART II—HUMAN SPACEFLIGHT AND EXPLORATION

Sec. 2614. Competitiveness within the human landing system program.
Sec. 2615. Space launch system configurations.
Sec. 2616. Advanced spacesuits.
Sec. 2617. Acquisition of domestic space transportation and logistics resupply services.
Sec. 2618. Rocket engine test infrastructure.
Sec. 2619. Pearl River maintenance.
Sec. 2620. Value of International Space Station and capabilities in low-Earth orbit.
Sec. 2621. Extension and modification relating to International Space Station.
Sec. 2622. Department of Defense activities on International Space Station.
Sec. 2623. Commercial development in low-Earth orbit.
Sec. 2624. Maintaining a national laboratory in space.
Sec. 2625. International Space Station national laboratory; property rights in inventions.
Sec. 2626. Data first produced during non-NASA scientific use of the ISS national laboratory.
Sec. 2627. Payments received for commercial space-enabled production on the ISS.
Sec. 2628. Stepping stone approach to exploration.
Sec. 2629. Technical amendments relating to Artemis missions.

PART III—SCIENCE

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

PART IV—AERONAUTICS

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

PART V—SPACE TECHNOLOGY

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

PART VI—STEM ENGAGEMENT

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

PART VII—WORKFORCE AND INDUSTRIAL BASE

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

PART VIII—MISCELLANEOUS PROVISIONS

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

DIVISION C—STRATEGIC COMPETITION ACT OF 2021

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Sec. 3002. Findings.
Sec. 3003. Definitions.
Sec. 3004. Statement of policy.
Sec. 3005. Sense of Congress.
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TITLE I—INVESTING IN A COMPETITIVE FUTURE

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

Subtitle B—Global Infrastructure and Energy Development

Sec. 3111. Appropriate committees of Congress defined.

Sec. 3112. Sense of Congress on international quality infrastructure investment standards.
Sec. 3113. United States support for infrastructure.
Sec. 3114. Infrastructure Transaction and Assistance Network.
Sec. 3115. Strategy for advanced and reliable energy infrastructure.
Sec. 3116. Report on the People's Republic of China's investments in foreign energy development.

Subtitle C—Digital Technology and Connectivity

Sec. 3121. Sense of Congress on digital technology issues.
Sec. 3122. Digital connectivity and cybersecurity partnership.
Sec. 3123. Strategy for digital investment by United States International Development Finance Corporation.

Subtitle D—Countering Chinese Communist Party Malign Influence

Sec. 3131. Short title.
Sec. 3132. Authorization of appropriations for countering Chinese Influence Fund.
Sec. 3133. Findings on Chinese information warfare and malign influence operations.
Sec. 3134. Authorization of appropriations for the Fulbright-Hays Program.
Sec. 3135. Sense of Congress condemning anti-Asian racism and discrimination.
Sec. 3136. Supporting independent media and countering disinformation.
Sec. 3137. Global engagement center.
Sec. 3138. Review by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.
Sec. 3139. Post-employment restrictions on Senate-confirmed officials at the Department of State.
Sec. 3140. Sense of Congress on prioritizing nomination of qualified ambassadors to ensure proper diplomatic positioning to counter Chinese influence.
Sec. 3141. China Censorship Monitor and Action Group.

TITLE II—INVESTING IN ALLIANCES AND PARTNERSHIPS

Subtitle A—Strategic and Diplomatic Matters

Sec. 3201. Appropriate committees of Congress defined.
Sec. 3202. United States commitment and support for allies and partners in the Indo-Pacific.
Sec. 3203. Sense of Congress on cooperation with the Quad.
Sec. 3204. Establishment of Quad Intra-Parliamentary Working Group.
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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 subsection 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 ac counts within the Department of Commerce to be used for such purposes.

(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; and

(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 purposes, 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.—

(A) 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.

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

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

(II) 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 9902(a)(2)(C) of Public Law 116–283, in granting Federal financial assistance under this paragraph, the Secretary may consider whether a covered entity produces or supplies equipment or materials used in the fabrication, assembly, testing, or advanced packaging of semiconductors at mature technology nodes that are necessary to support a critical manufacturing industry.

(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 the industry components that are assigned a North American Industry Classification System code beginning with the same 4 digits as the industry—

(I) manufacture primary products and parts, the sum of which account for not less than 5 percent of the manufacturing value added by industry gross domestic product of the United States; and

(II) employ individuals for primary products and parts manufacturing activities that, combined, account for not less than 5 percent of manufacturing employment in the United States; and

(ii) may include any other manufacturing industry designated by the Secretary based 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.

(4) ALLOCATION AUTHORITY.—

(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)—

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

(ii) for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code.

(B) ALTERNATE ALLOCATION.—

(i) IN 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), including by account, program, and project.

(ii) ALLOCATION BY PRESIDENT.—

(I) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, and project, by the date on which the Act making full-year appropriations for the Department of Commerce, Justice, Science, and Related Agencies for the applicable fiscal year is enacted into law, only then shall amounts made available under subsection (a)(2) be allocated by the President or apportioned or allotted by account, program, and project pursuant to title 31, United States Code.

(II) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts 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 and 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 to be known as the ''Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Defense Fund'' (referred to in this subsection as the ''Fund'') to provide for research, development, test and evaluation, workforce development, and other requirements that are unique to the Department of Defense and the intelligence community, including those requirements 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). Amounts in the Fund shall be transferred to and merged with accounts within the Department of Defense to be used for such purposes. Amounts in the Fund or transferred to and merged with accounts within the Department of Defense may not be used for construction of facilities.

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

(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; and

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

(3) ALLOCATION AUTHORITY.—

(A) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program element, and project allocations of the full amount made available under subsection (b)(2)—

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

(ii) for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code.

(B) ALTERNATE ALLOCATION.—

(i) IN GENERAL.—The Committees on Appropriations of the House of Representatives and the Senate may provide for alternate allocation of amounts made available under subsection (b)(2), including by account, program element, and project.

(ii) ALLOCATION BY PRESIDENT.—

(I) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program element, and project, by the date on which the Act making full-year appropriations for the Department of Defense for the applicable fiscal year is enacted into law, only then shall amounts made available under subsection (b)(2) be allocated by the President or apportioned or allotted by account, program element, and project pursuant to title 31, United States Code.

(II) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations, including by account, program element, and project, for amounts 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 shall be allocated by the President and apportioned and allotted by account, program element, 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 to be known as the ''Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America International Technology Security and Innovation Fund'' (referred to in this subsection as the ''Fund'') to provide for international information and communications technology security and semiconductor supply chain activities, including to support the development and adoption of secure and trusted telecommunications technologies, secure semiconductors, secure semiconductors supply chains, and other emerging technologies and to carry out sections 9905 and 9202(a)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), as appropriate. Amounts in the Fund shall be transferred by the Secretary of State to accounts within the Department of State, the United States Agency for International Development, the Export-Import Bank, and the United States International Development Finance Corporation, as appropriate, to be used for such purposes and under the terms and conditions of the account to which transferred.

(2) APPROPRIATION.—

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

(i) for fiscal year 2022, $100,000,000, to remain available until September 30, 2026;

(ii) for fiscal year 2023, $100,000,000, to remain available until September 30, 2027;

(iii) for fiscal year 2024, $100,000,000, to remain available until September 30, 2028;

(iv) for fiscal year 2025, $100,000,000, to remain available until September 30, 2029; and

(v) for fiscal year 2026, $100,000,000, to remain available until September 30, 2030.

(B) In carrying out this subsection, the Secretary of State may use up to $5,000,000 of the amounts made available in each fiscal year for the Fund for salaries and expenses, administration, and oversight purposes, of which $500,000 in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of State to oversee expenditures under the Fund.

(3) ALLOCATION AUTHORITY.—

(A) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, project, and activity allocations of the full amount made available under subsection (c)(2)—

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

(ii) for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code.

(B) ALTERNATE ALLOCATION.—

(i) IN GENERAL.—The Committees on Appropriations of the House of Representatives and the Senate may provide for alternate allocation of amounts made available under subsection (c)(2), including by account, program, project, and activity.

(ii) ALLOCATION BY PRESIDENT.—

(I) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, project, and activity, by the date on which the Act making full-year appropriations for the Department of State, Foreign Operations, and Related Programs for the applicable fiscal year is enacted into

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, for amounts made available under subsection (c)(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 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. 905(g)(1)(A)) is amended by inserting after ''Continuing Fund, Southwestern Power Administration (89–5649–0–2–271).'' the following:

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

''Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Defense Fund.

''Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America International Technology Security and Innovation Fund.''.

(e) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SEC. 1003. 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 9202(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), out of amounts in the Treasury not otherwise appropriated, $1,500,000,000 for fiscal year 2022, to remain available through September 30, 2031.

(b) USE OF FUNDS, ADMINISTRATION, AND OVERSIGHT.—Of the amounts made available under subsection (a)—

(1) not more than 5 percent of the amounts allocated pursuant to subsection (c) in a given fiscal year may be used by the Assistant Secretary of Commerce for Communications and Information to administer the programs funded from the Public Wireless Supply Chain Innovation Fund; and

(2) not less than $2,000,000 per fiscal year shall be transferred to the Office of Inspector General of the Department of Commerce for oversight related to activities conducted using amounts provided under this section.

(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)—

(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) ALTERNATE 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, and project.

(B) ALLOCATION BY PRESIDENT.—

(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, and project, by the date on which the Act making full-year appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the applicable fiscal year is enacted into law, only then shall amounts recommended for allocation for that fiscal year from amounts made available under subsection (a) be allocated by the President or apportioned or allotted by account, program, and project pursuant to title 31, United States Code.

(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations, including by account, program, and project, for amounts recommended for allocation in a given fiscal year from amounts made available under subsection (a) that are less than the full amount recommended for allocation for that fiscal year, the difference between the amount recommended for allocation and the alternate allocation shall be allocated by the President and apportioned and allotted by account, program, and project 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. 905(g)(1)(A)) is amended by inserting after ''Postal Service Fund (18–4020–0–3–372).'' the following:

''Public Wireless Supply Chain Innovation Fund.''.

(e) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

DIVISION B—ENDLESS FRONTIER ACT

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Endless Frontier Act''.

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

DIVISION B—ENDLESS FRONTIER ACT

Sec. 2001. Short title; table of contents.
Sec. 2002. Definitions.
Sec. 2003. Sense of Congress.
Sec. 2004. Interagency working group.
Sec. 2005. Key technology focus areas.

TITLE I—NSF TECHNOLOGY AND INNOVATION

Sec. 2101. Definitions.
Sec. 2102. Directorate establishment and purpose.
Sec. 2103. Personnel management.
Sec. 2104. Innovation centers.
Sec. 2105. Transition of NSF programs.
Sec. 2106. Providing scholarships, fellowships, and other student support.
Sec. 2107. Research and development.
Sec. 2108. Test beds.
Sec. 2109. Academic technology transfer.
Sec. 2110. Capacity-building program for developing universities.
Sec. 2111. Technical assistance.
Sec. 2112. Coordination of activities.
Sec. 2113. Reporting requirements.
Sec. 2114. Hands-on learning program.
Sec. 2115. Intellectual property protection.
Sec. 2116. Authorization of appropriations for the Foundation.
Sec. 2117. Authorization of appropriations for the Department of Energy.

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

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

TITLE III—RESEARCH SECURITY

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

TITLE IV—REGIONAL INNOVATION CAPACITY

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

TITLE V—MISCELLANEOUS

Sec. 2501. Strategy and report on economic security, science, research, and innovation to support the national security strategy.
Sec. 2502. Person or entity of concern prohibition.
Sec. 2503. Study on emerging science and technology challenges faced by the United States and recommendations to address them.
Sec. 2504. Report on global semiconductor shortage.
Sec. 2505. Supply chain resiliency program.
Sec. 2506. Semiconductor incentives.
Sec. 2507. Research Investment to Spark the Economy Act.
Sec. 2508. Office of Manufacturing and Industrial Innovation Policy.
Sec. 2509. Telecommunications Workforce Training Grant Program.
Sec. 2510. Country Of Origin Labeling Online Act.
Sec. 2511. Country of origin labeling for king crab and tanner crab.

Sec. 2512. Internet exchanges and submarine cables.
Sec. 2513. Study of sister city partnerships operating within the United States involving foreign communities in countries with significant public sector corruption.
Sec. 2514. Prohibition on transfer, assignment, or disposition of construction permits and station licenses to entities subject to undue influence by the Chinese Communist Party or the Government of the People's Republic of China.
Sec. 2515. Limitation on nuclear cooperation with the People's Republic of China.
Sec. 2516. Certification.
Sec. 2517. Fairness and due process in standards-setting bodies.
Sec. 2518. Shark fin sales elimination.
Sec. 2519. Sense of Congress on forced labor.
Sec. 2520. Open network architecture.
Sec. 2521. Combatting sexual harassment in science.
Sec. 2522. National Science Corps.
Sec. 2523. Annual report on foreign research.
Sec. 2524. Accelerating Unmanned Maritime Systems Research.
Sec. 2525. Foundation funding to institutions hosting or supporting confucius institutes.
Sec. 2526. Supporting documents.
Sec. 2527. BASIC Research.

TITLE VI—SPACE MATTERS

Subtitle A—SPACE Act

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

Subtitle B—National Aeronautics and Space Administration Authorization Act

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

PART I—AUTHORIZATION OF APPROPRIATIONS

Sec. 2613. Authorization of appropriations.

PART II—HUMAN SPACEFLIGHT AND EXPLORATION

Sec. 2614. Competitiveness within the human landing system program.
Sec. 2615. Space launch system configurations.
Sec. 2616. Advanced spacesuits.
Sec. 2617. Acquisition of domestic space transportation and logistics resupply services.
Sec. 2618. Rocket engine test infrastructure.
Sec. 2619. Pearl River maintenance.
Sec. 2620. Value of International Space Station and capabilities in low-Earth orbit.
Sec. 2621. Extension and modification relating to International Space Station.
Sec. 2622. Department of Defense activities on International Space Station.
Sec. 2623. Commercial development in low-Earth orbit.
Sec. 2624. Maintaining a national laboratory in space.
Sec. 2625. International Space Station national laboratory; property rights in inventions.
Sec. 2626. Data first produced during non-NASA scientific use of the ISS national laboratory.
Sec. 2627. Payments received for commercial space-enabled production on the ISS.
Sec. 2628. Stepping stone approach to exploration.
Sec. 2629. Technical amendments relating to Artemis missions.

PART III—SCIENCE

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

PART IV—AERONAUTICS

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

PART V—SPACE TECHNOLOGY

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

PART VI—STEM ENGAGEMENT

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

PART VII—WORKFORCE AND INDUSTRIAL BASE

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

PART VIII—MISCELLANEOUS PROVISIONS

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

SEC. 2002. DEFINITIONS.

Unless otherwise specified, in this division:

(1) APPRENTICESHIP.—The term ''apprenticeship'' means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) that meets the standards of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(3) DIRECTORATE.—The term ''Directorate'' means the Directorate for Technology and Innovation established under section 2102.

(4) EMERGING RESEARCH INSTITUTION.—The term ''emerging research institution'' means an institution of higher education with an established undergraduate or graduate program that has, on average for the 3 years prior to an application for an award under this division, received less than $50,000,000 in Federal research funding.

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

(6) FOUNDATION.—The term ''Foundation'' means the National Science Foundation.

(7) 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).

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

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

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

(11) NATIONAL LABORATORY.—The term ''National Laboratory'', without respect to capitalization, has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(12) STEM.—The term ''STEM'' means the academic and professional disciplines of science, technology, engineering, and mathematics, including computer science.

SEC. 2003. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the National Science Foundation, the Department of Energy and its National Laboratories, 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, encouraging broader participation 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 the Department of Energy, should be done on a bipartisan basis.

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 Secretary of Commerce.

(2) The Director of the National Science Foundation.

(3) The Secretary of Energy.

(4) The Secretary of Defense.

(5) The Director of the National Economic Council.

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

(7) The Secretary of Health and Human Services.

(8) The Administrator of the National Aeronautics and Space Administration.

(9) The Secretary of Agriculture.

(10) The Director of National Intelligence.

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

(12) 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, with a focus on—

(1) the activities of the National Science Foundation Technology and Innovation Directorate in the key technology focus areas, such as within the innovation centers under section 2104 and test beds under section 2108 under this division;

(2) 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. 13701 et seq.), as added by section 2401 of this division, the Manufacturing USA Program established under section 34(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(b)(1)), and the Hollings Manufacturing Extension Partnership;

(3) 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 user facilities operated 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.

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

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

(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 current level of 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

(2) shall 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. 2005. KEY TECHNOLOGY FOCUS AREAS.

(a) IN GENERAL.—

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

(A) Artificial intelligence, machine learning, autonomy, and related advances.

(B) High performance computing, semiconductors, and advanced computer hardware and software.

(C) Quantum information science and technology.

(D) Robotics, automation, and advanced manufacturing.

(E) Natural and anthropogenic disaster prevention or mitigation.

(F) Advanced communications technology and immersive technology.

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

(H) Data storage, data management, distributed ledger technologies, and cybersecurity, including biometrics.

(I) Advanced energy and industrial efficiency technologies, such as batteries and advanced nuclear technologies, including but not limited to for the purposes of electric generation (consistent with section 15 of the National Science Foundation Act of 1950 (42 U.S.C. 1874).

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

(2) REVIEW AND UPDATES.—The Director and the Secretary of Energy, in coordination with the interagency working group established under section 2004 and in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall annually review, and update as required, the list of key technology focus areas for purposes of this division.

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

(1) shall consider input from relevant industries;

(2) may consider the challenges and recommendations identified in the report required by section 2503 and in other relevant reports, such as technology and global trend reports from the defense and intelligence communities;

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

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

(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 other 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; and

(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, submit 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 undertaken 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 contract 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

SEC. 2101. DEFINITIONS.

In this title:

(1) DESIGNATED COUNTRY.—

(A) IN GENERAL.—The term ''designated country''—

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

(I) Australia;
(II) Canada;
(III) New Zealand;
(IV) the United Kingdom;
(V) the State of Israel;
(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—
(aa) not less than 30 days of advance notification and explanation to the relevant congressional committees before the designation; and
(bb) in-person briefings to such committees, if requested during the 30-day advance notification period described in item (aa); 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)(ii), 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 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)), 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) 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)).

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 as relevant to the critical national needs described in section 7018 of the America COMPETES Act (42 U.S.C. 1862o–5).
(2) Addressing and mitigating technology challenges integral to the geostrategic 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 scientific 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 support basic and 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, to advance the development, operation, 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 human 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, in the same manner as other 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 advise the Foundation on all matters pertaining to research, development, and commercialization at the Foundation, including partnerships with the private sector and other users of Foundation funded research.
(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, 2021 (Public Law 116-260), 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 DIRECTORS.—
(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 conferring with outside experts and by publicizing the goals of the program to the public and private sectors;
(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 criteria 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 project, including the feasibility of partnering with 1 or more commercial entities; and
(v) such other criteria as are established by the Director; and
(F) monitoring the progress of projects supported under the program and recommending program restructure 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 award recipients.
(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, as compared to the traditional peer review process.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the authority of the Director or the National Science Board with respect to the selection of recipients for funding from the Foundation.

SEC. 2104. INNOVATION CENTERS.

(a) UNIVERSITY TECHNOLOGY CENTER PROGRAM.—

(1) IN GENERAL.—From amounts made available to the Directorate, the Director shall establish a program in the Directorate to make awards, through a competitive selection process, to eligible entities to establish university technology centers.

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

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

(B) leverage the expertise of multi-disciplinary and multi-sector partners, including partners from private industry;

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

(D) support the development of scientific, innovation, entrepreneurial, and educational capacity within the region of the university technology center.

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

(A) to carry out research to advance innovation in the key technology focus areas;

(B) for technology development activities such as proof-of-concept development, prototyping, design modification, experimental development, and other actions to reduce the cost, time, and risk of commercializing new technologies;

(C) for the costs of equipment and cyberinfrastructure;

(D) for the costs associated with technology transfer and commercialization, including patenting and licensing; or

(E) for operations and staff.

(4) SELECTION PROCESS.—In selecting recipients under this subsection, the Director shall consider, in addition to the scientific and technical merit of the proposal—

(A) maximizing regional and geographic diversity of the university technology centers, including by considering rural-serving institutions of higher education (as defined in section 861(b) of the Higher Education Act of 1965 (20 U.S.C. 1161a(b));

(B) the extent to which the applicant's proposal would broaden participation by populations underrepresented in STEM;

(C) the capacity of the applicant to engage industry, labor, and other appropriate organizations and, where applicable, contribute to growth in domestic manufacturing capacity and job creation;

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

(E) the amount of funds from industry organizations described in paragraph (5)(A)(ii) the applicant would use towards establishing the university technology center;

(F) the plan and capability of the applicant to take measures to prevent the inappropriate use of the research and technology of the center, including research results, data, and intellectual property, as appropriate and consistent with the requirements of the relevant award; and

(G) the plan and capability of the applicant to support proof-of-concept development and prototyping as well as 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 total 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 not fewer than 2 entities as described in paragraph (7)(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 governance and management structure of the university technology center;

(ii) measures the consortium will undertake to enable cost-effective implementation of activities under paragraph (3);

(iii) a proposed budget, including financial contributions from non-Federal sources; and

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

(6) SUPPORT OF REGIONAL TECHNOLOGY HUBS.—Each university technology center established under this subsection may support and participate in, as appropriate, the activities of any regional technology hub designated under section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 2401 of this division.

(7) ELIGIBLE ENTITY.—In this subsection, the term ''eligible entity'' means—

(A) an individual institution of higher education;

(B) a nonprofit entity; or

(C) a consortium that—

(i) shall include and be led by an institution of higher education or by a nonprofit entity, designed to support technology development;

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

(I) a historically Black college or university;

(II) a Tribal College or University;

(III) a minority-serving institution (or 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);

(IV) an institution that participates in the Established Program to Stimulate Competitive Research under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

(V) an emerging research institution; or

(VI) a community college; and

(iii) may include 1 or more—

(I) additional entities described in subparagraph (A) or (B);

(II) industry entities, including startups, small businesses, and public-private partnerships;

(III) economic development organizations or venture development organizations, as such terms are defined in section 28(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 13701 et seq.), as added by section 2401 of this division;

(IV) National Laboratories;

(V) Federal laboratories, as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703);

(VI) Federal research facilities;

(VII) labor organizations;

(VIII) entities described in subparagraph (A) or (B) from allied or partner countries;

(IX) other entities if determined by the Director to be vital to the success of the program;

(X) binational research and development foundations and funds, excluding foreign entities of concern, as defined in section 2307; and

(XI) Engineer Research and Development Center laboratories of the Army Corps of Engineers.

(b) INNOVATION INSTITUTE.—

(1) IN GENERAL.—The Director shall establish innovation institutes to further the research, development, and commercialization of innovation in the key technology focus areas.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—Each innovation institute shall be comprised of a partnership including 2 or more of the following entities:

(i) An institution of higher education.

(ii) A for-profit company.

(iii) A nonprofit organization.

(iv) A Federal agency.

(v) Another entity, if that entity is determined by the Director to be vital to the success of the program.

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

(C) INSTITUTIONAL OR ORGANIZATIONAL LEVEL.—The Director shall work to ensure that such 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 institute shall be provided by non-Federal entities.

(c) 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 of existing programs of the National Science Foundation that conduct activities in addition to basic research to the Directorate, 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. 1862s-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) establishing or augmenting 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.

(d) INNOVATION.—In carrying out this section, the Director shall encourage innovation in graduate education, including through 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.

(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) graduate fellowships 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; and

(ii) research experiences and internships under sections 513, 514, and 515 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–5; 1862p–6; 1862p–7);

(2) ensure that not less than 10 percent of the funds made available to carry out this section are used to support additional awards that focus on community college 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 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g); 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 for graduate, undergraduate, or technical college students and the evaluation of the effectiveness of those programs of study.

(f) 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 a competitive basis, for research and technology development within the key technology focus areas.

(b) PURPOSE.—The 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.—Recipients of funds under this section may include institutions of higher education, research institutions, 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. The Director shall ensure that the length of the grants for applicants seeking to demonstrate revolutionary technological advances to expedite short-term technology deployment last no longer than 24 months.

(e) SELECTION CRITERIA.—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 a revolutionary technological advance, including 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;

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

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

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

SEC. 2108. TEST BEDS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—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 fabrication facilities and cyberinfrastructure, to advance the development, operation, integration, deployment, and, as appropriate, demonstration of new, innovative technologies in the key technology focus areas, which may include hardware or software.

(2) COORDINATION.—In establishing new test beds under this section, the Director shall ensure coordination with other test beds supported by the Foundation or other Federal agencies to avoid duplication and maximize the use of Federal resources.

(b) PROPOSALS.—An applicant for 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 reasonably require. The proposal shall, at a minimum, describe—

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

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

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

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

(4) how the applicant will collaborate with firms in the key technology focus areas, including through coordinated research and development and funding, to ensure that work in the test bed will contribute to the commercial viability of any technologies and will include collaboration from industry and labor organizations;

(5) how the applicant will encourage the participation of inventors and entrepreneurs and the development of new businesses;

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

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

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

(9) how the test bed will disseminate lessons and other technical information to United States entities or allied or partner country entities in the United States; and

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

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

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

(e) INTERAGENCY ANNUAL MEETINGS.—The Director, the Secretary of Commerce, the Secretary of Energy, and the heads of other Federal departments and agencies, or their designees, with test bed related equities shall hold an annual meeting to coordinate their 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. 2109. ACADEMIC TECHNOLOGY TRANSFER.

(a) IN GENERAL.—From amounts made available to the Directorate, the Director, in coordination with the Director of the National Institute of Standards and Technology and other Federal agencies as determined appropriate by the Director, shall make awards, on a competitive basis, to eligible entities to advance the development and commercialization of technologies, particularly those in the key technology focus areas.

(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 either 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 (2) as the lead award recipient; and

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

(i) an economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship;

(ii) an industry organization or firm in a relevant technology or innovation sector;

(iii) an industry-experienced executive with entrepreneurship 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 technologies 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) background 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 eligible entities 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, particularly 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 among local and national business leaders, including investors, and potential entrepreneurs to encourage successful commercialization.

(G) Creating and funding competitions to allow entrepreneurial ideas to illustrate 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 technology, through capital investment, advice, staff support, or other means.

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

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

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

(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 start-ups and 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 entrepreneurial experiences and hands-on training for students enrolled in participating institutions of higher education.

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

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

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

(g) GEOGRAPHIC DIVERSITY.—The Director shall ensure regional and geographic diversity 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 for technology 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 the funding for those activities for the 2 fiscal years preceding the award.

SEC. 2110. CAPACITY-BUILDING PROGRAM FOR DEVELOPING UNIVERSITIES.

(a) IN GENERAL.—The Director shall establish a program in the Directorate to make awards, on a competitive basis, to eligible institutions described in subsection (b) 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 science and engineering as reported through the National Science Foundation Higher Education Research and Development Survey.

(2) PARTNERSHIPS.—An eligible institution receiving a grant under this section may carry out the activities of the grant through a partnership with other entities, including other eligible institutions.

(c) PROPOSALS.—To receive an award under this section, an eligible institution shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require, including a plan that describes how the eligible institution will establish or expand research office capacity and how such award would be used to—

(1) conduct an assessment of capacity-building and research infrastructure needs of an eligible institution;

(2) enhance institutional resources to provide administrative research development support to faculty at an eligible institution;

(3) bolster the institutional research competitiveness of an eligible institution to support grants awarded by the Directorate;

(4) support the acquisition of instrumentation necessary to build research capacity at an eligible institution in research areas directly associated with the Directorate;

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

(6) increase engagement with industry to execute research through the SBIR and STTR programs (as defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)) and direct contracts at an eligible institution;

(7) provide student engagement and research training opportunities at the undergraduate, graduate, and postdoctoral levels at an eligible institution;

(8) further faculty development initiatives and strengthen institutional research training infrastructure, capacity, and competitiveness of an eligible institution; or

(9) address plans and prospects for long-term sustainability of institutional enhancements at an eligible institution resulting from the award including, if applicable, how the award may be leveraged by an eligible institution to build a broader base of support.

(d) AWARDS.—Awards made under this section shall be for periods of 3 years, and may 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;

(2) by Federal interagency agreement and notwithstanding any other provision of law, transfer funds available to carry out this title to the head of another Federal agency

to facilitate and support the provision of such technical assistance; and

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

SEC. 2112. COORDINATION OF ACTIVITIES.

(a) IN GENERAL.—In carrying out the activities of the Directorate, the Director shall coordinate and work cooperatively with the Secretary of Energy, the Director of the National Institute of Standards and Technology, 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, to the greatest extent practicable, that activities carried out by the Directorate are not duplicative of activities supported by other parts of the Foundation or other relevant Federal agencies. In carrying out the activities prescribed by this division, the Director shall coordinate with the Interagency Working Group and heads of other Federal research agencies to ensure these activities enhance and complement, but do not constitute unnecessary duplication of effort and to ensure the responsible stewardship of funds.

(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 prepare and submit a report to Congress, and shall simultaneously submit the report to the Director, the Director of the Office of Science and Technology Policy, and the Secretary of Energy describing the interagency cooperation that occurred during the preceding years pursuant to this section, including a list of—

(1) any funds provided from the Directorate to other directorates and offices of the Foundation; and

(2) any instances in which unnecessary duplication of effort may have occurred.

SEC. 2113. REPORTING REQUIREMENTS.

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

(1) a strategic vision and spending plan for the next 5 years for the Directorate, including a description of how the Foundation will increase funding for research and education for populations underrepresented in STEM and geographic areas;

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

(A) entities other than institutions of higher education; and

(B) certain designated countries; and

(3) a description of the planned activities of the Directorate to secure federally funded science and technology pursuant to section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 42 U.S.C. 6601 note) and section 223 of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and the requirements under title III.

(b) ANNUAL BRIEFING.—Each year, the Director and the Secretary of Energy shall formally request a joint briefing from the Secretary of Defense, the Secretary of Commerce, the Director of the Federal Bureau of Investigation, the Director of National Intelligence, and as appropriate the heads of other Federal agencies regarding their efforts to preserve the United States' advantages generated by the activity of the Directorate.

(c) PROVIDING AUTHORITY TO DISSEMINATE INFORMATION.—Section 11 of the National Science Foundation Act of 1950 (42 U.S.C. 1870) is amended—

(1) in subsection (j), by striking ''and'' after the semicolon;

(2) in subsection (k), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(l) 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 United States educational system is 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 can be particularly 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 TERMS.—The terms ''elementary school'', ''high school'', ''secondary school'', and ''State'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE NONPROFIT PROGRAM.—The term ''eligible nonprofit program''—

(A) means a nonprofit program serving prekindergarten, elementary school, or secondary school students; and

(B) includes a program described in subparagraph (A) that covers the continuum of education from prekindergarten 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 United States 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) provide grants 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 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 schools that feed into the high school).

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

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);

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

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

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 amount 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;

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

(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 directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(b) FISCAL YEAR 2023.—

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

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

(A) $9,600,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $1,190,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $3,200,000,000 shall be made available to the Directorate, of which—

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

(ii) $576,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $448,000,000 shall be for academic technology transfer under section 2109;

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

(v) $480,000,000 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 directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(c) FISCAL YEAR 2024.—

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

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

(A) $10,300,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $1,600,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $6,300,000,000 shall be made available to the Directorate, of which—

(i) $2,079,000,000 shall be for the innovation centers under section 2104;

(ii) $1,134,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $882,000,000 shall be for academic technology transfer under section 2109;

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

(v) $945,000,000 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 directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(d) FISCAL YEAR 2025.—

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

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

(A) $11,100,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $2,100,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $8,400,000,000 shall be made available to the Directorate, of which—

(i) $2,772,000,000 shall be for the innovation centers under section 2104;

(ii) $1,512,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $1,176,000,000 shall be for academic technology transfer under section 2109;

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

(v) $1,260,000,000 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 directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(e) FISCAL YEAR 2026.—

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

(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—

(i) $3,069,000,000 shall be for the innovation centers under section 2104;

(ii) $1,674,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $1,302,000,000 shall be for academic technology transfer under section 2109;

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

(v) $1,395,000,000 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 directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(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 $33,000,000 in any fiscal year 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.).

(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 under the Directorate for any fiscal year 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.

SEC. 2117. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISCAL YEAR 2022.—There is authorized to be appropriated to the Department of Energy $1,000,000,000 for fiscal year 2022 to carry out research and development and address energy-related supply chain activities within the key technology focus areas.

(2) FISCAL YEAR 2023.—There is authorized to be appropriated to the Department of Energy $1,800,000,000 for fiscal year 2023 to carry out research and development and address energy-related supply chain activities within the key technology focus areas.

(3) FISCAL YEAR 2024.—There is authorized to be appropriated to the Department of Energy $3,700,000,000 for fiscal year 2024 to carry out research and development and address energy-related supply chain activities within the key technology focus areas.

(4) FISCAL YEAR 2025.—There is authorized to be appropriated to the Department of Energy $4,900,000,000 for fiscal year 2025 to carry out research and development and address energy-related supply chain activities within the key technology focus areas.

(5) FISCAL YEAR 2026.—There is authorized to be appropriated to the Department of Energy $5,500,000,000 for fiscal year 2026 to carry out research and development and address energy-related supply chain activities within the key technology focus areas.

(b) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated under this section shall supplement, and not supplant, any other amounts previously authorized to be appropriated to the Department of Energy.

(c) NO FUNDS FOR CONSTRUCTION.—No funds provided to the Department of Energy under this section shall be used for construction.

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

SEC. 2201. CHIEF DIVERSITY OFFICER OF THE NSF.

(a) CHIEF DIVERSITY OFFICER.—

(1) APPOINTMENT.—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 significant experience, within the Federal Government and the science community, with diversity- and inclusion-related matters, including—

(A) civil rights compliance;

(B) harassment policy, reviews, and investigations;

(C) equal employment opportunity; and

(D) disability policy.

(3) OVERSIGHT.—The Chief Diversity Officer shall direct the Office of Diversity and Inclusion of the Foundation and report directly to the Director in the performance of the duties of the Chief Diversity Officer under this section.

(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, 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, and institutions from jurisdictions eligible to participate under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

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

(5) advising on the application of the Foundation's broader impacts review criterion; and

(6) performing such additional duties and exercise such powers as the Director may prescribe.

(c) 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. 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 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) establishing or augmenting 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 and skills of the STEM workforce, or addressing the needs of the STEM workforce, including by prioritizing awards to United States citizens, permanent residents, and individuals that will grow the domestic workforce;

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

(5) awarding grants to institutions of higher education to address STEM workforce gaps, 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 through 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, and study the impacts of such innovation and support. To do so, the Director may use postdoctoral awards established under subsection (a) or leveraged under subsection (e)(1) for fellowships or other temporary rotational postings of not more than 2 years. Such fellowships or temporary rotational postings shall be awarded—

(A) to qualified individuals who have a doctoral degree and received such degree not earlier than 5 years before the date that the fellowship or temporary rotational posting begins; and

(B) to carry out research in the key technology focus areas at Federal, State, local, and Tribal government research facilities.

(3) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subparagraph (B) directly to a position in the competitive service with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(B) FELLOWSHIP OR TEMPORARY ROTATIONAL POSTING.—Subparagraph (A) applies with respect to a former recipient of an award under this subsection who—

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

(ii) successfully fulfilled the requirements of the fellowship or temporary rotational posting within a Federal agency.

(C) LIMITATION.—The direct hire authority under this paragraph shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the 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. 1862p-5; 1862p-6; 42 U.S.C. 1862p–7); and

(4) awards to institutions of higher education to enable the institutions to fund innovation in undergraduate and graduate education, increased educational capacity, and the development and establishment of new or specialized programs of study for graduate, undergraduate, or technical college students, and the evaluation of the effectiveness of the programs of study.

(f) SET ASIDE.—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 1988 (42 U.S.C. 1862g).

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, 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 Directorate.

(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 increasing research, education, and innovation capacity, including for—

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

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

(3) maintenance and repair of research equipment and instrumentation.

(d) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term ''eligible partnership'' means a partnership of—

(1) at least 1 emerging research institution; and

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

SEC. 2204. PERSONNEL MANAGEMENT AUTHORITIES FOR THE FOUNDATION.

(a) EXPERTS IN SCIENCE AND ENGINEERING.—

(1) PROGRAM AUTHORIZED.—The Foundation may carry out a program of personnel management authority provided under paragraph (2) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Foundation.

(2) PERSONNEL MANAGEMENT AUTHORITY.—Under the program under paragraph (1), the Foundation may—

(A) without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service, appoint individuals to a total of not more than 140 positions in the Foundation, of which not more than 5 such positions may be positions of administration or management of the Foundation;

(B) notwithstanding any provision of title 5, United States Code, governing the rates of pay or classification of employees in the executive branch, prescribe the rates of basic pay for positions to which employees are appointed under subparagraph (A)—

(i) in the case of employees appointed pursuant to subparagraph (A) to any of 5 positions designated by the Foundation for purposes of this clause, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at level I of the Executive Schedule under section 5312 of title 5, United States Code; and

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

(C) pay any employee appointed under subparagraph (A), other than an employee appointed to a position designated as described in subparagraph (B)(i), payments in addition to basic pay within the limit applicable 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 under paragraph (2)(A) may not exceed 4 years.

(B) EXTENSION.—The Director may, in the case of a particular employee under the program under paragraph (1), extend the period to which service is limited under subparagraph (A) by up to 2 years if the Director determines that such action is necessary to promote the efficiency of the Foundation, as applicable.

(4) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.—Notwithstanding any other provision of this subsection or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under paragraph (2)(C) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

(b) HIGHLY QUALIFIED EXPERTS IN NEEDED OCCUPATIONS.—

(1) IN GENERAL.—The Foundation may carry out a program using the authority provided in paragraph (2) in order to attract highly qualified experts in needed occupations, as determined by the Foundation. Individuals 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) AUTHORITY.—Under the program, the Foundation may—

(A) appoint personnel from outside the civil service and uniformed services (as such terms are defined in section 2101 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 5376 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 within the limits applicable 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) EXTENSION.—The Foundation may, in the case of a particular employee, extend the period to which service is limited under subparagraph (A) by up to 1 additional year if the Foundation determines that such action is necessary to promote the Foundation's national security missions.

(4) LIMITATIONS ON ADDITIONAL PAYMENTS.—

(A) TOTAL AMOUNT.—

(i) 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 the following amounts:

(I) $50,000 in fiscal year 2021, 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 second year before the preceding calendar year.

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

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

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

(C) ADDITIONAL LIMITATION.—Notwithstanding any other 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 104 of title 3, United States Code.

(5) LIMITATION ON NUMBER OF HIGHLY QUALIFIED EXPERTS.—The number of highly qualified experts appointed and retained by the Foundation under paragraph (2)(A) shall not exceed 140 at any time.

(6) SAVINGS PROVISIONS.—In the event that the Foundation terminates the program under this subsection, in the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under this subsection—

(A) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

(i) the period for which the employee was appointed; or

(ii) the period to which the employee's service is limited under paragraph (3), including any extension made under this subsection before the termination of the program; and

(B) the rate of basic pay prescribed for the position under this subsection may not be reduced as long as the employee continues to serve in the position without a break in service.

(c) ADDITIONAL HIRING AUTHORITY.—To the extent needed to carry out the duties under subsection (a)(1), the Director is authorized to utilize hiring authorities under section 3372 of title 5, United States Code, to staff the Foundation with employees from other Federal agencies, State and local governments, Indian Tribes and Tribal organizations, institutions of higher education, and other organizations, as described in that section, in the same manner and subject to the same conditions, that apply to such individuals utilized to accomplish other missions of the Foundation.

(d) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(1) STUDY.—Not later than 30 days after the date of enactment of this division, the Director shall contract with the National Academy of Public Administration to conduct a study on the organizational and management structure of the Foundation, to—

(A) evaluate and make recommendations to efficiently and effectively implement the Directorate for Technology and Innovation;

(B) evaluate and make recommendations to ensure coordination of the Directorate for Technology and Innovation with other directorates and offices of the Foundation and other Federal agencies; and

(C) make recommendations for the management of the Foundation's business and personnel practices, including implementation of the new hiring authorities and program director authorities provided in this section and section 2103.

(2) REVIEW.—Upon completion of the study under paragraph (1), the Foundation shall review the recommendations from the National Academy of Public Administration and provide a briefing to Congress on the plans of the Foundation to implement any such recommendations.

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. 1862h) 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 ''educated'' and before ''trained''; and

(C) in paragraph (5), by striking ''scientific and technical education and training'' and inserting ''STEM education and training''; and

(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. 1862i) is amended—

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

(2) in subsection (a)—

(A) in the subsection heading, by striking ''SCIENTIFIC AND TECHNICAL EDUCATION '' and inserting ''STEM EDUCATION'';

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

(i) by inserting ''and education to prepare the skilled technical workforce to meet workforce demands'' before '', and to improve'';

(ii) 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 technical training'' before '', and shall be designed'';

(C) in paragraph (1)—

(i) by inserting ''and study'' after ''development''; and

(ii) by striking ''core science and mathematics courses'' and inserting ''core STEM courses'';

(D) 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''; and

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

(3) in subsection (b)—

(A) by striking the subsection heading and inserting the following: ''CENTERS OF SCIENTIFIC AND TECHNICAL EDUCATION.—'';

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

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

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

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''to encourage'' and all that follows through ''such means as—'' and inserting ''to encourage the development of career and educational pathways with multiple entry and exit points leading to credentials and degrees, and to assist students pursuing pathways in STEM fields to transition from associate-degree-granting colleges to bachelor-degree-granting institutions, through such means as—'';

(II) in clause (i), by striking ''to ensure'' and inserting ''to develop articulation agreements that ensure''; and

(III) in clause (ii), by striking ''courses at the bachelor-degree-granting institution'' and inserting ''the career and educational pathways supported by the articulation agreements'';

(ii) in subparagraph (B)—

(I) in clause (i), by inserting ''veterans and individuals engaged in'' before ''work in the home'';

(II) in clause (iii)—

(aa) by striking ''bachelor's-degree-granting institutions'' and inserting ''institutions or work sites''; and

(bb) by inserting ''or industry internships'' after ''summer programs''; and

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

(iii) by striking subparagraph (C);

(B) in paragraph (2)—

(i) by striking ''mathematics and science programs'' and inserting ''STEM programs'';

(ii) by inserting ''and, as appropriate, elementary schools,'' after ''with secondary schools'';

(iii) by striking ''mathematics and science education'' and inserting ''STEM education'';

(iv) by striking ''secondary school students'' and inserting ''students at these schools'';

(v) by striking ''science and advanced-technology fields'' and inserting ''STEM and advanced-technology fields''; and

(vi) by striking ''agreements with local educational agencies'' and inserting ''articulation agreements or dual credit courses with local secondary schools, or other means as the Director determines appropriate,''; and

(C) in paragraph (3)—

(i) by striking subparagraph (B);

(ii) by striking ''shall—''and all that follows through ''establish a'' and inserting ''shall establish a'';

(iii) by striking ''the fields of science, technology, engineering, and mathematics'' and inserting ''STEM fields''; and

(iv) by striking ''; and'' and inserting '', including jobs at Federal and academic laboratories.'';

(5) in subsection (d)(2)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

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

(C) by adding at the end the following:

''(F) as appropriate, applications that apply the best practices for STEM education and technical skills education through distance learning or in a simulated work environment, as determined by research described in subsection (f); and'';

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

(7) in subsection (h)(1)—

(A) in subparagraph (A), by striking ''2022'' and inserting ''2026'';

(B) in subparagraph (B), by striking ''2022'' and inserting ''2026''; and

(C) in subparagraph (C)—

(i) by striking ''up to $2,500,000'' and inserting ''not less than $3,000,000''; and

(ii) by striking ''2022'' and inserting ''2026'';

(8) in subsection (i)—

(A) by striking paragraph (3); and

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

(9) in subsection (j)—

(A) by striking paragraph (1) and inserting the following:

''(1) the term advanced-technology includes technological fields such as advanced manufacturing, agricultural-, biological- and chemical-technologies, energy and environmental technologies, engineering technologies, information technologies, micro and nano-technologies, cybersecurity technologies, geospatial technologies, and new, emerging technology areas;'';

(B) in paragraph (4), by striking ''separate bachelor-degree-granting institutions'' and inserting ''other entities'';

(C) by striking paragraph (7);

(D) 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, or technology'' and inserting ''science, technology, engineering, or mathematics''; and

(ii) by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(9) the term skilled technical workforce 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 5 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862j) is amended to read as follows:

''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Director (from sums otherwise authorized to be appropriated for the Foundation) for carrying out sections 2 through 4, $150,000,000 for fiscal years 2022 through 2026.''.

SEC. 2206. 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 with an established STEM capacity building program focused on traditionally underrepresented populations in STEM, including Native Hawaiians, Alaska Natives, and Indians).

(4) Programmatic support or solutions for institutions or entities that do not have an experienced grant management office.

(5) An increase in the number of grant reviewers 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 on the 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) review the results of the pilot programs described in subsection (a); and

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

SEC. 2207. 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 scientific and engineering research and education enterprise.

(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. 2208. 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 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

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

(3) REGISTERED INTERNSHIP.—The term ''registered internship'' means a Federal Registered Internship Program coordinated through the Department of Labor.

(b) IN GENERAL.—The Director, 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 a Federal artificial intelligence scholarship-for-service program (referred to in this section as the Federal AI Scholarship-for-Service Program) to recruit and train artificial intelligence professionals to lead and support the application of artificial intelligence to the missions of Federal, State, local, and Tribal governments.

(c) QUALIFIED INSTITUTION OF HIGHER EDUCATION.—The Director, in coordination with 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. Such criteria shall include—

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

(2) measures of the institution's ability to attract and retain a diverse and non-traditional student population in the fields of science, technology, engineering, and mathematics, which may include the ability to attract women, minorities, and individuals with disabilities.

(d) PROGRAM DESCRIPTION AND COMPONENTS.—The Federal AI Scholarship-for-Service Program shall—

(1) provide scholarships through qualified institutions of higher education to students who are enrolled in programs of study at institutions of higher education leading to degrees or concentrations in or related to the artificial intelligence field;

(2) provide the scholarship recipients with summer internship opportunities, registered internships, or other meaningful temporary appointments in the Federal workforce focusing on AI projects or research;

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

(4) identify opportunities to promote multi-disciplinary programs of study that integrate basic or advanced AI training with other fields of study, including those that address the social, economic, legal, and ethical implications of human interaction with AI systems; and

(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 that covers 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 the 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 a 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. 5195c(e))).

(g) HIRING AUTHORITY.—

(1) APPOINTMENT IN 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.

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

(4) AUTHORITY TO DECLINE CONVERSION.—An executive agency may decline to make the noncompetitive conversion or appointment under paragraph (2) for cause.

(h) ELIGIBILITY.—To be 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—

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

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

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

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

(i) CONDITIONS OF SUPPORT.—

(1) IN GENERAL.—As a condition 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.

(2) TERMS.—A scholarship recipient under this section shall be liable to the United States as provided in subsection (k) if the individual—

(A) fails to maintain an acceptable level of academic standing at the applicable institution of higher education, as determined by the Director;

(B) is dismissed from the applicable institution of higher education for disciplinary reasons;

(C) withdraws from the eligible degree program before completing 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.

(j) 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 monitor the compliance 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 documentation required under subsection (i) for scholarship recipients through the completion of their post-award employment obligations.

(k) AMOUNT OF REPAYMENT.—

(1) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in subsection (i)(2) 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 (l).

(2) 1 OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of subsection (i)(2) occurs after the completion of 1 or more years 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 (l).

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

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

(2) be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the Director (in consultation with the Secretary of Education).

(m) COLLECTION OF REPAYMENT.—

(1) IN GENERAL.—In the event that a scholarship recipient is required to repay the scholarship award under this section, the qualified institution of higher education providing the scholarship 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 under this subsection to defray 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 INFORMATION.—

(1) EVALUATION.—The Director, in coordination with the Director of the Office of Personnel Management, shall annually evaluate and make public, in a manner 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;

(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.

(3) RESOURCES.—The Director, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for 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.

(p) 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 purposes of carrying out sections 2104, 2106, 2107, 2108, and 2109 of this Act.

(b) NATIONAL SCIENCE FOUNDATION.—The Director shall use not less than 20 percent of the funds provided to the Foundation, 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).

(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 funding 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. 1862g). In the case of an award to a consortium under this division, the Secretary may count the entire award toward meeting the funding 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 2203(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. 3703).

(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. 1001(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 teaching approach for STEM disciplines;

(III) designing and developing pre-service and in-service training resources to assist such rural educators in adopting transdisciplinary teaching practices across STEM courses;

(IV) coordinating with local partners to adapt STEM teaching practices to leverage local, natural, and community assets in order to support in-place learning in rural areas;

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

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

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

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

(ii) RURAL STEM COLLABORATIVE.—The Director shall establish a pilot program of regional cohorts in rural areas that will provide peer support, mentoring, and hands-on research experiences for rural STEM educators of students in prekindergarten through grade 12, in order to build an ecosystem of cooperation among educators, researchers, academia, and local industry.

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

(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—

(i) research and development of programming 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) developing partnerships with community colleges to offer advanced STEM course work, including computer science, to rural high school students;

(II) supporting research on effective STEM practices in rural settings;

(III) implementing a school-wide STEM approach;

(IV) improving the Foundation's Advanced Technology Education program's coordination and engagement with rural communities;

(V) collaborating with existing community partners and networks, such as the Cooperative Extension System services and extramural research programs of the Department of Agriculture and youth serving organizations like 4–H, after school STEM programs, and summer STEM programs, to leverage community resources and develop place-based programming;

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

(VII) supporting partnerships that offer hands-on inquiry-based science activities, including coding, and access to lab resources for students studying STEM in prekindergarten through grade 12 in a rural area;

(VIII) evaluating the role of broadband connectivity and its associated impact on the STEM and technology literacy of rural students;

(IX) building capacity to support extracurricular STEM programs in rural schools, including mentor-led engagement programs, STEM programs held during nonschool hours, STEM networks, makerspaces, coding activities, and competitions; and

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

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

(A) A description of the target population to be served by the research activity or activities for which such grant is sought.

(B) A description of the process for recruitment and selection of students, educators, or schools from rural areas to participate in such activity or activities.

(C) A description of how such activity or activities may inform efforts to promote the engagement and achievement of rural students in prekindergarten through grade 12 in STEM studies.

(D) In the case of a proposal consisting of a partnership or partnerships with one or more rural schools and one or more researchers, a plan for establishing a sustained partnership that is jointly developed and managed, draws from the capacities of each partner, and is mutually beneficial.

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

(A) encourage applicants which, for the purpose of the activity or activities funded through the grant, include or partner with a nonprofit organization or an institution of higher education (or a consortium thereof) that has extensive experience and expertise in increasing the participation of rural students in prekindergarten through grade 12 in STEM; and

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

(5) EVALUATIONS.—All proposals for grants under paragraphs (1) and (2) 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.

(6) 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.

(B) REPORT ON 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.

(7) REPORT BY COMMITTEE ON EQUAL OPPORTUNITIES IN SCIENCE AND ENGINEERING.—As part of the first report required by section 36(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 full 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.

(8) COORDINATION.—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 arrangements;

(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—

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

(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 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.

(5) COORDINATION.—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.

(d) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE EVALUATION.—

(1) STUDY.—Not later than 12 months after the date of enactment of this division, the Director shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies agree to conduct an evaluation and assessment that—

(A) evaluates the quality and quantity of current Federal programming and research directed at examining STEM education for students in prekindergarten through grade 12 and workforce development in rural areas;

(B) in coordination with the Federal Communications Commission, assesses the impact that the scarcity of broadband connectivity in rural communities, and the affordability of broadband connectivity, have on STEM and technical literacy for students in prekindergarten through grade 12 in rural areas;

(C) assesses the core research and data needed to understand the challenges rural areas are facing in providing quality STEM education and workforce development;

(D) makes recommendations for action at the Federal, State, and local levels for improving STEM education, including online STEM education, for students in prekindergarten through grade 12 and workforce development in rural areas; and

(E) makes recommendations to inform the implementation of programs in subsections (a), (b), and (c).

(2) REPORT TO 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.

(e) 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 on the engagement of rural populations in Federal STEM programs and submit to Congress a report that includes—

(1) an assessment of how Federal STEM education programs are serving rural populations;

(2) a description of initiatives carried out by Federal agencies that are targeted at supporting STEM education in rural areas;

(3) an assessment of what is known about the impact and effectiveness of Federal investments in STEM education programs that are targeted to rural areas; and

(4) an assessment of challenges that State and Federal STEM education programs face in reaching rural population centers.

(f) CAPACITY BUILDING THROUGH EPSCoR.—Section 517(f)(2) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9(f)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(C) to increase the capacity of rural communities to provide quality STEM education and STEM workforce development programming to students and teachers; and''.

(g) NIST ENGAGEMENT WITH RURAL COMMUNITIES.—

(1) MEP OUTREACH.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended—

(A) in subsection (c)—

(i) in paragraph (6), by striking ''community colleges and area career and technical education schools'' and inserting the following: ''secondary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), community colleges, and area career and technical education schools, including those in underserved and rural communities,''; and

(ii) in paragraph (7)—

(I) by striking ''and local colleges'' and inserting the following: ''local high schools and local colleges, including those in underserved and rural communities,''; and

(II) by inserting ''or other applied learning opportunities'' after ''apprenticeships''; and

(B) in subsection (d)(3), by striking '', community colleges, and area career and technical education schools,'' and inserting the following: ''and local high schools, community colleges, and area career and technical education schools, including those in underserved and rural communities,''.

(2) RURAL CONNECTIVITY PRIZE COMPETITION.—

(A) PRIZE COMPETITION.—Pursuant to section 24 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 unserved 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:

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

(2) 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).

(3) 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.

(4) Q2WORK PROGRAM.—The term ''Q2Work Program'' means the Q2Work Program supported by the Foundation.

(5) QUANTUM INFORMATION SCIENCE.—The term ''quantum information science'' has the meaning given such term in section 2 of the National Quantum Initiative Act (15 U.S.C. 8801).

(6) 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).

(b) QUANTUM NETWORKING WORKING GROUP REPORT ON QUANTUM NETWORKING AND COMMUNICATIONS.—

(1) REPORT.—Not later than 3 years after the date of the enactment of this division, the Quantum Networking Working Group within the Subcommittee on Quantum Information Science of the National Science and

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 research;

(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 optical fiber 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 relating to the framework, 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 technology 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) Long baseline entanglement and teleportation.

(F) 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, offices and programs of the National Institute of Standards and Technology as the Under Secretary considers appropriate and actively engaged in activities relating to quantum information science.

(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.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Scientific and Technical Research and Services account of the National Institute of Standards and Technology to carry out this subsection $10,000,000 for each of fiscal years 2022 through 2026.

(B) 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.

(d) 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 STEM and areas in need 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 3 years after the date of enactment of this division, the National Academies of Science, Engineering, and Medicine shall prepare and submit a report containing the results of the study conducted under paragraph (1) to Congress, the Foundation, and programs or projects funded by the Foundation that are relevant to the acceleration of a quantum workforce.

(e) INCORPORATING 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) materials that specifically address the findings and outcomes of the study conducted under subsection (d) and strategies to account for the skills and workforce needs identified through the study.

(3) COORDINATION.—In carrying out this subsection, the Foundation, including the STEM Education Advisory Panel and the Advancing Informal STEM Learning program and through the Foundation's role in the National Q–12 Education Partnership and the programs 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 support the community expansion of the related report entitled Key Concepts for Future QIS Learners (May 2020).

(f) QUANTUM EDUCATION PILOT PROGRAM.—

(1) IN GENERAL.—The Foundation, through the Foundation's role in the National Q–12 Education Partnership and programs such as Q2Work Program, and in coordination with the Directorate for Education and Human Resources, shall carry out a pilot program, to be known as the Next Generation Quantum Leaders Pilot Program, to provide funding for the education and training of the next generation of students in the fundamental principles of quantum mechanics.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the pilot program required by paragraph (1), the Foundation shall—

(i) publish a call for applications through the National Q–12 Education Partnership website (or similar website) for participation in the pilot program from elementary schools, secondary schools, and State educational agencies as determined appropriate by the Foundation;

(ii) coordinate with educational service agencies, associations that support STEM educators or local educational agencies, and partnerships through the Q–12 Education Partnership, to encourage elementary schools, secondary schools, and State educational agencies to participate in the program as determined appropriate by the Foundation;

(iii) accept applications in advance of the academic year in which the program shall begin; and

(iv) select elementary schools, secondary schools, and State educational agencies to participate in the program, as determined appropriate by the Foundation, in accordance with qualifications determined by the QIS Workforce Working Group, in coordination with the National Q–12 Education Partnership.

(B) PRIORITIZATION.—In selecting program participants under subparagraph (A)(iv), the Director of the Foundation shall give priority to elementary schools, secondary schools, and local educational agencies located in jurisdictions eligible to participate in the Established Program to Stimulate Competitive Research (commonly known as EPSCoR), including Tribal and rural elementary, middle, and high schools in such jurisdictions.

(3) CONSULTATION.—The Foundation shall carry out this subsection in consultation with the QIS Workforce Working Group and the Advancing Informal STEM Learning Program.

(4) REPORTING.—

(A) REPORT AND SELECTED PARTICIPANTS.—Not later than 90 days following the closing of the application period under paragraph (2)(A)(iii), the Director of the Foundation shall submit to Congress a report on the educational institutions selected to participate in the pilot program required under paragraph (1), specifying the percentage from

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 curricula and materials under the pilot program, including the feasibility and advisability 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 funds 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 SCIENCES 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 Facility (referred to in this subsection as the Network) with dedicated quantum network infrastructure to advance development of quantum networking and communications technology.

(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-baseline quantum entanglement and teleportation;

(B) quantum repeater technologies for long-baseline 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 to carry out this subsection, $10,000,000 for each of fiscal years 2022 through 2026.

SEC. 2212. SUPPORTING EARLY-CAREER RESEARCHERS ACT.

(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) PRIORITY FOR 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 traditionally underrepresented populations in STEM, including Native Hawaiians, Alaska Natives, and Indians); and

(3) early-career investigators in a jurisdiction eligible to participate under section 113 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.

(e) REPORT TO CONGRESS.—Not later than 180 days after the deadline for the 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. 2213. 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.

(c) FOUNDATION DIRECTIVE ON AGRICULTURAL SENSOR RESEARCH.—In awarding grants under the sensor systems and networked systems programs of the Foundation, the Director shall include in consideration of portfolio balance research and development on sensor connectivity in environments of intermittent connectivity and intermittent computation—

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

(2) that considers—

(A) direct gateway access for locally stored data;

(B) attenuation of signal transmission;

(C) loss of signal transmission; and

(D) at-scale performance for wireless power.

(d) UPDATING CONSIDERATIONS FOR PRECISION AGRICULTURE TECHNOLOGY WITHIN THE NSF ADVANCED TECHNICAL EDUCATION PROGRAM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i), as amended by section 2205, is further amended—

(1) in subsection (d)(2), by adding at the end the following:

''(G) applications that incorporate distance learning tools and approaches.''; and

(2) in subsection (e)(3)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) applications that incorporate distance learning tools and approaches.''.

(e) GAO REVIEW.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall provide—

(1) a technology assessment of precision agriculture technologies, such as the existing use of—

(A) sensors, scanners, radio-frequency identification, and related technologies that can monitor soil properties, irrigation conditions, and plant physiology;

(B) sensors, scanners, radio-frequency identification, and related technologies that can monitor livestock activity and health;

(C) network connectivity and wireless communications that can securely support digital agriculture technologies in rural and remote areas;

(D) aerial imagery generated by satellites or unmanned aerial vehicles;

(E) ground-based robotics;

(F) control systems design and connectivity, such as smart irrigation control systems; and

(G) data management software and advanced analytics that can assist decision making and improve agricultural outcomes; and

(2) a review of Federal programs that provide support for precision agriculture research, development, adoption, education, or training, in existence on the date of enactment of 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 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 research that will accelerate innovation to advance critical minerals mining strategies and technologies for the purpose of making better use of domestic resources and eliminating national reliance on minerals and mineral materials that are subject to supply disruptions.

(2) USE OF FUNDS.—Activities funded by an award under this section may include—

(A) advancing mining research and development activities to develop new mapping and mining technologies and techniques, including advanced critical mineral extraction and production, to improve existing or to develop new supply chains of critical minerals, and to yield more efficient, economical, and environmentally benign mining practices;

(B) advancing critical mineral processing research activities to improve separation, alloying, manufacturing, or recycling techniques and technologies that can decrease the energy intensity, waste, potential environmental impact, and costs of those activities;

(C) conducting long-term earth observation of reclaimed mine sites, including the study of the evolution of microbial diversity at such sites;

(D) examining the application of artificial intelligence for geological exploration of critical minerals, including what size and diversity of data sets would be required;

(E) examining the application of machine learning for detection and sorting of critical minerals, including what size and diversity of data sets would be required;

(F) conducting detailed isotope studies of critical minerals and the development of more refined geologic models; or

(G) providing training and research opportunities to undergraduate and graduate students to prepare the next generation of mining engineers and researchers.

(b) CRITICAL MINERALS INTERAGENCY SUBCOMMITTEE.—

(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 shall be—

(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 as it relates to critical minerals, including—

(i) Federal research, development, and deployment efforts to optimize methods for extractions, concentration, separation, and purification of 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 collaboration 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 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 ongoing activities for source diversification, more efficient use, recycling, and substitution for critical minerals; and

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

(G) report to 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 Federal policies and regulations that restrict the mining of critical minerals.

(c) 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.

(3) 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.

(4) 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.

(5) 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).

(d) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL; CRITICAL MINERAL OR METAL.—The terms ''critical mineral'' and ''critical mineral or metal'' include any host mineral of a critical mineral (within the meaning of those terms in section 7002 of title VII of division Z of the Consolidated Appropriations Act, 2021 (Public Law 116–260)).

(2) SECONDARY RECOVERY.—The term ''secondary recovery'' means the recovery of critical minerals and metals from discarded end-use products or from waste products produced during the metal refining and manufacturing process, including from mine waste piles, acid mine drainage sludge, or byproducts produced through legacy mining and metallurgy activities.

SEC. 2215. CAREGIVER POLICIES.

(a) OSTP GUIDANCE.—Not later than 6 months after the date of enactment of this division, the Director of the Office of Science and Technology Policy, in consultation with relevant agencies, shall provide guidance to each Federal science agency to establish policies that—

(1) apply to all—

(A) research awards granted by such agency; and

(B) principal investigators of such research who have caregiving responsibilities, including care for a newborn or newly adopted child and care for an immediate family member with a serious health condition; and

(2) offer, to the extent feasible—

(A) flexibility in timing for the initiation of approved research awards granted by such agency;

(B) no-cost extensions of such research awards; and

(C) grant supplements, as appropriate, to research awards to sustain research activities conducted under such awards.

(b) UNIFORMITY OF GUIDANCE.—In providing guidance under subsection (a), the Director of the Office of Science and Technology Policy shall encourage, to the extent practicable, uniformity and consistency in the policies established pursuant to such guidance across all Federal science agencies.

(c) ESTABLISHMENT OF POLICIES.—To the extent practicable and consistent with guidance issued under subsection (a), Federal science agencies shall—

(1) maintain or develop and implement policies for individuals described in paragraph (1)(B) of such subsection; and

(2) broadly disseminate such policies to current and potential awardees.

(d) DATA ON USAGE.—Federal science agencies shall consider—

(1) collecting data on the usage of the policies under subsection (c), at both institutions of higher education and Federal laboratories; and

(2) reporting such data on an annual basis to the Director of the Office of Science and Technology Policy in such form as required by the Director of the Office of Science and Technology Policy.

(e) SAVINGS.—

(1) PRIVACY.—This section shall be carried out in accordance with all relevant privacy laws.

(2) INSTITUTIONS.—This section shall not affect the grantee institution's institutional policies.

(f) DEFINITION OF FEDERAL SCIENCE AGENCY.—In this section, the term ''Federal science agency'' means any Federal agency with an annual extramural research expenditure of over $100,000,000.

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 combining 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.

(5) The Federal Government has an obligation to ensure that ethical, legal, environmental, safety, security, and societal implications of its science and technology research and 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, by facilitating public-private partnerships, 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) A National 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 biological systems, including molecular and cellular systems, to advance fundamental understanding of complex natural systems and to enable novel or optimize functions 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) advancing areas of research at the intersection of the biological, physical, chemical, data, and computational sciences and engineering to accelerate scientific understanding and technological innovation in engineering biology;

(B) advancing areas of biomanufacturing research to optimize, standardize, scale, and deliver new products and solutions;

(C) supporting social and behavioral sciences and economics research that advances the field of engineering biology and contributes to the development and public understanding of new products, processes, and technologies;

(D) improving the understanding of engineering biology of the scientific and lay public and supporting greater evidence-based public discourse about its benefits and risks;

(E) supporting research relating to the risks and benefits of engineering biology, including under paragraph (4);

(F) supporting the development of novel tools and technologies to accelerate scientific understanding and technological innovation in engineering biology;

(G) expanding the number of researchers, educators, and students and a retooled workforce with engineering biology training, including from traditionally underrepresented and underserved populations;

(H) accelerating the translation and commercialization of engineering biology research and development by the private sector; and

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

(2) INITIATIVE ACTIVITIES.—The activities of the Initiative shall include—

(A) sustained support for engineering biology research and development through—

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

(ii) projects funded under joint solicitations by a collaboration of no fewer than two agencies participating in the Initiative; and

(iii) interdisciplinary research centers that are organized to investigate basic research questions, carry out technology development and demonstration activities, and increase understanding of how to scale up engineering biology processes, including biomanufacturing;

(B) sustained support for databases and related tools, including—

(i) support for curated genomics, epigenomics, and other relevant omics databases, including plant and microbial databases, that are available to researchers to carry out engineering biology research in a manner that does not compromise national security or the privacy or security of information within such databases;

(ii) development of standards for such databases, including for curation, interoperability, and protection of privacy and security;

(iii) support for the development of computational tools, including artificial intelligence tools, that can accelerate research and innovation using such databases; and

(iv) an inventory and assessment of all Federal government omics databases to identify opportunities to improve the utility of such databases, as appropriate and in a manner that does not compromise national security or the privacy and security of information within such databases, and inform investment in such databases as critical infrastructure for the engineering biology research enterprise;

(C) sustained support for the development, optimization, and validation of novel tools and technologies to enable the dynamic study of molecular processes in situ, including through—

(i) research conducted at Federal laboratories;

(ii) grants to fund the work of investigators at institutions of higher education and other nonprofit research institutions;

(iii) incentivized development of retooled industrial sites across the country that foster a pivot to modernized engineering biology initiatives; and

(iv) 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);

(D) support for education and training of undergraduate and graduate students in engineering biology, biomanufacturing, bioprocess engineering, and computational science applied to engineering biology and in the related ethical, legal, environmental, safety, security, and other societal domains;

(E) activities to develop robust mechanisms for documenting and quantifying the outputs and economic benefits of engineering biology; and

(F) activities to accelerate the translation and commercialization of new products, processes, and technologies by—

(i) identifying precompetitive research opportunities;

(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 companies including through programs such as the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(3) EXPANDING PARTICIPATION.—The Initiative shall include, to the maximum extent practicable, outreach to primarily undergraduate and minority-serving institutions (and 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) about Initiative opportunities, and shall encourage the development of research collaborations between research-intensive universities and primarily undergraduate and minority-serving institutions (and 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).

(4) ETHICAL, LEGAL, ENVIRONMENTAL, SAFETY, SECURITY, AND SOCIETAL ISSUES.—Initiative activities shall take into account ethical, legal, environmental, safety, security, and other appropriate societal issues by—

(A) supporting research, including in the social sciences, and other activities addressing ethical, legal, environmental, and other appropriate societal issues related to engineering biology, including integrating research on such topics with the research and development in engineering biology, and encouraging the dissemination of the results of such research, including through interdisciplinary engineering biology research centers described in paragraph (2)(A)(iii);

(B) supporting research and other activities related to the safety and security implications of engineering biology, including outreach to increase awareness among Federal researchers and Federally-funded researchers at institutions of higher education about potential safety and security implications of engineering biology research, as appropriate;

(C) ensuring that input from Federal and non-Federal experts on the ethical, legal, environmental, safety, security, and other appropriate societal issues related to engineering biology is integrated into the Initiative;

(D) ensuring, through the agencies and departments that participate in the Initiative, that public input and outreach are integrated into the Initiative by the convening of regular and ongoing public discussions through mechanisms such as workshops, consensus conferences, and educational events, as appropriate; and

(E) complying with all applicable provisions of Federal law.

(e) INITIATIVE COORDINATION.—

(1) INTERAGENCY COMMITTEE.—The President, acting through the Office of Science and Technology Policy, shall designate an interagency committee to coordinate activities of the Initiative as appropriate, which shall be co-chaired by the Office of Science and Technology Policy, and include representatives from the Foundation, 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

Health and Human Services, the Bureau of Economic Analysis, and any other agency that the President considers appropriate (in this section referred to as the Interagency Committee). The Director of the Office of Science and Technology Policy shall select an additional co-chairperson from among the members of the Interagency Committee. 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 the Initiative;

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

(C) develop, not later than 12 months after the date of the enactment of this division, 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 (and updated pursuant to) subparagraph (B); 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 including—

(aa) an applied biorisk management research plan;

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

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

(dd) an evaluation of existing biosecurity governance policies, guidance, and directives for the purposes of creating an adaptable, 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; and

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

(D) develop a national genomic sequencing strategy to ensure engineering biology research fully leverages plant, animal, and microbe biodiversity, 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;

(E) 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 subsection (d)(2)(C); and

(F) in carrying out this subsection, take into consideration the recommendations of the advisory committee established under subsection (f), 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, not later than 90 days after submission of 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 summarized agency budget in support of the Initiative for the fiscal year to which such budget request applies, for the following 2 fiscal years, for the then current fiscal year, including a breakout of spending for each agency participating in the Program, and for the development and acquisition of any research facilities and instrumentation; and

(B) an assessment of how Federal agencies are implementing the plan described in paragraph (1)(C), including—

(i) 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;

(ii) a description of the amount and number of projects funded under joint solicitations by a collaboration of no fewer than 2 agencies participating in the Initiative; and

(iii) 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 by encouraging and supporting joint agency solicitation and selection of applications for funding of activities under the Initiative, as appropriate;

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

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

(vi) promote access to, and early application of, the technologies, innovations, and expertise derived from Initiative activities to agency missions and systems across the Federal Government, and to United States industry, including startup companies.

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

(C) TERMINATION.—The Initiative Coordination Office established under this paragraph shall terminate on the date that is 10 years after the date of the enactment of this Act.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter the policies, processes, or practices of individual Federal agencies in effect on the day before the date of the enactment of this division relating to the conduct of biomedical research and advanced development, including the solicitation and review of extramural research proposals.

(f) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The agency co-chair of the interagency committee established in subsection (e) shall, in consultation with the Office of Science and Technology Policy, designate or establish an advisory committee on engineering biology research and development (in this subsection referred to as the advisory committee) to be composed of not fewer than 12 members, including representatives of research and academic institutions, industry, and nongovernmental entities, who are qualified to provide advice on the Initiative.

(2) ASSESSMENT.—The advisory committee shall assess—

(A) the current state of United States competitiveness in engineering biology, including the scope and scale of United States investments in engineering biology research and development in the international context;

(B) current market barriers to commercialization of engineering biology products, processes, and tools in the United States;

(C) progress made in implementing the Initiative;

(D) the need to revise the Initiative;

(E) the balance of activities and funding across the Initiative;

(F) whether the strategic plan developed or updated by the interagency committee established under subsection (e) is helping to maintain United States leadership in engineering biology;

(G) the management, coordination, implementation, and activities of the Initiative; and

(H) whether ethical, legal, environmental, safety, security, and other appropriate societal issues are adequately addressed by the Initiative.

(3) REPORTS.—Beginning not later than 2 years after the date of enactment of this division, and not less frequently than once every 3 years thereafter, the advisory committee shall submit to the President, 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 on—

(A) the findings of the advisory committee's assessment under paragraph (2); and

(B) the advisory committee's recommendations for ways to improve the Initiative.

(4) 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.

(5) TERMINATION.—The advisory committee established under paragraph (1) shall terminate on the date that is 10 years after the date of the enactment of this Act.

(g) EXTERNAL REVIEW OF ETHICAL, LEGAL, ENVIRONMENTAL, SAFETY, SECURITY, AND SOCIETAL ISSUES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this division, 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—

(A) an assessment of the current research on such issues;

(B) a description of the research gaps relating to 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 best incorporate considerations of ethical, legal, environmental, safety, security, and other societal issues into the development of research proposals 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 a report containing the findings 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 through individual grants, collaborative grants, and through interdisciplinary research centers;

(B) support research on the environmental, legal, ethical, and social implications of engineering biology;

(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, and graduate students in engineering biology and biomanufacturing; and

(E) award grants, on a competitive basis, to enable institutions to support graduate students and postdoctoral fellows who 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 new data tools, techniques, and processes necessary to advance engineering biology and biomanufacturing;

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

(iii) provide technical expertise to inform the potential development of guidelines or safeguards for new products, processes, and systems of engineering biology.

(B) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—As part of the initiative, the Administrator of the National Oceanic and Atmospheric Administration shall—

(i) establish a program to conduct and support omics research and associated bioinformatic sciences to increase efficiency and promote a sustainable bioeconomy (blue economy) to develop the next generation of tools and products to improve ecosystem stewardship, monitoring, management, assessments, and forecasts; and

(ii) collaborate with other agencies to understand potential environmental threats and safeguards relating to engineering biology.

(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 biofuel development, biobased materials, and environmental remediation;

(B) support the development, optimization and validation of novel, scalable tools and technologies to enable the dynamic study of molecular processes in situ; and

(C) provide access to user facilities with advanced or unique equipment, services, materials, and other resources, including secure access to high-performance computing, as appropriate, 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 academies, professional military education, and military graduate education; and

(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 related to Earth and space sciences, aeronautics, space technology, and space exploration and experimentation, consistent with the priorities established in the National Academies' decadal surveys; and

(B) award grants, on a competitive basis, that enable institutions to support graduate students and postdoctoral fellows who perform some of their engineering biology research in an industry setting.

(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 biomaterials;

(B) award grants through the National Institute of Food and Agriculture; and

(C) support development conducted by the Agricultural Research Service.

(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 the environment.

(8) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—As part of the Initiative, the Secretary of Health and Human Services, as appropriate and consistent with activities of the Department of Health and Human Services in effect on the day before the date of the enactment of this division, 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.

(i) 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 science, 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 awardees of funding from the Foundation, including in private sector platforms, for the development of science, engineering, and technology.

(c) REPORT.—Not later than 180 days after the date of enactment of this division, the Director shall provide to the appropriate committees of Congress a report on the Foundation's plan for facilitating awardee access to the microgravity environment.

TITLE III—RESEARCH SECURITY

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 be to coordinate all research security policy issues across the Foundation, including by—

(1) serving 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;

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

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

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

(5) 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;

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

(7) 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

(8) in accordance with relevant policies of the agency, conducting due diligence with regard to applicants for grant funding from the Foundation prior to awarding such funding.

(b) 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 office established 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) examples of beneficial international collaborations and how such collaborations differ from foreign government interference efforts that threaten research integrity;

(4) best practices for mitigating security risks that threaten research integrity; and

(5) additional reference materials, including tools that assist organizations seeking Foundation funding and awardees 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 organizations (or consortia of such institutions or organizations) to support research on the conduct of research and the research environment, including research on research misconduct, breaches of research integrity, and detrimental research practices.

(f) RESPONSIBLE CONDUCT IN RESEARCH TRAINING.—Section 7009 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act (42 U.S.C. 1862o–1) is amended—

(1) by striking ''and postdoctoral researchers'' and inserting ''postdoctoral researchers, faculty, and other senior personnel''; and

(2) by inserting before the period at the end the following: '', including training and mentorship to raise awareness of potential security threats and of Federal export control, disclosure, and reporting requirements''.

(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-ISAO''), which shall include members described in subsection (d) and carry out the duties described in subsection (b).

(b) DUTIES.—The RSI-ISAO shall—

(1) serve 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 to obtain research results, know how, materials, and intellectual property;

(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 concerning security threats and lessons learned from protection and response efforts through forums and other forms of communication;

(4) provide timely reports on 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 and response;

(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 other appropriate steps to enhance research security.

(c) FUNDING.—The Foundation may provide initial funds toward the RSI-ISAO, but shall seek to have the fees authorized in subsection (d)(2) cover the costs of operations at the earliest practicable time.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The RSI-ISAO 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 RS-ISAO shall be charged an annual rate to enable the RSI-ISAO 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 community of stakeholders and ensure broad participation. The RS-ISAO shall develop a plan to sustain the RS-ISAO without Federal funding, as practicable.

(e) BOARD OF DIRECTORS.—The RSI-ISAO may establish a board of directors to provide guidance for policies, legal issues, and plans and strategies of the entity's operations. The board shall include a diverse group of stakeholders representing the research community, including academia, industry, and experienced research security administrators.

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

SEC. 2303. FOREIGN GOVERNMENT TALENT RECRUITMENT PROGRAM PROHIBITION.

(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 regarding 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. 4701 et seq.), Visiting Scientist Engineer and Educator appointments, and special government employees, from participating in a foreign government talent recruitment program;

(2) prohibit awards from being made for any proposal in which the 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

(3) to the extent practicable, require institutions receiving funding to prohibit awards from being used by any individuals 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.

(b) PROHIBITION.—Not later than 1 year after the date of enactment of this division, each Federal science agency shall issue a policy, utilizing the policy guidelines developed under subsection (a).

(c) EXEMPTION.—The policy developed under subsection (b) may include an exemption for participation in international conferences or other international exchanges, partnerships, or programs, as sanctioned or approved by the Federal science agency. When such participation is authorized, the Federal science agency shall ensure training is provided to the participant on how to respond to overtures from individuals associated with foreign government talent recruitment programs.

(d) REPORT.—Not later than 2 years after the date of enactment of this division, each Federal science agency shall report to Congress on the steps it has taken to implement this section.

(e) FOREIGN GOVERNMENT TALENT RECRUITMENT PROGRAMS.—In addition to existing authorities for preventing waste, fraud, abuse, and mismanagement of Federal funds, each Federal science agency shall require, as a condition of an award, that the senior personnel designated by the United States institution applying for Federal funding submit foreign government talent recruitment program contracts to the agency if the principal investigator or a co-principal investigator discloses membership in a foreign government talent recruitment program other than a program of the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, or the Islamic Republic of Iran. The United States institution, as the award applicant, shall ensure, to the maximum extent practicable, that the contract conforms with the Federal science agency's guidance on conflicts of interest, including those contained in relevant contract proposal and award policies and procedures. Each Federal science agency shall review the contract and may prohibit funding to the awardee if the obligations in the contract interfere with the capacity for activities receiving support to be carried out, or create duplication with Federally supported activities.

(f) 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.

(g) DEFINITION.—For purposes of this section and section 2304, the term ''foreign government talent recruitment program'' has the meaning given the term ''foreign government-sponsored talent recruitment program'' in 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.

SEC. 2304. ADDITIONAL REQUIREMENTS FOR DIRECTORATE RESEARCH SECURITY.

(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) to support 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 technology within the Foundation research, science and technology, and innovation enterprise, including research funded by the Directorate; and

(3) to support efforts toward 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 development of the following:

(1) Training developed and delivered in consultation with institutions of higher education and appropriate Federal agencies, and other support to institutions of higher education, to promote security of controlled information, as appropriate, including best practices for protection of controlled information.

(2) The capacity of institutions of higher education to assess whether individuals affiliated with Directorate programs have participated in or are currently participating in foreign government talent recruitment program programs.

(3) Opportunities to collaborate with Directorate awardees to promote protection of controlled information as appropriate and strengthen defense against foreign intelligence services.

(4) As appropriate, regulations and procedures—

(A) for government and academic organizations and personnel to support the goals of the initiative; and

(B) that are consistent with policies that protect open and scientific exchange in fundamental research.

(5) Policies to limit or prohibit funding provided by the Foundation for individual researchers who knowingly violate regulations developed under the initiative, including policies relating to foreign government talent recruitment programs.

(6) Policies to limit or prohibit funding provided by the Foundation for institutions that knowingly violate regulations developed under the initiative, including policies relating to foreign government talent recruitment programs.

(d) DEPARTMENT OF DEFENSE EFFORTS.—In carrying out this section, the Foundation shall consider the efforts undertaken by the Department of Defense to secure defense research, including as provided under section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after date of enactment of this division, and annually thereafter, the Director, shall submit to Congress a report on the activities carried out under the initiative established under subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description 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 relating to the matters described in subsection (a).

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

(E) Information on Foundation Inspector General cases, as appropriate, relating to undue influence to security threats to academic research activities funded by the Foundation, including theft of property or 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 THEFT.

(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. 272(e)(1)(A)) is amended—

(1) in clause (viii), by striking ''and'' after the semicolon;

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

(3) by inserting after clause (viii) 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)—

(A) are 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;

(E) are technology-neutral and can be implemented using technologies that are commercial and off-the-shelf; and

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

(3) NATIONAL CYBERSECURITY AWARENESS AND EDUCATION PROGRAM.—The Director shall ensure that the resources disseminated under paragraph (1) are consistent with the efforts of the Director under section 303 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7443).

(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 providing information.

(3) RESEARCH INSTITUTION.—The term ''research institution''—

(A) means a nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

(B) 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 1303(a)(1) 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 goals to establish 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 strengthen China's 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 economic competitiveness and national security.

(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 partnerships approach to standards development is critical to United States economic competitiveness; and

(4) the United States Government should ensure cooperation and coordination across 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 help create a pipeline 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 leadership positions of interest to the United States, and identify key contributors for technical and leadership expertise in these areas.

SEC. 2307. RESEARCH FUNDS ACCOUNTING.

(a) DEFINITIONS.—In this section:

(1) FOREIGN ENTITY OF CONCERN.—The term ''foreign entity of concern'' means a foreign entity that is—

(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) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the SDN list);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d) of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the Espionage Act);

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the Economic Espionage Act of 1996);

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(E) determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(2) STUDY PERIOD.—The term ''study period'' means the 5-year period ending on the date of enactment of this Act.

(b) STUDY.—The Comptroller General of the United States shall conduct a study on Federal funding made available, to foreign entities of concern for research, during the study period.

(c) MATTERS TO BE INCLUDED.—The study conducted under subsection (b) shall include, to the extent practicable with respect to the study period, an assessment of—

(1) the total amount of Federal funding made available to foreign entities of concern for research;

(2) the total number and types of foreign entities of concern to whom such funding was made available;

(3) the requirements relating to the awarding, tracking, and monitoring of such funding;

(4) any other data available with respect to Federal funding made available to foreign entities of concern for research; and

(5) such other matters as the Comptroller General determines appropriate.

(d) BRIEFING ON AVAILABLE DATA.—Not later than 120 days after the date of the enactment of this division, the Comptroller General shall brief the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate and the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives on the study conducted under subsection (b) and on the data that is available with respect to Federal funding made available to foreign entities of concern for research.

(e) REPORT.—The Comptroller General shall submit to the congressional committees specified in subsection (d), by a date agreed upon by the Comptroller General and the committees on the date of the briefing, a report on the findings of the study conducted under subsection (b).

SEC. 2308. PLAN WITH RESPECT TO SENSITIVE OR CONTROLLED INFORMATION AND BACKGROUND SCREENING.

Not later than 180 days after the enactment of this division, the Director, in consultation with the Director of National Intelligence and, as appropriate, other Federal agencies, shall develop a plan to—

(1) identify research areas that may include sensitive or controlled information, including in the key technology focus areas; and

(2) provide for background screening, as appropriate, for individuals working in such research areas who are employees of the Foundation or recipients of funding from the Foundation.

TITLE IV—REGIONAL INNOVATION CAPACITY

SEC. 2401. REGIONAL TECHNOLOGY HUBS.

(a) IN GENERAL.—The Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96–480; 15 U.S.C. 3701 et seq.) is amended—

(1) by redesignating section 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) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

''(2) COOPERATIVE EXTENSION.—The term 'cooperative extension' has the meaning given the term 'extension' in section 1404 of the Food and Agriculture Act of 1977 (7 U.S.C. 3103).

''(3) KEY TECHNOLOGY FOCUS AREAS.—The term 'key technology focus areas' means the areas included on the most recent list under section 2005 of the Endless Frontier Act.

''(4) LABOR ORGANIZATION.—The term 'labor organization' has the meaning given such term in section 2101 of the Endless Frontier Act.

''(5) LOW POPULATION STATE.—The term 'low population State' means a State without an urbanized area with a population greater than 200,000 as reported in the 2010 decennial census.

''(6) 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. 278k(a)).

''(7) 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. 278s(d)).

''(8) SITE CONNECTIVITY INFRASTRUCTURE.—The term 'site connectivity infrastructure' means localized driveways and access roads to a facility as well as hookups to the new facility for drinking water, waste water, broadband, and other basic infrastructure services already present in the area.

''(9) 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 of not more than 200,000.

''(10) VENTURE DEVELOPMENT ORGANIZATION.—The term 'venture development organization' has the meaning given such term in section 27(a) of the Stevenson-Wydler Act of 1980 (15 U.S.C. 3722(a)).

''(b) REGIONAL TECHNOLOGY HUB PROGRAM.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out a program—

''(A) to encourage new and constructive collaboration among local, State, and Federal government entities, academia, the private sector, economic development organizations, and labor organizations;

''(B) to support eligible consortia in the creation of regional innovation strategies;

''(C) to designate eligible consortia as regional technology hubs and facilitate activities by consortia designated as regional technology hubs in implementing their regional innovation strategies, in order—

''(i) to enable United States leadership in technology and innovation sectors critical to national and economic security;

''(ii) to support regional economic development, including in small cities and rural areas, and diffuse innovation around the United States; and

''(iii) to support domestic job creation and broad-based economic growth; and

''(D) to ensure that the regional technology hubs address the intersection of emerging technologies and either local and regional challenges or national challenges; and

''(E) to conduct ongoing research, evaluation, analysis, and dissemination of best practices for regional development and competitiveness in technology and innovation.

''(2) AWARDS.—The Secretary shall carry out the program required by paragraph (1) through the award of the following:

''(A) Strategy development grants or cooperative agreements to eligible consortia under subsection (e).

''(B) Strategy implementation grants or cooperative agreements to regional technology hubs under subsection (f).

''(3) ADMINISTRATION.—The Secretary shall carry out this section through the Assistant Secretary of Commerce for Economic Development in coordination with the Under Secretary of Commerce for Standards and Technology.

''(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 consortia;

''(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 and Opportunity Act (29 U.S.C. 3111; 3122); and

''(2) may include 1 or more—

''(A) nonprofit economic development entities with relevant expertise, including a district 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;

''(E) National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

''(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 as a member of the eligible consortia 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; and

''(E) ensuring that at least one eligible consortium designated as a regional technology hub is headquartered in a low population 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 receive a grant or 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 (ii); 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 consortia 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 regional needs.

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

''(E) To identify or implement local zoning and other code changes necessary to implement a comprehensive regional technology strategy.

''(5) FEDERAL SHARE.—The Federal share of the cost of an effort carried out using a grant or 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.

''(f) STRATEGY IMPLEMENTATION GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall use a competitive process to award grants or cooperative agreements to regional technology hubs 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 most current 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, workforce, and academic 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 curriculum.

''(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 successful training programs at a scale required by the region served by the regional technology hub, including through the use of online education.

''(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 national and economic security, including 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.

''(iii) Activities to ensure access to capital for new business formation and business expansion, including by attracting new private, public, and philanthropic investment and by establishing regional venture and loan funds.

''(iv) Activities determined appropriate by the Secretary under section 27(c)(2) of this Act.

''(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.

''(3) LIMITATION ON AMOUNT OF AWARDS.—The Secretary shall ensure that no single regional technology hub receives more than 10 percent of the aggregate amount of the grants and cooperative agreements awarded under this subsection.

''(4) TERM.—

''(A) IN GENERAL.—The term of a grant or cooperative agreement awarded under this subsection shall be for such period as the Secretary considers appropriate.

''(B) RENEWAL.—The Secretary may renew a grant or cooperative agreement awarded to a regional technology hub under this subsection as the Secretary considers appropriate if the Secretary determines that the performance of the regional technology hub is satisfactory.

''(5) MATCHING REQUIRED.—

''(A) IN GENERAL.—Except in the case of a regional technology hub described in subparagraph (B), the total amount of all grants awarded to a regional technology hub under this subsection in a given year shall not exceed amounts as follows:

''(i) In the first year of the grant or cooperative agreement, 90 percent of the total operating costs of the regional technology hub in that year.

''(ii) In the second year of the grant or cooperative agreement, 85 percent of the total operating costs of the regional technology hub in that year.

''(iii) 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.

''(iv) 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 year.

''(B) SMALL AND RURAL COMMUNITIES AND INDIAN TRIBES.—

''(i) IN GENERAL.—The total Federal financial assistance awarded in a given year to a regional technology hub under this subsection shall not exceed amounts as follows:

''(I) 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.

''(II) In the case of an regional technology hub that is led by a Tribal government, in a fiscal year, 100 percent of the total funding of the regional technology hub in that fiscal year.

''(ii) 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.

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

''(6) 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 sections 204 and 301 of such Act (42 U.S.C. 3144, 3161) shall not apply.

''(7) 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.

''(g) APPLICATIONS.—An eligible consortium seeking designation as a regional technology hub under subsection (d) or a grant or cooperative agreement under subsection (e) or (f) shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may specify.

''(h) CONSIDERATIONS FOR DESIGNATION AND AWARD OF STRATEGY DEVELOPMENT GRANTS AND COOPERATIVE AGREEMENTS.—In selecting an eligible consortium that submitted an application under subsection (g) for designation under subsection (d) or for a grant or cooperative agreement under subsection (f), the Secretary shall consider, at a minimum, the following:

''(1) 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.

''(2) The likelihood of positive regional economic effect, including increasing the number of high wage domestic jobs, and creating new economic opportunities for economically disadvantaged and underrepresented populations.

''(3) How the eligible consortium plans to integrate with and leverage the resources of 1 or more federally funded research and development centers, National Laboratories, Federal laboratories, Manufacturing USA institutes, Hollings Manufacturing Extension Partnership centers, university technology centers established under section 2104 of the Endless Frontier Act, the program established under section 2107 of the such Act, test beds established and operated under section 2108 of such Act, or other Federal research entities.

''(4) How the eligible 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.

''(5) How the eligible consortium will carry out workforce development and skills acquisition programming, 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.

''(6) How the eligible consortium will improve science, technology, engineering, and mathematics education programs 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.

''(7) How the eligible consortium plans to develop partnerships with venture development organizations and sources of private investment in support of private sector activity, including launching new or expanding existing companies, in a key technology focus area or other technology or innovation sector critical to national and economic security.

''(8) How the eligible consortium plans to organize the activities of regional partners across sectors in support of a regional technology hub.

''(9) How the eligible consortium will ensure that growth in technology and innovation sectors produces broadly shared opportunity across the identified region, including for economic disadvantaged and underrepresented populations and rural areas.

''(10) The likelihood efforts served by the consortium will be sustained once Federal support ends.

''(11) How the eligible 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 commercialization activities relating to clean technology.

''(i) COORDINATION AND COLLABORATION.—

''(1) COORDINATION WITH REGIONAL INNOVATION PROGRAM.—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 Secretaries consider 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.

''(j) PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY.—

''(1) METRICS, STANDARDS, AND ASSESSMENT.—For each grant and cooperative agreement awarded under subsection (f) for a regional technology hub, the Secretary shall—

''(A) 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 (b)(1);

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

''(C) 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 is meeting the standards for 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 eligible consortium that receives a grant or cooperative agreement under subsection (f) for activities of a regional technology hub, as a condition of receipt of such grant or cooperative agreement, to submit to the Secretary, not later than 120 days after the last day of the term of the grant or cooperative agreement, a report on the activities of the regional technology hub supported by the grant or cooperative agreement.

''(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 grant or cooperative agreement described in subparagraph (A), including the following:

''(I) A description of each project the regional technology hub completed using such grant or cooperative agreement.

''(II) An explanation of how each project described in subclause (I) achieves a specific goal under this section in the region of the regional technology hub with respect to—

''(aa) the resiliency of a supply chain;

''(bb) research, development, and deployment of a critical technology;

''(cc) workforce training and development;

''(dd) domestic job creation; or

''(ee) entrepreneurship.

''(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 standards and measures 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.

''(3) INTERIM REPORTS BY RECIPIENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—In addition to requiring submittal of final reports under paragraph (2)(A), the Secretary may require a regional technology hub described in such paragraph to submit to the Secretary such interim reports as the Secretary considers appropriate.

''(4) ANNUAL REPORTS TO CONGRESS.—Not less frequently than once each year, the Secretary shall submit to the appropriate committees of Congress an annual report on the results of the assessments conducted by the Secretary under paragraph (1)(C) during the period covered by the report.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary, for the period of fiscal years 2022 through 2026—

''(1) $9,425,000,000 to award grants and cooperative agreements under subsection (f); and

''(2) $575,000,000 to award grants and cooperative agreements under subsection (e).''.

(b) INITIAL DESIGNATIONS AND AWARDS.—

(1) COMPETITION REQUIRED.—Not later than 180 days after the date of the enactment of this division, the Secretary of Commerce shall commence a competition under subsection (d)(1) of section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96–480), as added by subsection (a).

(2) DESIGNATION AND AWARD.—Not later than 1 year after the date of the enactment of this division, if the Secretary has received at least 1 application under subsection (g) of such section from an eligible consortium whom the Secretary considers suitable for designation under subsection (d)(1) of such section, the Secretary shall—

(A) designate at least 1 regional technology hub under subsection (d)(1) of such section; and

(B) award a grant or cooperative agreement under subsection (f)(1) of such section to each 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. 278s(d)).

(3) MANUFACTURING USA NETWORK.—The term ''Manufacturing USA Network'' means the network established under section 34(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(c)).

(4) MANUFACTURING USA PROGRAM.—The term ''Manufacturing USA Program'' means the program established under section 34(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(b)(1)).

(5) 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. 1067q(a)).

(6) 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. 278s(h)(1)).

(7) 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 SUPPORT 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 for the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology and in consultation with the Secretary of Energy, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary of Commerce considers relevant—

(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. 278s(e)) 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 34(e) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(e)) is amended by adding at the end the following:

''(8) DIVERSITY PREFERENCES.—In awarding financial assistance under paragraph (1) for planning or establishing a Manufacturing USA institute, an agency head shall prioritize Manufacturing USA institutes that—

''(A) contribute to the geographical diversity of the Manufacturing USA Program;

''(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 PARTNERSHIP.—The Secretary shall facilitate the coordination of the activities of the Manufacturing USA Program and the activities of Hollings Manufacturing Extension Partnership 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 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)), including Manufacturing USA institutes entering into agreements with a Center (as so defined) that the Secretary considers appropriate to provide services relating to the mission of the Hollings Manufacturing Extension Partnership, including outreach, technical assistance, workforce development, and technology transfer and adoption assistance to small- and medium-sized manufacturers.

(e) ADVICE FROM THE NATIONAL MANUFACTURING 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 2404(d)(7).

(f) PARTICIPATION OF MINORITY-SERVING INSTITUTIONS, HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, AND TRIBAL COLLEGES AND UNIVERSITIES.—

(1) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Energy, 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 covered entities as active members of the Manufacturing USA institutes, including through the development of preferences in selection criteria for proposals to create new Manufacturing USA institutes or renew existing 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 1400.2 of title 15, Code of Federal Regulations, or successor regulation).

(g) DEPARTMENT OF COMMERCE POLICIES TO PROMOTE DOMESTIC PRODUCTION OF TECHNOLOGIES DEVELOPED UNDER MANUFACTURING USA PROGRAM.—

(1) POLICIES.—

(A) IN GENERAL.—Each agency head (as defined in section 34(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(a))) and the Secretary of Defense shall, in consultation with the Secretary of Commerce, establish policies to promote the domestic production of technologies developed by the Manufacturing USA Network.

(B) ELEMENTS.—The policies developed under subparagraph (A) shall include the following:

(i) Measures to partner domestic developers of goods, services, or technologies by

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) Measures to assist with supplier scouting and other supply chain development, including the use of the Hollings Manufacturing Extension Partnership to carry out such measures.

(iv) A process to review and approve or deny membership in a Manufacturing USA institute by foreign-owned companies, especially from countries 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 this paragraph shall include processes to permit waivers, on a case by case basis, for policies that promote domestic production based on cost, availability, severity of technical and mission requirements, emergency requirements, operational needs, other legal or international treaty obligations, or other factors deemed important to the success of the Manufacturing USA Program.

(2) PROHIBITION.—

(A) COMPANY 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. 2509 note).

(B) IN GENERAL.—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, as described in paragraph (1)(C).

(h) COORDINATION OF MANUFACTURING USA INSTITUTES.—

(1) IN GENERAL.—Section 34(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(h)) 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 Federal funding 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).''.

(2) 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 added by paragraph (1), the council shall submit to the National Program Office a report containing recommendations for improving inter-network collaboration.

(3) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the report required by paragraph (2) is submitted to the National Program Office, 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.

(i) REQUIREMENT FOR NATIONAL PROGRAM OFFICE TO DEVELOP STRATEGIES FOR RETAINING DOMESTIC PUBLIC BENEFIT AFTER CEASE OF FEDERAL FUNDING.—Section 34(h)(2)(C) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(h)(2)(C)) is amended by inserting '', including a strategy for retaining domestic public benefits from Manufacturing USA institutes once Federal funding has been discontinued'' after ''Program''.

(j) MODIFICATION OF FUNCTIONS OF NATIONAL PROGRAM OFFICE TO INCLUDE DEVELOPMENT OF INDUSTRY CREDENTIALS.—Section 34(h)(2)(J) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(h)(2)(J)) 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 PARTNERSHIP.

(a) ESTABLISHMENT OF EXPANSION AWARDS PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 25A (15 U.S.C. 278k–1) the following:

''SEC. 25B. EXPANSION AWARDS PROGRAM.

''(a) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 25.

''(b) ESTABLISHMENT.—The Director shall establish, subject to the availability of appropriations, within 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 (d) of this section.

''(c) PARTICIPANTS.—Participants receiving awards under this section shall be Centers, or a consortium of Centers.

''(d) PURPOSE OF AWARDS.—An award under this section shall be made for one or more of the following purposes:

''(1) To provide worker education, training, development, and entrepreneurship training and to connect individuals or business with such services offered in their community, which may include employee ownership and workforce training, connecting manufacturers with career and technical education entities, institutions of higher education (including community colleges), workforce development boards, State government programs for advanced manufacturing, entities (such as public-private partnerships) or a collection of entities and individuals carrying out an advanced manufacturing forum that would serve educationally underrepresented individuals (such as underrepresented racial and ethnic minorities), labor organizations, and nonprofit job training providers to develop and support training and job placement services, apprenticeship and online learning platforms, for new and incumbent workers, programming to prevent job losses when adopting new technologies and processes, and development of employee ownership practices.

''(2) To mitigate vulnerabilities to cyberattacks, including helping to offset the cost of cybersecurity projects for small manufacturers.

''(3) To expand advanced technology services to small- and medium-sized manufacturers, which may include—

''(A) developing technology demonstration laboratories;

''(B) services for the adoption of advanced technologies, including smart manufacturing technologies and practices; and

''(C) establishing partnerships, 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));

''(ii) Federal laboratories;

''(iii) Manufacturing USA institutes (as described in section 2402 of the Endless Frontiers Act); and

''(iv) institutions of higher education.

''(4) To build capabilities across the Hollings Manufacturing Extension Partnership for domestic supply chain resiliency and optimization, including—

''(A) assessment of domestic 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

''(B) expanded services to provide industry-wide support that assists United States manufacturers with reshoring manufacturing to strengthen the resiliency of domestic supply chains, including in critical technology areas and foundational manufacturing capabilities that are key to domestic manufacturing competitiveness and resiliency, including forming, casting, machining, joining, surface treatment, tooling, and metal or chemical refining.

''(e) REIMBURSEMENT.—The Director may reimburse Centers for costs incurred by the Centers under this section.

''(f) PROGRAM CONTRIBUTION.—Recipients of awards under this section shall not be required to provide a matching contribution.''.

(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, 25A, and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k, 278k-1, and 2781), and section 25B of such Act, as added by subsection (a), $480,000,000 for each of fiscal years 2022 through fiscal year 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 under sections 25 and 25A of such Act (15 U.S.C. 278k and 278k-1), of which $40,000,000 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.

(3) EXPANSION AWARD PROGRAM.—Of the amounts appropriated pursuant to the authorization in paragraph (1), $264,000,000 shall be available each fiscal year to carry out section 25B of such Act, as added by subsection (a).

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, the Committee on Armed Services, 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, and the Committee on Appropriations of the House of Representatives.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(b) ESTABLISHMENT.—

(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) connect individuals and business with the services described in subparagraph (A) that are offered in the community of the individuals or businesses;

(C) coordinate services relating to employee engagement, including employee ownership and workforce training;

(D) connect manufacturers with career and technical education entities, institutions of higher education, community colleges, workforce development boards, labor organizations, and nonprofit job training providers to develop and support training 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 investment in manufacturing.

(d) DUTIES.—The duties of the Advisory Council shall include—

(1) meeting not less frequently than every 180 days to provide independent advice and 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, critical 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 investment in and support of the manufacturing workforce relating to—

(A) worker participation, including through labor organizations and through other methods determined by the Advisory Council, in the planning for deployment of new technologies across an industry and within workplaces;

(B) 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;

(C) innovative suggestions from workers on the development of new technologies and processes and, as appropriate, assessing the impact of those technologies and processes on the workforce and economy of the United States;

(D) management practices that lead to worker employment, job quality, worker protection, worker participation and power in decision making, and investment in worker career success;

(E) policies and procedures to prioritize diversity and inclusion in the manufacturing and technology workforce by expanding access to job, career advancement, and management opportunities for underrepresented populations; and

(F) 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;

(8) with respect to the manufacturing.gov website, or any successor thereto, providing input and improvements in order to—

(A) make that website more user-friendly to enhance the ability of that website to—

(i) provide information to manufacturers; and

(ii) receive feedback from manufacturers;

(B) assist that website in becoming the principal place of interaction between manufacturers in the United States and Federal programs relating to manufacturing; and

(C) enable that website to provide assistance to manufacturers relating to—

(i) international trade and investment matters;

(ii) research and technology development opportunities;

(iii) workforce development and training programs and opportunities;

(iv) small and medium manufacturer needs; and

(v) industrial commons and supply chain needs.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Council shall—

(A) consist of individuals appointed by the Secretary with a balance of backgrounds, experiences, and viewpoints; and

(B) 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) not more than 2 additional terms

(C) STAGGER TERMS.—The Secretary may stagger the terms of the members of the Advisory Council to ensure that the terms of the members expire during different years.

(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 that term until a successor has been appointed.

(f) 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 division, 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) UNEXPENDED BALANCES.—Unexpended 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.

(g) 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 by section 108 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 transmission 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 and in consultation with such nongovernmental partners 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 determines pertain to United States national competitiveness in science, research, innovation, and technology transfer, including patenting and licensing, to support the national security strategy;

(B) develop or revise a national strategy to improve the national competitiveness of the United States in science, research, and innovation to support the national security strategy; and

(C) submit to Congress—

(i) 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 civilian and military science and technology and its implications for the geostrategic position of the United States.

(B) A description of the prioritized economic security interests and objectives, including domestic job creation, of the United States relating to science, research, and innovation and an assessment of how investment in civilian and military science and technology can advance those objectives.

(C) An assessment of global trends in science and technology, including potential threats to the leadership of the United States in science and technology.

(D) An assessment of the national debt and its implications for the economic and national security of the United States.

(E) An assessment of how regional efforts are contributing and could contribute to the innovation capacity of the United States, including programs run by State and local governments.

(F) An assessment of—

(i) workforce needs for competitiveness in 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.

(G) An assessment of barriers to competitiveness and barriers to the development and evolution of start-ups, small and mid-sized business entities, and industries.

(H) An assessment of the effectiveness of the Federal Government, federally funded research and development centers, and national labs in supporting and promoting technology commercialization and technology transfer, including an assessment of the adequacy of Federal research and development funding in creating new domestic manufacturing growth and job creation across sectors and promoting competitiveness and the development of new technologies.

(I) An assessment of manufacturing capacity, logistics, and supply chain dynamics of major export sectors, including access to a skilled workforce, physical infrastructure, and broadband network infrastructure.

(J) An assessment of how the Federal Government is increasing the participation of underrepresented populations in science, research, innovation, and manufacturing.

(K) An assessment of public-private partnerships in technology commercialization, including—

(i) the structure of current technology research and commercialization arrangements with regard to public-private partnerships; and

(ii) the extent to which intellectual property developed with Federal funding—

(I) is being used to manufacture in the United States rather than in other countries; and

(II) is being used by foreign business entities that are majority owned or controlled (as defined in section 800.208 of title 31, Code of Federal Regulations, or a successor regulation), or minority owned greater than 25 percent by—

(aa) any governmental organization of the People's Republic of China; or

(bb) any other entity that is—

(AA) known to be owned or controlled by 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.

(2) STRATEGY.—Each strategy submitted under subsection (b)(1)(C)(ii) shall include the following:

(A) A plan to utilize available tools to address or minimize the leading threats and challenges and to take advantage of the leading opportunities, particularly in regards to key technology focus areas central to international competition, including the following:

(i) Specific objectives, tasks, metrics, and milestones for each relevant Federal agency.

(ii) Strategic objectives and priorities necessary to maintain the leadership of the United States in science and technology, including near-term, medium-term, and long-term research priorities.

(iii) Specific plans to safeguard research and technology funded, as appropriate, in whole or in part, by the Federal Government, including in the key technology focus areas, from theft or exfiltration by foreign entities of concern.

(iv) Specific plans to support public and private sector investment in research, technology development, education and workforce development, and domestic manufacturing supportive of the national economic competitiveness of the United States and to foster the use of public-private partnerships.

(v) Specific plans to promote sustainability practices and strategies for increasing jobs in the United States.

(vi) A description of—

(I) how the strategy submitted under subsection (b)(1)(C)(ii) supports the national security strategy; and

(II) how the strategy submitted under such subsection is integrated and coordinated with the most recent national defense strategy under section 113(g) of title 10, United States Code.

(vii) A plan to encourage the governments of countries that are allies or partners of the United States to cooperate with the execution of the strategy submitted under subsection (b)(1)(C)(ii), where appropriate.

(viii) A plan for how the United States should develop local and regional capacity for building innovation ecosystems across the Nation by providing Federal support.

(ix) A plan for strengthening the industrial base of the United States.

(x) A plan to remove or update overly burdensome or outdated Federal regulations as appropriate.

(xi) A plan—

(I) to further incentivize industry participation in public-private partnerships for the purposes of accelerating technology research and commercialization, including alternate ways of accounting for in-kind contributions and value of partially manufactured products;

(II) to ensure that intellectual property developed with Federal funding is commercialized in the United States; and

(III) to ensure, to the maximum appropriate extent, that intellectual property developed with Federal funding is not being used by foreign business entities that are majority owned or controlled (as defined in section 800.208 of title 31, Code of Federal Regulations, or a successor regulation), or minority owned greater than 25 percent by—

(aa) any governmental organization of the People's Republic of China; or

(bb) any other entity that is—

(AA) known to be owned or controlled by 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 resources, administrative action, or legislative action recommended to assist with the implementation of such strategy.

(d) RESEARCH AND DEVELOPMENT FUNDING.—The Director of the Office of Science and Technology Policy shall, as the Director considers necessary, consult with the Director of the Office of Management and Budget and with the heads of such other elements of the Executive Office of the President as the Director of the Office of Science and Technology Policy considers appropriate to ensure that the recommendations and priorities with respect to research and development funding as expressed in the most recent report and strategy submitted under subsection (b)(1)(C) are incorporated into the development of annual budget requests for Federal research agencies.

(e) PUBLICATION.—The Director of the Office of Science and Technology Policy shall, consistent with the protection of national security and other sensitive matters and otherwise to the maximum extent practicable, make each report submitted under subsection (b)(1)(C)(i) 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 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note) or entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) may receive or participate in any grant, award, program, support, or other activity under—

(1) the Directorate established in section 2102;

(2) the supply chain resiliency program under section 2505;

(3) section 28(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 2401(a); or

(4) the Manufacturing USA Program, as improved and expanded under section 2402.

SEC. 2503. STUDY ON EMERGING SCIENCE AND TECHNOLOGY CHALLENGES FACED BY THE UNITED STATES AND RECOMMENDATIONS TO ADDRESS THEM.

(a) SHORT TITLE.—This section may be cited as the ''National Strategy to Ensure American Leadership Act of 2021'' or the ''National SEAL Act of 2021''.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Commerce shall seek to enter into an agreement with the National Academies 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 legislative 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)(A).

(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 (1)(A) between the United States, allies or key partners of the United States, and the People's Republic of China.

(3) TIMEFRAME.—

(A) AGREEMENT.—The Secretary of Commerce shall seek to enter into the agreement required by paragraph (1) on or before the date that is 60 days after the date of enactment of this Act.

(B) FINDINGS.—Under an agreement entered into under paragraph (1), the National Academies of Sciences, Engineering, and Medicine shall, not later than 1 year after the date on which the Secretary of Commerce and the National Academies enter into such agreement, transmit to the Secretary of Commerce the findings of the National Academies with respect to the study conducted pursuant to such agreement.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Secretary of Commerce receives the findings of the National Academies of Sciences, Engineering, and Medicine with respect to the study conducted under subsection (b), the Secretary of Commerce shall submit to Congress a ''Strategy to Ensure American Leadership'' report on such study.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The findings of the National Academies of Sciences, Engineering, and Medicine with respect to the study conducted under subsection (b).

(B) The conclusions of the Secretary of Commerce with respect to such findings.

(C) The recommendations developed under subsection (b)(1)(B).

(D) Such other recommendations for legislative or administrative action as the Secretary of Commerce may have with respect to such findings and conclusions.

(3) CLASSIFIED ANNEX.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary of Commerce determines appropriate.

(d) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The National Academies of Sciences, Engineering, and Medicine may secure directly from a Federal department or agency such information as the National Academies of Sciences, Engineering, and Medicine consider necessary to carry out the study under subsection (b).

(2) FURNISHING INFORMATION.—On request of the National Academies of Sciences, Engineering, and Medicine for information, the head of the department or agency shall furnish such information to the National Academies of Sciences, Engineering, and Medicine.

(e) CONSULTATION.—The Secretary of Defense and the Director of National Intelligence shall provide support upon request from the Secretary of Commerce or the National Academies to carry out this section.

(f) NON-DUPLICATION OF EFFORT.—In carrying out subsection (b), the Secretary of Commerce shall, to the degree practicable, coordinate with the steering committee established under section 236(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

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 INDUSTRY.—The term ''critical industry'' means an industry identified under subsection (f)(1)(A)(i).

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given the term in the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(3) LABOR ORGANIZATION.—The term ''labor organization'' has 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.

(6) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Armed Services of the Senate;

(F) the Committee on Energy and Natural Resources of the Senate;

(G) the Select Committee on Intelligence of the Senate;

(H) the Committee on Science, Space, and Technology of the House of Representatives;

(I) the Committee on Energy and Commerce of the House of Representatives;

(J) the Committee on Appropriations of the House of Representatives;

(K) the Committee on Ways and Means of the House of Representatives;

(L) the Committee on Homeland Security of the House of Representatives;

(M) the Committee on Armed Services of the House of Representatives; and

(N) the Permanent Select Committee on Intelligence of the House of Representatives.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(8) SUPPLY CHAIN INFORMATION.—The term ''supply chain information'' means information that is not customarily in the public domain and relating to—

(A) sustaining and adapting supply chains during a supply chain shock, including pandemic and biological threats, cyberattacks, extreme weather events, terrorist and geopolitical attacks, great power conflict, and other threats to national security;

(B) the development of supply chain risk mitigation and recovery planning with respect to a supply chain shock, including any planned or past assessment, projection, or estimate of a vulnerability within the supply chain, including testing, supplier network assessments, production flexibility, risk evaluations thereto, risk management planning, or risk audits; or

(C) operational best practices, planning, and supplier partnerships that enable enhanced supply chain resilience during a supply chain shock, including response, repair, recovery, reconstruction, insurance, or continuity.

(b) ESTABLISHMENT.—The Secretary shall establish in the Department of Commerce a supply chain resiliency and crisis response program to carry out the activities described in subsection (d).

(c) MISSION.—The mission of the program shall be to—

(1) help to promote the leadership of the United States with respect to critical industries that are essential to the mid-term and long-term national security of the United States; and

(2) encourage partnerships between the Federal Government and industry, labor organizations, and State, local, territorial, and Tribal governments in order to—

(A) promote resilient supply chains; and

(B) respond to critical industry supply chain shocks.

(d) 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—

(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 companies of 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 existing authorities, as of 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 may 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) led by the head of an appropriate Federal agency;

(3) through the unified coordination group established under paragraph (1)—

(A) acquire 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 kept 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 response to potential supply chain shocks; and

(D) develop contingency plans and coordination mechanisms to ensure an effective and coordinated response to potential supply chain shocks; and

(4) 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.

(f) REPORT ON SUPPLY CHAIN RESILIENCY AND DOMESTIC MANUFACTURING.—

(1) 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 review that—

(A) identifies—

(i) 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

(ii) supplies that are critical to the crisis preparedness of the United States;

(B) describes—

(i) 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

(ii) 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, geopolitical, or other contingencies that may disrupt, strain, compromise, or eliminate the supply chain for those critical industries;

(D) assesses—

(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) any single points of failure in the supply chains described in clause (i);

(E) assesses the flexible manufacturing capacity and capabilities available in the United States in the case of an emergency;

(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;

(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;

(III) capabilities of the United States; and

(IV) the support access of the United States to needed goods and services during a supply chain shock;

(v) identifying and mitigating risks, including—

(I) the financial and operational risks of a supply chain after a supply chain shock;

(II) significant vulnerabilities to extreme weather events, cyberattacks, pandemic and biological threats, terrorist and geopolitical attacks, and other emergencies; and

(III) 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 are—

(I) compatible across supply chain tiers; and

(II) affordable for small and medium-sized businesses;

(vii) understanding 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 purchasing;

(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 and mitigating risks;

(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 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 markets that are less vulnerable to single points of failure; and

(J) assessment of policies, rules, and regulations that impact domestic manufacturing operating costs and inhibit the ability for domestic manufacturing to compete with global competitors.

(2) 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) SEMICONDUCTOR INCENTIVES.—

(1) IN GENERAL.—The Secretary shall carry out the program established under section 9902 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 9902(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.

(i) COORDINATION.—

(1) IN GENERAL.—In implementing the program, the Secretary shall, as appropriate coordinate with—

(A) the heads of Federal agencies, including—

(i) the Secretary of State; and

(ii) the United States Trade Representative; and

(B) the Attorney General and the Federal Trade Commission with respect to—

(i) advice on the design and activities of the unified coordination group described in subsection (e)(1); and

(ii) ensuring compliance with Federal antitrust law.

(2) SPECIFIC COORDINATION.—In implementing the program, with respect to supply chains involving specific sectors, the Secretary shall, as appropriate, coordinate with—

(A) the Secretary of Defense;

(B) 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.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require any private entity—

(1) to share information with the Secretary;

(2) to request assistance from the Secretary; or

(3) 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. 673) 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 that subsection if the voluntary submission is accompanied by an express statement described in paragraph (2) of this subsection; and

(B) REFERENCES.—For the purpose of this subsection, with respect to section 2224 of the Homeland Security Act of 2002 (6 U.S.C. 673)——

(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) references in the subsections described in subparagraph (A) to ''this subtitle'' shall be deemed to refer to this section;

(iii) the reference to ''protecting critical infrastructure or protected systems'' in subsection (a)(1)(E)(iii) of that section shall be deemed to refer to carrying out this section; and

(iv) the reference to ''critical infrastructure information'' in subsections (b) and (c) of that section shall be deemed to refer to supply chain information.

(2) EXPRESS STATEMENT.—The express statement described in this paragraph, with respect to information or records, is—

(A) in the case of written information or records, a written marking on the information or records substantially similar to the following: ''This information is voluntarily submitted to the Federal Government in expectation of protection from disclosure as provided by the provisions of section 2505 of the Endless Frontier Act.''; or

(B) in the case of oral information, a written statement similar to the statement described in subparagraph (A) submitted within 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).

(l) DETERMINATION RELATED TO OPTICAL TRANSMISSION EQUIPMENT.—

(1) PROCEEDING.—Not later than 45 days after the date of enactment of this division , the Secretary of Commerce shall commence a process to make a determination for purposes of sect ion 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) whether 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 that paragraph, the Secretary shall immediately transmit that determination to the Federal Communications Commission consistent with section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601).

SEC. 2506. SEMICONDUCTOR INCENTIVES.

(a) DEFINITIONS.—Section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (10), and (11), respectively;

(2) by inserting after paragraph (3) the following:

''(4) The term 'critical manufacturing industry'—

''(A) means an industry—

''(i) that is assigned a North American Industry Classification System code beginning with 31, 32, or 33; and

''(ii) for which the industry components that are assigned a North American Industry Classification System code beginning with the same 4 digits as the industry—

''(I) manufacture primary products and parts, the sum of which account for not less than 5 percent of the manufacturing value added by industry gross domestic product of the United States; and

''(II) employ individuals for primary products and parts manufacturing activities that, combined, account for not less than 5 percent of manufacturing employment in the United States; and

''(B) may include any other manufacturing industry designated by the Secretary based on the relevance of the manufacturing industry to the national and economic security of the United States, including the impacts of job losses.'';

(3) by inserting after paragraph (8), as so redesignated, the following:

''(9) The term 'mature technology node' has the meaning given the term by the Secretary.''.

(b) SEMICONDUCTOR PROGRAM.—Section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B)(ii)—

(i) in subclause (III), by striking ''and'' at the end;

(ii) in subclause (IV), by striking the period at the end and inserting ''and''; and

(iii) by adding at the end the following:

''(V) determined—

''(aa) the type of semiconductor technology the covered entity will produce at the facility described in clause (i); and

''(bb) the customers to which the covered entity plans to sell the semiconductor technology described in item (aa).'';

(B) in subparagraph (C)—

(i) in clause (i)—

(I) in subclause (II), by striking ''is in the interest of the United States'' and inserting ''is in the economic and national security interests of the United States''; and

(II) in subclause (III), by striking ''and'' at the end;

(ii) in clause (ii)(IV), by striking ''and'' at the end;

(iii) by redesignating clause (iii) as clause (iv); and

(iv) by inserting after clause (ii) the following:

''(iii) the Secretary shall consider the type of semiconductor technology produced by the covered entity and whether that semiconductor technology advances the economic and national security interests of the United States; and'';

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

''(D) PRIORITY.—In awarding Federal financial assistance to covered entities under subsection (a), the Secretary shall give priority to ensuring that a covered entity receiving financial assistance will—

''(i) manufacture semiconductors necessary to address gaps and vulnerabilities in the domestic supply chain across a diverse range of technology and process nodes; and

''(ii) provide a secure supply of semiconductors necessary for the national security, manufacturing, critical infrastructure, and technology leadership of the United States and other essential elements of the economy of the United States.''; and

(2) by adding at the end the following:

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

''(ii) fabricate, assemble using advanced packaging, or test semiconductors at mature technology nodes in the United States;

''(D) commit to using any Federal financial assistance received under this section to increase the production of semiconductors at mature technology nodes; and

''(E) 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 may use the procedures established under subsection (a).

''(4) CONSIDERATIONS.—In addition to the considerations described in subsection (a)(2)(C), in granting Federal financial assistance under this section, the Secretary may consider whether a covered entity produces or supplies equipment or materials used in the fabrication, assembly, testing, or advanced packaging of semiconductors at mature technology nodes that are necessary to support a critical manufacturing industry.

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

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection $2,000,000,000, which shall remain available until expended.

''(f) CONSTRUCTION PROJECTS.—Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) shall apply to a construction project that receives financial assistance from the Secretary under this section.''.

(c) ADVANCED MICROELECTRONICS RESEARCH AND DEVELOPMENT.—Section 9906 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:

''(h) INFRASTRUCTURE GRANTS.—Section 602 of the Public Works and Economic Development Act of 1965 (42 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 ACT.

(a) DEFINITIONS.—In this section:

(1) AWARD.—The term ''award'' includes a grant, cooperative agreement, or other financial assistance.

(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 1965 (20 U.S.C. 1059c)).

(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) A Federally Funded Research and Development Center for purposes of section 35.017 of title 48, Code of Federal Regulations, or a successor regulation.

(b) AWARD AND MODIFICATION OF GRANTS, COOPERATIVE AGREEMENTS AND OTHER FINANCIAL ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION, RESEARCH LABORATORIES, AND OTHER RESEARCH INSTITUTIONS TO ADDRESS MATTERS RELATING TO DISRUPTION CAUSED BY COVID–19.—

(1) IN GENERAL.—Each officer specified in paragraph (2) may exercise the authorities described in paragraph (3).

(2) OFFICERS.—The officers specified in this paragraph are as follows:

(A) The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration and the Director of 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 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.

(3) AUTHORITIES.—The officers specified in paragraph (2) may—

(A) provide supplemental funding to extend the duration of an award disrupted because of the COVID–19 public health emergency to a research institution, Research Laboratory, or individual that was awarded before the date of the enactment of this division, or to expand the purposes of such an award, in order to—

(i) enable a postsecondary student or postdoctoral 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) enable experimental field campaigns and maintenance of field infrastructure, including through replacement of disrupted experimental data to enable completion of impacted research; and

(viii) support training in online course delivery and virtual research experiences that will improve quality and access needed to continue undergraduate, graduate, and postdoctoral training;

(B) issue awards to research institutions, Research Laboratories, or other individuals to conduct research on the effects of the Coronavirus Disease 2019 and future potential pandemics, on the effects and effectiveness of responses to such diseases, and on improving the prediction of the possible courses of such pandemics; and

(C) 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.

(4) MODIFICATIONS.—The modifications authorized by paragraph (3)(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 require a long-term, substantial, coordinated, and multidisciplinary strategy and implementation of cohesive objectives to remain at the forefront of industrial innovation.

(2) The large and complex innovative and technological capabilities of global supply chains and manufacturing economies, which influence the course of national and international manufacturing and innovative relevance, require appropriate attention, including long-range inclusive planning and more immediate program development, to encourage and support private manufacturing growth in the United States and participation in the public decision-making process.

(3) The innovative and manufacturing capabilities of business in the United States, when properly fostered, applied, and supported, can effectively assist in improving 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.

(4) 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 would—

(A) contribute to converting research and development investments into high-value, quality job-creating product production and capture domestic and global markets; and

(B) strengthen the economic posture of the United States.

(5) 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.—

(1) PRIORITY GOALS.—It is the sense of Congress that manufacturing and industrial innovation should include contributing to the following priority goals:

(A) Taking concrete national action to rebuild, restore, and expand domestic manufacturing capabilities, skills, and production capacity, including world-class infrastructure.

(B) Rebuilding the industrial innovation commons, including common resources, technical knowledge, and entrepreneurial opportunities associated with technical concepts.

(C) Supporting domestic supply chains.

(D) Expanding production capabilities, cooperation, and knowledge.

(E) Revitalizing communities harmed by historical and poorly conceived, implemented, and enforced regulatory and trade policies.

(F) Developing a strategy for innovation and establishment of manufacturing industries of the future, including adoption and production of Industry 4.0 technology to support domestic economic expansion, particularly manufacturers with fewer than 800 employees, and in traditionally underserved communities.

(G) Contributing to national health and security and emergency readiness and resilience, including addressing environmental concerns.

(H) Strengthening the economy of the United States and promoting full employment in high-quality, high-wage jobs through useful industrial and technological innovation.

(I) Cultivating, utilizing, and enhancing academic and industrial thought-leadership with practical workforce development and training to the fullest extent possible.

(J) 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.

(2) 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 principles:

(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.

(B) Restoring 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 innovativeness and competitiveness of all manufacturers in the United States.

(C) Strengthening the technical, financial, and educational commons and assets necessary to ensure that the United States is 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) Improving 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, regional authorities, institutions of higher education, economic development organizations, and labor organizations that primarily represent workers in manufacturing to leverage their knowledge, resources, applied research, experimental development, and programs to foster manufacturing in the United States so as to anticipate and prepare for emergencies and global, national, and regional supply chain disruptions, including disruptions brought on and exacerbated by changing environmental and other circumstances.

(I) Recognizing that, as changing circumstances require the periodic revision and adaptation of this section, Congress is responsible for—

(i) identifying and interpreting the changes in those circumstances as they occur; and

(ii) affecting subsequent changes to this section, as appropriate.

(J) Reforming rules, regulations, and policy, which negatively impact domestic manufacturing.

(3) PROCEDURES.—It is the sense of Congress that, in order to expedite and facilitate the implementation of the national policy described in paragraph (2)—

(A) Federal procurement policy should—

(i) prioritize and encourage domestic manufacturing and robust domestic supply chains;

(ii) support means of expanding domestic manufacturing job creation;

(iii) enhance manufacturing workforce preparedness;

(iv) prioritize the development of means to support diversity and inclusion throughout the manufacturing and industrial sector;

(v) promote the consideration of, and support to, minority-owned and women-owned manufacturing contractors of the Federal Government; and

(vi) support the ingenuity and entrepreneurship of the United States by providing enhanced attention to manufacturing startups and small businesses in the United States;

(B) Federal trade and monetary policies should—

(i) ensure that global competition in manufacturing is free, open, and fair;

(ii) prioritize policies and investments that support domestic manufacturing growth and innovation; and

(iii) not be utilized to offshore poor manufacturing working conditions or destructive manufacturing environmental practices;

(C) Federal policies and practices should reasonably prioritize competitiveness for manufacturing and industrial innovation efforts in the United States, but should not sacrifice the quality of employment opportunities, including the health and safety of workers, pay, and benefits;

(D) Federal manufacturing and industrial innovation policies, practices, and priorities should reasonably improve environmental sustainability within the manufacturing industry, while minimizing economic impact;

(E) Federal patent policies should be developed, based on uniform principles, which have as their objective to preserve incentives for industrial technological innovation and the application of procedures that will continue to assure the full use of beneficial technology to serve the public;

(F) Federal efforts should promote and support a strong system of intellectual property rights to include trade secrets, through both protection of intellectual property rights and enforcement against intellectual property theft, and broad engagement to limit foreign efforts to illegally or inappropriately utilize compromised intellectual property;

(G) closer relationships should be encouraged among practitioners of scientific and technological research and development and those who apply those foundations to domestic commercial manufacturing;

(H) the full use of the contributions of manufacturing and industrial innovation to support State and local government goals should be encouraged;

(I) formal recognition should be accorded to those persons, the manufacturing and industrial innovation achievements of which contributed significantly to the national welfare; and

(J) departments, agencies, and instrumentalities of the Federal Government should establish procedures to ensure among them the systematic interchange of data, efforts, and findings developed under their programs.

(K) policies, rules, and regulations that negatively impact domestic manufacturing should be reformed.

(4) IMPLEMENTATION.—To implement the national policy described in paragraph (2), it is the sense of Congress—

(A) that—

(i) the Federal Government should maintain integrated policy planning elements in the executive branch that assist agencies in such branch in—

(I) identifying problems and objectives that could be addressed or enhanced by public policy;

(II) mobilizing industrial and innovative manufacturing resources for national security and emergency response purposes;

(III) securing appropriate funding for programs so identified by the President or the Chief Manufacturing Officer;

(IV) anticipating future concerns to which industrial and innovative manufacturing can contribute and devise industrial strategies for such purposes;

(V) reviewing systematically the manufacturing and industrial innovation policy and programs of the Federal Government and recommending legislative amendments to those policies and programs when needed; and

(VI) reforming policies, rules, and regulations that harm domestic manufacturing and inhibit domestic manufacturing from competing with global competitors; and

(ii) 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

(B) that it is the responsibility of the Federal Government to—

(i) promote prompt, effective, reliable, and systematic dissemination of manufacturing and industrial information—

(I) by such methods as may be appropriate; and

(II) through efforts conducted by nongovernmental organizations, including industrial groups, technical societies, and educational entities;

(ii) coordinate and develop a manufacturing industrial strategy and facilitate the close coupling of this manufacturing strategy with commercial manufacturing application; and

(iii) enhance domestic development and utilization of such industrial information by prioritization of efforts with manufacturers, the production of which takes place in the United States.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, a Chief Manufacturing Officer to serve within the Executive Office of the President.

(2) OFFICE.—

(A) IN GENERAL.—There is established in the Executive Office of the President an Office of Manufacturing and Industrial Innovation Policy (referred to in this section as the ''Office'').

(B) CMO.—The Chief Manufacturing Officer shall—

(i) head the Office; and

(ii) serve as a source of manufacturing and industrial innovation analysis and judgment for the President and the Director of the National Economic Council with respect to the major policies, plans, and programs of the Federal Government relating to manufacturing and industrial innovation.

(d) CHIEF MANUFACTURING OFFICER; ASSOCIATE MANUFACTURING OFFICERS.—

(1) CHIEF MANUFACTURING OFFICER.—

(A) FUNCTIONS.—

(i) PRIMARY FUNCTION.—To the extent consistent with law, the Chief Manufacturing Officer shall report to the President, and such agencies within the Executive Office of the President and the Director of the National Economic Council, as may be appropriate, on issues regarding and impacting manufacturing and industrial innovation efforts of the Federal Government, or of the private sector, that require attention at the highest levels of the Federal Government.

(ii) OTHER FUNCTIONS.—The Chief Manufacturing Officer shall—

(I) advise the President on manufacturing and industrial innovation considerations relating to areas of national concern, including—

(aa) the economy of the United States;
(bb) national security;
(cc) public health;
(dd) the workforce of the United States;
(ee) education;
(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, defense stakeholders, governmental stakeholders, and stakeholders from nonprofit organizations and labor organizations that primarily represent workers in manufacturing, to develop the national strategic plan required under subsection (f);

(III) evaluate the scale, quality, and effectiveness of the effort 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 Budget, and such agencies within the Executive Office of the President as may be appropriate, advise the President on the budgets, regulations, and regulatory reforms 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 general 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 grade GS–15 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) ASSOCIATE DIRECTORS.—

(A) 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 title 5, United States Code.

(e) POLICY PLANNING, ANALYSIS, AND ADVICE.—

(1) IN GENERAL.—In carrying out the provisions of this section, the Chief Manufacturing Officer shall—

(A) monitor the status of technological developments, critical production capacity, skill availability, investment patterns, emerging defense needs, and other key indicators of manufacturing competitiveness to—

(i) provide foresight for periodic updates to the national strategic plan required under subsection (f); and

(ii) guide investment decisions;

(B) convene interagency and public-private working groups to align Federal policies that drive implementation of the national strategic plan required under subsection (f);

(C) initiate and support translation research in engineering and manufacturing by entering into contracts or making other arrangements (including grants, awards, cooperative agreements, loans, and other forms of assistance) to study that research and to assess the impact of that research on the economic well-being, climate and environmental impact, public health, and national security of the United States;

(D) report to the President and the Director of the National Economic Council on the extent to which the various programs, policies, and activities of the Federal Government are likely to affect the achievement of priority goals of the United States described in subsection (b)(1);

(E) annually survey the nature and needs of the policies relating to national manufacturing and industrial innovation and make recommendations to the President and the Director of the National Economic Council, for review and submission to Congress, for the timely and appropriate revision of the manufacturing and industrial innovation policies of the Federal Government, including the reform of policies, rules, and regulations that harm domestic manufacturing and inhibit the ability for domestic manufacturing to compete with global competitors;

(F) perform such other duties and functions and make and furnish such studies and reports thereon, and recommendations with respect to matters of policy and legislation as the President and the Director of the National Economic Council may request; and

(G) coordinate, as appropriate, Federal permitting with respect to manufacturing and industrial innovation.

(2) INTERGOVERNMENTAL MANUFACTURING AND INDUSTRIAL INNOVATION PANEL.—

(A) ESTABLISHMENT.—The Chief Manufacturing Officer shall establish an Intergovernmental Manufacturing and Industrial Innovation Panel (referred to in this section as the ''Panel'') within the Office, the purpose of which shall be to—

(i) identify instances in which the policies of the Federal Government—

(I) with respect to manufacturing and industrial innovation can help address problems at the State and local levels; and

(II) unnecessarily impede manufacturing and industrial innovation;

(ii) make recommendations for addressing the problems described in clause (i); and

(iii) advise and assist the Chief Manufacturing Officer in identifying and fostering policies to facilitate the application to and incorporation of federally funded research and development into manufacturing and industrial innovation in the United States, so as to maximize the application of such research.

(B) COMPOSITION.—The Panel shall be composed of—

(i) the Chief Manufacturing Officer, or a representative of the Chief Manufacturing Officer;

(ii) not fewer than 10 members representing the interests of the States, appointed by the Chief Manufacturing Officer after consultation with State officials;

(iii) the Director of the National Institute of Standards and Technology;

(iv) the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy;

(v) the Assistant Secretary of Labor for Employment and Training;

(vi) the Administrator of the Small Business Administration; and

(vii) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

(C) CHAIR.—The Chief Manufacturing Officer, or the representative of the Chief Manufacturing Officer, shall serve as Chair of the Panel.

(D) MEETINGS.—The Panel shall meet at the call of the Chair.

(E) COMPENSATION.—

(i) IN GENERAL.—Each member of the Panel shall be entitled to receive compensation at a rate 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.

(ii) 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 allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) 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)(ii) and in consultation with other agencies and private individuals as the Chief Manufacturing Officer determines necessary, 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, environmental concerns, and priorities of the United States manufacturing sector, including emergency readiness and resilience; and

(ii) situations and conditions that warrant special attention by the Federal Government relating to—

(I) 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;

(II) 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

(IV) recommendations for proposals to carry out such plan.

(B) REVISIONS.—Not later than 4 years after the date on which the national strategic plan is established under subparagraph (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 changing national goals and 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, State, and local governments, or the private sector to deal with such problems, constraints, or opportunities; and

(B) ensure to the extent possible that actions identified under subparagraph (A) are considered by each agency of the executive branch of the Federal Government in formulating proposals of each such agency.

(3) CONSULTATION WITH MANUFACTURING STAKEHOLDERS.—The Chief Manufacturing Officer shall consult broadly with representatives from stakeholder constituencies, including from technology fields, engineering fields, manufacturing fields, academic fields, worker training or credentialing programs, industrial sectors, business sectors, consumer sectors, defense sector, public interest sectors, and labor organizations which primarily represent workers in manufacturing to ensure information and perspectives from such consultations are incorporated within the problems, constraints, opportunities, and actions identified in the national strategic plan under paragraph (1).

(4) CONSULTATION WITH OMB.—The Chief Manufacturing Officer shall consult as necessary with officials of the Office of Management and Budget and other appropriate elements of the Executive Office of the President to ensure that the problems, constraints, opportunities, and actions identified under paragraph (1) are fully considered in the development of legislative proposals and the President's budget.

(g) ADDITIONAL FUNCTIONS OF THE CHIEF MANUFACTURING OFFICER; ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The Chief Manufacturing Officer, in addition to the other duties and functions under this section, shall serve—

(A) on the Federal Strategy and Coordinating Council on Manufacturing and Industrial Innovation established under subsection (j); and

(B) as a member of the Domestic Policy Council, the National Economic Council, and the Office of Science and Technology Policy Council.

(2) ADVICE TO NATIONAL SECURITY COUNCIL.—For the purpose of ensuring the optimal contribution of manufacturing and industrial innovation to the national security of the United States, the Chief Manufacturing Officer, at the request of the President, shall advise the National Security Council in such matters concerning manufacturing and industrial innovation as may be related to national security.

(3) COORDINATION WITH OTHER ORGANIZATIONS.—

(A) IN GENERAL.—In exercising the functions under this section, the Chief Manufacturing Officer—

(i) shall—

(I) work in close consultation and cooperation with the Director of the Domestic Policy Council, the National Security Advisor, the Assistant to the President for Economic Policy and Director of the National Economic Council, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, and the heads of other agencies in the executive branch of the Federal Government;

(II) utilize the services of consultants, establish such advisory panels, and, to the extent practicable, consult with—

(aa) State and local government agencies;

(bb) appropriate professional groups;

(cc) representatives of industry, universities, consumers, labor organizations that primarily represent workers in manufacturing; and

(dd) such other public interest groups, organizations, and individuals as may be necessary;

(III) hold such hearings in various parts of the United States as necessary to determine the views of the agencies, groups, and organizations described in subparagraph (B), and of the general public, concerning national needs and trends in manufacturing and industrial innovation; and

(IV) utilize, with the heads of public and private agencies and organizes, to the fullest extent possible the services, personnel, equipment, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order to avoid the duplication of efforts and expenses; and

(ii) 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.

(B) FURNISHMENT OF INFORMATION.—Each department, agency, and instrumentality 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.

(h) 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 a Manufacturing and Industrial Innovation Report (referred to in this section as the ''report'') with appropriate assistance from agencies in the executive branch of the Federal Government and such consultants and contractors as the Chief Manufacturing Officer determines necessary.

(2) CONTENTS OF REPORT.—Each report required under paragraph (1) shall draw upon the most recent national strategic plan established under subsection (f) and shall include, to the extent practicable and within the limitations of available knowledge and resources—

(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 and emerging national problems, the resolution of which might be substantially assisted by manufacturing and industrial innovation in the United States;

(E) the identification and assessment of manufacturing and industrial innovation measures 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 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 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, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives, and make available to the public, a report—

(1) containing an assessment of the efforts of the Office to implement or advance the priority goals described in subsection (b)(1); and

(2) providing recommendations on how to improve the efforts described in paragraph (1).

(j) FEDERAL STRATEGY AND COORDINATING COUNCIL ON MANUFACTURING AND INDUSTRIAL INNOVATION.—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'').

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Council shall be composed of the following:

(i) The President, who shall serve as Chair of the Council.

(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 State.

(xi) The Secretary of Transportation.

(xii) The Secretary of the Treasury.

(xiii) The Secretary of Veterans Affairs.

(xiv) The Administrator of the Environmental Protection Agency.

(xv) The Administrator of the National Aeronautics and Space Administration.

(xvi) The Administrator of the Small Business Administration.

(xvii) The Director of the National Science Foundation.

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

(xix) The Assistant to the President for Science and Technology.

(xx) The United States Trade Representative.

(xxi) The National Security Advisor.

(xxii) The Assistant to the President for Economic Policy.

(xxiii) The Director of the Domestic Policy Council.

(xxiv) The Chair of the Council of Economic Advisers.

(xxv) The Chief Manufacturing Officer.

(B) ADDITIONAL PARTICIPANTS.—The President may, from time to time and as necessary, appoint officials in the executive branch of the Federal Government to serve as members of the Council.

(2) MEETINGS OF THE COUNCIL.—

(A) IN GENERAL.—The President or the Chief Manufacturing Officer may convene meetings of the Council.

(B) PRESIDING OFFICER.—

(i) IN GENERAL.—Subject to clause (ii), the President shall preside over the meetings of the Council.

(ii) EXCEPTION.—If the President is not present at a meeting of the Council, the Vice President (and if the Vice President is not present at a meeting of the Council, the Chief Manufacturing Officer) shall preside and be considered the chair of the Council.

(k) COUNCIL ON MANUFACTURING AND INDUSTRIAL INNOVATION FUNCTIONS.—

(1) IN GENERAL.—The Council shall—

(A) consider problems and developments, including concerns relating to the workforce of the United States, in manufacturing and industrial innovation and related activities of more than 1 agency in the executive branch of the Federal Government;

(B) coordinate the manufacturing and industrial innovation policy-making process;

(C) harmonize the Federal permitting process relating to manufacturing and industrial innovation, as appropriate;

(D) ensure manufacturing and industrial innovation policy decisions and programs are consistent with the priority goals described in subsection (b)(1);

(E) help 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 foundational aspects of 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 unwarrantedly 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).

(l) 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 manufacturing and industrial innovation policy with the Council.

(m) 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, as necessary.

(2) AD COMMITTEES; TASKS FORCES, INTERAGENCY GROUPS.—The Council may function through established or ad hoc committees, task forces, or interagency groups.

(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) 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 Chair of 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 described in subsection (k).

(n) 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 is 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 residence who—

(i) has filed an application for petition for naturalization in the manner prescribed by section 334(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 ceremonies as determined proper, including attendance by appropriate Members of Congress.

(o) 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 (c) through (i); and

(2) $5,000,000, for the purpose of carrying out subsections (j) through (m).

SEC. 2509. TELECOMMUNICATIONS WORKFORCE TRAINING GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Improving Minority Participation And Careers in Telecommunications Act'' or the ''IMPACT Act''.

(b) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(2) COVERED GRANT.—The term ''covered grant'' means a grant awarded under subsection (c).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means a historically Black college or university, Tribal College or University, or minority-serving institution, or a consortium of such entities, that forms a partnership with 1 or more of the following entities to carry out a training program:

(A) A member of the telecommunications industry, such as a company or industry association.

(B) A labor or labor-management organization with experience working in the telecommunications industry or a similar industry.

(C) The Telecommunications Industry Registered Apprenticeship Program.

(D) A nonprofit organization dedicated to helping individuals gain employment in the telecommunications industry.

(E) A community or technical college with experience in providing workforce development for individuals seeking employment in the telecommunications industry or a similar industry.

(F) A Federal agency laboratory specializing in telecommunications technology.

(4) FUND.—The term ''Fund'' means the Telecommunications Workforce Training Grant Program Fund established under subsection (d)(1).

(5) GRANT PROGRAM.—The term ''Grant Program'' means the Telecommunications Workforce Training Grant Program established under subsection (c).

(6) 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).

(7) INDUSTRY FIELD ACTIVITIES.—The term ''industry field activities'' means activities at active telecommunications, cable, and broadband network worksites, such as towers, construction sites, and network management hubs.

(8) INDUSTRY PARTNER.—The term ''industry partner'' means an entity described in subparagraphs (A) through (F) of paragraph (3) with which an eligible entity forms a partnership to carry out a training program.

(9) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(10) TRAINING PROGRAM.—The term ''training program'' means a credit or non-credit program developed by an eligible entity, in partnership with an industry partner, that—

(A) is designed to educate and train students to participate in the telecommunications workforce; and

(B) includes a curriculum and apprenticeship or internship opportunities that can also be paired with—

(i) a degree program; or

(ii) stacked credentialing toward a degree.

(11) 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)).

(c) PROGRAM.—The Assistant Secretary, acting through the Office of Minority Broadband Initiatives established under section 902(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), shall establish a program, to be known as the ''Telecommunications Workforce Training Grant Program'', under which the Assistant Secretary awards grants to eligible entities to develop training programs.

(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 commitment from the industry partner of the eligible entity to collaborate with the eligible entity to develop a training program, including curricula and internships or apprenticeships;

(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 plan to increase female student participation in the training program of the eligible entity; and

(E) a description of potential jobs to be secured through 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—

(1) hire faculty members to teach courses in the training program;

(2) 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—

(A) broadband and wireless network engineering;

(B) network deployment, operation, and maintenance;

(C) industry field activities; and

(D) cloud networks, data centers, and cybersecurity;

(3) design and develop curricula and other components necessary for degrees, courses, or programs of study, including certificate programs and credentialing programs, that comprise the training program;

(4) pay for costs associated with instruction under the training program, including the costs of equipment, telecommunications training towers, laboratory space, classroom space, and instructional field activities;

(5) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities;

(6) recruit students for the training program; and

(7) support the enrollment in the training program of individuals working in the telecommunications industry in order to advance professionally in the industry.

(g) GRANT AWARDS.—

(1) DEADLINE.—Not later than 2 years after the date on which amounts are appropriated to the Fund pursuant to subsection (m), the Assistant Secretary shall award all covered grants.

(2) MINIMUM ALLOCATION TO CERTAIN ENTITIES.—The Assistant Secretary shall award not less than—

(A) 30 percent of covered grant amounts to historically Black colleges or universities; and

(B) 30 percent of covered grant amounts to Tribal Colleges or Universities.

(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) COORDINATION.—The Assistant Secretary shall ensure that grant amounts awarded under paragraph (2) are coordinated with, and do not duplicate the specific use of, grant amounts provided under section 902 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(5) CONSTRUCTION.—In awarding grants under this section for training or education relating to construction, the Assistant Secretary may prioritize applicants that partner with apprenticeship programs, pre-apprenticeship programs, or public two-year community or technical colleges that have a written agreement with one or more apprenticeship programs.

(h) RULES.—Not later than 180 days after the date of enactment of this division, after providing public notice and an opportunity to comment, the Assistant Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall issue final rules governing the Grant Program.

(i) TERM.—The Assistant Secretary shall establish the term of a covered grant, which may not be less than 5 years.

(j) GRANTEE REPORTS.—During the term of a covered grant received by an eligible entity, the eligible entity shall submit to the Assistant Secretary 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, including—

(A) the commitments and in-kind contributions made by the industry partner; and

(B) the role of the industry partner in curriculum development, the degree program, and internships and apprenticeships; and

(5) includes data on internship, apprenticeship, and employment opportunities and placements.

(k) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce shall audit the Grant Program in order to—

(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).

(l) 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 the overall purpose of the Grant Program, as described in subsection (c);

(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 subsection (k)(1) that were not included in the previous report submitted under this subsection.

(m) 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 the amounts appropriated to the Fund for the administration of the Grant Program.

SEC. 2510. COUNTRY OF ORIGIN LABELING ONLINE 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 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or its implementing regulations to be introduced, sold, advertised, or offered for sale in commerce on an internet website unless the internet website description of the product—

(A)(i) indicates in a conspicuous place the country of origin of the product, 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) includes, in the case of—

(I) a new passenger motor vehicle (as defined in section 32304 of title 49, United States Code), the disclosure required by such section;

(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. 68)), 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. 69)), the disclosure required by such Act; and

(V) a covered commodity (as defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638)), the country of origin information required by section 282 of such Act (7 U.S.C. 1638a); and

(B) indicates in a conspicuous place the country in which the seller of the product is located (and, if applicable, the country in which any parent corporation of such seller is located).

(2) LIMITATION.—The disclosure of a product's country of origin required pursuant to paragraph (1)(A) 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. 353(b)(1)) and that is required to be marked under section 304 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 to appear 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)).

(b) PROHIBITION ON 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 are of United States origin in any labeling, 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 no other Federal statute 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) 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.

(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) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(3) INTERAGENCY AGREEMENT.—Not later than 6 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.

(4) DEFINITION OF COMMISSION.—In this subsection, the term ''Commission'' means the Federal Trade Commission.

(d) EFFECTIVE DATE.—This section shall take effect 9 months after the date of enactment of this division.

SEC. 2511. COUNTRY OF ORIGIN LABELING FOR KING CRAB AND TANNER CRAB.

Section 281(7)(B) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638(7)(B)) is amended—

(1) by striking ''includes a fillet'' and inserting ''includes—

''(i) a fillet'';

(2) by striking the period at the end and inserting ''; and''; and

(3) 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 SUBMARINE 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 Delineating 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. 7517).

(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 May 27, 1921 (47 U.S.C. 34) (commonly known as the ''Cable Landing Licensing Act'').

(b) INTERNET EXCHANGE FACILITY GRANTS.—

(1) GRANTS.—Not later than 1 year after the date on which amounts are made available under subsection (e), the Assistant Secretary shall award grants to entities to acquire real property and necessary equipment 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, at the time the grant is awarded, there is only 1 internet exchange facility.

(2) ELIGIBILITY.—To be eligible to receive a covered grant, an entity shall—

(A) have sufficient interest from third party entities that will use the internet exchange facility to be funded by the grant once the facility is established or operations are expanded, as applicable;

(B) have sovereign control over the land or building in which the internet exchange facility is to be housed;

(C) provide evidence of direct conduit, duct, and manhole access to public rights-of-way;

(D) have a plan to establish security protocols for the internet exchange facility to prevent physical or electronic intrusion from unauthorized users; and

(E) provide other information required by the Assistant Secretary to protect against waste, fraud, or abuse.

(3) FEDERAL SHARE.—The Federal share of the total cost of the establishment of, or expansion of operations at, an internet exchange facility for which a covered grant is awarded may not exceed 50 percent.

(4) GRANT AMOUNT.—The amount of a covered grant may not exceed $3,000,000.

(5) APPLICATIONS.—

(A) RULES AND TIMELINES.—Not later than 1 year after the date of enactment of this division, the Assistant Secretary shall establish rules and timelines for applications for—

(i) covered grants; and

(ii) grants under subsection (c).

(B) THIRD PARTY REVIEW.—To prevent fraud in the covered grant program, the Assistant Secretary shall enter into a contract with an independent third party under which the third party reviews an application for a covered grant not later than 60 days after the date on which the application is submitted to ensure that only an entity that is eligible for a covered grant receives a covered grant.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Assistant Secretary to regulate, issue guidance for, or otherwise interfere with the activities at an internet exchange facility.

(c) SUBMARINE CABLE LANDING STATION GRANTS.—Not later than 1 year after the date on which amounts are made available under subsection (e), and in accordance with the rules and timelines established under subsection (b)(5)(A), the Assistant Secretary shall award grants to States and Indian Tribes to build infrastructure and acquire necessary equipment to establish or expand an open-access, carrier-neutral submarine cable landing station that serves a military facility.

(d) REPORT.—Not later than 5 years after the date of enactment of this division, and annually thereafter for 5 years, the Assistant Secretary shall submit a report on outcomes of grants awarded under this section to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(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 WITHIN THE 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) DEFINITIONS.—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 Education and Labor 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.

(4) UNITED STATES COMMUNITY.—The term ''United States community'' means a State, county, city, or other unit of local government in the United States.

(c) STUDY OF SISTER CITY PARTNERSHIPS OPERATING WITHIN THE UNITED STATES INVOLVING FOREIGN COMMUNITIES IN COUNTRIES WITH SIGNIFICANT PUBLIC SECTOR CORRUPTION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the activities of sister city partnerships involving foreign communities in countries receiving a score of 45 or less on Transparency International's 2019 Corruption Perceptions Index.

(2) ELEMENTS OF THE STUDY.—The study conducted under paragraph (1) shall—

(A) identify—

(i) the criteria by which foreign communities identify United States communities as candidates for sister city partnerships, including themes with respect to the prominent economic activities and demographics of such United States communities;

(ii) the activities conducted within sister city partnerships;

(iii) the economic and educational outcomes of such activities;

(iv) the types of information that sister city partnerships make publicly available, including information relating to contracts and activities;

(v) the means by which United States communities safeguard freedom of expression within sister city partnerships; and

(vi) the oversight practices that United States communities implement to mitigate the risks of foreign espionage and economic coercion within sister city partnerships;

(B) assess—

(i) the extent to which United States communities ensure transparency regarding sister city partnership contracts and activities;

(ii) the extent to which sister city partnerships involve economic arrangements that make United States communities vulnerable to malign market practices;

(iii) the extent to which sister city partnerships involve educational arrangements that diminish the freedom of expression;

(iv) the extent to which sister city partnerships allow foreign nationals to access local commercial, educational, and political institutions;

(v) the extent to which foreign communities could use sister city partnerships to realize strategic objectives that do not conduce to the economic and national security interests of the United States;

(vi) the extent to which sister city partnerships could enable or otherwise contribute to foreign communities' malign activities globally, including activities relating to human rights abuses and academic and industrial espionage; and

(vii) the extent to which United States communities seek to mitigate foreign nationals' potentially inappropriate use of visa programs to participate in activities relating to sister city partnerships; and

(C) review—

(i) the range of activities conducted within sister city partnerships, including activities relating to cultural exchange and economic development;

(ii) how such activities differ between sister city partnerships; and

(iii) best practices to ensure transparency regarding sister city partnerships' agreements, activities, and employees.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after initiating the study required under paragraph (1), the Comptroller General shall submit a report to the appropriate congressional committees that contains the results of such study, including the findings, conclusions, and recommendations (if any) of the study.

(B) FORM.—The report required under subparagraph (A) may include a classified annex, if necessary.

SEC. 2514. PROHIBITION ON TRANSFER, ASSIGNMENT, OR DISPOSITION OF CONSTRUCTION PERMITS AND STATION LICENSES TO ENTITIES SUBJECT TO UNDUE INFLUENCE BY THE CHINESE COMMUNIST PARTY OR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

The Federal Communications Commission shall, pursuant to section 310 of the Communications Act of 1934 (47 U.S.C. 310), prohibit the transfer, assignment, or disposition of construction permits and station licenses to an entity that is subject to undue influence by the Chinese Communist Party or the Government of the People's Republic of China.

SEC. 2515. LIMITATION ON NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The President shall not—

(1) develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate in, collaborate on, or coordinate bilaterally in any manner with respect to nuclear cooperation activities, or otherwise engage in nuclear cooperation, with—

(A) the Government of the People's Republic of China; or

(B) any company—

(i) owned by the Government of the People's Republic of China; or

(ii) incorporated under the laws of the People's Republic of China; or

(2) allow any agency of the United States Government to host official visitors at a facility belonging to the agency if those visitors are—

(A) officials, corporate officers, or principal shareholders of any entity described in subparagraph (A) or (B) of paragraph (1); or

(B) individuals subject to undue influence by the individuals described in subparagraph (A).

(b) REVIEW OF PRIOR NUCLEAR COOPERATION AND ASSOCIATED IMPACTS.—

(1) AGREEMENT.—Not later than 60 days after the date of enactment of this division, the Secretary of State shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the ''National Academy'') to carry out the review and assessment described in paragraph (2) and submit the report described in paragraph (3).

(2) REVIEW AND ASSESSMENT.—

(A) IN GENERAL.—Under the agreement described in paragraph (1), the National Academy shall—

(i) conduct a review of nuclear cooperation during the 25-year period ending on the date of enactment of this division between the United States Government and the People's Republic of China, including the role of the Department of State in facilitating such cooperation; and

(ii) perform an assessment of the implications of the cooperation described in clause (i) on the national security of the United States.

(B) ELEMENTS.—In conducting the review and assessment under subparagraph (A), the National Academy shall examine all cooperative activities relating to nuclear cooperation between the United States Government and the People's Republic of China during the 25-year period ending on the date of enactment of this division, including—

(i) all trips relating to nuclear cooperation taken by officials of the Department of State to the People's Republic of China;

(ii) all exchanges of goods, services, data, or information between officials of the United States Government and an entity described in subparagraph (A) or (B) of subsection (a)(1); and

(C) all instances in which officials of the United States Government hosted officials from, or significantly tied to, an entity described in subparagraph (A) or (B) of subsection (a)(1).

(3) DEADLINE AND REPORT.—Not later than 1 year after the date on which the Secretary and the National Academy enter into an agreement described in paragraph (1), the National Academy shall—

(A) complete the review and assessment described in paragraph (2); and

(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 Secretary; and

(ii) the appropriate congressional committees.

(4) PUBLICATION.—Not later than 60 days after the date on which the National Academy submits the report under paragraph (3), the Secretary shall make the report publically available in an easily accessible electronic format, with appropriate redactions for information that, in the determination of the Secretary, would be damaging to the national security of the United States if disclosed.

(c) WAIVERS.—

(1) WAIVER FOR COUNTERTERRORISM; NONPROLIFERATION ACTIVITIES; AND THE NATIONAL INTEREST.—The President may waive the limitation under subsection (a)—

(A) 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; or

(B) if the President determines that such waiver is in the national interests of the United States, provided the Federal Bureau of Investigation certifies prior to such waiver that the persons covered under such waiver—

(i) are not subject to undue influence by the Government of the People's Republic of China or the Chinese Communist Party, or by officials of the People's Republic of China or the Chinese Communist Party; and

(ii) are not engaged in human rights abuses.

(2) WAIVER TO ADDRESS EMERGENCIES.—Subject to receiving appropriate licenses and other authorizations, the President may waive the limitation under subsection (a) to allow transfers of technology and equipment to address a nuclear or radiological emergency.

(3) NOTIFICATION REQUIREMENT.—The President shall notify Congress of any waiver issued under paragraph (1) or (2).

(d) DEFINITIONS.—In this section:

(1) NUCLEAR COOPERATION.—The term ''nuclear cooperation'' means cooperation with respect to nuclear activities, including the development, use, or control of atomic energy, including any activities involving the processing or utilization of source material, byproduct material, or special nuclear material (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)).

(2) NUCLEAR COOPERATION ACTIVITIES.—The term ''nuclear cooperation activities'' means activities relating to nuclear cooperation.

(e) RULE OF CONSTRUCTION.— Nothing in this division shall be construed to prohibit—

(1) United States commercial activities, provided such activities are consistent with the laws and regulations of the United States; and

(2) limited diplomatic engagement or dialogue—

(A) including regarding protection of the intellectual property and trade secrets of American persons; and

(B) except for any diplomatic engagement or dialogue relating to or aimed at facilitating the transfer of nuclear technology.

SEC. 2516. CERTIFICATION.

Section 1260I(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 113 Stat. 1687) is amended—

(1) by inserting ''and'' at the end of paragraph (2); and

(2) by striking paragraphs (3) and (4) and inserting the following:

''(3) Huawei does not pose an ongoing threat to the critical infrastructure of the United States or its allies.''.

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) budgetary constraints;

(ii) lack of awareness regarding the strategic importance of, and support for, participation in those activities;

(iii) limited knowledge 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 barriers to effective participation in, and representation with respect to, those activities; and

(B) recommendations regarding how the barriers to increased and effective participation, as identified under subparagraph (A), could be addressed, which may include—

(i) strategies and tactics to ensure long-term participation;

(ii) means for improved information sharing and coordination—

(I) among Federal Government participants;

(II) between the public and private sectors; and

(III) between the Federal Government and like-minded foreign allies;

(iii) identification of suitable leadership opportunities for Federal Government participants; and

(iv) 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. 1858(a)), 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) DOGFISH.—

(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess, transport, offer for sale, sell, or purchase any fresh or frozen raw fin or tail from any stock of the species Mustelus canis (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;

(B) the impact to ocean ecosystems of continuing or terminating the exemption;

(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.

(e) DEFINITION OF SHARK FIN.—In this section, the term ''shark fin'' means—

(1) the raw or dried or otherwise processed detached fin of a shark; or

(2) the raw or dried or otherwise processed detached tail of a shark.

(f) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

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 architectures and applications, equipment integration and interoperability at scale, including—

(A) Open Radio Access Network (commonly known as ''Open-RAN'') technology;

(B) Virtualized Radio Access Network (commonly known as ''vRAN'') technology; and

(C) cloud native technologies that replicate telecommunications hardware as software-based virtual network elements and functions.

(3) FOCUS; CONSIDERATIONS.—In establishing the Applied Research Open-RAN testbed pursuant to this section, the Assistant Secretary shall ensure that such testbed evaluates issues related to deployment and operation of open network architectures in rural areas.

(4) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Assistant Secretary shall enter into cooperative research and development agreements as appropriate to obtain equipment, devices, and expertise for the Applied Research Open-RAN testbed, in accordance with section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(5) PRIVATE SECTOR CONTRIBUTIONS.—The Assistant Secretary may accept private contributions to the Applied Research Open-RAN testbed in the form of network equipment or devices for testing purposes.

(6) PARTNERSHIP WITH GOVERNMENT ENTITIES.—

(A) ESTABLISHMENT.—In establishing the Applied Research Open-RAN testbed, the Assistant Secretary shall—

(i) consult with the Federal Communications Commission, including with respect to ongoing work by the Commission to develop other testbeds, including private sector testbeds, related to Open-RAN technologies; 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, partner 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) other 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) define metrics and parameters for the Applied Research Open-RAN testbed, including functionality, project configuration and capacity, performance, security requirements, and quality assurance;

(B) adopt any rules as necessary, in consultation with the Federal Communications Commission; and

(C) begin the development of the Applied Research Open-RAN testbed, including seeking stakeholder input as required by paragraph (7).

(9) REPORT.—Not later than 1 year after the date of enactment of this division, the Assistant Secretary shall 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 additional legislative or regulatory actions relating to the work of the testbed.

(10) 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 (6) 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) AUTHORIZATION FOR VOLUNTARY SUPPORT.—A Federal entity, including FirstNet, may voluntarily enter into an agreement with NTIA to provide monetary or nonmonetary support for the Applied Research Open-RAN testbed.

(b) 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 awarded 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 Electrotechnical 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) PRIORITIZATION.—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, in collaboration with the Assistant Secretary, shall establish criteria for the grants awarded under paragraph (2).

(4) CONSULTATION WITH FEDERAL COMMUNICATIONS COMMISSION.—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)(ii) 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 subsection.

SEC. 2521. COMBATTING SEXUAL HARASSMENT IN SCIENCE.

(a) DEFINITIONS.—This section may be cited as the ''Combating Sexual Harassment in Science Act of 2021''.

(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 co-principal investigators supported by a grant award 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 101 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 1604.11 of title 29, Code of Federal Regulations (or any successor regulations).

(c) 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)—

(A) to 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) to 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, trainings, 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.

(d) 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 conducted by the National Center for Science and Engineering Statistics in response to recommendations from the National Academies to develop questions on harassment; and

(2) to include such questions as appropriate, with sufficient protections of the privacy of respondents, in relevant surveys conducted by the National Center for Science and Engineering Statistics and other relevant entities.

(e) RESPONSIBLE CONDUCT GUIDE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this division, the Director shall enter into an agreement with the National Academies to update the report entitled ''On Being a Scientist: A Guide to Responsible Conduct in Research'' issued by the National Academies. The report, as so updated, shall include—

(A) updated professional standards of conduct in research;

(B) standards of treatment individuals can expect to receive under such updated standards of conduct;

(C) evidence-based practices for fostering a climate intolerant of sexual harassment;

(D) methods, including bystander intervention, for identifying and addressing incidents of sexual harassment;

(E) professional standards for mentorship and teaching with an emphasis on power diffusion mechanisms and preventing sexual harassment;

(F) recommended vetting and hiring practices scientific research entities are urged to implement to eliminate serial harassers; and

(G) other topics as the National Academies determines appropriate.

(2) RECOMMENDATIONS.—In updating the report under paragraph (1), the National Academies shall take into account recommendations made in the report issued by the National Academies in 2018 entitled ''Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine'' and other relevant studies and evidence.

(3) REPORT.—Not later than 18 months after the effective date of the agreement under paragraph (1), the National Academies, as part of such agreement, shall submit to the Director and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report referred to in such subsection, as updated pursuant to such subsection.

(f) POLICY GUIDELINES.—

(1) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy, in coordination with the working group on inclusion in STEM fields established under section 308 of the American Innovation and Competitiveness Act (42 U.S.C. 6626) and the Safe Inclusive Research Environments Subcommittee of the National Science and Technology Council, and in consultation with representatives from each Federal science agency, the Department of Education, and the Equal Employment Opportunity Commission, shall—

(A) not later than 90 days after the date of the enactment of this division, 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 an inventory of Federal science agency policies, procedures, and resources dedicated to preventing and responding to reports of sexual harassment;

(B) not later than 6 months after the date on which the inventory is submitted under subparagraph (A)—

(i) in consultation with outside stakeholders, develop a set of policy guidelines for Federal science agencies; and

(ii) submit a report to the committees referred to in subparagraph (A) containing such guidelines;

(C) encourage Federal science agencies to develop or maintain and implement policies based on the guidelines developed under subparagraph (B);

(D) not later than 1 year after the date on which the inventory under subparagraph (A) is submitted, and every 5 years thereafter, the Director of the Office of Science and Technology Policy shall report to Congress on the implementation by Federal science agencies of the policy guidelines developed under subparagraph (B); and

(E) update such policy guidelines as needed.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In developing policy guidelines under paragraph (1)(B), the Director of the Office of Science and Technology Policy shall consider guidelines that require, to the extent practicable—

(i) recipients to submit to the Federal science agency or agencies from which the recipients receive funding reports relating to—

(I) any decision made to launch a formal investigation of sexual harassment by, or of, grant personnel; and

(II) findings or determinations of sexual harassment by, or of, grant personnel, including the final disposition of a matter involving a violation of organizational policies and processes, to include the exhaustion of permissible appeals, or a conviction of a sexual offense in a criminal court of law;

(ii) the updating and sharing of reports of sexual harassment submitted under clause (i) with relevant Federal science agencies by agency request; and

(iii) consistency among relevant Federal agencies with regards to the policies and procedures for receiving reports submitted pursuant to clause (i).

(B) FERPA.—The Director of the Office of Science and Technology Policy shall ensure that such guidelines and requirements are consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'').

(C) PRIVACY PROTECTIONS.—The Director of the Office of Science and Technology Policy shall ensure that such guidelines and requirements—

(i) do not infringe upon the privacy rights of individuals associated with reports submitted to Federal science agencies; and

(ii) do not require recipients to provide interim reports to Federal science agencies.

(3) CONSIDERATIONS.—In developing policy guidelines under paragraph (1)(B), the Director of the Office of Science and Technology Policy shall consider protocols that require or incent—

(A) recipients that receive funds from Federal science agencies to periodically assess their organizational climate, which may include the use of climate surveys, focus groups, or exit interviews;

(B) recipients that receive funds from Federal science agencies to publish on a publicly available internet website the results of assessments conducted pursuant to paragraph (1), disaggregated by gender and, if possible, race, ethnicity, disability status, and sexual orientation, and in a manner that does not include personally identifiable information;

(C) recipients that receive funds from Federal science agencies to make public on an annual basis the number of determinations of sexual harassment at that institution or organization;

(D) recipients that receive funds from Federal science agencies to regularly assess and improve policies, procedures, and interventions to reduce the prevalence of and improve the reporting of sexual harassment;

(E) each entity applying for Federal assistance awards from a Federal science agency to have a code of conduct for maintaining a healthy and welcoming workplace for grant personnel posted on their public website;

(F) each recipient that receives funds from Federal science agencies to have in place mechanisms for the re-integration of individuals who have experienced sexual harassment; and

(G) recipients that receive funds from Federal science agencies to work to create a climate intolerant of sexual harassment and that values and promotes diversity and inclusion.

(4) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—Each Federal science agency shall—

(A) develop or maintain and implement policies with respect to sexual harassment that are consistent with policy guidelines under paragraph (1)(B) and that protect the privacy of all parties involved in any report and investigation of sexual harassment; and

(B) broadly disseminate such policies to current and potential recipients of research grants awarded by such agency.

(g) NATIONAL ACADEMIES ASSESSMENT.—Not later than 3 years after the date of enactment of this division, the Director shall enter into an agreement with the National Academies to undertake a study and issue a report on the influence of sexual harassment in institutions of higher education on the career advancement of individuals in the scientific, engineering, technical, and mathematics workforce. The study shall assess—

(1) the state of research on sexual harassment in such workforce;

(2) whether research demonstrates a decrease in the prevalence of sexual harassment in such workforce;

(3) the progress made with respect to implementing recommendations promulgated in the National Academies consensus study report entitled ''Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine'';

(4) where to focus future efforts with respect to decreasing sexual harassment in such institutions, including specific recommendations; and

(5) other recommendations and issues, as the National Academies determines appropriate.

(h) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—Not later than 3 years after the date of enactment of this division, the Comptroller General of the United States shall—

(1) complete a study that assesses the degree to which Federal science agencies have implemented the policy guidelines developed under subsection (f)(1)(B) and the effectiveness of that implementation; and

(2) submit a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of such study, including recommendations on potential changes to practices and policies to improve those guidelines and that implementation.

(i) HARASSMENT ON THE BASIS OF PREGNANCY STATUS.—The Director of the Office of Science and Technology Policy, in consultation with the Equal Employment Opportunity Commission, shall develop a definition of ''harassment on the basis of pregnancy status'' for the purposes of carrying out this section.

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 public profile, and creates rewarding career paths to which all STEM teachers can aspire, both to prepare future STEM researchers 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. 1001(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 STEM 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 2211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6631(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) serves as a national convener to improve STEM instruction, including improving the diversity of students participating in STEM education and STEM teachers;

(C) serves as standard-bearer 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.

(8) STEM.—The term ''STEM'' means science, technology, engineering, and mathematics, including computer science.

(9) STEM EDUCATION ADVISORY BOARD.—The term ''STEM Education Advisory Board'' means the Advisory Board for the National Science Corps established under subsection (e).

(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) create a process and standards for selection of eligible applicants to become members of the National Science Corps, including—

(A) uniform selection criteria that includes—

(i) deep knowledge of STEM content and pedagogy;

(ii) a passion for STEM subjects and dedication to teaching, evidence of leadership skills, and potential for continued career growth as an educator; and

(iii) demonstrated experience increasing STEM student achievement and STEM participation rates for all students, particularly those from rural and high-need schools; and

(B) a uniform selection process, including a comprehensive application that includes recommendations and other relevant professional information;

(2) build an infrastructure to support the functions and operations of the National Science Corps;

(3) promote the National Science Corps and elevate best practices that emerge from the National Science Corps to a national audience;

(4) evaluate the operation and effectiveness of the regional centers; and

(5) evaluate the overall and long-term impact of the National Science Corps by—

(A) documenting, monitoring, and assessing the program outcomes or impact on the STEM careers of participants; and

(B) documenting, monitoring, and assessing the program outcomes for the STEM education profession nationwide, particularly for rural and high-need schools.

(e) STEM EDUCATION ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is established a STEM Education Advisory Board to oversee the operations of the National Science Corps for the length of the pilot program.

(2) COMPOSITION.—

(A) IN GENERAL.—The members of the STEM Education Advisory Board shall comply with the following:

(i) Be appointed by the Director.

(ii) Include a representative from each of the following:

(I) School leaders.

(II) STEM researchers.

(III) STEM education researchers.

(IV) Business leaders.

(V) Kindergarten through grade 12 STEM educators.

(VI) Students pursuing a postsecondary STEM degree.

(B) STEM EDUCATION ADVISORY COMMITTEE IN EXISTENCE.—The Director may assign the duties of the STEM Education Advisory Board, described in paragraph (3), to an advisory committee of the Foundation in existence on the date of enactment of this division.

(3) DUTIES OF THE STEM EDUCATION ADVISORY BOARD.—In overseeing the operations of the National Science Corps, the STEM Education Advisory Board shall—

(A) create a steering committee that is comprised of STEM educators and researchers representing a variety of STEM fields and representing geographic diversity, to help establish the National Science Corps in its initial phases; and

(B) provide a direct connection of the National Science Corps to the existing research and education communities, ensuring that the National Science Corps program is consistent with the aspirations of both.

(f) DUTIES OF THE REGIONAL CENTERS.—The Administrator shall award not less than 10 and not more than 20 grants, on a competitive basis, to establish regional centers at eligible entities. Each regional center shall—

(1) engage local partners, which may include local educational agencies, institutions of higher education, STEM organizations, or education nonprofit organizations, to—

(A) develop and serve the community of National Science Corps members within the region, in coordination local partners to carry out day-to-day activities;

(B) coordinate professional development activities, including activities led by National Science Corps members;

(C) connect National Science Corps members with existing educator professional development programs and coordinate members' involvement as cooperating teachers or mentors;

(D) seek opportunities to involve teachers who are not members of the National Science Corps to participate in National Science Corps activities; and

(E) build partnerships with existing education organizations and other efforts by State educational agencies and local educational agencies that operate programs relevant to the National Science Corps and its activities;

(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.

(g) 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.

(h) EVALUATIONS.—The Administrator shall evaluate the activities of the regional centers every 2 years.

(i) AUTHORIZATION OF APPROPRIATIONS.—Out of funds authorized under section 2106, there are authorized to be appropriated $100,000,000 in fiscal years 2022 through 2026 to carry out this section.

SEC. 2523. ANNUAL REPORT ON FOREIGN RESEARCH.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this division, and not less frequently than every 2 years thereafter, 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 entities.

(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 amount;

(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 for the purpose of providing greater maritime domain awareness to the Nation.

(b) PARTNERSHIPS.—In implementing this section, the Director shall establish partnerships with other Federal agencies, including those established under the Commercial Engagement Through Ocean Technology Act of 2018 (Public Law 115–394).

(c) USE OF NSF OCEANOGRAPHIC RESEARCH VESSELS.—The Director may leverage the resources and capabilities of the consortium operating the Directorate's regional class research vessels to complement the research in unmanned maritime systems.

SEC. 2525. FOUNDATION FUNDING 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 the Foundation under this Act, or an amendment made by this Act, may be obligated or expended to an institution of higher education that maintains a contract or agreement between the institution and a Confucius Institute, unless the Director, after consultation with the National Academies of Science, Engineering, and Medicine, determines such a waiver is appropriate in accordance with subsection (c).

(c) WAIVER.—The Director, after consultation with the National Academies of Science, Engineering, and Medicine, may issue a waiver for an institution of higher education that maintains a contract or agreement between the institution and a Confucius Institute if such contract or agreement includes clear provisions that—

(1) protect academic freedom at the institution;

(2) prohibit the application of any foreign law on any campus of the institution;

(3) 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; and

(4) prohibit co-location with the institution's Chinese language, history, and cultural programs and require separate promotional materials.

(d) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, this section shall not apply to an institution of higher education if that institution has fulfilled the requirements—

(A) for a waiver from the Department of Defense as described under section 1062 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283); or

(B) under section 6122 with respect to funding the provided under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), except funds provided under title IV of such Act.

(2) EXCEPTION.—Notwithstanding any other provision of this section, the prohibition under subsection (b) shall not apply to amounts provided to students as educational assistance.

(e) EFFECTIVE DATE.—The limitation under subsection (b) shall apply with respect to the first fiscal year that begins after the date that is 2 years after the date of enactment of this Act and to any subsequent fiscal year subject to subsection (f).

(f) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 2526. SUPPORTING DOCUMENTS.

(a) IN GENERAL.— To ensure the security of research products developed under this division, the Director shall, on an annual basis, request from an institution of higher education receiving an award made available by the National Science Foundation Technology and Innovation Directorate under this division—

(1) final copies of any contracts, agreements, or documentation of financial transactions between the institution, a foundation of the institution, or related entities, and any educational, cultural, or language entity that is directly or indirectly funded by the Government of the People's Republic of China; and

(2) a detailed description of any financial contributions from the Government of the People's Republic of China or its affiliates to the institution, a foundation of the institution, or related entities.

(b) OFFICE OF THE INSPECTOR GENERAL.—The Director may request an investigation by the Office of the Inspector General into the research security practices of an institution of higher education and, as appropriate, recommend revocation of funding for relevant grants, in the case that—

(1) an institution of higher education fails to provide information requested under subsection (a); or

(2) a review of the information under subsection (a) by the Chief of Research Security indicates threats to research security.

SEC. 2527. BASIC RESEARCH.

(a) NONDISCLOSURE OF MEMBERS OF GRANT REVIEW PANEL.—Notwithstanding any other provision of law, each agency that awards a Federal research grant shall not disclose, either publicly or privately, to an applicant for such grant the identity of any member of the grant review panel for such applicant.

(b) PUBLIC ACCESSIBILITY OF RESEARCH FUNDED BY TAXPAYERS.—

(1) DEFINITION OF FEDERAL AGENCY.—In this section, the term ''Federal agency'' means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) FEDERAL RESEARCH PUBLIC ACCESS POLICY.—

(A) REQUIREMENT TO DEVELOP POLICY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this section, each Federal agency with annual extramural research expenditures of over $100,000,000 shall develop an agency research public access policy that is consistent with and advances the purposes of the Federal agency.

(ii) COMMON PROCEDURES.—To the extent practicable, Federal agencies required to develop a policy under clause (i) shall follow common procedures for the collection and depositing of research papers.

(B) CONTENT.—Each Federal research public access policy shall provide for—

(i) submission to a digital repository designated or maintained by the Federal agency of an electronic version of the author's final manuscript of original research papers that have been accepted for publication in peer-reviewed journals and that result from research supported, in whole or in part, from funding by the Federal Government;

(ii) the incorporation of any changes resulting from the peer review publication process in the manuscript described under clause (i);

(iii) the replacement of the final manuscript with the final published version if—

(I) the publisher consents to the replacement; and

(II) the goals of the Federal agency for functionality and interoperability are retained;

(iv) free online public access to such final peer-reviewed manuscripts or published versions within a time period that is appropriate for each type of research conducted or sponsored by the Federal agency, not later than 12 months after publication in peer-reviewed journals, preferably sooner, or as adjusted under established mechanisms;

(v) providing research papers as described in clause (iv) in formats and under terms that enable productive reuse of the research and computational analysis by state-of-the-art technologies;

(vi) improving the ability of the public to locate and access research papers made accessible under the Federal research public access policy; and

(vii) long-term preservation of, and free public access to, published research findings—

(I) in a stable digital repository maintained by the Federal agency; or

(II) if consistent with the purposes of the Federal agency, in any repository meeting conditions determined favorable by the Federal agency, including free public access, interoperability, and long-term preservation.

(C) APPLICATION OF POLICY.—Each Federal research public access policy shall—

(i) apply to—

(I) researchers employed by the Federal agency whose works remain in the public domain; and

(II) researchers funded by the Federal agency;

(ii) provide that works described under clause (i)(I) shall be—

(I) marked as being public domain material when published; and

(II) made available at the same time such works are made available under subparagraph (B)(iv); and

(iii) make effective use of any law or guidance relating to the creation and reservation of a Government license that provides for the reproduction, publication, release, or other uses of a final manuscript for Federal purposes.

(D) EXCLUSIONS.—Each Federal research public access policy shall not apply to—

(i) research progress reports presented at professional meetings or conferences;

(ii) laboratory notes, preliminary data analyses, notes of the author, phone logs, or other information used to produce final manuscripts;

(iii) classified research, research resulting in works that generate revenue or royalties

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 journal 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 right 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 online 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 (2)(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 computational 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 or authors of the research and any others designated by the copyright owner.

(5) DOWNSTREAM REPORTING.—Any person or institution awarded a grant from a Federal research agency shall—

(A) notify and seek authorization from the relevant agency for any funds derived from the grant made available through a subgrant or subsequent grant (including to an employee or subdivision of the grant recipient's organization); and

(B) ensure that each subgrant or subsequent grant award (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 and shall not seek 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. SENSE OF CONGRESS.

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 spacecraft, including the International Space Station, and endanger the future usability of space;

(3) the provision of accurate and timely notice to commercial satellite 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) given the growing space economy, elevating the Office of Space Commerce within the Department of Commerce may enhance the ability of the Office of Space Commerce—

(A) to promote space safety through future space situational awareness and space traffic management efforts; and

(B) 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'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) ORBITAL DEBRIS.—The term ''orbital debris'' means any space object that—

(A) remains in orbit; and

(B) no longer serves any useful function or purpose.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(5) SPACE OBJECT.—The term ''space object'' means any object launched into space or created in space by humans.

(6) SPACE SITUATIONAL AWARENESS.—The term ''space situational awareness'' means—

(A) the identification and characterization of space objects and orbital debris; and

(B) the understanding of the manner in which space objects and orbital debris behave in space.

SEC. 2604. SPACE SITUATIONAL AWARENESS DATA, INFORMATION, AND SERVICES: PROVISION TO NON-UNITED STATES GOVERNMENT ENTITIES.

(a) IN GENERAL.—Chapter 507 of title 51, United States Code, is amended by adding at the end the following:

''§ 50704. Space situational awareness data, information, and services: provision to non-United States Government entities

''(a) SPACE SITUATIONAL AWARENESS PROGRAM.—

''(1) REQUIREMENT.—Pursuant to the authority provided in section 50702, the Director of Space Commerce, in coordination with appropriate entities within the Department of Commerce and the heads of other relevant Federal agencies—

''(A) shall carry out a program to improve the collection, processing, and dissemination of space situational awareness data, information, and services;

''(B) subject to paragraph (2), may provide such data, information, and services to 1 or more eligible entities described in subsection (b);

''(C) may obtain such data, information, and services from 1 or more such eligible entities; and

''(D) not later than 180 days after the date of the enactment of this section, shall obtain data or services from 1 or more United States commercial entities, to be stored in an open-architecture data repository that uses commercially available cloud-based computing platforms and other analytic or visualization capabilities.

''(2) TYPE OF INFORMATION PROVIDED.—

''(A) IN GENERAL.—Data and information provided to eligible entities under paragraph (1)(B) shall be safety-related and unclassified.

''(B) NATIONAL SECURITY.—The Secretary of Commerce, in consultation with the Secretary of Defense and the heads of other relevant Federal agencies, shall develop a policy to determine the type of information that may be provided under paragraph (1) without compromising the national security interests of the United States.

''(b) ELIGIBLE ENTITY DESCRIBED.—An eligible entity described in this subsection is any non-United States Government entity, including—

''(1) a State;

''(2) a political subdivision of a State;

''(3) a United States commercial entity;

''(4) the government of a foreign country; and

''(5) a foreign commercial entity.

''(c) PUBLIC SERVICES.—

''(1) IN GENERAL.—The Secretary of Commerce shall designate a basic level of space situational awareness data, information, and services to be provided at no charge to 1 or more eligible entities described in subsection (b), which shall include public services, free of charge, such as—

''(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.

''(2) 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.

''(d) 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.

''(e) PROCEDURES.—The Secretary of Commerce shall establish procedures by which the authority under this section shall be carried out.

''(f) 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 action or omission.

''§ 50705. Authorization of appropriations

''There is authorized to be appropriated to the Secretary of Commerce to carry out this chapter $15,000,000 for fiscal year 2021.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 507 of title 51, United States Code, is amended by inserting after the item relating to section 50703 the following:

''50704. Space situational awareness data, information, and services: provision to non-United States Government entities.

''50705. Authorization of appropriations.''.

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, characterizing, modeling, and minimizing space safety, security, and sustainability risks to improve—

(A) space situational awareness and the development of open-architecture resources for improved space safety, security, and sustainability;

(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 on 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 nonprofit organization.

(2) MEMBERSHIP OF CONSORTIUM.—The consortium referred to in paragraph (1) may include 1 or more—

(A) commercial entities;

(B) Federal laboratories, including Department of Defense research laboratories; and

(C) other institutions of higher education or nonprofit organizations.

(d) CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider, at a minimum—

(1) the potential of a proposed Center—

(A) to improve the science and technology of space situational awareness; and

(B) to reduce the amount of space safety, security, and sustainability risks; and

(2) the commitment of financial support, advice, participation, and other contributions from non-Federal sources.

(e) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 5 years.

(f) 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) 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.

(5) DEEP SPACE.—The term ''deep space'' means the region of space beyond low-Earth orbit, including cislunar space.

(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 504(a) 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 303 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 authorized to be 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, $828,700,000.

(5) For Space Technology, $1,206,000,000.

(6) For Science, Technology, Engineering, and Mathematics Engagement, $120,000,000.

(7) For Safety, Security, and Mission Services, $2,936,500,000.

(8) For Construction and Environmental Compliance and Restoration, $390,300,000.

(9) For Inspector General, $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 technological preeminence, economic 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 2028;

(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 minorities; 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 bolster 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 in space technology, including lunar infrastructure and lander capabilities.

(c) HUMAN LANDING SYSTEM PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this division, the Administrator shall maintain competitiveness within the human landing system program by funding design, development, testing, and evaluation for not 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 the enactment of this division, the Administrator shall provide to the appropriate committees of Congress a briefing on the implementation of paragraph (1).

(4) 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 NASA to carry out the human landing system program.

(5) SAVINGS.—The Administrator shall not, in order to comply with the obligations referred to in paragraph (1), modify, terminate, 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.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(2) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SEC. 2615. SPACE LAUNCH SYSTEM CONFIGURATIONS.

(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 302(c)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(2)), the Administrator shall continue 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.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this division, the Administrator shall brief the appropriate committees of Congress on the development and scheduled availability of the Exploration Upper Stage for the third launch of the Space Launch System.

(d) MAIN PROPULSION 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 Space Launch System, initiate development of a main propulsion test article for the integrated core stage propulsion elements of the Space Launch System, consistent with cost and schedule constraints, particularly for long-lead propulsion hardware needed for flight;

(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 SPACESUITS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that next-generation advanced spacesuits are a critical technology for human space 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) DIVERSE 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 the ISS, the Administrator should fully use the ISS for testing advanced spacesuits.

(e) PRIOR INVESTMENTS.—

(1) 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.

(2) 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.

(f) BRIEFING.—Not later than 180 days after the date of the enactment of this division, and semiannually thereafter until NASA procures advanced spacesuits under this section, the Administrator shall brief the appropriate committees of Congress on the development plan in subsection (b).

SEC. 2617. ACQUISITION OF DOMESTIC SPACE TRANSPORTATION AND LOGISTICS RESUPPLY SERVICES.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator shall not enter into any contract with a person or entity that proposes to use, or will use, a foreign launch provider for a commercial service to provide space transportation or logistics resupply for—

(1) the ISS; or

(2) any Government-owned or Government-funded platform in Earth orbit or cislunar space, on the lunar surface, or elsewhere in space.

(b) EXCEPTION.—The Administrator may enter into a contract with a person or an entity that proposes to use, or will use, a foreign launch provider for a commercial service to carry out an activity described in subsection (a) if—

(1) a domestic vehicle or service is unavailable; or

(2) the launch vehicle or service is a contribution by a partner to an international no-exchange-of-funds collaborative effort.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Administrator from entering into 1 or more no-exchange-of-funds collaborative agreements with an international partner in support of the deep space exploration plan of NASA.

SEC. 2618. ROCKET ENGINE TEST INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall continue to carry out a program to modernize rocket propulsion test infrastructure at NASA facilities—

(1) to increase capabilities;

(2) to enhance safety;

(3) to support propulsion development and testing; and

(4) to foster the improvement of Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program described in subsection (a) may include—

(1) infrastructure and other facilities and systems relating to rocket propulsion test stands and rocket propulsion testing;

(2) enhancements to test facility capacity and flexibility; and

(3) such other projects as the Administrator considers appropriate to meet the goals described in that subsection.

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) prioritize investments in projects that enhance test and flight certification capabilities for large thrust-level atmospheric and altitude engines and engine systems, and multi-engine integrated test capabilities;

(2) continue to make underutilized test facilities available for commercial use on a reimbursable basis; and

(3) ensure that no project carried out under this program adversely impacts, delays, or defers testing or other activities associated with facilities used for Government programs, including—

(A) the Space Launch System and the Exploration Upper Stage of the Space Launch System;

(B) in-space propulsion to support exploration missions; or

(C) nuclear propulsion testing.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a NASA program, including the Space Launch System and the Exploration Upper Stage of the Space Launch System, from using the modernized test infrastructure developed under this section.

(e) WORKING CAPITAL FUND STUDY.—

(1) IN GENERAL.—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 use of the authority under section 30102 of title 51, United States Code, to promote increased use of NASA rocket propulsion test infrastructure for research, development, testing, and evaluation activities by other Federal agencies, firms, associations, corporations, and educational institutions.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) An assessment of prior use, if any, of the authority under section 30102 of title 51, United States Code, to improve testing infrastructure.

(B) An analysis of any barrier to implementation of such authority for the purpose of promoting increased use of NASA rocket propulsion test infrastructure.

SEC. 2619. PEARL RIVER MAINTENANCE.

(a) IN GENERAL.—The Administrator shall coordinate with the Chief of the Army Corps of Engineers to ensure the continued navigability of the Pearl River and Little Lake channels sufficient to support NASA barge operations surrounding Stennis Space Center and the Michoud Assembly Facility.

(b) REPORT TO CONGRESS.—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 efforts under subsection (a).

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''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 AND 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 continuously 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—

(1) in paragraph (1), in the first sentence—

(A) by striking ''As soon as practicable'' and all that follows through ''2011,'' and inserting ''The''; and

(B) by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(2) in paragraph (2), in the third sentence, by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(d) MAINTENANCE OF USE.—Section 70907 of title 51, United States Code, is amended—

(1) in the section heading, by striking ''**2024**'' and inserting ''**2030**'';

(2) in subsection (a), by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(3) in subsection (b)(3), by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(e) TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code is amended—

(1) in the matter preceding subparagraph (A), by striking ''2023'' and inserting ''2028''; and

(2) in subparagraph (J), by striking ''2028'' and inserting ''2030''.

(f) ELIMINATION OF INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.—Section 70906 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) identify and review 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 review; and

(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, the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science, Space, and Technology of the House of Representatives.

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 increase 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 to 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 is a signatory to the Agreement Among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America 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.

(d) 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 passengers on a fully or partially reimbursable basis.

(e) PROGRAM AUTHORIZATION.—

(1) ESTABLISHMENT.—The Administrator shall establish a low-Earth orbit commercial development program to encourage the fullest commercial use and development of space by private entities in the United States.

(2) ELEMENTS.—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 paragraph (3), to foster 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 Administrator shall 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—

(I) meet the future requirements of NASA for low-Earth orbit human space-flight services; and

(II) 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 an international customers and associated contributions; and

(III) an assessment of long-term sustainability for the nongovernmental 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 under section 70905(b) of title 51, United States Code—

(A) benefits the scientific community and promotes commerce in space;

(B) fosters stronger relationships among NASA and other Federal agencies, the private sector, and research groups and universities;

(C) advances science, technology, engineering, and mathematics education through use of the unique microgravity environment; and

(D) advances human knowledge and international cooperation;

(2) after the ISS is decommissioned, the United States should maintain a national microgravity laboratory in space;

(3) in maintaining a national microgravity laboratory in space, the United States should make appropriate accommodations for different types of ownership and operation arrangements for the ISS and future space stations;

(4) to the maximum extent practicable, a national microgravity laboratory in space should be maintained in cooperation with international space partners; and

(5) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cislunar space, orbital and suborbital flights, drop towers, and other microgravity testing environments.

(b) REPORT.—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 3710a of title 15, chapter 18 of title 35, section 20135, or any 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 the Administration 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));

''(B) Federal funds are not transferred to the user under the contract; and

''(C) the designated invention was made (as defined in section 20135(a))—

''(i) solely by the user; or

''(ii)(I) 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

''(2) 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 notification of the determination that includes a written justification.

''(c) PUBLIC AVAILABILITY.—A determination or part of such determination under paragraph (1) 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, under any contract, except in the case of a written contract with the Administration 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).

''(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 cost of transporting materials or passengers to and from the ISS, including any power needs, the disposal of mass, crew member time, stowage, power on the ISS, data downlink, crew consumables, and life support.

''(5) GOVERNMENT-PURPOSE LICENSE.—The term 'Government-purpose license' means the reservation by the Federal Government of an irrevocable, nonexclusive, nontransferable, royalty-free license for the use of an invention throughout the world by or on behalf of the United States or any foreign government pursuant to a treaty or agreement with the United States.

''(6) 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. 18354(a)).

''(7) USER.—The term 'user' means a person, including a nonprofit organization or small business firm (as such terms are defined in section 201 of title 35), 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) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20149 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) otherwise 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) 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.—

''(A) IN GENERAL.—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 data and computer software.

''(C) EXCLUSIONS.—The term 'data' does not include information incidental to contract administration, such as financial, administrative, cost or pricing, or management information.

''(3) DESIGNATED ACTIVITY.—The term 'designated activity' has the meaning given the term in section 20150.

''(4) ISS MANAGEMENT ENTITY.—The term 'ISS management entity' has the meaning given the term in section 20150.''.

(b) SPECIAL HANDLING OF TRADE SECRETS OR CONFIDENTIAL INFORMATION.—Section 20131(b)(2) of title 51, United States Code, is amended to read as follows:

''(2) INFORMATION DESCRIBED.—

''(A) ACTIVITIES UNDER AGREEMENT.—Information referred to in paragraph (1) is information that—

''(i) results from activities conducted under an agreement entered into under subsections (e) and (f) of section 20113; and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the information had been obtained from a non-Federal party participating in such an agreement.

''(B) CERTAIN DATA.—Information referred to in paragraph (1) includes data (as defined in section 20151) that—

''(i) was first produced by the Administration in the performance of any designated activity (as defined in section 20150); and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the data had been obtained from a non-Federal party.''.

(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 20150 the following:

''20151. Data rights.''.

SEC. 2627. PAYMENTS RECEIVED FOR COMMERCIAL SPACE-ENABLED PRODUCTION ON THE ISS.

(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 should be applied 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 2627, is further amended by adding at the end 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 unreimbursed 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 a Federal employee during working hours, including the cost for the Administration 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) NEGOTIATION OF REIMBURSEMENTS.—Subject to the review described in paragraph (1), the Administrator shall seek to enter into an agreement to negotiate reimbursements for payments received, or portions of profits created, by any mature, profitable private entity described in that paragraph, as appropriate, through a tiered process that reflects the profitability of the relevant product or service.

''(3) USE OF FUNDS.—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 recouped or obtained under any such agreement.

''(b) LICENSING AND ASSIGNMENT OF INVENTIONS.—Notwithstanding sections 3710a and 3710c of title 15 and any other provision of law, after payment in accordance with subsection (A)(i) of such section 3710c(a)(1)(A)(i) to the inventors who 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, to be 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.

''(d) DEFINITIONS.—

''(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 and 2626, is further amended by inserting after the item relating to section 20151 the following:

''20152. Payments received for commercial space-enabled production.''.

SEC. 2628. STEPPING STONE APPROACH TO EXPLORATION.

(a) IN GENERAL.—Section 70504 of title 51, United States Code, is amended to read as follows:

''§ 70504. Stepping stone approach to exploration

''(a) IN GENERAL.—The Administrator, in sustainable steps, may conduct missions to intermediate destinations, such as the Moon, in accordance with section 20302(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 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)), if the Administrator—

''(1) determines that each such mission demonstrates or advances a technology or operational concept that will enable human missions to Mars; and

''(2) incorporates each such mission into the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note).

''(b) CISLUNAR SPACE EXPLORATION ACTIVITIES.—In conducting a mission under subsection (a), the Administrator shall—

''(1) use a combination of launches 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 nongovernmental 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 nongovernmental and international partners, to ensure that activities in the Administration's human space exploration program are balanced in order to help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

''(d) COMPLETION.—Within budgetary considerations, 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 invite the partners in the ISS program and other nations, as appropriate, to participate in an international initiative under the leadership of the United States.''.

(b) DEFINITION OF CISLUNAR SPACE.—Section 10101 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.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) 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 Science, Space, and Technology of the House of Representatives.

''(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. 2629. TECHNICAL AMENDMENTS RELATING TO ARTEMIS MISSIONS.

(a) Section 421 of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20301 note) is amended—

(1) in subsection (c)(3)—

(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''; and

(2) in subsection (f)(3), by striking ''EM–3'' and inserting ''Artemis III''.

(b) Section 432(b) of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note) is amended—

(1) in paragraph (3)(D)—

(A) by striking ''EM–1'' and inserting ''Artemis I''; and

(B) by striking ''EM–2'' and inserting ''Artemis II''; and

(2) in paragraph (4)(C), by striking ''EM–3'' and inserting ''Artemis III''.

PART III—SCIENCE

SEC. 2631. SCIENCE PRIORITIES.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the decadal surveys of the National Academies of Sciences, Engineering, and Medicine.

(b) NATIONAL ACADEMIES DECADAL SURVEYS.—Section 20305(c) of title 51, United States Code, is amended—

(1) by striking ''The Administrator shall'' and inserting the following:

''(1) REEXAMINATION OF PRIORITIES BY NATIONAL ACADEMIES.—The Administrator shall''; and

(2) by adding at the end the following:

''(2) REEXAMINATION OF PRIORITIES BY ADMINISTRATOR.—If the Administrator decides to reexamine the applicability of the priorities of the decadal surveys to the missions and activities of the Administration due to scientific discoveries or external factors, the Administrator shall consult with the relevant committees of the National Academies.''.

SEC. 2632. LUNAR DISCOVERY PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to conduct lunar science research, including missions to the surface of the Moon, that materially contributes to the objective described in section 20102(d)(1) of title 51, 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. 2633. 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 broad significance to life sciences research in space and on Earth.

(b) PROGRAM CONTINUATION.—

(1) IN GENERAL.—The Administrator shall continue to implement a collaborative, multidisciplinary 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.

(3) COORDINATION WITH LIFE SCIENCES PROGRAM.—In carrying out the program under paragraph (1), the Administrator shall coordinate efforts with the life sciences program of the Administration.

(4) TECHNOSIGNATURES.—In carrying out the program under paragraph (1), the Administrator shall support activities to search for and analyze technosignatures.

(5) 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;

(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;

(3) despite the major technology development and innovation that was needed to construct the James Webb Space Telescope, major negative impacts to the cost and schedule of the James Webb Space Telescope

resulted from poor program management and poor contractor performance;

(4) the Administrator should take into account the lessons learned from the cost and schedule issues relating 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 continue—

(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 throughout 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 shall provide to Congress—

(1) an estimate of any increase to program development costs, if such costs are anticipated to exceed $8,802,700,000; and

(2) an estimate for 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 Directorate; and

(2) the Administrator should continue to develop the Nancy Grace Roman Space Telescope with a development cost of not more than $3,200,000,000.

(b) PROJECT CONTINUATION.—The Administrator shall continue to develop the Nancy Grace Roman Space Telescope to meet the objectives outlined in the 2010 decadal survey on astronomy and astrophysics of the National Academies of Sciences, Engineering, and Medicine in a manner that maximizes scientific productivity based on the resources invested.

SEC. 2636. STUDY ON SATELLITE SERVICING FOR SCIENCE MISSIONS.

(a) IN GENERAL.—The Administrator shall conduct a study on the feasibility of using in-space robotic refueling, repair, or refurbishment 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.

(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 refurbishment capabilities described in that subsection.

(2) The projected cost of using such capabilities, including the cost of extended operations for science missions described in that subsection.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this division, the Administrator shall provide to the appropriate committees of Congress a briefing on the results of the study conducted under subsection (a).

(d) PUBLIC AVAILABILITY.—Not later than 30 days after the Administrator provides the briefing under subsection (c), the Administrator shall make the study conducted under subsection (a) available to the public.

SEC. 2637. EARTH SCIENCE MISSIONS AND PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Earth Science Division of NASA plays an important role in national efforts—

(1) to collect and use Earth observations in service to society; and

(2) to understand global change.

(b) EARTH SCIENCE MISSIONS AND PROGRAMS.—With respect to the missions and programs of the Earth Science Division, the Administrator shall, to the maximum extent practicable, follow the recommendations and guidance provided by the scientific community through the decadal survey for Earth science and applications from space of the National Academies of Sciences, Engineering, and Medicine, including—

(1) the science priorities described in such survey;

(2) the execution of the series of existing or previously planned observations (commonly known as the ''program of record''); and

(3) the development of a range of missions of all classes, including opportunities for principal investigator-led, competitively selected missions.

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 development; 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 20302 of title 51, United States Code, the Administrator shall continue to implement a collaborative, multidisciplinary life science and physical science fundamental research program—

(A) to build a scientific foundation for the exploration and development of space;

(B) to investigate the mechanisms of changes to biological systems and physical systems, and the environments of 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;

(D) to understand physical phenomena in reduced gravity that affect design and performance of enabling technologies necessary for the space exploration program;

(E) to provide scientific opportunities to educate, train, and develop the next generation of researchers and engineers; and

(F) to provide state-of-the-art data repositories and curation of large multi-data sets to enable comparative research analyses.

(2) 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 low-Earth orbit and beyond low-Earth orbit.

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) USE 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) Near-Earth 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 Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth, with the goal of 90-percent completion of the catalogue of such near-Earth objects by December 30, 2020.

(3) The current planetary defense strategy of NASA acknowledges that such goal will not be met.

(4) The report of the National Academies of Sciences, Engineering, and Medicine entitled ''Finding Hazardous Asteroids Using Infrared and Visible Wavelength Telescopes'' issued in 2019 states that—

(A) NASA cannot accomplish such goal with currently available assets;

(B) NASA should develop and launch a dedicated space-based infrared survey 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 near-Earth objects enabled by a space-based infrared survey telescope is important to enable deflection of a dangerous asteroid.

(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 near-Earth 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 near-Earth objects equal to or greater than 140 meters in diameter, with preference given to planetary missions selected by the Administrator as of the date of the enactment of this

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 and issue warnings of the effects of potential impacts of such objects; and

(C) assist in coordinating Government planning for response to a potential impact of a near-Earth object.

(c) 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) ANNUAL REPORT.—Not later than 180 days after the date of the enactment 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:

''(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 since the date of enactment of that Act.

''(2) A description of the progress with respect to the design, development, and launch of the space-based infrared survey telescope required by section 2640 (b)(2)(A) of the National Aeronautics and Space Administration Authorization Act of 2021 .

''(3) An assessment of the progress toward meeting the requirements of subsection (d)(1).

''(4) 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 .

''(5) A description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

''(6) A summary of expenditures for all activities carried out by the Planetary Defense Coordination Office since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2021.''.

(d) 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 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).

(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. 2641. SUBORBITAL SCIENCE FLIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that commercially available suborbital flight platforms enable low-cost access to a microgravity environment to advance science and train scientists and engineers under the Suborbital Research Program established under section 802(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18382(c)).

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report evaluating the manner in which suborbital flight platforms can contribute to meeting the science objectives of NASA for the Science Mission Directorate and the Human Exploration and Operations Mission Directorate.

(2) CONTENTS.—The report required by paragraph (1) shall include 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. 2642. EARTH SCIENCE DATA AND OBSERVATIONS.

(a) IN GENERAL.—The Administrator shall to the maximum extent practicable, make available to the public in an easily accessible electronic database all data (including metadata, documentation, models, data processing methods, images, and research results) of the missions and programs of the Earth Science Division of the Administration, or any successor division.

(b) OPEN DATA PROGRAM.—In carrying out subsection (a), the Administrator shall establish and continue to operate an open data program that—

(1) is consistent with the greatest degree of interactivity, interoperability, and accessibility; and

(2) enables outside communities, including the research and applications community, private industry, academia, and the general public, to effectively collaborate in areas important to—

(A) studying the Earth system and improving the prediction of Earth system change; and

(B) improving model development, data assimilation techniques, systems architecture integration, and computational efficiencies; and

(3) meets basic end-user requirements for running on public computers and networks located outside of secure Administration information and technology systems.

(c) HOSTING.—The program under subsection (b) shall use, as appropriate and cost-effective, innovative strategies and methods for hosting and management of part or all of the program, including cloud-based computing capabilities.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted to require the Administrator to release classified, proprietary, or otherwise restricted information that would be harmful to the national security of the United States.

SEC. 2643. SENSE OF CONGRESS ON SMALL SATELLITE SCIENCE.

It is the sense of Congress that—

(1) small satellites—

(A) are increasingly robust, effective, and affordable platforms for carrying out space science missions;

(B) can work in tandem with or augment larger NASA spacecraft to support high-priority science missions of NASA; and

(C) are cost effective solutions that may allow NASA to continue collecting legacy observations while developing next-generation science missions; and

(2) NASA should continue to support small satellite research, development, technologies, and programs, including technologies for compact and lightweight instrumentation for small satellites.

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 commercially available datasets; 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 the enactment of this division, the Administrator shall develop and document 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; UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801 of title 49, United States Code.

(3) X-PLANE.—The term ''X-plane'' means an experimental aircraft that is—

(A) used to test and evaluate 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—

(i) the National Aeronautics Research and Development Plan issued by the National Science and Technology Council in February 2010;

(ii) the NASA 2014 Strategic Plan;

(iii) 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

(4) NASA 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) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maintain world leadership in—

(A) military and civilian aeronautical science and technology;

(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 competencies, such as—

(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 aeronautics research and development required by section 604(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 commercial deployment of civil supersonic aircraft technology; and

(II) the safe and efficient operation of civil supersonic aircraft.

(B) A subsonic flight demonstrator aircraft project to advance high-aspect-ratio, thin-wing aircraft designs and to integrate propulsion, composites, and other technologies that enable significant increases in energy efficiency and reduced life-cycle emissions in the aviation system while reducing noise and emissions.

(C) A series of large-scale X-plane demonstrators that are—

(i) developed sequentially or in parallel; and

(ii) each based on a set of new configuration concepts or technologies determined by the Administrator to demonstrate—

(I) aircraft and propulsion concepts and technologies and related 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 and 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 aeronautics structures, including for 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 competitiveness for United States aeronautical industries and technological leadership in advanced materials and manufacturing technology.

(2) ELEMENTS.—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, such as members of the Advanced Composites Consortium of NASA, the Joint Advanced 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 based on or consistent with the structure established for the Advanced Composites Consortium of NASA;

(D) ensure adequate Federal cost share for applicable research; and

(E) coordinate with advanced manufacturing and composites initiatives in other mission directorates of NASA, as the Administrator considers appropriate.

(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.

SEC. 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;

(2) leverage 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 testing portfolio of NASA to inform 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 continue—

(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 Restoration 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 upgrade and 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) 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 continue—

(A) to conduct research focused on concepts, technologies, and design tools; and

(B) to support the evaluation of advanced technologies and operational concepts that can be leveraged by—

(i) industry to develop future vehicles and systems; and

(ii) the Federal Aviation Administration to support vehicle safety and operational certification; and

(3) NASA should leverage ongoing efforts to develop advanced technologies to actively support the research needed for on-demand air transportation.

SEC. 2652. SENSE OF CONGRESS ON HYPERSONIC TECHNOLOGY RESEARCH.

It is the sense of Congress that—

(1) hypersonic technology is critical to the development of advanced 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;

(5) previous coordinated research programs between NASA and the Department of Defense enabled important progress on hypersonic technology;

(6) the commercial sector could provide flight platforms and other capabilities that are able to host and support NASA hypersonic technology research projects; and

(7) in carrying out hypersonic technology 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 investments;

(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.

PART V—SPACE TECHNOLOGY

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.

(b) SPACE TECHNOLOGY MISSION DIRECTORATE.—The Administrator shall maintain a Space Technology Mission Directorate consistent with section 702 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (51 U.S.C. 20301 note).

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 Authorization Act of 2010 (42 U.S.C. 18405(c)), as amended by subsection (b).

(b) ESTABLISHMENT.—Section 907(c) of the National Aeronautics and Space Administration 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) 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) COMMERCIAL SUBORBITAL LAUNCH VEHICLES.—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 work with the mission directorates of NASA to achieve the research, technology, and education goals of NASA.''.

(c) CONFORMING AMENDMENT.—Section 907(b) of the National Aeronautics and Space Administration 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) deorbiting capabilities designed specifically for smaller spacecraft.

(b) ACCOMMODATION OF CERTAIN PAYLOADS.—In carrying out the Small Spacecraft Technology Program, the Administrator shall, as the mission risk posture and technology development objectives allow, 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 is critical to the development of advanced spacecraft for civilian and national defense purposes.

(b) DEVELOPMENT; STUDIES.—The Administrator shall, in coordination with the Secretary of Energy and the Secretary of Defense—

(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 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 the flight demonstration described in paragraph (1).

SEC. 2657. MARS-FORWARD TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should pursue multiple technical paths for entry, descent, and landing for Mars, including competitively selected technology demonstration missions.

(b) PRIORITIZATION OF LONG-LEAD TECHNOLOGIES AND SYSTEMS.—The Administrator shall prioritize, within the Space Technology Mission Directorate, research, testing, and development of long-lead technologies and systems for Mars, including technologies and systems relating to—

(1) entry, descent, and landing; and

(2) in-space propulsion, including nuclear propulsion, cryogenic fluid management, in-situ large-scale additive manufacturing, and electric propulsion (including solar electric propulsion leveraging lessons learned from the power and propulsion element of the lunar outpost) options.

(c) TECHNOLOGY DEMONSTRATION.—The Administrator may use low-Earth orbit and cislunar 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 1978, 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 has security, 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 designs 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) details the actions taken to implement subsection (b); and

(2) identifies a plan and timeline under which such subsection will be implemented.

(d) DEFINITIONS.—In this section:

(1) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium having an assay of 20 percent or greater of the uranium-235 isotope.

(2) LOW-ENRICHED URANIUM.—The term ''low-enriched uranium'' means uranium having an assay greater than the assay for natural uranium but less than 20 percent of the uranium-235 isotope.

SEC. 2659. SENSE OF CONGRESS ON NEXT-GENERATION COMMUNICATIONS TECHNOLOGY.

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) quantum encryption 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 Space Communications and Navigation program office of NASA should continue—

(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 live on and explore the lunar surface and prepare for future operations on Mars;

(2) convene teams of experts from academia, industry, and government to shape the technology development priorities of the Administration for lunar surface exploration and habitation; and

(3) establish partnerships with researchers, universities, and the private sector to rapidly develop and deploy technologies required for successful lunar surface exploration.

(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 task any member of the research consortium established under subsection (c) with conducting research and development with respect to a technology identified under paragraph (2) of that subsection.

(2) STANDARD PROCESS FOR ARRANGEMENTS.—

(A) IN GENERAL.—The Administrator shall develop a standard process by which a consortium member tasked with research and development under paragraph (1) may 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.—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 one or more types of arrangement the Administrator intends to enter into under this subsection.

PART VI—STEM ENGAGEMENT

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;

(3) engaging students, and providing hands-on experience at an early age, in science, technology, engineering, and math are important aspects of ensuring and promoting United States leadership in innovation; and

(4) NASA should strive to leverage its unique position—

(A) to increase kindergarten through grade 12 involvement in NASA projects;

(B) to enhance higher education in STEM fields in the United States;

(C) to support individuals who are underrepresented in science, technology, engineering, and math fields, such as women, minorities, and individuals in rural areas; and

(D) to provide flight opportunities for student experiments and investigations.

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 the Office of NASA STEM Engagement 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 museums, nonprofit organizations, and commercial entities, shall, to the maximum extent practicable, leverage human spaceflight missions, Deep Space Exploration Systems (including the Space Launch System, Orion, 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 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.

(a) ESTABLISHMENT.—The Administrator shall establish a program to conduct outreach to secondary school students—

(1) to expose students to careers that require career and technical education; and

(2) 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.—

(1) IN GENERAL.—The Administrator shall develop a program and associated policies to allow students from accredited educational institutions to view the manufacturing, assembly, and testing of NASA-funded space and aeronautical systems, as the Administrator considers appropriate.

(2) CONSIDERATIONS.—In developing the program and policies under paragraph (1), the Administrator shall take into consideration factors such as workplace 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 striking ''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 advance'' 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 entities, to advance''.

(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; or

''(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);

(5) by inserting after paragraph (5) the following:

''(6) SPACE GRANT CONSORTIUM.—The term 'space grant consortium' means a State-wide group, led by a lead institution, that has established partnerships with other academic institutions, industries, science learning centers, museums, and government entities to promote a strong educational base in the space and aeronautical sciences.'';

(6) by redesignating paragraph (9) as paragraph (7);

(7) in paragraph (7)(B), as so redesignated, by inserting ''and aeronautics'' after ''space'';

(8) by striking paragraph (10); and

(9) by adding at the end the following:

''(8) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.''.

(c) PROGRAM OBJECTIVE.—Section 40303 of title 51, United States Code, is amended—

(1) by striking subsections (d) and (e);

(2) by redesignating subsection (c) as subsection (e); and

(3) by striking subsection (b) and inserting the following:

''(b) PROGRAM OBJECTIVE.—

''(1) IN GENERAL.—The Administrator shall carry out the national space grant college and fellowship program with the objective of providing hands-on research, training, and education programs with measurable outcomes in each State, including programs to provide—

''(A) internships, fellowships, and scholarships;

''(B) interdisciplinary hands-on mission programs and design projects;

''(C) student internships with industry or university researchers or at centers of the Administration;

''(D) faculty and curriculum development initiatives;

''(E) university-based research initiatives relating to the Administration and the STEM workforce needs of each State; or

''(F) STEM engagement programs for kindergarten through grade 12 teachers and students.

''(2) PROGRAM PRIORITIES.—In carrying out the objective described in paragraph (1), the Administrator shall ensure that each program carried out by a space grant consortium under the national space grant college and fellowship program balances the following priorities:

''(A) The space and aeronautics research needs of the Administration, including the mission directorates.

''(B) The need to develop a national STEM workforce.

''(C) The STEM workforce needs of the State.

''(c) PROGRAM ADMINISTERED THROUGH SPACE GRANT CONSORTIA.—The Administrator shall carry out the national space grant college and fellowship program through the space grant consortia.

''(d) SUSPENSION; TERMINATION; NEW COMPETITION.—

''(1) SUSPENSION.—The Administrator may, for cause and after an opportunity for hearing, suspend a lead institution that 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.

''(2) TERMINATION.—If the issue resulting in a suspension under paragraph (1) is not resolved within a period determined by the Administrator, the Administrator may terminate the designation of the entity as a lead institution.

''(3) NEW COMPETITION.—If the Administrator terminates the designation of an entity as a lead institution, the Administrator may initiate a new competition in the applicable State for the designation of a lead institution.''.

(d) GRANTS.—Section 40304 of title 51, United States Code, is amended to read as follows:

''§ 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 not fewer than 3 of the 6 programs under section 40303(b)(1);

''(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 at such time, in such manner, and accompanied by such information as the Administrator may require.

''(3) GRANT AWARDS.—The Administrator shall award 1 or more 5-year grants, disbursed in annual installments, to the lead institution of the eligible space grant consortium of—

''(A) each State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.

''(4) USE OF FUNDS.—A grant awarded under this section shall be used by an eligible space grant consortium to 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 objective 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 approximately ⅕ of the share for each eligible space grant consortia.

''(B) MATCHING REQUIREMENT.—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 program to carry out 1 or more 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.

''(3) SPECIAL PROGRAMS.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 5 percent to the lead institutions of space grant consortia established as of the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2021 for grants to carry out innovative approaches and programs to further science and education relating to the missions of the Administration and STEM disciplines.

''(d) TERMS AND CONDITIONS.—

''(1) LIMITATIONS.—Amounts made available through a grant under this section may 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) LEASES.—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 by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records that fully disclose the amount and disposition by a recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost that was provided through other sources.

''(B) 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.

''(C) ACCESS.—For the purpose of audit and evaluation, the Administrator and the Comptroller General of the United States shall have access to any books, documents, papers, and records of receipts relating to a grant under this section, as determined by the Administrator or Comptroller General.''.

(e) PROGRAM STREAMLINING.—Title 51, United States Code, is amended—

(1) by striking sections 40305 through 40308, 40310, and 40311; and

(2) by redesignating section 40309 as section 40305.

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 403 of title 51, 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 PILOT PROGRAM.

(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 2301 of that title;

(2) section 2302 of that title;

(3) chapter 71 of that title;

(4) section 7204 of that title; and

(5) chapter 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 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) ADMINISTRATOR 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;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; 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 facilitate access to essential engineering, research, and development capabilities in support of NASA missions;

(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 consortium under subsection (a)—

(1) the selection of participants;

(2) the award of cooperative agreements or other contracts;

(3) the appropriate use of competitive awards and sole source awards; and

(4) technical capabilities required.

(c) ELIGIBILITY.—The following entities shall be eligible to participate in a consortium established under subsection (a):

(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. 2667. EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE.

(a) IN GENERAL.—The Administrator may—

(1) establish one or more multi-institution task order contracts, consortia, cooperative agreements, or other arrangements to facilitate expedited access to eligible entities in support of NASA missions; and

(2) use such a multi-institution task order contract, consortium, cooperative agreement, or other arrangement to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers.

(b) CONSULTATION WITH OTHER NASA-AFFILIATED ENTITIES.—To ensure access to technical expertise and reduce costs and duplicative efforts, a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement established under subsection (a)(1) shall, to the maximum extent practicable, be carried out in consultation with other NASA-affiliated entities, including federally funded research and development centers, university-affiliated research centers, and NASA laboratories and test centers.

(c) 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)—

(1) the selection of participants;

(2) the award of task orders;

(3) the maximum award size for a task;

(4) the appropriate use of competitive awards and sole source awards; and

(5) technical capabilities required.

(d) 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; and

(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. REPORT ON 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 chains 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 as 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:

''(o) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—

''(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) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or any other retirement system for employees of the Federal Government;

''(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 notwithstanding, 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 retired from the Administration and 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 5595(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 any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any 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 such program may not be 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 and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on 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 employment is with an 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 is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official 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 the judicial branch, the Director of the Administrative Office of the United States Courts 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 regulations established by the Administrator, 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 subsection (b)(1)—

''(1) a medical quality assurance record, or any part of a medical quality assurance record, may not be subject to discovery or admitted into evidence in a judicial or administrative proceeding; and

''(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; or

''(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—

''(A) a Federal agency or private entity, if the medical quality assurance record is necessary for the Federal agency or private entity to carry out—

''(i) licensing or accreditation functions relating to Administration healthcare facilities; or

''(ii) monitoring of Administration healthcare facilities required by law;

''(B) a Federal agency or healthcare provider, if the medical quality assurance record is required by the Federal agency or healthcare provider to enable Administration participation in a healthcare program of the Federal agency or healthcare provider;

''(C) a criminal or civil law enforcement agency, or an instrumentality authorized by law to protect the public health or safety, on written request by a qualified representative of such agency or instrumentality submitted to the Administrator that includes a description of the lawful purpose for which the medical quality assurance record is requested;

''(D) an officer, an employee, or a contractor of the Administration who requires the medical quality assurance record to carry out an official duty associated with healthcare;

''(E) healthcare personnel, to the extent necessary to address a medical emergency affecting the health or safety of an individual; and

''(F) any committee, panel, or board convened by the Administration to review the healthcare-related policies and practices of the Administration.

''(2) SUBSEQUENT DISCLOSURE PROHIBITED.—An individual or entity to whom a medical quality assurance record has been disclosed under paragraph (1) may not make a subsequent disclosure of the medical quality assurance record.

''(c) PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the personally identifiable information contained in a medical quality assurance record of a patient or an employee of the Administration, or any other individual associated with the Administration for purposes of a medical quality assurance program, shall be removed before the disclosure of the medical quality assurance record to an entity other than the Administration.

''(2) EXCEPTION.— Personally identifiable information described in paragraph (1) may be released to an entity other than the Administration if the Administrator makes a determination that the release of such personally identifiable information—

''(A) is in the best interests of the Administration; and

''(B) does not constitute an unwarranted invasion of personal privacy.

''(d) EXCLUSION FROM FOIA.—A medical quality assurance record may not be made available to any person under section 552 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)(3)(B) of such section 522.

''(e) REGULATIONS.—Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations to implement this section.

''(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(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; or

''(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.

''(g) DEFINITIONS.—In this section:

''(1) MEDICAL QUALITY ASSURANCE RECORD.—The term 'medical quality assurance record' means any proceeding, discussion, record, finding, recommendation, evaluation, opinion, minutes, report, or other document or action that results from a quality assurance committee, quality assurance program, or quality assurance program activity.

''(2) QUALITY ASSURANCE PROGRAM.—

''(A) IN GENERAL.—The term 'quality assurance program' means a comprehensive program of the Administration—

''(i) to systematically review and improve the quality of medical and behavioral health services provided by the Administration to ensure the safety and security of individuals receiving such health services; and

''(ii) to evaluate and improve the efficiency, effectiveness, and use of staff and resources in the delivery of such health services.

''(B) INCLUSION.—The term 'quality assurance program' includes any activity carried out by or for the Administration to assess the quality of medical care provided by the Administration.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''31303. Confidentiality of medical quality assurance records.''.

PART VIII—MISCELLANEOUS PROVISIONS

SEC. 2671. CONTRACTING AUTHORITY.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) CONTRACTING AUTHORITY.—The Administration—

''(1) may enter into an agreement with a private, commercial, or State government entity to provide the entity with supplies, support, and services related to private, commercial, or State government space activities carried out at a property owned or operated by the Administration; and

''(2) upon the request of such an entity, may include such supplies, support, and services in the requirements of the Administration if—

''(A) the Administrator determines that the inclusion of such supplies, support, or services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Administration; and

''(iii) does not compete with the commercial space activities of other such entities; and

''(B) the Administration has full reimbursable funding from the entity that requested supplies, support, and services prior to making any obligation for the delivery of such supplies, support, or services under an Administration procurement contract or any other agreement.''.

SEC. 2672. AUTHORITY FOR TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.

Section 20113 of title 51, United States Code, as amended by section 2671, is further amended by adding at the end the following:

''(p) TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—The Administration 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 this section may be exercised for a transaction for a prototype project and any follow-on production contract, upon a determination by the head of the contracting activity, in accordance with Administration policies, that—

''(A) circumstances justify use of a transaction to provide 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 production contract 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 production 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 agency procurement for purposes of chapter 21 of title 41, United States Code, with regard to procurement ethics.''.

SEC. 2673. PROTECTION OF DATA AND INFORMATION FROM PUBLIC DISCLOSURE.

(a) CERTAIN TECHNICAL DATA.—Section 20131 of title 51, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) in subsection (a)(3), by striking ''subsection (b)'' and inserting ''subsection (b) or (c)'';

(3) by inserting after subsection (b) the following:

''(c) SPECIAL HANDLING OF CERTAIN TECHNICAL DATA.—

''(1) IN GENERAL.—The Administrator may provide appropriate protections against the public dissemination of certain technical data, including exemption from subchapter II of chapter 5 of title 5.

''(2) DEFINITIONS.—In this subsection:

''(A) CERTAIN TECHNICAL DATA.—The term 'certain technical data' means technical data that may not be exported lawfully outside the United States without approval, authorization, or license under—

''(i) the Export Control Reform Act of 2018 (Public Law 115–232; 132 Stat. 2208); or

''(ii) the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 729).

''(B) TECHNICAL DATA.—The term 'technical data' means any blueprint, drawing, photograph, plan, instruction, computer software, or documentation, or any other technical information.'';

(4) in subsection (d), as so redesignated, by inserting '', including any data,'' after ''information''; and

(5) by adding at the end the following:

''(e) EXCLUSION FROM FOIA.—This shall be considered a statute described in subsection (b)(3)(B) of 552 of title 5 (commonly referred to as the 'Freedom of Information Act').''.

(b) CERTAIN VOLUNTARILY PROVIDED SAFETY-RELATED INFORMATION.—

(1) IN GENERAL.—The Administrator shall provide appropriate safeguards against the public dissemination of safety-related information collected as part of a mishap investigation carried out under the NASA safety reporting system or in conjunction with an organizational safety assessment, if the Administrator makes a written determination, including a justification of the determination, that—

(A)(i) disclosure of the information would inhibit individuals from voluntarily providing safety-related information; and

(ii) the ability of NASA to collect such information improves the safety of NASA programs and research relating to aeronautics and space; or

(B) withholding such information from public disclosure improves the safety of such NASA programs and research.

(2) OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, if the Administrator provides to the head of another Federal agency safety-related information with respect to which the Administrator has made a determination under paragraph (1), the head of the Federal agency shall withhold the information from public disclosure.

(3) PUBLIC AVAILABILITY.—A determination or part of a determination under paragraph (1) shall be made available to the public on request, as required under 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(4) EXCLUSION FROM FOIA.—This subsection shall be considered a statute described in subsection (b)(3)(B) of section 552 of title 5, United States Code.

SEC. 2674. PHYSICAL SECURITY MODERNIZATION.

Chapter 201 of title 51, United States Code, is amended—

(1) in section 20133(2), by striking ''property'' and all that follows through ''to the United States,'' and inserting ''Administration personnel or of property owned or leased by, or under the control of, the United States''; and

(2) in section 20134, in the second sentence—

(A) by inserting ''Administration 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 renewable energy production facilities''; and

(2) in subsection (g), in the first sentence, by striking ''December 31, 2021'' and inserting ''December 31, 2025''.

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 space assets and supporting infrastructure.''.

(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.

(2) INSPECTOR GENERAL RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, each of the recommendations contained in the report of the Inspector General of NASA entitled ''Audit of NASA's Security Operations Center'', issued on May 23, 2018.

(c) CYBER THREAT HUNT.—

(1) IN GENERAL.—The Administrator, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal agencies, may implement 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 process, including the roles and responsibilities of individuals conducting a cyber threat hunt.

(d) GAO PRIORITY RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, the recommendations 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 assessments; and

(2) specifying metrics for the continuous monitoring strategy of the Administration.

SEC. 2677. LIMITATION ON COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Except as provided by subsection (b), the Administrator, the Director of the OSTP, and the Chair of the National Space Council, shall not—

(1) develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any manner with—

(A) the Government of the People's Republic of China; or

(B) any company—

(i) owned by the Government of the People's Republic of China; or

(ii) incorporated under the laws of the People'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 waive the limitation 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 national security or economic security implications to an entity described in paragraph (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 Administrator, the Director, or the Chair, as applicable, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations 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 may subject the Administration to unacceptable transfers of intellectual property or technology to any entity—

(A) owned or controlled (in whole or in part) by, or otherwise affiliated with, the Government of the People's Republic of China; or

(B) organized under, or otherwise subject 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 Republic of China;

(II) any entity controlled by the Government 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 be—

(I) leveraging United States companies that share ownership with NASA contractors; or

(II) obtaining intellectual property or technology illicitly or by other unacceptable means; and

(B) 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 through any entity benefitting from Chinese investments, loans, or other assistance.

(3) RECOMMENDATIONS.—The Comptroller General shall provide to the Administrator recommendations for future NASA contracting based on the results of the review.

(4) PLAN.—Not later than 180 days after the date on which the Comptroller General completes the review, the Administrator shall—

(A) develop a plan to implement the recommendations of the Comptroller General; and

(B) submit the plan to the appropriate committees of Congress.

(d) TERMINATION.—The limitation under subsection (a) shall cease to have effect on the date that is 10 years after the date of the enactment of this division.

SEC. 2678. CONSIDERATION OF ISSUES RELATED TO CONTRACTING WITH ENTITIES RECEIVING ASSISTANCE FROM OR AFFILIATED WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—With respect to a matter in response to a request for proposal or a broad area announcement by the Administrator, or award of any contract, agreement, or other transaction with the Administrator, a commercial or noncommercial entity shall certify that it is not majority owned or controlled (as defined in section 800.208 of title 31, Code of Federal Regulations), or minority owned greater than 25 percent, by—

(1) any governmental organization of the People's Republic of China; or

(2) any other entity that is—

(A) known to be owned or controlled by any governmental organization of the People's Republic of China; or

(B) organized under, or otherwise subject to, the laws of the People's Republic of China.

(b) FALSE STATEMENTS.—

(1) IN GENERAL.—A false statement contained in a certification under subsection (a) constitutes a false or fraudulent claim for purposes of chapter 47 of title 18, United States Code.

(2) ACTION UNDER FEDERAL ACQUISITION REGULATION.—Any party convicted for making a false statement with respect to a certification under subsection (a) shall be subject to debarment from contracting with the Administrator for a period of not less than 1 year, as determined by the Administrator, in addition to other appropriate action in accordance with the Federal Acquisition Regulation maintained under section 1303(a)(1) of title 41, United States Code.

(c) ANNUAL REPORT.—The Administrator shall submit to the appropriate committees of Congress an annual report detailing any violation of this section.

SEC. 2679. SMALL SATELLITE LAUNCH SERVICES PROGRAM.

(a) IN GENERAL.—The Administrator shall continue to procure dedicated 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 prevent the Administrator from continuing to use a secondary payload of procured launch services for CubeSats.

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 advance Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program under subsection (a) may include—

(1) infrastructure relating to commodities;

(2) standard interfaces to meet customer needs for multiple payload processing and launch vehicle processing;

(3) enhancements to range capacity and flexibility; and

(4) 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 CHINCOTEAGUE, 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 town for costs that are directly associated with—

(1) the removal of drinking water wells located on property administered by the Administration; 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)(2) 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 meet 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 51, 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 REDUCTION.—

''(1) INITIATIVE REQUIRED.—The Administrator shall establish an initiative to build upon and accelerate previous or ongoing work to develop and demonstrate 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 and expand work of the Administration on research, 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 the enactment of this division, and annually thereafter as a part of the Administration's budget submission, the Administrator shall submit a report to the appropriate committee 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 those recommendations.

SEC. 2688. REVIEW ON PREFERENCE FOR DOMESTIC SUPPLIERS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the Administration should, to the maximum extent practicable and with due consideration of foreign policy goals and obligations under Federal law—

(1) use domestic suppliers of goods and services; and

(2) ensure compliance with the Federal acquisition regulations, including subcontract flow-down provisions.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Administrator shall undertake a comprehensive review of the domestic supplier preferences of the Administration and the obligations of the Administration under the Federal acquisition regulations to ensure compliance, particularly with respect to Federal acquisition regulations provisions that apply to foreign-based subcontractors.

(2) ELEMENTS.—The review under paragraph (1) shall include—

(A) an assessment as to whether the Administration has provided funding for infrastructure of a foreign-owned company or State-sponsored entity in recent years; and

(B) a review of any impact such funding has had on domestic service providers.

(c) REPORT.—The Administrator shall submit to the appropriate committees of Congress a report on the results of the review.

SEC. 2689. REPORT ON USE OF COMMERCIAL SPACEPORTS LICENSED BY THE FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—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 on the benefits of increased use of commercial spaceports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of current use of commercial spaceports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(2) A description and assessment of the benefits of increased use of such spaceports for such missions and operations.

(3) A description and assessment of the steps necessary to achieve increased use of such spaceports for such missions and operations.

SEC. 2690. ACTIVE ORBITAL DEBRIS MITIGATION.

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

(1) orbital debris, particularly in low-Earth orbit, poses a hazard to NASA missions, particularly human spaceflight; and

(2) progress has been made on the development of guidelines for long-term space sustainability through the United Nations Committee on the Peaceful Uses of Outer Space.

(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 suborbit and low-Earth 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 low-Earth 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. 3001. 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.

TITLE I—INVESTING IN A COMPETITIVE FUTURE

Subtitle A—Science and Technology

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

Subtitle B—Global Infrastructure and Energy Development

Sec. 3111. Appropriate committees of Congress defined.
Sec. 3112. Sense of Congress on international quality infrastructure investment standards.
Sec. 3113. United States support for infrastructure.
Sec. 3114. Infrastructure Transaction and Assistance Network.
Sec. 3115. Strategy for advanced and reliable energy infrastructure.
Sec. 3116. Report on the People's Republic of China's investments in foreign energy development.

Subtitle C—Digital Technology and Connectivity

Sec. 3121. Sense of Congress on digital technology issues.
Sec. 3122. Digital connectivity and cybersecurity partnership.
Sec. 3123. Strategy for digital investment by United States International Development Finance Corporation.

Subtitle D—Countering Chinese Communist Party Malign Influence

Sec. 3131. Short title.
Sec. 3132. Authorization of appropriations for countering Chinese Influence Fund.
Sec. 3133. Findings on Chinese information warfare and malign influence operations.
Sec. 3134. Authorization of appropriations for the Fulbright-Hays Program.
Sec. 3135. Sense of Congress condemning anti-Asian racism and discrimination.
Sec. 3136. Supporting independent media and countering disinformation.
Sec. 3137. Global engagement center.
Sec. 3138. Review by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.
Sec. 3139. Post-employment restrictions on Senate-confirmed officials at the Department of State.
Sec. 3140. Sense of Congress on prioritizing nomination of qualified ambassadors to ensure proper diplomatic positioning to counter Chinese influence.
Sec. 3141. China Censorship Monitor and Action Group.

TITLE II—INVESTING IN ALLIANCES AND PARTNERSHIPS

Subtitle A—Strategic and Diplomatic Matters

Sec. 3201. Appropriate committees of Congress defined.
Sec. 3202. United States commitment and support for allies and partners in the Indo-Pacific.
Sec. 3203. Sense of Congress on cooperation with the Quad.
Sec. 3204. Establishment of Quad Intra-Parliamentary Working Group.
Sec. 3205. Statement of policy on cooperation with ASEAN.
Sec. 3206. Sense of Congress on enhancing United States–ASEAN cooperation on technology issues with respect to the People's Republic of China.

Sec. 3207. Report on Chinese influence in international organizations.
Sec. 3208. Regulatory exchanges with allies and partners.
Sec. 3209. Technology partnership office at the Department of State.
Sec. 3210. United States representation in standards-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. 3217. Report on origins of the COVID–19 pandemic.
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 fentanyl trafficking.
Sec. 3219J. Investment, trade, and development in Africa and Latin America and the Caribbean.
Sec. 3219K. Facilitation 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 capability development of Indo-Pacific allies and partners.
Sec. 3232. Report on national technology and industrial base.
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. 3246. Sense of Congress regarding the Government of the People's Republic of China's arbitrary imprisonment of Canadian citizens.
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.
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SEC. 3002. FINDINGS.

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;

(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 PRC in 1979, the United States actively worked to advance the PRC's economic and social development to ensure that the PRC participated in, and benefitted from, the free and open 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 personal freedoms, and an aggressive and assertive foreign policy. These policies frequently and deliberately undermine United States interests and are contrary to core 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) strong, centralized CCP leadership;

(B) concentration of military power;

(C) a strong role 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.

(6) The PRC views its Leninist model of governance, ''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 leader, and to shaping the future of the world. In a 2013 speech, President Xi said, ''We firmly believe that as socialism with Chinese characteristics develops further . . . it is . . . inevitable that the superiority of our socialist system will be increasingly apparent . . . [and] our country's road of development will have increasingly greater influence on the world.''.

(7) The PRC's objectives are to first establish regional hegemony over the Indo-Pacific and then to use that dominant position to propel the PRC to become the ''leading world power,'' shaping an international order that is conducive to the CCP's interests. Achieving these objectives require turning the PRC into a wealthy nation under strict CCP rule and using a strong military and advanced technological capability to pursue the PRC's objectives, regardless of other countries' interests.

(8) The PRC is reshaping the current international order, which is built upon the rule of law and free and open ideals and principles, by conducting global information and influence operations, seeking to redefine international laws and norms to align with the objectives of the CCP, rejecting the legitimacy of internationally recognized human rights, and seeking to co-opt the leadership and agenda of multinational organizations for the benefit of the PRC and other authoritarian regimes at the expense of the interests of the United States and the international community. In December 2018, President Xi suggested that the CCP views its ''historic mission'' as not only to govern China, but also to profoundly influence global governance to benefit the CCP.

(9) The PRC is encouraging other countries to follow its model of ''socialism with Chinese characteristics''. During the 19th Party Congress in 2017, President Xi said that the PRC could serve as a model of development for other countries by utilizing ''Chinese wisdom'' and a ''Chinese approach to solving problems''.

(10) The PRC is promoting its governance model and attempting to weaken other models of governance by—

(A) undermining democratic institutions;

(B) subverting financial institutions;

(C) coercing businesses to accommodate the policies of the PRC; and

(D) using disinformation to disguise the nature of the actions described in subparagraphs (A) through (C).

(11) The PRC is close to its goal of becoming the global leader in science and technology. In May 2018, President Xi said that for the PRC to reach ''prosperity and rejuvenation'', it needs to ''endeavor to be a major world center for science and innovation''. The PRC has invested the equivalent of billions of dollars into education and research and development, and has established joint scientific research centers and science universities.

(12) The PRC's drive to become a ''manufacturing and technological superpower'' and to promote ''innovation with Chinese characteristics'' is coming at the expense of human rights and longstanding international rules and norms with respect to economic competition, and presents a challenge to United States national security and the security of allies and like-minded countries. In particular, the PRC advances its illiberal political and social policies through mass surveillance, social credit systems, and a significant role of the state in internet governance. Through these means, the PRC increases direct and indirect government control over its citizens' everyday lives. Its national strategy of ''Military-Civil Fusion'' mandates that civil and commercial research, which increasingly drives global innovation, is leveraged to develop new military capabilities.

(13) The PRC and the CCP 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 minority groups in the Xinjiang Uyghur Autonomous Region, including through campaigns of imprisonment, torture, rape, and coercive birth prevention policies.

(14) The PRC is using legal and illegal means to achieve its objective of becoming a manufacturing and technological superpower. The PRC uses state-directed industrial policies in anticompetitive ways to ensure the dominance of PRC companies. The CCP engages in and encourages actions that actively undermine a free and open international market, such as intellectual property theft, forced technology transfers, regulatory and financial subsidies, and mandatory CCP access to proprietary data as part of business and commercial agreements between Chinese and foreign companies.

(15) The policies referred to in paragraph (14) are designed to freeze United States and other foreign firms out of the PRC market, while eroding competition in other important markets. The heavy subsidization of Chinese companies includes potential violation of its World Trade Organization commitments. In May 2018, President Xi said that the PRC aims to keep the ''initiatives of innovation and development security . . . in [China's] own hands''.

(16) 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 Digital Silk Road and Health Silk Road. The PRC describes BRI as a straightforward and wholly beneficial plan for all countries. However, it eventually seeks to advance 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 nodes such as ports and railways. Through BRI, the PRC seeks political deference through economic dependence.

(17) The PRC is executing a plan to establish regional hegemony over 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 beyond 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 achieving 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 claimants in an 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 equipment and conduct of modern military operations by shifting its military doctrine from having a force ''adequate [for] China's defensive needs'' to having a force ''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 2035.

(C) The full transformation of the PLA into a world-class force by 2050.

(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 open and transparent markets; and

(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 a competitive posture. 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 disinformation campaign to obscure the PRC government's efforts to cover up the seriousness of COVID–19, sow confusion about the origination 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 United State security interests, economic interests, 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;

(D) to deepen people-to-people engagement through programs such as the Young Southeast Asian Leaders Initiative and the ASEAN Youth Volunteers 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; and

(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, Burma, 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, Vanuatu, and Vietnam.

(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 postured for 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.

(4) 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 benefits.

(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 investment, 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.

(7) The United States assures that the CCP does not—

(A) subvert open and democratic societies;

(B) distort global markets;

(C) manipulate the international trade system;

(D) coerce other nations via economic and military means; or

(E) 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, in pursuit of the objectives set forth in subsection (a)—

(1) to strengthen the United States domestic foundation by reinvesting in market-based economic growth, education, scientific and technological innovation, democratic institutions, and other areas that improve the ability of the United States to pursue its vital economic, foreign policy, and national security interests;

(2) to pursue a strategy of strategic competition with the PRC in the political, diplomatic, economic, development, military, informational, and technological realms that maximizes the United States' strengths and increases the costs for the PRC of harming United States interests and the values of United States allies and partners;

(3) to lead a free, open, and secure international system characterized by freedom from coercion, rule of law, open markets and the free flow of commerce, and a shared commitment to security and peaceful resolution of disputes, human rights, and good and transparent governance;

(4) to strengthen and deepen United States alliances and partnerships, prioritizing the Indo-Pacific and Europe, by pursuing greater bilateral and multilateral cooperative initiatives that advance shared interests and values and bolster partner countries' confidence that the United States is and will remain a strong, committed, and constant partner;

(5) to encourage and collaborate with United States allies and partners in boosting their own capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressure;

(6) to pursue fair, reciprocal treatment and healthy competition in United States-China economic relations by—

(A) advancing policies that harden the United States economy against unfair and illegal commercial or trading practices and the coercion of United States businesses; and

(B) tightening United States laws and regulations as necessary to prevent the PRC's attempts to harm United States economic competitiveness;

(7) to demonstrate the value of private sector-led growth in emerging markets around the world, including through the use of United States Government tools that—

(A) support greater private sector investment and advance capacity-building initiatives that are grounded in the rule of law;

(B) promote open markets;

(C) establish clear policy and regulatory frameworks;

(D) improve the management of key economic sectors;

(E) combat corruption; and

(F) foster and support greater collaboration with and among partner countries and the United States private sector to develop secure and sustainable infrastructure;

(8) to lead in the advancement of international rules and norms that foster free and reciprocal trade and open and integrated markets;

(9) to conduct vigorous commercial diplomacy in support of United States companies and businesses in partner countries that seek fair competition;

(10) to ensure that the United States leads in the innovation of critical and emerging technologies, such as next-generation telecommunications, artificial intelligence, quantum computing, semiconductors, and biotechnology, by—

(A) providing necessary investment and concrete incentives for the private sector to accelerate development of such technologies;

(B) modernizing export controls and investment screening regimes and associated policies and regulations;

(C) enhancing United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of emerging critical technologies;

(D) reducing United States barriers and increasing incentives for collaboration with allies and partners on the research and co-development of critical technologies;

(E) collaborating with allies and partners to protect critical technologies by—

(i) crafting multilateral export control measures;

(ii) building capacity for defense technology security;

(iii) safeguarding chokepoints in supply chains; and

(iv) ensuring diversification; and

(F) designing major defense capabilities for export to allies and partners;

(11) to enable the people of the United States, including the private sector, civil society, universities and other academic institutions, State and local legislators, and other relevant actors to identify and remain vigilant to the risks posed by undue influence of the CCP in the United States;

(12) to implement measures to mitigate the risks referred to in paragraph (11), while still preserving opportunities for economic engagement, academic research, and cooperation in other areas where the United States and the PRC share interests;

(13) to collaborate with advanced democracies and other willing partners to promote ideals and principles that—

(A) advance a free and open international order;

(B) strengthen democratic institutions;

(C) protect and promote human rights; and

(D) uphold a free press and fact-based reporting;

(14) to develop comprehensive and holistic strategies and policies to counter PRC disinformation campaigns;

(15) to demonstrate effective leadership at the United Nations, its associated agencies, and other multilateral organizations and defend the integrity of these organizations against co-optation by illiberal and authoritarian nations;

(16) to prioritize the defense of fundamental freedoms and human rights in the United States relationship with the PRC;

(17) to cooperate with allies, partners, and multilateral organizations, leveraging their significant and growing capabilities to build a network of like-minded states that sustains and strengthens a free and open order and addresses regional and global challenges to hold the Government of the PRC accountable for—

(A) violations and abuses of human rights;

(B) restrictions on religious practices; and

(C) undermining and abrogating treaties, other international agreements, and other international norms related to human rights;

(18) to expose the PRC's use of corruption, repression, coercion, and other malign behavior to attain unfair economic advantages and to pressure other nations to defer to its political and strategic objectives;

(19) to maintain United States access to the Western Pacific, including by—

(A) increasing United States forward-deployed forces in the Indo-Pacific region;

(B) modernizing the United States military through investments in existing and new platforms, emerging technologies, critical in-theater force structure and enabling capabilities, joint operational concepts, and a diverse, operationally resilient and politically sustainable posture; and

(C) operating and conducting exercises with allies and partners—

(i) to mitigate the PLA's ability to project power and establish contested zones within the First and Second Island Chains;

(ii) to diminish the ability of the PLA to coerce its neighbors;

(iii) to maintain open sea and air lanes, particularly in the Taiwan Strait, the East China Sea, and the South China Sea; and

(iv) to project power from the United States and its allies and partners to demonstrate the ability to conduct contested logistics;

(20) to deter the PRC from—

(A) coercing Indo-Pacific nations, including by developing more combat-credible forces that are integrated with allies and partners in contact, blunt, and surge layers and able to defeat any PRC theory of victory in the First or Second Island Chains of the Western Pacific and beyond, as called for in the 2018 National Defense Strategy;

(B) using grey-zone tactics below the level of armed conflict; or

(C) initiating armed conflict;

(21) to strengthen United States-PRC military-to-military communication and improve de-escalation procedures to de-conflict operations and reduce the risk of unwanted conflict, including through high-level visits and recurrent exchanges between civilian and military officials and other measures, in alignment with United States interests; and

(22) to cooperate with the PRC if interests align, including through bilateral or multilateral means and at the United Nations, as appropriate.

SEC. 3005. SENSE OF CONGRESS.

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 protect 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 and values.

(2) The United States must coordinate closely with allies and partners to compete effectively with the PRC, including to encourage allies and partners to assume, as appropriate, greater roles in balancing and checking the aggressive and assertive behavior of the PRC.

(3) The President of the United States must lead and direct the entire executive branch to treat the People's Republic of China as the greatest geopolitical and geoeconomic 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 conduct of foreign policy and assuring 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

(B) using that position to advance its assertive political, economic, and foreign policy goals around the world.

(7) The United States must ensure that the Federal budget is properly aligned with the strategic imperative to compete with the PRC by—

(A) ensuring sufficient levels of funding to resource all instruments of United States national power; and

(B) coherently prioritizing how such funds are used.

(8) Sustained prioritization of the challenge posed by the PRC requires—

(A) bipartisan cooperation within Congress; and

(B) frequent, sustained, and meaningful collaboration and consultation between the executive branch and Congress.

(9) The United States must ensure close integration among economic and foreign policymakers, the private sector, civil society, universities and academic institutions, and other relevant actors in free and open societies affected by the challenges posed by the PRC to enable such actors—

(A) to collaborate to advance common interests; and

(B) to identify appropriate policies—

(i) to strengthen the United States and its allies;

(ii) to promote a compelling vision of a free and open order; and

(iii) to push back against detrimental policies pursued by the CCP.

(10) The United States must ensure that all Federal departments and agencies are organized to reflect the fact that strategic competition with the PRC is the United States' greatest geopolitical and geoeconomic challenge, including through the assigned missions and location of United States Government personnel, by—

(A) dedicating more personnel in the Indo-Pacific region, at posts around the world, and in Washington DC, with priorities directly relevant to advancing competition with the People's Republic of China;

(B) placing greater numbers of foreign service officers, international development professionals, members of the foreign commercial service, intelligence professionals, and other United States Government personnel in the Indo-Pacific region; and

(C) ensuring that this workforce, both civilian and military, has the training in language, technical skills, and other competencies required to advance a successful competitive strategy with the PRC.

(11) The United States must place renewed emphasis on strengthening the nonmilitary instruments of national power, including diplomacy, information, technology, economics, foreign assistance and development finance, commerce, intelligence, and law enforcement, which are crucial for addressing the unique economic, political, and ideological challenges posed by the PRC.

(12) The United States must sustain resourcing for a Pacific Deterrence Initiative, which shall be aligned with the overarching political and diplomatic objectives articulated in the Asia Reassurance Initiative Act (Public Law 115–409), and must prioritize the military investments necessary to achieve United States political objectives in the Indo-Pacific, including—

(A) promoting regional security in the Indo-Pacific;

(B) reassuring allies and partners while protecting them from coercion; and

(C) deterring conflict with the PRC.

(13) Competition with the PRC requires the United States' skillful adaptation to the information environment of the 21st century. United States public diplomacy and messaging efforts must effectively—

(A) promote the value of partnership with the United States;

(B) highlight the risks and costs of enmeshment with the PRC; and

(C) counter CCP propaganda and disinformation.

SEC. 3006. RULES OF CONSTRUCTION.

(a) APPLICABILITY OF EXISTING RESTRICTIONS ON ASSISTANCE TO FOREIGN SECURITY FORCES.—Nothing in this division shall be construed to diminish, supplant, supersede, or otherwise restrict or prevent responsibilities of the United States Government under section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) or section 362 of title 10, United States Code.

(b) NO AUTHORIZATION FOR THE USE OF MILITARY FORCE.—Nothing in this division may be construed as authorizing the use of military force.

TITLE I—INVESTING IN A COMPETITIVE FUTURE

Subtitle A—Science and Technology

SEC. 3101. AUTHORIZATION TO ASSIST UNITED STATES COMPANIES WITH GLOBAL SUPPLY CHAIN DIVERSIFICATION AND MANAGEMENT.

(a) AUTHORIZATION TO CONTRACT SERVICES.—The Secretary of State, in coordination with the Secretary of Commerce, is authorized to establish a program to facilitate the contracting by the Department of State for the professional services of qualified experts, on a reimbursable fee for service basis, to assist interested United States persons and business entities with supply chain management issues related to the PRC, including—

(1) exiting from the PRC market or relocating certain production facilities to locations outside the PRC;

(2) diversifying sources of inputs, and other efforts to diversify supply chains to locations outside of the PRC;

(3) navigating legal, regulatory, or other challenges in the course of the activities described in paragraphs (1) and (2); and

(4) identifying alternative markets for production or sourcing outside of the PRC, including through providing market intelligence, facilitating contact with reliable local partners as appropriate, and other services.

(b) CHIEF OF MISSION OVERSIGHT.—The persons hired to perform the services described in subsection (a) shall—

(1) be under the authority of the United States Chief of Mission in the country in which they are hired, in accordance with existing United States laws;

(2) coordinate with Department of State and Department of Commerce officers; and

(3) coordinate with United States missions and relevant local partners in other countries as needed to carry out the services described in subsection (a).

(c) PRIORITIZATION OF MICRO-, SMALL-, AND MEDIUM-SIZED ENTERPRISES.—The services described in subsection (a) shall be prioritized for assisting micro-, small-, and medium-sized enterprises with regard to the matters described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for each of fiscal years 2022 through 2026 for the purposes of carrying out this section.

(e) PROHIBITION ON ACCESS TO ASSISTANCE BY FOREIGN ADVERSARIES.—None of the funds appropriated pursuant to this section may be provided to an entity—

(1) under the foreign ownership, control, or influence of the Government of the People's Republic of China or the Chinese Communist Party, or other foreign adversary;

(2) determined to have beneficial ownership from foreign individuals subject to the jurisdiction, direction, or influence of foreign adversaries; and

(3) that has any contract in effect at the time of the receipt of such funds, or has had a contract within the previous one year that is no longer in effect, with—

(A) the Government of the People's Republic of China;

(B) the Chinese Communist Party;

(C) the Chinese military;

(D) an entity majority-owned, majority-controlled, or majority-financed by the Government of the People's Republic of China, the CCP, or the Chinese military; or

(E) a parent, subsidiary, or affiliate of an entity described in subparagraph (D).

(f) DEFINITIONS.—The terms ''foreign ownership, control, or influence'' and ''FOCI'' have the meanings given those terms in the National Industrial Security Program Operating Manual (DOD 5220.22–M), or a successor document.

Subtitle B—Global Infrastructure and Energy Development

SEC. 3111. 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. 3112. SENSE OF CONGRESS ON INTERNATIONAL QUALITY INFRASTRUCTURE INVESTMENT STANDARDS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should initiate collaboration among governments, the private sector, and civil society to encourage the adoption of the standards for quality global infrastructure development advanced by the G20 at Osaka in 2018, including with respect to the following issues:

(1) Respect for the sovereignty of countries in which infrastructure investments are made.

(2) Anti-corruption.

(3) Rule of law.

(4) Human rights and labor rights.

(5) Fiscal and debt sustainability.

(6) Social and governance safeguards.

(7) Transparency.

(8) Environmental and energy standards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should launch a series of fora around the world showcasing the commitment of the United States and partners of the United States to high-quality development cooperation, including with respect to the issues described in subsection (a).

SEC. 3113. UNITED STATES SUPPORT FOR INFRASTRUCTURE.

(a) FINDINGS.—The Global Infrastructure Coordinating Committee (GICC) was established to coordinate the efforts of the Department of State, the Department of Commerce, the Department of the Treasury, the Department of Energy, the Department of Transportation, the United States Agency for International Development, the United States Trade and Development Agency, the Development Finance Corporation, the Export-Import Bank of the United States, and other agencies to catalyze private sector investments around the world and to coordinate the deployment of United States Government technical assistance and development finance tools, including project preparation services and commercial advocacy.

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

(1) the world's infrastructure needs, including in the transport, energy, and digital sectors, are vast and growing;

(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 could therefore be deleterious to 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 physically secure, financially viable, economically sustainable, and socially responsible;

(4) achieving 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 viable, economically sustainable, and socially responsible, and should be continued; and

(6) the executive branch and Congress should have consistent consultations on United States support for strategic infrastructure projects, including how Congress can support such initiatives in the future.

(c) REPORTING 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 is supporting or will support through financing, foreign assistance, technical assistance, or other means;

(2) a detailed explanation of the United States and partner country interests served by the United States providing support to such projects; and

(3) a detailed description of any support provided by other United States allies and partners to such projects.

(d) FORM OF REPORT.—The report required by subsection (a) shall be submitted in 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 relevant Federal agencies, including those represented on the Global Infrastructure Coordinating Committee, may carry out various programs to advance the development of sustainable, transparent, and high-quality infrastructure in the Indo-Pacific region by—

(1) strengthening capacity-building programs to improve project evaluation processes, regulatory and procurement environments, and project preparation capacity of countries that are partners of the United States in such development;

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) coordinating the provision of United States assistance for the development of infrastructure, including infrastructure that utilizes United States-manufactured goods and services, and catalyzing investment led by the private sector.

(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 support, including through the Transaction Advisory Fund, for advisory services to help boost the capacity of partner countries to evaluate contracts and assess the financial and environmental impacts of potential infrastructure projects, including through providing services such as—

(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 project support.

(2) JOINT INFRASTRUCTURE PROJECTS.—Funds authorized 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.—Funds authorized 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, $75,000,000 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 INFRASTRUCTURE.

(a) IN GENERAL.—The President shall direct a comprehensive, multi-year, whole of government effort, in consultation with the private sector, to counter predatory lending and financing by the Government of the People's Republic of China, including support to companies incorporated in the PRC that engage in such activities, in the energy sectors of developing countries.

(b) POLICY.—It is the policy of the United States to—

(1) regularly evaluate current and forecasted energy needs and capacities of developing countries, and analyze the presence and involvement of PRC state-owned industries and other companies incorporated in the PRC, Chinese nationals providing labor, and financing of energy projects, including direct financing by the PRC government, PRC financial institutions, or direct state support to state-owned enterprises and other companies incorporated in the PRC;

(2) pursue strategic support and investment opportunities, and diplomatic engagement on power sector reforms, to expand the development and deployment of advanced energy technologies in developing countries;

(3) offer financing, loan guarantees, grants, and other financial products on terms that advance domestic economic and local employment opportunities, utilize advanced energy technologies, encourage private sector growth, and, when appropriate United States equity and sovereign lending products as alternatives to the predatory lending tools offered by Chinese financial institutions;

(4) pursue partnerships with likeminded international financial and multilateral institutions to leverage investment in advanced energy technologies in developing countries; and

(5) pursue bilateral partnerships focused on the cooperative development of advanced energy technologies with countries of strategic significance, particularly in the Indo-Pacific region, to address the effects of energy engagement by the PRC through predatory lending or other actions that negatively impact other countries.

(c) ADVANCED ENERGY TECHNOLOGIES EXPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, in consultation with the Secretary of Energy, shall submit to the appropriate congressional committees a United States Government strategy to increase United States exports of advanced energy technologies to—

(1) improve energy security in allied and developing countries;

(2) create open, efficient, rules-based, and transparent energy markets;

(3) improve free, fair, and reciprocal energy trading relationships; and

(4) expand access to affordable, reliable energy.

SEC. 3116. REPORT ON THE PEOPLE'S REPUBLIC OF CHINA'S INVESTMENTS IN FOREIGN ENERGY DEVELOPMENT.

(a) IN GENERAL.—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—

(1) 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 where deeper energy partnerships are most achievable;

(2) describes the involvement of the PRC government and companies incorporated in the PRC in the development, operation, 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 interests and the interests of the countries 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 that support shared interests between the United States and such countries.

(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 critical digitally enabled technologies in order to ensure that these technologies operate within a free, secure, interoperable, and stable digital domain.

(b) COUNTERING DIGITAL AUTHORITARIANISM.—It is the sense of Congress that the United States, along with allies and partners, should lead an international effort that utilizes all of the economic and diplomatic tools at its disposal to combat the expanding use of information and communications technology products and services to surveil, repress, and manipulate populations (also known as ''digital authoritarianism'').

(c) NEGOTIATIONS FOR DIGITAL TRADE AGREEMENTS OR ARRANGEMENTS.—It is the sense of Congress that the United States Trade Representative should negotiate bilateral and plurilateral agreements or arrangements relating to digital goods with the European Union, Japan, Taiwan, the member countries of the Five Eyes intelligence-sharing alliance, and other nations, as appropriate.

(d) FREEDOM OF INFORMATION IN THE DIGITAL AGE.—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 reprisals, is maintained as the digital domain becomes an increasingly integral mechanism for communication.

(e) EFFORTS TO ENSURE TECHNOLOGICAL DEVELOPMENT DOES NOT THREATEN DEMOCRATIC GOVERNANCE OR HUMAN RIGHTS.—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.

(f) FORMATION OF DIGITAL TECHNOLOGY TRADE ALLIANCE.—It is the sense of Congress that the United States should examine opportunities for diplomatic negotiations regarding the formation of mutually beneficial alliances relating to digitally-enabled technologies and services.

SEC. 3122. DIGITAL CONNECTIVITY AND CYBERSECURITY PARTNERSHIP.

(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 information 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 appropriate committees of Congress an 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) leaders of the United States industry;

(3) other relevant technology experts, including the Open Technology Fund;

(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 for 5 years, 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 BY UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.

(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 strategy for support of private sector digital investment that—

(1) includes support for information-connectivity projects, including projects relating to telecommunications equipment, 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 assesses any constraints to implementing such projects.

(b) LIMITATION.—

(1) IN GENERAL.—The Corporation may not provide support for projects in which entities described in paragraph (2) participate.

(2) ENTITIES DESCRIBED.—An entity described in this subparagraph is an entity based in, or owned or controlled by the government of, a country, including the People's Republic of China, that does not protect internet freedom of expression and privacy.

Subtitle D—Countering Chinese Communist Party Malign Influence

SECTION 3131. SHORT TITLE.

This subtitle may be cited as the ''Countering Chinese Communist Party Malign Influence Act''.

SEC. 3132. AUTHORIZATION OF APPROPRIATIONS FOR COUNTERING CHINESE INFLUENCE FUND.

(a) COUNTERING CHINESE INFLUENCE FUND.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2022 through 2026 for the Countering Chinese Influence Fund to counter the malign influence of the Chinese Communist Party globally. Amounts appropriated pursuant to this authorization are authorized to remain available until expended and shall be in addition to amounts otherwise authorized to be appropriated to counter such influence.

(b) CONSULTATION REQUIRED.—The obligation of funds appropriated or otherwise made available to counter the malign influence of the Chinese Communist Party globally shall be subject to prior consultation with, and consistent with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the regular notification procedures of—

(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.

(c) POLICY GUIDANCE, COORDINATION, AND APPROVAL.—

(1) COORDINATOR.—The Secretary of State shall designate an existing senior official of the Department at the rank of Assistant Secretary or above to provide policy guidance, coordination, and approval for the obligation of funds authorized pursuant to subsection (a).

(2) DUTIES.—The senior official designated pursuant to paragraph (1) shall be responsible for—

(A) on an annual basis, the identification of specific strategic priorities for using the funds authorized to be appropriated by subsection (a), such as geographic areas of focus or functional categories of programming that funds are to be concentrated within, consistent with the national interests of the United States and the purposes of this division;

(B) the coordination and approval of all programming conducted using the funds authorized to be appropriated by subsection (a), based on a determination that such programming directly counters the malign influence of the Chinese Communist Party, including specific activities or policies advanced by the Chinese Communist Party, pursuant to the strategic objectives of the United States, as established in the 2017 National Security Strategy, the 2018 National Defense Strategy, and other relevant national and regional strategies as appropriate;

(C) ensuring that all programming approved bears a sufficiently direct nexus to such acts by the Chinese Communist Party described in subsection (d) and adheres to the requirements outlined in subsection (e); and

(D) conducting oversight, monitoring, and evaluation of the effectiveness of all programming conducted using the funds authorized to be appropriated by subsection (a) to ensure that it advances United States interests and degrades the ability of the Chinese Communist Party, to advance activities that align with subsection (d) of this section.

(3) INTERAGENCY COORDINATION.—The senior official designated pursuant to paragraph (1) shall, in coordinating and approving programming pursuant to paragraph (2), seek to—

(A) conduct appropriate interagency consultation; and

(B) ensure, to the maximum extent practicable, that all approved programming functions in concert with other Federal activities to counter the malign influence and activities of the Chinese Communist Party.

(4) ASSISTANT COORDINATOR.—The Administrator of the United States Agency for International Development shall designate a senior official at the rank of Assistant Administrator or above to assist and consult with the senior official designated pursuant to paragraph (1).

(d) MALIGN 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.

(e) 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 activities 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 WARFARE AND 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 online organizations 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 technology and intellectual property, failure to appropriately disclose relationships with foreign government sponsored entities, breaches of contract and confidentiality, and manipulation of processes for fair 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 use legal, political, and economic levers—such as the lure of Chinese markets—to shape the information environment. It is also capable of using cyber attacks against systems in the United States to censor or suppress viewpoints it deems politically sensitive.''.

(3) In February 2020, then-Director of the Federal Bureau of Investigation, Christopher Wray, testified to the Committee on the Judiciary of the House of Representatives that the People's Republic of China has ''very active [malign] foreign influence efforts in this country,'' with the goal of ''trying to shift our policy and our public opinion to be more pro-China on a variety of issues''.

(4) 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 Chinese propaganda and disinformation''. In June 2020, Google reported that Chinese hackers attempted to access email accounts of the campaign staff of a presidential candidate.

(5) Chinese information warfare and malign influence operations are a threat to the national security, democracy, and economic systems of the United States and its allies and partners. In October 2018, Vice President Michael R. Pence warned that ''Beijing is employing a whole-of-government approach, using political, economic, and military tools, as well as propaganda, to advance its influence and benefit its interests in the United States.''.

(6) In February 2018, then-Director of the Federal Bureau of Investigation, Christopher Wray, testified to the Select Committee on Intelligence of the Senate that the People's Republic of China is taking advantage of and exploiting the open research and development environments of United States institutions of higher education to utilize ''professors, scientists and students'' as ''nontraditional collectors'' of information.

(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 Federal departments and agencies to implement Acts of Congress to counter and deter PRC and other foreign information warfare and malign influence operations without delay, including—

(A) section 1043 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), which authorizes a coordinator position within the National Security Council for countering malign foreign influence operations and campaigns;

(B) section 228 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), which authorizes additional research of foreign malign influence operations on social media platforms;

(C) section 847 of such Act, which requires the Secretary of Defense to modify contracting regulations regarding vetting for foreign ownership, control and influence in order to mitigate risks from malign foreign influence;

(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;

(E) section 5323 of such Act, which authorizes the Director of National Intelligence to facilitate the establishment of Social Media Data and Threat Analysis Center to detect and study information warfare and malign influence operations across social media platforms; and

(F) section 119C of the National Security Act of 1947 (50 U.S.C. 3059), which authorizes the establishment of a Foreign Malign Influence Response Center inside the Office of the Director of National Intelligence.

SEC. 3134. AUTHORIZATION OF APPROPRIATIONS FOR THE FULBRIGHT-HAYS PROGRAM.

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. 2452(b)).

SEC. 3135. SENSE OF CONGRESS CONDEMNING ANTI-ASIAN 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 continues to unleash a tsunami of hate and xenophobia, scapegoating and scare-mongering'' and urged governments to ''act now to strengthen the immunity 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 United States 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. 3136. 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-sponsored media publications outside of the PRC. These include, for example, more than $10,000,000,000 in foreign direct investment in communications infrastructure, platforms, and properties, as well as bringing journalists to the PRC for training programs.

(2) The PRC, through the Voice of China, the United Front Work Department (UFWD), 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 supplement.

(4) Radio Free Asia (referred to in this subsection as ''RFA''), a private nonprofit multimedia news corporation, which broadcasts in 9 East Asian languages including Mandarin, Uyghur, Cantonese, and Tibetan, has succeeded in its mission to reach audiences in China and in the Central Asia region despite the Chinese Government's—

(A) efforts to practice ''media sovereignty,'' which restricts access to the free press within China; and

(B) campaign to spread disinformation to countries abroad.

(5) In 2019, RFA's Uyghur Service alerted the world to the human rights abuses of Uyghur and other ethnic minorities in China's Xinjiang Uyghur Autonomous Region.

(6) Gulchehra Hoja, a Uyghur journalist for RFA, received the International Women's Media Foundation's Courage in Journalism Award and a 2019 Magnitsky Human Rights Award for her coverage of Xinjiang, while the Chinese Government detained and harassed Ms. Hoja's China-based family and the families of 7 other RFA journalists in retaliation for their role in exposing abuses.

(7) In 2019 and 2020, RFA provided widely disseminated print and digital coverage of the decline in freedom in Hong Kong and the student-led protests of the extradition law.

(8) In March 2020, RFA exposed efforts by the Chinese Government to underreport the number of fatalities from the novel coronavirus outbreak in Wuhan Province, China.

(b) THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—The United States Agency for Global Media (USAGM) and affiliate Federal and non-Federal entities shall undertake the following actions to support independent journalism, counter disinformation, and combat surveillance in countries where the Chinese Communist Party and other malign actors are promoting disinformation, propaganda, and manipulated media markets:

(1) Radio Free Asia (RFA) shall expand domestic coverage and digital programming for all RFA China services and other affiliate language broadcasting services.

(2) USAGM shall increase funding for RFA's Mandarin, Tibetan, Uyghur, and Cantonese language services.

(3) Voice of America shall establish a real-time disinformation tracking tool similar to Polygraph for Russian language propaganda and misinformation.

(4) USAGM shall expand existing training and partnership programs that promote journalistic standards, investigative reporting, cybersecurity, and digital analytics to help expose and counter false CCP narratives.

(5) The Open Technology Fund shall continue and expand its work to support tools and technology to circumvent censorship and surveillance by the CCP, both inside the PRC as well as abroad where the PRC has exported censorship technology, and increase secure peer-to-peer connectivity and privacy tools.

(6) Voice of America shall continue and review opportunities to expand its mission of providing timely, accurate, and reliable news, programming, and content about the United States, including news, culture, and values.

(7) The networks and grantees of 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 subvert censorship, and monitor 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 in foreign countries; and

(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 the enactment of this Act, and annually thereafter for 5 years, the Chief Executive Office of the United States Agency for Global Media, in consultation with the President of the Open Technology Fund, shall submit a report to the appropriate congressional committees that outlines—

(A) the amount of funding appropriated pursuant to subsection (c) that was provided to the Open Technology Fund for purposes of circumventing Chinese Communist Party censorship of the internet within the borders of the People's Republic of China;

(B) the progress that has been made in developing the technology referred to in subparagraph (A), including an assessment of whether the funding provided was sufficient to achieve meaningful penetration of People's Republic of China's censors; and

(C) the impact of Open Technology Fund tools on piercing Chinese Communist Party internet censorship efforts, including the metrics used to measure that impact and the trajectory of that impact over the previous 5 years.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) 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 Administrator of the United States Agency for International Development, shall support and train journalists on investigative techniques 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 direct or directly supported by the Communist Party or the Chinese government.

(f) INTERNET FREEDOM PROGRAMS.—The Bureau of Democracy, Human Rights, and Labor shall continue to support internet freedom programs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State, for each of fiscal years 2022 through 2026, $170,000,000 for ongoing and new programs in support of press freedom, training, and protection of journalists.

SEC. 3137. GLOBAL ENGAGEMENT CENTER.

(a) FINDING.—Congress established the Global Engagement Center to ''direct, lead, and coordinate efforts'' of the Federal Government to ''recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation globally''.

(b) EXTENSION.—Section 1287(j) of the National Defense Authorization Act for Fiscal Year 2017 (22 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; and

(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $150,000,000 for fiscal year 2022 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.

(a) AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950.—

(1) 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 subparagraph (A)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) any transaction described in subparagraph (B)(vi) proposed or pending after the date of the enactment of the China Strategic Competition Act of 2021.'';

(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 a contract by such an institution with a foreign person, if—

''(I)(aa) the value of the gift or contract equals or exceeds $1,000,000; or

''(bb) the institution receives, directly or indirectly, more than one gift from or enters into more than one contract, directly or indirectly, with the same foreign person for the same purpose the aggregate value of which, during the period of 2 consecutive calendar years, equals or exceeds $1,000,000; and

''(II) the gift or contract—

''(aa) relates to research, development, or production of critical technologies and provides the foreign person potential access to any material nonpublic technical information (as defined in subparagraph (D)(ii)) in the possession of the institution; or

''(bb) is a restricted or conditional gift or contract (as defined in section 117(h) of the Higher Education Act of 1965 (20 U.S.C. 1011f(h))) that establishes control.''; and

(C) by adding at the end the following:

''(G) FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—For purposes of subparagraph (B)(vi):

''(i) CONTRACT.—The term 'contract' means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign person, for the direct benefit or use of either of the parties.

''(ii) GIFT.—The term 'gift' means any gift of money or property.

''(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means any institution, public or private, or, if a multicampus institution, any single campus of such institution, in any State—

''(I) that is legally authorized within such State to provide a program of education beyond secondary school;

''(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) that 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 that receives support from the extension of Federal financial assistance to any of the institution's subunits.''.

(2) MANDATORY DECLARATIONS.—Subsection (b)(1)(C)(v)(IV)(aa) of such section is amended by adding at the end the following: ''Such regulations shall require a declaration under this subclause with respect to a covered transaction described in subsection (a)(4)(B)(vi)(II)(aa).''.

(3) FACTORS TO BE CONSIDERED.—Subsection (f) of such section is amended—

(A) in paragraph (10), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

''(11) as appropriate, and particularly with respect to covered transactions described in subsection (a)(4)(B)(vi), the importance of academic freedom at institutions of higher education in the United States; and''.

(4) MEMBERSHIP OF CFIUS.—Subsection (k) of such section is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(ii) by inserting after subparagraph (G) the following:

''(H) In the case of a covered transaction involving an institution of higher education (as defined in subsection (a)(4)(G)), the Secretary of Education.''; and

(B) by adding at the end the following:

''(8) INCLUSION OF OTHER AGENCIES ON COMMITTEE.—In considering including on the Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, 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 (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (C), 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 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 that relate to 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(a)).''.

(b) INCLUSION OF CFIUS IN REPORTING ON FOREIGN GIFTS UNDER HIGHER EDUCATION ACT OF 1965.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after ''the Secretary'' the following: ''and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3)))''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''with the Secretary'' and inserting ''with the Secretary and the Secretary of the Treasury''; and

(ii) by striking ''to the Secretary'' and inserting ''to each such Secretary''; and

(B) in paragraph (2), by striking ''with the Secretary'' and inserting ''with the Secretary and the Secretary of the Treasury''.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, subject to the requirements of subsections (d) and (e); and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date that is 30 days after the publication in the Federal Register of the notice required under subsection (e)(2).

(d) REGULATIONS.—

(1) IN GENERAL.—The Committee on Foreign Investment in the United States (in this section referred to as the ''Committee''), which shall include the Secretary of Education for purposes of this subsection, shall prescribe regulations as necessary and appropriate to implement the amendments made by subsection (a).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall include—

(A) regulations accounting for the burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a), including structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for simplified and streamlined declaration 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 described in clause (vi)(II)(aa) 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) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required 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 review of covered 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);

(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);

(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; and

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) RESTRICTIONS.—Section 841 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(i) 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(f)(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 AMBASSADORS.—With respect to a person serving as an Under Secretary, Assistant Secretary, or Ambassador at the Department of State or the United States Permanent Representative to the United Nations, the restrictions described in section 207(f)(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; or

''(iii) any entity majority-owned or majority-controlled by 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 shall 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 PRIORITIZING NOMINATION OF QUALIFIED AMBASSADORS TO ENSURE PROPER DIPLOMATIC POSITIONING TO COUNTER CHINESE INFLUENCE.

It is the sense of Congress that it is critically important for the President to nominate 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 Chinese 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 of 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;

(B) appoint the vice chair of the Task Force from among the staff of the National Economic Council; and

(C) direct the head 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 any of 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 subparagraph (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.

(5) CONSULTATIONS.—The Task Force should regularly consult, to the extent necessary and appropriate, with—

(A) Federal agencies that are not represented on the Task Force;

(B) independent agencies of the United States Government that are not represented on the Task Force;

(C) relevant stakeholders in the private sector and the media; and

(D) relevant stakeholders among United States allies and partners facing similar challenges related to censorship or intimidation by the Government of the People's Republic of China.

(6) REPORTING REQUIREMENTS.—

(A) ANNUAL REPORT.—The Task Force shall submit an annual report to the appropriate congressional committees that describes, with respect to the reporting period—

(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation of United States persons while in the United States or any of its possessions or territories, which is directed or directly supported 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 clause (ii) and the impact of such activities on the national interests of the United States.

(B) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(C) CONGRESSIONAL BRIEFINGS.—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 to execute the strategy developed pursuant to paragraph (3)(A).

(c) REPORT ON CENSORSHIP AND INTIMIDATION OF UNITED STATES PERSONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) REPORT.—

(A) IN GENERAL.—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.

(B) MATTERS TO BE INCLUDED.—The report required under subparagraph (A) shall—

(i) 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;

(ii) assess, 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) a particular 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) should identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation directed or directly supported by the Government of the People's Republic of China.

(2) SUBMISSION OF 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 analyses 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. 3201. 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. 3202. 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 economy through international trade and commerce, establish enduring cooperation among like-minded countries, prevent the domination of the Indo-Pacific and its surrounding maritime and air lanes by a hostile power or powers, 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 tackling challenges with unity of purpose, and have collaborated to advance specific efforts of shared interest in areas such as defense and security, economic prosperity, infrastructure connectivity, and fundamental freedoms;

(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), and the Asia-Pacific Economic Community (APEC), which are essential to further shared interests;

(4) the security environment in the Indo-Pacific demands consistent United States and allied commitment to strengthening and advancing our alliances so that they are postured to meet these challenges, and will require sustained political will, concrete partnerships, 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 unified mutual 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 on Climate and Security (IMCCS), titled ''Climate and Security in the Indo-Asia Pacific'' noted, the Indo-Pacific region is one of the regions 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 throughout the region as sea levels rise, fishing patterns shift, food insecurity rises, and storms grow stronger and more frequent;

(8) the United State 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; and

(9) the Secretary of State, in coordination with the Secretary of Defense and the Administrator of the United States Agency for International Development, should facilitate a robust interagency Indo-Pacific climate resiliency and adaptation strategy focusing on internal and external actions needed—

(A) to facilitate regional early recovery, risk reduction, and resilience to weather-related impacts on strategic interests of the United States and partners and allies of the United States in the region; and

(B) to address humanitarian and food security impacts of weather-related changes in the region.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to deepen diplomatic, economic, and security cooperation between and among the United States, Japan, the Republic of Korea, Australia, the Philippines, and Thailand, including through diplomatic engagement, regional development, energy security and development, scientific and health partnerships, educational and cultural exchanges, missile defense, intelligence-sharing, space, cyber, and other diplomatic and defense-related initiatives;

(2) to uphold our multilateral and bilateral treaty obligations, including—

(A) defending Japan, including all areas under the administration of Japan, under article V 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 Republic of the Philippines;

(D) defending Thailand under the 1954 Manila Pact and the Thanat-Rusk communique of 1962; and

(E) defending Australia under article IV of the Australia, New Zealand, United States Security Treaty;

(3) to strengthen and deepen the United States' bilateral and regional partnerships, including with India, Taiwan, ASEAN, and New Zealand;

(4) 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

(5) to strengthen and advance diplomatic, economic, and security cooperation with regional partners, such as Taiwan, Vietnam, Malaysia, Singapore, Indonesia, and India.

SEC. 3203. SENSE OF CONGRESS ON COOPERATION WITH THE QUAD.

It is the sense of Congress that—

(1) 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;

(2) 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, and to uphold peace and prosperity and strengthen democratic resilience;

(3) the United States should seek to expand avenues of cooperation with the Quad, including more regular military-to-military dialogues, joint exercises, and coordinated policies related to shared interests such as protecting cyberspace and advancing maritime security;

(4) the recent pledge from the first-ever Quad leaders meeting on March 12, 2021, to

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, including in cyberspace, critical technologies, counterterrorism, quality infrastructure investment, and humanitarian assistance and disaster relief, as well as maritime domains, further advances the important cooperation among Quad nations that is so critical to the Indo-Pacific region;

(5) building upon their partnership to help finance 1,000,000,000 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 President 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 Technology Working Group; and

(7) the formation of a Quad Intra-Parliamentary Working Group could—

(A) sustain and deepen engagement between senior officials 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, and India (collectively, with the United States, known as the ''Quad'') with the goal of reaching a written agreement to establish a Quad Intra-Parliamentary Working Group for the purpose of acting on the recommendations of the Quad Working Groups described in section 203(6) and to facilitate closer cooperation on shared interests and values.

(b) UNITED STATES GROUP.—

(1) IN GENERAL.—At such time as the governments 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) half 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; and

(ii) half shall be appointed by the President Pro Tempore of the Senate, based on recommendations of the majority leader and minority leader of the Senate, from among Members of the Senate, not less than 4 of whom shall be members of the Committee on Foreign Relations (unless the majority leader and minority leader determine otherwise).

(3) MEETINGS.—

(A) IN GENERAL.—The United States Group shall seek to meet not less frequently than annually with representatives and appropriate staff of the legislatures of Japan, Australia, and India, and any other country invited by mutual agreement of the Quad countries.

(B) LIMITATION.—A meeting described in subparagraph (A) may be held—

(i) in the United States;

(ii) in another Quad country during periods when Congress is not in session; or

(iii) virtually.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) HOUSE DELEGATION.—The Speaker of the House of Representatives shall designate the chairperson or vice chairperson of the delegation of the United States Group from the House from among members of the Committee on Foreign Affairs.

(B) SENATE DELEGATION.—The President Pro Tempore of the Senate shall designate the chairperson or vice chairperson of the delegation of the United States Group from the Senate from among members of the Committee on Foreign Relations.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 2022 through 2025 for the United States Group.

(B) DISTRIBUTION OF APPROPRIATIONS.—

(i) IN GENERAL.—For each fiscal year for which an appropriation is made for the United States Group, half of the amount appropriated shall be available to the delegation from the House of Representatives and half of the amount shall be available to the delegation from the Senate.

(ii) METHOD OF DISTRIBUTION.—The amounts available to the delegations of the House of Representatives and the Senate under clause (i) shall be disbursed on vouchers to be approved by the chairperson of the delegation from the House of Representatives and the chairperson of the delegation from the Senate, respectively.

(6) PRIVATE SOURCES.—The United States Group may accept gifts or donations of services or property, subject to the review and approval, as appropriate, of the Committee on Ethics of the House of Representatives and the Committee on Ethics of the Senate.

(7) CERTIFICATION OF EXPENDITURES.—The certificate of the chairperson of the delegation from the House of Representatives or the chairperson of the delegation from the Senate of the United States Group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Group.

(8) 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 for which an appropriation is made 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 challenges;

(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 the United States that focuses on innovation and capacity-building efforts in technology, education, disaster management, food security, human rights, and trade facilitation, particularly for ASEAN's poorest 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 shelves by enforcing claims to those areas in the South China Sea that lack support in international law; and

(D) to oppose unilateral declarations of administrative and military districts 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 Arbitration's 2016 ruling in favor of the Republic of the Philippines in the case against the People's Republic of China's excessive maritime claims;

(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 and strengthen regional mechanisms to provide assistance and support to refugees and migrants;

(11) support the Mekong-United States Partnership;

(12) support newly created initiatives with ASEAN countries, including the United States-ASEAN Smart Cities Partnership, the ASEAN Policy Implementation Project, 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, and protecting human rights, including releasing political prisoners, ceasing politically motivated prosecutions and arbitrary killings, and safeguarding freedom of the press, freedom of assembly, freedom of religion, and freedom of speech and expression;

(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 PROSPECT 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 create and fill jobs, foster cross-border cooperation and partnerships, and rise to address the regional and global challenges of the future;

(16) support the creation of initiatives similar to the Young Southeast Asian Leaders Initiative for other parts of the Indo-Pacific to foster people-to-people partnerships with an emphasis on civil society leaders;

(17) 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

(18) 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 overreliance on Chinese equipment critical to strategic technologies and critical infrastructure;

(2) the United States and ASEAN should share information about 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 should urge ASEAN to adopt its March 2019 proposed sanctions regime targeting cyber attacks;

(5) the United States 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 the development and implementation of practical confidence building measures to help reduce the risk of conflict stemming from cyber incidents''; and

(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) REPORT REQUIRED.—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 Permanent 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 by organization;

(D) adoption of Chinese Communist Party phrases and initiatives in international organization language and programming;

(E) efforts by the PRC to secure legitimacy for its own foreign policy initiatives, including the Belt and Road Initiative;

(F) the number of Junior Professional Officers that the Government 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 total United States voluntary and assessed 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 government and the 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 norms on 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:

(1) The African Development Bank.

(2) The Asian Development Bank.

(3) The Asia Pacific Economic Cooperation.

(4) The Bank of International Settlements.

(5) The Caribbean Development Bank.

(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.

(25) The Organization for the Prohibition of Chemical Weapons.

(26) The United Nations.

(27) The United Nations Conference on Trade and Development.

(28) The United Nations Educational, Scientific, and Cultural Organization.

(29) The United Nations Industrial Development Organization.

(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.

(35) The World Intellectual Property Organization.

(36) The World Meteorological Organization.

(37) The World Organization for Animal Health.

(38) The World Tourism Organization.

(39) The World Trade Organization.

(40) The World Bank Group.

SEC. 3208. REGULATORY EXCHANGES WITH ALLIES AND PARTNERS.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other participating executive branch agencies, shall establish and develop a program to facilitate and encourage regular dialogues between United States Government regulatory and technical agencies and their counterpart organizations in allied and partner countries, both bilaterally and in relevant multilateral institutions and organizations—

(1) to promote best practices in regulatory formation and implementation;

(2) to collaborate to achieve optimal regulatory outcomes based on scientific, technical, and other relevant principles;

(3) to seek better harmonization and alignment of regulations and regulatory practices;

(4) to build consensus around industry and technical standards in emerging sectors that will drive future global economic growth and commerce; and

(5) to promote United States standards regarding environmental, labor, and other relevant protections in regulatory formation and implementation, in keeping with the values of free and open societies, including the rule of law.

(b) PRIORITIZATION OF ACTIVITIES.—In facilitating expert exchanges under subsection (a), the Secretary shall prioritize—

(1) bilateral coordination and collaboration with countries where greater regulatory coherence, harmonization of standards, or communication and dialogue between technical agencies is achievable and best advances the economic and national security interests of the United States;

(2) multilateral coordination and collaboration where greater regulatory coherence, harmonization of standards, or dialogue on other relevant regulatory matters is achievable and best advances the economic and national security interests of the United States, including with—

(A) the European Union;

(B) the Asia-Pacific Economic Cooperation;

(C) the Association of Southeast Asian Nations (ASEAN);

(D) the Organization for Economic Cooperation and Development (OECD); and

(E) multilateral development banks; and

(3) regulatory practices and standards-setting bodies focused on key economic sectors and emerging technologies.

(c) PARTICIPATION BY NON-GOVERNMENTAL ENTITIES.—With regard to the program described in subsection (a), the Secretary of State may facilitate, including through the use of amounts appropriated pursuant to subsection (e), the participation of private sector representatives, and other relevant organizations and individuals with relevant expertise, as appropriate and to the extent that such participation advances the goals of such program.

(d) DELEGATION OF AUTHORITY BY THE SECRETARY.—The Secretary of State is authorized to delegate the responsibilities described in this section to the Under Secretary of State for Economic Growth, Energy, and the Environment.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $2,500,000 for each of fiscal years 2022 through 2026 to carry out this section.

(2) USE 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 their counterparts; and

(B) complies with applicable procedural requirements under the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

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—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) have the rank and status of ambassador; and

(C) report to the Secretary of State, unless otherwise directed.

(2) OFFICE LIAISONS.—The Secretary of Commerce and the Secretary of the Treasury shall each appoint, from within their 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.

(d) MEMBERSHIP.—In addition to the liaisons referred to in subsection (c), the Office shall include a representative or expert detailee 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—

(A) the rule of law, freedom of speech, and respect for human rights;

(B) the safe and responsible development and use of new and emerging technologies and the establishment of related norms and standards;

(C) a secure internet architecture governed by a multi-stakeholder model instead of centralized government control;

(D) robust international cooperation to promote an open internet and interoperable technological products and services that are necessary to freedom, innovation, transparency, and privacy; and

(E) multilateral coordination, 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;

(2) harmonizing technology governance regimes with partners, coordinating on basic and pre-competitive research and development initiatives, and collaborating to pursue such opportunities in key technologies, including—

(A) artificial intelligence and machine learning;

(B) 5G telecommunications and other advanced wireless networking technologies;

(C) semiconductor manufacturing;

(D) biotechnology;

(E) quantum computing;

(F) surveillance technologies, including facial recognition technologies and censorship software; and

(G) fiber optic cables;

(3) coordinating with such countries regarding shared technology strategies, including technology controls and standards, as well as strategies with respect to the development and acquisition of key technologies to provide alternatives for those countries utilizing systems supported by authoritarian regimes;

(4) supporting and expanding adherence to international treaties and frameworks governing the responsible use of new and emerging technologies;

(5) coordinating the adoption of shared data privacy, data sharing, and data archiving standards among the United States and partner countries and relevant economic and political unions, including complementary data protection regulations;

(6) coordinating with other technology partners on export control policies, including as appropriate through the Wassenaar Arrangement On Export Controls for Conventional Arms and Dual-Use Goods and Technologies, done at The Hague December 1995, the Nuclear Suppliers Group, the Australia Group, and the Missile Technology Control Regime; supply chain security; and investment in or licensing of critical infrastructure and dual-use technologies;

(7) coordinating with members of technology partnerships on other policies regarding the use and control of emerging and foundational technologies through appropriate restrictions, investment screening, and appropriate measures with respect to technology transfers;

(8) coordinating policies, in coordination with the Department of Commerce, around the resiliency of supply chains in critical technology areas, 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;

(9) sharing information regarding the technology transfer threat posed by authoritarian governments and the ways in which autocratic regimes are utilizing technology to erode individual freedoms and other foundations of open, democratic societies;

(10) administering the establishment of—

(A) the common funding mechanism for development and adoption of measurably secure semiconductors and measurably secure semiconductors supply chains created in and in accordance with the requirements of section 9905 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283); and

(B) the multilateral telecommunications security fund created in and in accordance with the requirements of section 9202 of such Act; and

(11) collaborating with private companies, trade associations, and think tanks to realize the purposes of paragraphs (1) through (10).

(f) SPECIAL HIRING AUTHORITIES.—The Secretary of State may—

(1) appoint employees without regard to the provisions 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 such title 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 Director for National Intelligence, 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 with United States allies and partners, and the results of those activities, initiatives, and partnerships; and

(2) the activities of the Government of the Peoples' Republic of China, the Chinese Communist Party, and the Russian Federation in key technology sectors and the threats they pose to the United States, including—

(A) artificial intelligence and machine learning;

(B) 5G telecommunications and other advanced wireless networking technologies;

(C) semiconductor manufacturing;

(D) biotechnology;

(E) quantum computing;

(F) surveillance technologies, including facial recognition technologies and censorship software; and

(G) fiber optic cables.

(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 International Technology Partnership 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 International Leadership 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 cyberspace 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, such as the International Telecommunication Union and the 3rd Generation Partnership Project; and

(B) work with allies, partners, and the private sector to increase productive engagement.

(2) INTERAGENCY WORKING GROUP.—The interagency working group described in paragraph (1)—

(A) shall be chaired by the Secretary of State or a designee of the Secretary of State; and

(B) shall consist of the head (or designee) of each Federal department or agency the President determines appropriate.

(3) BRIEFINGS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and subsequently thereafter as provided under subparagraph (B), the interagency working group described in paragraph (1) shall provide a strategy to the appropriate congressional committees that addresses—

(i) promotion of United States leadership at international standards-setting bodies for equipment, systems, software, and virtually defined networks relevant to 5th and future generation mobile telecommunications systems and infrastructure, taking into account the different processes followed by the various international standard-setting bodies;

(ii) diplomatic engagement with allies and partners to share security risk information and findings pertaining to equipment that supports or is used in 5th and future generation mobile telecommunications systems and infrastructure and cooperation on mitigating such risks;

(iii) China's presence and activities at international standards-setting bodies relevant to 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 engagement by the United States or its allies and partners and the security risks raised by Chinese proposals in such standards-setting bodies; and

(iv) engagement with private sector communications and information service providers, equipment developers, academia, Federally 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.

(B) 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 COMPETITION 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 PRC 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:

(A) The Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).

(B) Section 1637 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (50 U.S.C. 1708).

(C) The Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.).

(D) The Hong Kong Autonomy Act (Public Law 116–149; 22 U.S.C. 5701 note).

(E) Section 7 of the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–76; 22 U.S.C. 5701 note).

(F) Section 6 of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 22 U.S.C. 6901 note).

(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 1260I of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(I) Section 311 of the Countering America's Adversaries Through Sanctions Act of 2018 (Public Law 115–44; 131 Stat. 942).

(J) The prohibition on the export of covered munitions and crime control items to the Hong Kong Police Force under the Act entitled ''An Act to prohibit the commercial export of covered munitions and crime control items to the Hong Kong Police Force'', approved November 27, 2019 (Public Law 116–77; 133 Stat. 1173), as amended by section 1252 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(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 a necessary and essential component 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 2018.

(3) The erosion of democracy and human rights.

(4) The security of 5G telecommunications.

(5) Anti-competitive behavior, such as intellectual property theft, massive subsidization of companies, and other policies and practices.

(6) Predatory international sovereign lending that is inconsistent with Organisation for Economic Cooperation and Development (OECD) and Paris Club principles.

(7) International influence campaigns.

(8) Environmental standards.

(9) Coordination with like-minded regional partners that are not in the G7 and G20.

SEC. 3213. ENHANCING THE UNITED STATES-TAIWAN PARTNERSHIP.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to recognize Taiwan as a vital part of the United States Indo-Pacific strategy;

(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 96–8) and the ''Six Assurances'';

(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;

(6) to conduct 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-armor, air defense, undersea warfare, advanced command, control, communications, computers, intelligence, surveillance, and reconnaissance, and resilient command and control capabilities, into its military forces;

(7) to advocate 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 resumption 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 support 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.

(b) SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN.—

(1) ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.—The Secretary of State should consider establishing an independent nonprofit that—

(A) is dedicated to deepening ties between the future leaders of Taiwan and the United States; and

(B) works with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(2) PARTNER.—State and local school districts and educational institutions, including public universities, are encouraged to partner with the Taipei Economic and Cultural Representative Office in the United States to establish programs to promote an increase in educational and cultural exchanges.

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) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115–409), the United States has grown its strategic partnership with Taiwan's vibrant democracy of 23,000,000 people.

(3) Despite a concerted campaign by the People's Republic of China to isolate Taiwan from its diplomatic partners and from international organizations, including the World Health Organization, Taiwan has emerged as a global leader in the coronavirus global pandemic response, including by donating more than 2,000,000 surgical masks and other medical equipment to the United States.

(4) The creation of a United States fellowship program with Taiwan would support—

(A) a key priority of expanding people-to-people exchanges, which was outlined in President Donald J. Trump's 2017 National Security Strategy;

(B) President Joseph R. Biden's commitment to Taiwan, ''a leading democracy and a critical economic and security partner,'' as expressed in his March 2021 Interim National Security Strategic Guidance; and

(C) April 2021 guidance from the Department of State based on a review required under the Taiwan Assurance Act of 2020 (subtitle B of title III of division FF of Public Law 116–260) to ''encourage U.S. government engagement with Taiwan that reflects our deepening unofficial relationship''.

(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 or strengthen Mandarin Chinese language skills and to expand their understanding of the political economy of Taiwan and the Indo-Pacific region; and

(3) to better position 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 in the case of the executive branch of United States Government, or a legislative branch agency described 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, Congressional Budget Office, or 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.

(4) DETAILEE.—The term ''detailee''—

(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.

(5) IMPLEMENTING PARTNER.—The term ''implementing partner'' means any United States organization described in 501(c)(3) of the Internal Revenue Code of 1986 that—

(A) 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

(B) 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, in consultation 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 amounts appropriated pursuant to subsection (h)(1) to enter into an annual or multi-year cooperative agreement with an appropriate implementing partner.

(B) FELLOWSHIPS.—The Department of State, in consultation with the American Institute in Taiwan and, as appropriate, the implementing partner, should award to eligible United States citizens, subject to available funding—

(i) approximately 5 fellowships during the first 2 years of the Program; and

(ii) approximately 10 fellowships during each of the remaining years of the Program.

(3) INTERNATIONAL AGREEMENT; IMPLEMENTING PARTNER.—Not later than 30 days after the date of the enactment of this Act, the American Institute in Taiwan, in consultation with the Department of State, should—

(A) begin negotiations with the Taipei Economic and Cultural Representative Office, or with another appropriate entity, for the purpose of entering into an agreement to facilitate the placement of fellows in an agency of the governing authorities on Taiwan; and

(B) begin the process of selecting an implementing partner, which—

(i) shall agree to meet all of the legal requirements required to operate in Taiwan; and

(ii) shall be composed of staff who demonstrate significant experience managing exchange programs in the Indo-Pacific region.

(4) CURRICULUM.—

(A) FIRST YEAR.—During the first year of each fellowship under this subsection, each fellow should study—

(i) the Mandarin Chinese language;

(ii) the people, history, and political climate on Taiwan; and

(iii) the issues affecting the relationship between the United States and the Indo-Pacific region.

(B) SECOND YEAR.—During the second year of each fellowship under this subsection, each fellow, subject to the approval of the Department of State, the American Institute in Taiwan, and the implementing partner, and in accordance with the purposes of this section, should work in—

(i) a parliamentary office, ministry, or other agency of the governing authorities on Taiwan; or

(ii) an organization outside of the governing authorities on Taiwan, whose interests are associated with the interests of the fellow and the agency of the United States Government from which the fellow had been employed.

(5) FLEXIBLE FELLOWSHIP DURATION.—Notwithstanding any requirement under this subsection, the Secretary of State, in consultation with the American Institute in Taiwan and, as appropriate, the implementing partner, may award fellowships that have a duration of less than two years, and may alter the curriculum requirements under paragraph (4) for such purposes.

(6) SUNSET.—The fellowship program under this subsection shall terminate 7 years after the date of the enactment of this Act.

(f) PROGRAM REQUIREMENTS.—

(1) ELIGIBILITY REQUIREMENTS.—A United States citizen is eligible for a fellowship under subsection (e) if he or she—

(A) is an employee of the United States Government;

(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 background in the relationship between the United States and countries in the Indo-Pacific region; and

(E) has demonstrated his or her commitment to further service in the United States Government.

(2) RESPONSIBILITIES OF FELLOWS.—Each recipient of a fellowship under subsection (e) shall agree, as a condition of such fellowship—

(A) to maintain satisfactory progress in language training and appropriate behavior 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 continue Federal Government employment for a period of not less than 4 years after the conclusion of the fellowship or for not less than 2 years for a fellowship that is 1 year or shorter.

(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 should provide each fellow in the first year (or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan for those who are not serving a 2-year fellowship) with—

(i) intensive Mandarin Chinese language training; and

(ii) courses in the political economy of Taiwan, China, and the broader Indo-Pacific.

(C) WAIVER OF REQUIRED TRAINING.—The Department of State, in coordination with 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. If any of 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 at least 1 full-time staff member in Taiwan—

(i) to liaise with the American Institute in Taiwan and the governing authorities on Taiwan; and

(ii) to serve as the primary in-country point of contact for the recipients of fellowships under this section and their dependents.

(E) 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 subsection shall reimburse the American Institute in Taiwan for—

(i) the Federal funds expended for the fellow's participation in the fellowship, as set forth in subparagraphs (B) and (C); and

(ii) interest accrued on such funds (calculated at the prevailing rate).

(B) FULL REIMBURSEMENT.—Any fellow who violates subparagraph (A) or (B) of paragraph (2) shall reimburse the American Institute in Taiwan in an amount equal to the sum of—

(i) all of the Federal funds expended for the fellow's participation in the fellowship; and

(ii) interest on the amount specified in clause (i), which shall be calculated at the prevailing rate.

(C) PRO RATA REIMBURSEMENT.—Any fellow who violates paragraph (2)(C) shall reimburse the American Institute in Taiwan in an amount equal to the difference between—

(i) the amount specified in subparagraph (B); and

(ii) the product of—

(I) the amount the fellow received in compensation during the final year of the fellowship, including the value of any allowances and benefits received by the fellow; multiplied by

(II) the percentage of the period specified in paragraph (2)(C) during which the fellow did not remain employed by the Federal Government.

(5) ANNUAL REPORT.—Not later than 90 days after the selection of the first class of fellows under this section, and annually thereafter for 7 years, the Department of State shall offer to brief the appropriate committees of Congress regarding the following issues:

(A) An assessment of the performance of the implementing partner in fulfilling the purposes of this section.

(B) The names and sponsoring agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(C) The names of the parliamentary offices, ministries, other agencies of the governing authorities on Taiwan, and nongovernmental institutions to which each fellow was assigned 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 upon the relationship between the United States and Taiwan or the United States and Asian countries.

(6) ANNUAL FINANCIAL AUDIT.—

(A) IN GENERAL.—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.

(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)—

(i) 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 auditor's opinion of those statements, 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—

(aa) all contracts and cooperative agreements requiring payments greater than $5,000; and

(bb) any payments of compensation, salaries, or fees at a rate greater than $5,000 per year.

(iii) COPIES.—Each audit report shall be produced in sufficient copies for distribution to the public.

(g) TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT SERVICE.—

(1) IN GENERAL.—

(A) 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 assignment to the governing authorities on Taiwan or an organization described in subsection (e)(4)(B)(ii).

(B) AGREEMENT.—Each detailee shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the fellow shall agree—

(i) 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 duration is 1 year or shorter) unless the detailee is involuntarily separated from the service of such agency; and

(ii) to pay to the American Institute in Taiwan any additional expenses incurred by the Federal Government in connection with the fellowship if the detailee voluntarily separates from service with the sponsoring agency before the end of the period for which the detailee has agreed to continue in the service of such agency.

(C) EXCEPTION.—The payment agreed to under subparagraph (B)(ii) may not 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 notifies the detailee before the effective date of entry into the service of the other agency that payment will be required under this subsection.

(2) 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 entity described in section (f)(4)(B)(i) if acceptance of such position does not involve—

(i) the taking of an oath of allegiance to another government; or

(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 Department of State Standardized Regulations or other applicable rules and regulations, including—

(i) a living quarters allowance to cover the cost of housing in Taiwan;

(ii) a cost of living allowance to cover any possible higher costs of living in Taiwan;

(iii) a temporary quarters subsistence allowance for up to 7 days if the fellow is unable to find housing immediately upon arriving in Taiwan;

(iv) an education allowance to assist parents in providing the fellow's minor children with educational services ordinarily provided without charge by public schools in the United States;

(v) moving expenses to transport personal belongings of the fellow and his or her family in their move to Taiwan, which is comparable to the allowance given for American Institute in Taiwan employees assigned to Taiwan; and

(vi) an economy-class airline ticket to and from Taiwan for each fellow and the fellow's immediate family.

(B) MODIFICATION OF BENEFITS.—The American Institute in Taiwan and its implementing partner, with the approval of the Department of State, may modify the benefits set forth in subparagraph (A) if such modification is warranted by fiscal circumstances.

(4) NO FINANCIAL LIABILITY.—The American Institute in Taiwan, the implementing partner, and any governing authorities on Taiwan or nongovernmental entities in Taiwan at which a fellow is detailed during the second year of the fellowship may not be held responsible for the pay, allowances, or any other benefit normally provided to the detailee.

(5) REIMBURSEMENT.—Fellows 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 paid by the American Institute in Taiwan for the allowances and benefits listed in paragraph (3).

(h) 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; and

(B) for fiscal year 2023, and each succeeding fiscal year, $2,400,000, of which—

(i) $2,300,000 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, use, and dispose of gifts or donations of services or property in carrying out such program, subject to the review and approval of the American Institute in Taiwan.

(i) STUDY AND REPORT.—Not later than one year prior to the sunset of the fellowship program under subsection (e), the Comptroller General of the United States shall conduct a study and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House a report that includes—

(A) an analysis of the United States Government participants in this program, including the number of applicants and the number of fellowships undertaken, the place of employment, and as assessment of the costs and benefits for participants and for the United States Government of such fellowships;

(B) an analysis of the financial impact of the fellowship on United States Government offices which have provided Fellows to participate in the program; and

(C) recommendations, if any, on how to improve the fellowship program.

SEC. 3215. TREATMENT OF TAIWAN GOVERNMENT.

(a) IN GENERAL.—The Department of State and other United States Government departments and agencies shall engage with the democratically elected government of Taiwan as the legitimate representative of the people of Taiwan and end the outdated practice of referring to the government in Taiwan as the ''Taiwan authorities''. Notwithstanding the continued supporting role of the American Institute in Taiwan in carrying out United States foreign policy and protecting United States interests in Taiwan, the United States Government shall not place any restrictions on the ability of officials of the Department of State and other United States Government departments and agencies to interact directly and routinely with counterparts in the Taiwan government.

(b) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as entailing restoration of diplomatic relations with the Republic of China (Taiwan) or altering the United States Government's position on Taiwan's international status.

SEC. 3216. TAIWAN SYMBOLS OF SOVEREIGNTY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall rescind any contact guideline, internal restriction, section of the Foreign Affairs Manual or Foreign Affairs Handbook, related guidance, or related policies that, explicitly or implicitly, including through restrictions or limitations on activities of United States personnel, limits the ability of members of the armed forces of the Republic of China (Taiwan)and government representatives from the Taipei Economic and Cultural Representative Office (TECRO) to display for official purposes symbols of Republic of China sovereignty, including—

(1) the flag of the Republic of China (Taiwan); and

(2) the corresponding emblems or insignia of military units.

(b) OFFICIAL PURPOSES DEFINED.—In this section, the term ''official purposes'' means—

(1) the wearing of official uniforms;

(2) conducting government-hosted ceremonies or functions; and

(3) appearances on Department of State social media accounts promoting engagements with Taiwan.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as entailing restoration of diplomatic relations with the Republic of China (Taiwan) or altering the United States Government's position on Taiwan's international status.

SEC. 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 COVID–19 pandemic so the United States can better prepare, prevent, and respond to pandemic health threats in the future;

(2) given the impact of the COVID–19 pandemic on all Americans, the American people deserve to know what information the United States Government possesses about the origins of COVID–19, as appropriate;

(3) Congress shares the concerns expressed by the United States Government and 13 other foreign governments that the international team of experts dispatched to the People's Republic of China by the World Health Organization (WHO) to study the origins of the SARS–CoV–2 virus was ''significantly delayed and lacked access to complete, original data and samples'';

(4) the March 30, 2021, statement by the Director-General of the WHO, Dr. Tedros Adhanom Ghebreyesus, further affirms that the investigative team had encountered ''difficulties'' in accessing necessary raw data, that ''we have not yet found the source of the virus,'' and that ''all hypotheses remain on the table''; and

(5) it is critical for independent experts to have full access to all pertinent human, animal, and environmental data, live virus samples, research, and personnel involved in the early stages of the outbreak relevant to determining 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, the Secretary of Health and Human Services, the Secretary of Energy, and other relevant executive departments, shall submit to the appropriate committees of Congress a report consisting of—

(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 that it has identified as potentially relevant to the source or origin of the SARS–CoV–2 virus, including zoonotic transmission and spillover, the Wuhan Institute of Virology (WIV), or other sources of origin, transmission, or spillover, based on the information the United States Government has to date;

(2) an identification of the leading credible theories of the etiology of the SARS–CoV–2 virus by the United States Government, the 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;

(3) a description of all steps the United States Government has taken to identify and investigate the source of the SARS–CoV–2 virus, including a timeline of such efforts;

(4) 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;

(5) an account of efforts by the PRC to cooperate with, impede, or obstruct any inquiry or investigation to determine the source and transmission of SARS–CoV–2 virus, including into a possible lab leak, or to create or spread misinformation or disinformation regarding the source and transmission of SARS–CoV–2 virus by the PRC or CCP, including by national and local governmental and health entities;

(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 coronaviruses that includes—

(A) a detailed accounting of United States engagement with the WIV and similar labs in the PRC specific to coronaviruses, including a detailed accounting of United States Government-sponsored research and funding and diplomatic engagements such as ''track 1.5'' and ''track 2'' engagements; and

(B) an assessment of any additional scrutiny of United States Government funding to support gain-of-function research in the PRC after the moratorium on such funding was lifted in 2017, and whether United States Government funding was used to support gain-of-function research in the PRC, during the moratorium on gain-of-function research (2014–2017).

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) 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 Health, Education, Labor, and Pensions of the Senate;

(4) the Committee on Energy and Natural Resources of the Senate;

(5) the Committee on Foreign Affairs of the House of Representatives;

(6) the Permanent Select Committee on Intelligence of the House of Representatives; and

(8) the Committee on Energy and Commerce of the House of Representatives.

SEC. 3218. ENHANCEMENT OF DIPLOMATIC SUPPORT AND ECONOMIC ENGAGEMENT WITH PACIFIC ISLAND COUNTRIES.

(a) AUTHORITY.—The Secretary of State and Secretary of Commerce are authorized to hire Locally Employed Staff in Pacific island countries for the purpose of providing increased diplomatic support and promoting increased economic and commercial engagement between the United States and Pacific Island countries.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated or otherwise made available to the Department of State and the Department of Commerce for fiscal year 2022, not more than $10,000,000, respectively, shall be available to carry out the purposes of this section.

(2) TERMINATION.—The availability of funds in paragraph (1) shall expire on October 1, 2026.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State and the Secretary of Commerce shall provide to the appropriate committees of Congress a report on the activities of the Department of State and Department of Commerce Locally Employed Staff in Pacific island countries, which shall include—

(1) a detailed description of the additional diplomatic, economic, and commercial engagement and activities in the Pacific island countries provided by Locally Employed Staff; and

(2) an assessment of the impact of the activities with respect to the diplomatic, economic, and security interests of the United States.

(d) EXCEPTION FOR AMERICAN SAMOA.—The Secretary of State may, as appropriate, treat the territory of American Samoa as a foreign country for purposes of carrying out this section.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on Commerce, Science, 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 Natural Resources, and the Committee on Appropriations of the House of Representatives.

SEC. 3219. 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 of 2018 (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 must be 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 and open investment environments for 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 exchanges, 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 ensure Department of State funding levels and personnel footprint in the Indo-Pacific reflect the region's high degree of importance and significance to United States political, economic, and security interests.

(2) 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.

(3) It shall be the policy of the United States to increase the number of resident Defense attachés 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 the 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 focused on development, economic, and security assistance.

(3) A plan to increase the number of positions at posts in the Indo-Pacific region and bureaus with responsibility for the Indo-Pacific region, including a description of increases at each post or bureau, a breakdown of increases by cone, and a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region.

(4) Defined concrete and annual benchmarks that the Department will meet in implementing the action plan.

(5) A description of any barriers to implementing the action plan.

(e) UPDATES TO REPORT AND BRIEFING.—Every 90 days after the submission of the action plan described in subsection (c) until September 30, 2030, 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.

(f) 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 4 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.

(g) 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).

(h) SECRETARY OF STATE CERTIFICATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State shall certify, to the appropriate committees of Congress, whether or not the benchmarks described in the action plan in subsection (c) have been met. This certification is non-delegable.

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 Representative of the United States to the United Nations.

(b) RESPONSIBILITIES.—The Special Representative shall assume responsibility for—

(1) promoting United States leadership and participation in the United Nations system, with a focus on issue areas where authoritarian nations are exercising increased influence in and determining the agenda of 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 undue influence, 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 for these positions;

(8) tracking leadership changes in United Nations secretariat, funds, programs and agencies, and developing strategies to ensure that coalitions 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) SUPPORT.—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 to 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 changing environment, and deteriorating 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 Asia 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 its 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 ''enshrines 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 Asia Reassurance Initiative Act of 2018 (Public Law 115–409) 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 306(a)—

(A) in paragraph (1), by striking ''5 years'' and inserting ''8 years''; and

(B) in paragraph (2), by striking ''2023'' and inserting ''2026'';

(4) in section 409(a)(1), by striking ''2023'' and inserting ''2026'';

(5) in section 410—

(A) in subsection (c), by striking ''2023'' and inserting ''2026''; and

(B) in subsection (d), in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2026''; and

(6) 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 structural changes in its trade and economic policies;

(B) hold the People's Republic of China accountable to those commitments; and

(C) promote 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 principles of basic 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 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, and nongovernmental organizations based in the United States, in the People's Republic of China.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(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 encounter while working in the United States.

(C) A description of the efforts that officials of the United States have made to rectify any differences in the treatment of diplomats and other officials, journalists, and businesses by the United States and by the People's Republic of China, and the results of those efforts.

(D) 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 that 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 website of the Department of State.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate 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 BY 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 the gross national income per capita benchmark used by the International Bank for Reconstruction and

Development to trigger the graduation process. For fiscal year 2021, the graduation discussion income is a gross national income per capita exceeding $7,065.

(3) The People's Republic of China exceeded the graduation discussion income threshold in 2016.

(4) Since 2016, the Asian Development Bank has continued to approve loans and technical assistance to the People's Republic of China totaling $7,600,000,000. The Bank has also approved non-sovereign commitments in the People's Republic of China totaling $1,800,000,000 since 2016.

(5) 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 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.

(c) OPPOSITION TO LENDING TO PEOPLE'S REPUBLIC OF CHINA.—The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to use the voice, vote, and influence of the United States to oppose any loan or extension of financial or technical assistance by the Asian Development Bank to the People's Republic of China.

SEC. 3219E. OPPOSITION TO PROVISION OF ASSISTANCE TO PEOPLE'S REPUBLIC OF CHINA BY INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.

(a) FINDINGS.—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) The World Bank classifies the People's Republic of China as having an upper-middle-income economy.

(4) On February 25, 2021, President Xi Jinping announced ''complete victory'' over extreme poverty in the People's Republic of China.

(5) 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.

(6) The People's Republic of China is the world's largest official creditor.

(7) 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 resources from the Bank.

(8) The World Bank reviews the graduation of a country from eligibility to borrow from the International Bank for Reconstruction and Development once the country reaches 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) The People's Republic of China exceeded the graduation discussion income threshold in 2016.

(10) Since 2016, the International Bank for Reconstruction and Development has approved projects totaling $8,930,000,000 to the People's Republic of China.

(11) 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 graduate countries from such eligibility once they exceed the graduation discussion income.

SEC. 3219F. UNITED STATES POLICY ON CHINESE AND RUSSIAN 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 credibly accused of committing human rights abuses;

(2) recognizes that it is not only the use of the veto on the United Nations Security Council, but also the threat of the use of a veto, 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 within the United Nations Security Council to challenge the protection of human rights and the guarantee of humanitarian access.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) reaffirm its commitment to maintain international peace and security, develop friendly relations among nations, and cooperate in solving international problems and promoting respect for human rights;

(2) highlight efforts by the People's Republic of 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 counteracting 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. DETERRING 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 Armed Services, 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 should coordinate with 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.

(c) WHOLE-OF-GOVERNMENT REVIEW.—Not later than 14 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 use of force by the People's Republic of China to change the status quo of Taiwan.

(d) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter for 5 years, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, the Director of National Intelligence, and any other relevant heads of Federal departments and agencies shall brief the appropriate committees of Congress on all available economic, diplomatic, and other strategic measures to deter PRC use of force to change the status quo of Taiwan and provide a detailed description and review of—

(1) efforts to date by the United States Government to deter the use of force by the People's Republic of China to change the status quo of Taiwan; and

(2) progress to date of all coordination efforts between the United States Government and its allies and partners with respect to deterring the use of force to change the status quo of Taiwan.

(e) COORDINATED CONSEQUENCES WITH ALLIES AND PARTNERS.—The Secretary of State shall coordinate with United States allies and partners to identify and develop significant economic, diplomatic, and other measures to deter the use of force by the People's Republic of China to change the status quo of Taiwan.

SEC. 3219H. STRATEGY TO RESPOND TO SHARP POWER OPERATIONS TARGETING 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 or entities 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. 3219I. 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 illicit 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 Representative; 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 OPIOID 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 unregulated fentanyl precursors such as 4–AP to controls; and

(2) a plan for future steps the United States Government will take to urge China 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 approval for the establishment of DEA offices in Shanghai and Guangzhou, China; and

(2) additional efforts to establish new partnerships with provincial-level authorities to counter the illicit trafficking of fentanyl, fentanyl analogues, and their precursors.

(e) FORM OF REPORT.—The report required under subsection (c) shall be unclassified with a classified annex.

SEC. 3219J. 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 public and 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.

(3) CONSULTATIONS.—In developing the strategy required by paragraph (1), the President shall consult with—

(A) Congress;

(B) each agency that is a member of the Trade Promotion Coordinating Committee;

(C) the relevant multilateral development banks, in coordination with the Secretary of the Treasury and the respective United States Executive Directors of such banks;

(D) each agency that participates in the Trade Policy Staff Committee established;

(E) the President's Export Council;

(F) each of the development agencies;

(G) any other Federal agencies with responsibility for export promotion or financing and development; and

(H) the private sector, including businesses, nongovernmental organizations, and African and Latin American and Caribbean diaspora groups.

(4) SUBMISSION TO CONGRESS.—

(A) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(B) 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).

(b) SPECIAL AFRICA AND LATIN AMERICA AND THE CARIBBEAN EXPORT STRATEGY COORDINATORS.—The President shall designate an individual to serve as Special Africa Export Strategy Coordinator and an individual to serve as Special Latin America and the Caribbean Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by subsection (a); and

(2) to coordinate developing and implementing the strategy with—

(A) the Trade Promotion Coordinating Committee;

(B) the Assistant United States Trade Representative for African Affairs or the Assistant United States Trade Representative for the Western Hemisphere, as appropriate;

(C) the Assistant Secretary of State for African Affairs or the Assistant Secretary of State for Western Hemisphere Affairs, as appropriate;

(D) the Export-Import Bank of the United States;

(E) the United States International Development Finance Corporation; and

(F) the development agencies.

(c) TRADE MISSIONS TO 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, financing, and development should conduct joint trade missions to Africa and to Latin America and the Caribbean.

(d) TRAINING.—The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the United States International Development Finance Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than one year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country receives that training.

(e) DEFINITIONS.—In this section:

(1) DEVELOPMENT AGENCIES.—The term ''development agencies'' means the United States Department of State, the United States Agency for International Development, the Millennium Challenge Corporation, the United States International Development Finance Corporation, the United States Trade and Development Agency, the United States Department of Agriculture, and relevant multilateral development banks.

(2) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(3) TRADE POLICY STAFF COMMITTEE.—The term ''Trade Policy Staff Committee'' means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations.

(4) TRADE PROMOTION COORDINATING COMMITTEE.—The term ''Trade Promotion Coordinating Committee'' means the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727).

(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 2301 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 LEADING TO DEVELOPMENT ACT OF 2018.

(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 2018 (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. 661 et seq.) for purposes of applying 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 2018 (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''—

(A) includes 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 can exploit 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 bases that are highly vulnerable to the PRC's strike capabilities.

(3) This shift in the regional military balance and erosion of conventional and strategic deterrence in the Indo-Pacific region—

(A) presents a substantial and imminent risk to the security of the United States; and

(B) left unchecked, could—

(i) embolden the PRC to take actions, including the use of military force, to 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 in the strength of United States commitments, even to the extent that these nations feel compelled to bandwagon with the PRC to protect their interests. The PRC is closely monitoring the United States reaction to PRC pressure and coercion of United States allies, searching for indicators of United States resolve.

(5) Achieving so-called ''reunification'' of Taiwan to mainland China is a key step for the PRC to achieve its regional hegemonic ambitions. The PRC has increased 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 the people of 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;

(C) defending the territorial integrity of Japan;

(D) preventing the PLA from diverting military planning, resources, and personnel to broader military ambitions; and

(E) retaining the United States credibility as a defender of the democratic values and free-market principles embodied by Taiwan's people and government;

(7) The PRC capitalized on the world's attention to COVID–19 to advance its military objectives in 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 ''research stations'' on Fiery Cross Reef and Subi Reef, landed special military aircraft on Fiery Cross Reef to routinize such deployments, and sent a flotilla of over 200 militia vessels to Whitsun Reef, a feature within the exclusive economic zone of the Philippines.

(8) On July 13, 2020, the Department of State clarified United States policy on the South China Sea and stated that ''Beijing's claims to offshore resources across most of the South China Sea are completely unlawful''.

(9) These actions in the South China Sea enable the PLA to exert influence and project power deeper into Oceania and the Indian Ocean. As Admiral Phil Davidson, 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.''.

(10) 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 Barack Obama stated, ''Our commitment to Japan's security is absolute and article five of the U.S.-Japan security treaty covers all territory under Japan's administration, including the Senkaku islands.''.

(11) 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 4 of our Mutual Defense Treaty.''.

(12) The PLA also continues to advance its influence over the Korean Peninsula, including through a series of joint air exercises with the Russian Federation in the Republic of Korea's Air Defense Identification Zone.

(13) 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 that can completely control all activity within 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 bomber variants, 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 space warfare; and

(E) increasing the size of its nuclear stockpile and delivery systems.

(14) 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 developing and acquiring technology 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.

(15) The United States lead in the development of science and technology relevant to defense is eroding in the face of competition from the PRC. United States research and development spending on defense capabilities has declined sharply as a share of global 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.

(16) 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.

(17) 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 with countries that purchase and become dependent on its military systems.

SEC. 3223. SENSE OF CONGRESS REGARDING BOLSTERING SECURITY PARTNERSHIPS 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 reconnaissance capabilities;

(2) launching 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 Japan and Australia, including supporting reciprocal access agreements and trilateral United States-Japan-Australia intelligence sharing;

(4) encouraging and facilitating Taiwan's accelerated acquisition of asymmetric defense capabilities, which are crucial to defending the islands of Taiwan from invasion, including long-range precision fires, munitions, anti-ship missiles, coastal defense, anti-armor, air defense, undersea warfare, advanced command, control, communications, computers, intelligence, surveillance and reconnaissance (C4ISR), and resilient command and control capabilities, and increasing the conduct of relevant and practical training and exercises with Taiwan's defense forces; and

(5) prioritizing building the capacity of United States allies and partners to protect defense technology.

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) exercise freedom of operations in the international waters and airspace 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, long-range precision fires, 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) reaffirm the commitment and support of the United States for allies and partners in the Indo-Pacific region, including longstanding United States policy regarding—

(A) Article V of the Treaty of Mutual Cooperation and Security between the United States and Japan, signed at Washington January 19, 1960;

(B) Article III of the Mutual Defense Treaty between the United States and the Republic of Korea, signed at Washington October 1, 1953;

(C) Article IV of the Mutual Defense Treaty between the United States and the Republic 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;

(D) Article IV of the Australia, New Zealand, United States Security Treaty, done at San Francisco September 1, 1951; and

(E) the Southeast Asia Collective Defense Treaty, done at Manila September 8, 1954, together with the Thanat-Rusk Communique 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) ensure the continuity 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 practices of 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 Taiwan in July 1982 as the foundations for United States-Taiwan relations, and to deepen, to the fullest extent possible, the extensive, close, and friendly relations of the United States and Taiwan, including cooperation to support the development of capable, ready, and modern forces necessary for the defense of Taiwan;

(9) enhance security partnerships with India, across Southeast Asia, and with other nations of the Indo-Pacific;

(10) deter acts of aggression or coercion by the PRC against United States and allies' interests, especially along the First Island Chain and in the Western Pacific, by showing PRC leaders that the United States can and is willing to deny them the ability to achieve their objectives, including by—

(A) consistently demonstrating the political will of the United States to deepening existing treaty alliances and growing new partnerships as a durable, asymmetric, and unmatched strategic advantage to the PRC's growing military capabilities and reach;

(B) maintaining a system of forward-deployed bases in the Indo-Pacific region as the most visible sign of United States resolve and commitment to the region, and as platforms to ensure United States operational readiness and advance interoperability with allies and partners;

(C) adopting a more dispersed force posture throughout the region, particularly the Western Pacific, and pursuing maximum access for United States mobile and relocatable launchers for long-range cruise, ballistic, and hypersonic weapons throughout the Indo-Pacific region;

(D) fielding long-range, precision-strike networks to United States and allied forces, including ground-launched cruise missiles, undersea and naval capabilities, and integrated air and missile defense in the First Island Chain and the Second Island Chain, in order to deter and prevent PRC coercion and aggression, and to maximize the United States ability to operate;

(E) strengthening extended deterrence to ensure that escalation against key United States interests would be costly, risky, and self-defeating; and

(F) collaborating with allies and partners to accelerate their roles in more equitably sharing the burdens of mutual defense, including through the acquisition and fielding of advanced capabilities and training that will better enable them to repel PRC aggression or coercion; and

(11) maintain the capacity of the United States to impose prohibitive diplomatic, economic, financial, reputational, and military costs on the PRC for acts of coercion or aggression, including to defend itself and its allies regardless of the point of origin of attacks against them.

SEC. 3225. FOREIGN MILITARY FINANCING IN THE INDO-PACIFIC AND AUTHORIZATION OF APPROPRIATIONS FOR SOUTHEAST 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. 2763) (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) SOUTHEAST 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 (INCLE) for the support of the Southeast Asia Maritime Law Enforcement Initiative.

(c) DIPLOMATIC OUTREACH ACTIVITIES.—There is authorized to be appropriated to the Department of State $1,000,000 for each of fiscal years 2022 through 2026, which shall be used—

(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 to better align respective interpretations of international law relating to freedom of the seas, including on the matters of operations by military ships in exclusive economic zones, innocent passage through territorial seas, and transits through international straits.

(d) PROGRAM AUTHORIZATION AND PURPOSE.—Using amounts appropriated pursuant to subsection (a), the Secretary of State, in coordination with the Secretary of Defense, is authorized to provide assistance for the purpose of increasing maritime security and domain awareness for countries in the Indo-Pacific region—

(1) to provide assistance to national military or other security forces of such countries that have maritime security missions among their functional responsibilities;

(2) to provide training to ministry, agency, and headquarters level organizations for such forces; and

(3) to provide assistance and training to other relevant foreign affairs, maritime, or security-related ministries, agencies, departments, or offices that manage and oversee maritime activities and policy that the Secretary of State may so designate.

(e) DESIGNATION OF ASSISTANCE.—Assistance provided by the Secretary of State under subsection (g) shall be known as the ''Indo-Pacific Maritime Security Initiative'' (in this section referred to as the ''Initiative'').

(f) 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 to 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 forms of maritime trafficking 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 in the Indo-Pacific region.

(6) Strengthening United States alliances and partnerships in Southeast Asia and other parts of the Indo-Pacific region.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amount appropriated pursuant to subsection (a) (relating

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 regional 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 authorized 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.

(h) 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 (f), 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 activities.

(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) AUTHORIZED ELEMENTS 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 COMPACT 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 (FMF) compacts.

(b) ASSISTANCE.—

(1) IN GENERAL.—The Secretary of State is authorized to create a pilot program, for a duration of two years, with an assessment for any additional or permanent programming, to provide assistance under this section for each country that enters 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 free and fair elections), and cooperation with 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 purposes of eligibility for assistance for fiscal years 2022 and 2023 if—

(A) the country is classified as a lower middle income country in the then-most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved; and

(B) the Secretary of State determines that the country is committed to seeking just 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 an FMF Challenge Compact, the Secretary—

(A) shall prepare and submit to the appropriate congressional committees a report that contains a list of all eligible countries identified that have met the requirements under paragraph (1) for the fiscal year; and

(B) shall consult with the appropriate congressional committees on the extent to which such countries meet the criteria described in paragraph (1).

(d) FMF CHALLENGE COMPACT.—

(1) COMPACT.—The Secretary of State may provide assistance for an eligible country only if the country enters into an agreement with the United States, to be known as an ''FMF Challenge Compact'' (in this subsection 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 those 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 foreign military financing under 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 made toward achieving such objectives after expiration of the Compact.

(e) CONGRESSIONAL CONSULTATION PRIOR TO COMPACT NEGOTIATIONS.—Not later than 15 days before commencing negotiations of a Compact with an eligible country, the Secretary of State shall consult with the appropriate congressional committees with respect to the proposed Compact negotiation and shall identify the objectives and mechanisms to be used for the negotiation of the Compact.

(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 success and utility of the pilot program established under this subsection in meeting United States objectives and a recommendation with respect to whether to continue a further foreign military financing compact program on a pilot or permanent basis.

SEC. 3227. ADDITIONAL FUNDING FOR INTERNATIONAL 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 (IMET) assistance), $45,000,000 for activities in the Indo-Pacific region in accordance with this division.

SEC. 3228. PRIORITIZING EXCESS DEFENSE ARTICLE 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.—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''.

(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)).

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 3228(c) two OLIVER HAZARD PERRY class guided missile frigates on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to 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).

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this subsection, that the recipient to which

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.

(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 force to impede freedom of operations in international airspace by military or civilian aircraft, to alter the status quo, or to destabilize the Indo-Pacific region;

(2) urges 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 overflight in international airspace, and to refrain from taking similar provocative actions elsewhere in the Indo-Pacific region;

(3) reaffirms that the 2016 Permanent Court of Arbitration decision is final and legally binding on both parties and that the People's Republic of China's claims to offshore resources across most of the South China Sea are unlawful; and

(4) condemns the People's Republic of China for failing to abide by the 2016 Permanent Court of Arbitration ruling, despite the PRC's obligations as a state party to the United Nations Convention on the Law of the Sea.

(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 policy regarding Article V of the United States-Philippines Mutual Defense Treaty and reaffirm its position that Article V of the United States-Japan Mutual Defense Treaty applies to the Japanese-administered Senkaku Islands;

(2) oppose claims that impinge on the rights, freedoms, and lawful use of the sea, or the airspace above it, that belong to all nations, and oppose the militarization of new and reclaimed land features in the South China Sea;

(3) continue certain policies with respect to the PRC claims in the South China Sea, namely—

(A) that PRC claims in the South China Sea, including to offshore resources across most of the South China Sea, are unlawful;

(B) that the PRC cannot lawfully assert a maritime claim vis-à-vis the Philippines in areas that the Permanent Court of Arbitration found to be in the Philippines' Exclusive Economic Zone (EEZ) or on its continental shelf;

(C) to reject any PRC claim to waters beyond a 12 nautical mile territorial sea derived from islands it claims in the Spratly Islands; and

(D) that the PRC has no lawful territorial or maritime claim to James Shoal;

(4) urge all parties to refrain from engaging in destabilizing activities, including illegal occupation or efforts to unlawfully assert administration over disputed claims;

(5) ensure that disputes are managed without intimidation, coercion, or force;

(6) call on all claimants to clarify or adjust claims in accordance with international law;

(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;

(8) oppose the imposition of new fishing regulations covering disputed areas in the South China Sea, regulations which have raised tensions in the region;

(9) support an effective Code of Conduct, if that Code of Conduct reflects the interests of Southeast Asian claimant states and does not serve as a vehicle for the People's Republic of China to advance its unlawful maritime claims;

(10) reaffirm that an existing body of international rules and guidelines, including the International Regulations for Preventing Collisions at Sea, done at London October 12, 1972 (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;

(11) support the development of regional institutions and bodies, including the ASEAN Regional Forum, the ASEAN Defense Minister's Meeting Plus, the East Asia Summit, and the expanded ASEAN Maritime Forum, to build practical cooperation in the region and reinforce the role of international law;

(12) encourage the deepening of partnerships with other countries in the region for maritime domain awareness and capacity building, as well as efforts by the United States Government to explore the development of appropriate multilateral mechanisms for a ''common operating picture'' in the South China Sea among Southeast Asian countries that would serve to help countries avoid destabilizing behavior and deter risky and dangerous activities;

(13) oppose actions by any country to prevent any other country from exercising its sovereign rights to the resources of the exclusive economic zone (EEZ) and continental shelf by making claims to those areas in the South China Sea that have no support in international law; and

(14) assure the continuity of operations by the United States in the Indo-Pacific region, including, when appropriate, in cooperation with partners and allies, to reaffirm the principle of freedom of operations in international waters and airspace in accordance with established principles and practices of international law.

SEC. 3231. REPORT ON CAPABILITY DEVELOPMENT OF INDO-PACIFIC ALLIES AND PARTNERS.

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

(1) the Secretary of State should expand and strengthen existing measures under the United States Conventional Arms Transfer Policy to provide capabilities to allies and partners consistent with agreed-on division of responsibility for alliance roles, missions and capabilities, prioritizing allies and partners in the Indo-Pacific region in accordance with United States strategic imperatives;

(2) the United States should design for export to Indo-Pacific allies and partners capabilities critical to maintaining a favorable military balance in the region, including long-range precision fires, air and missile defense systems, anti-ship cruise missiles, land attack 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—

(A) urge allies and partners to invest in sufficient quantities of munitions to meet contingency requirements and avoid the need for accessing United States stocks in wartime; and

(B) cooperate with allies to deliver such munitions, or when necessary, to increase allies' capacity to produce such munitions.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, 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.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that describes United States priorities for building more capable security partners in the Indo-Pacific region.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) provide a priority list of defense and military capabilities that Indo-Pacific allies and partners must possess for the United States to be able to achieve its military objectives in the Indo-Pacific region;

(B) identify, from the list referred to in subparagraph (A), the capabilities that are best provided, or can only be provided, by the United States;

(C) identify—

(i) actions required to prioritize United States Government resources and personnel to expedite fielding the capabilities identified in subparagraph (B); and

(ii) steps needed to fully account for and a plan to integrate all means of United States foreign military sales, direct commercial sales, security assistance, and all applicable authorities of the Department of State and the Department of Defense;

(D) assess the requirements for United States security assistance, including International Military Education and Training, in the Indo-Pacific region, as a part of the means to deliver critical partner capability requirements identified in subparagraph (B);

(E) assess the resources necessary to meet the requirements for United States security assistance, and identify resource gaps;

(F) assess the major obstacles to fulfilling requirements for United States security assistance in the Indo-Pacific region, including resources and personnel limits, foreign legislative and policy barriers, and factors related to specific partner countries;

(G) identify limitations on the ability of the United States to provide such capabilities, including those identified under subparagraph (B), because of existing United States treaty obligations, United States policies, or other regulations;

(H) recommend improvements to the process for developing requirements for United States partner capabilities; and

(I) identify required jointly agreed recommendations for infrastructure and posture, based on any ongoing mutual dialogues.

(3) FORM.—The report required under this subsection shall be unclassified, but may include a classified annex.

SEC. 3232. REPORT ON NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

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

(1) a more streamlined, shared, and coordinated approach, which leverages economies of scale with major allies, is necessary for the United States to retain its lead in defense technology;

(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 2500 of title 10, United States Code) would advance United States security interests by helping to leverage the defense-related technologies and skilled workforces of trusted allies to reduce the dependence on other countries, including countries that pose challenges to United States interests around the world, for defense-related innovation and investment; and

(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 shall submit a report to the appropriate congressional committees that—

(A) describes 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

(B) identifies foreign legal and regulatory challenges, as well as foreign policy or other challenges or considerations that prevent or frustrate these efforts, to include any gaps in the respective export control regimes implemented by United Kingdom of Great Britain and Northern Ireland, Australia, or Canada.

(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 committees of Congress regarding United States diplomatic engagement with other nations that host or are considering hosting any military installation of the Government of 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 description and 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) the impact of the 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 economic pressure on the Government of the Democratic People's Republic of Korea (referred to in this section as the ''DPRK'') until the regime undertakes complete, verifiable, and irreversible actions toward denuclearization, including by—

(1) pressing all nations, including the PRC, to implement and enforce existing United Nations sanctions with regard to the DPRK;

(2) pressing all nations, including the PRC, and in accordance with United Nations Security Council resolutions, to end the practice of hosting DPRK citizens as guest workers, recognizing that such workers are demonstrated to constitute an illicit source of revenue for the DPRK regime and its nuclear ambitions;

(3) pressing all nations, including the PRC, to pursue rigorous interdiction of shipments to and from the DPRK, including ship-to-ship transfers, consistent with United Nations Security Council resolutions;

(4) pressing the PRC and PRC entities—

(A) to cease business activities with United Nations-designated entities and their affiliates in the DPRK; and

(B) to expel from the PRC individuals who enable the DPRK to acquire materials for its nuclear and ballistic missile programs; and

(5) enforcing United Nations Security Council resolutions with respect to the DPRK and United States sanctions, including those pursuant to the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122), the Countering America's Adversaries Through Sanctions Act (Public Law 115–44), the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (title LXXI of division F of Public Law 116–92), and relevant United States executive orders.

SEC. 3235. LIMITATION ON ASSISTANCE TO COUNTRIES HOSTING CHINESE MILITARY INSTALLATIONS.

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

(1) although it casts the Belt and Road Initiative (BRI) as a development initiative, the People's Republic of China is also utilizing the BRI to advance its own security interests, including to expand its power projection capabilities and facilitate greater access for the People's Liberation Army through overseas military installations; and

(2) the expansion of the People's Liberation Army globally through overseas military installations will undermine the medium- and long-term security of the United States and the security and development of strategic partners in critical regions around the world, which is at odds with United States goals to promote peace, prosperity, and self-reliance among partner nations, including through the Millennium Challenge Corporation.

(b) LIMITATION ON ASSISTANCE.—Except as provided in subsection (c), for fiscal years 2022 through 2031, the government of a country that is hosting on its territory a military installation of the Government of the People's Republic of China or facilitates the expansion of the presence of the People's Liberation Army for purposes other than participating in United Nations peacekeeping operations or for temporary humanitarian, medical, and disaster relief operations in such country shall not be eligible for assistance under sections 609 or 616 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708, 7715).

(c) NATIONAL INTEREST WAIVER.—The President may, on a case by case basis, waive the limitation in subsection (b) if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver is important to the national interests of the United States; and

(2) a detailed explanation of how the waiver is important to those interests.

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.

It is the policy of the United States—

(1) to strengthen alliances and partnerships in Europe and with like-minded countries around the globe to effectively compete with the People's Republic of China; and

(2) to work in collaboration with such allies and partners—

(A) to address significant diplomatic, economic, and military challenges posed by the People's Republic of China;

(B) to deter the People's Republic of China from pursuing military aggression;

(C) to promote the peaceful resolution of territorial disputes in accordance with international law;

(D) to promote private sector-led long-term economic development while countering efforts by the Government of the People's Republic of China to leverage predatory economic practices as a means of political and economic coercion in the Indo-Pacific region and beyond;

(E) to promote the values of democracy and human rights, including through efforts to end the repression by the Chinese Communist Party of political dissidents, Uyghurs, and other ethnic Muslim minorities, Tibetan Buddhists, Christians, and other minorities;

(F) to respond to the crackdown by the Chinese Communist Party, in contravention of the commitments made under the Sino-British Joint Declaration of 1984 and the Basic Law of Hong Kong, on the legitimate aspirations of the people of Hong Kong; and

(G) to counter the Chinese Communist Party's efforts to spread disinformation in the People's Republic of China and beyond with respect to the response of the Chinese Communist Party to COVID–19.

PART I—WESTERN HEMISPHERE

SEC. 3245. SENSE OF CONGRESS REGARDING UNITED STATES-CANADA RELATIONS.

It is the sense of Congress that—

(1) the United States and Canada have a unique relationship based on shared geography, extensive personal connections, deep economic ties, mutual defense commitments, and a shared vision to uphold democracy, human rights, and the rules based international order established after World War II;

(2) the United States and Canada can better address the People's Republic of China's economic, political, and security influence through closer cooperation on counter-narcotics, environmental stewardship, transparent practices in public procurement and infrastructure planning, the Arctic, energy and connectivity issues, trade and commercial relations, bilateral legal matters, and support for democracy, good governance, and human rights;

(3) amidst the COVID–19 pandemic, the United States and Canada should maintain joint initiatives to address border management, commercial and trade relations and

infrastructure, a shared approach with respect to the People's Republic of China, and transnational challenges, including pandemics, energy security, and environmental stewardship;

(4) the United States and Canada should enhance cooperation to counter Chinese disinformation, influence operations, economic espionage, and propaganda efforts;

(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;

(6) the United States should share, as appropriate, intelligence gathered regarding—

(A) Huawei's 5G capabilities; and

(B) the PRC 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 in the Arctic, including by modernizing the North American Aerospace Defense Command (NORAD) to effectively defend the Northern Hemisphere against the range of threats by peer competitors, including long-range missiles and high-precision weapons.

SEC. 3246. SENSE OF CONGRESS REGARDING THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA'S ARBITRARY IMPRISONMENT OF CANADIAN CITIZENS.

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, which has been endorsed by 57 countries and the European Union, and reaffirms 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 national Robert Schellenberg.

SEC. 3247. 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 minerals, and illicit narcotics;

(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 projection of an authoritarian governing model around the world;

(4) detail diplomatic, defense, and intelligence cooperation to date and future plans to support Canadian efforts to identify cost-effective alternatives to Huawei's 5G technology;

(5) detail diplomatic and defense collaboration—

(A) to advance joint United States-Canadian priorities for responsible stewardship in the Arctic Region; and

(B) to counter the PRC's efforts to project political, economic, and military influence into the Arctic Region; and

(6) detail diplomatic efforts to work with Canada to track and counter the PRC's attempts to exert influence across the multilateral system, including at the World Health Organization.

(c) FORM.—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 frequently 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. 3248. STRATEGY TO STRENGTHEN ECONOMIC COMPETITIVENESS, GOVERNANCE, HUMAN RIGHTS, AND THE RULE OF LAW IN LATIN AMERICA AND THE CARIBBEAN.

(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 the Treasury, the Secretary of Commerce, the Attorney General, the United States Trade Representative, and the Chief Executive Officer of the United States International Development Finance Corporation, shall submit a multi-year strategy for increasing United States economic competitiveness and promoting good governance, human rights, and the rule of law in Latin American and Caribbean countries, particularly in the areas of investment, equitable and sustainable development, commercial relations, anti-corruption activities, and infrastructure projects, to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Finance of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Ways and Means of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(b) ADDITIONAL ELEMENTS.—The strategy required under subsection (a) shall include a plan of action, including benchmarks to achieve measurable progress, to—

(1) enhance the technical capacity of countries in the region to advance the sustainable development of equitable economies;

(2) reduce trade and non-tariff barriers between the countries of the Americas;

(3) facilitate a more open, transparent, and competitive environment for United States businesses in the region;

(4) establish frameworks or mechanisms to review long term financial sustainability and security implications of foreign investments in strategic sectors or services, including transportation, communications, natural resources, and energy;

(5) establish competitive and transparent infrastructure project selection and procurement processes that promote transparency, open competition, financial sustainability, adherence to robust global standards, and the employment of the local workforce;

(6) strengthen legal structures critical to robust democratic governance, fair competition, combatting corruption, and ending impunity;

(7) identify and mitigate obstacles to private sector-led economic growth in Latin America and the Caribbean; and

(8) maintain transparent and affordable access to the internet and digital infrastructure in the Western Hemisphere.

(c) BRIEFING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, after consultation with the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the United States Trade Representative, and the leadership of the United States International Development Finance Corporation, shall brief the congressional committees listed in subsection (a) regarding the implementation of this part, including examples of successes and challenges.

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; and

(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 congressional committees that assesses the nature, intent, and impact to United States strategic interests of Chinese diplomatic activity aimed at influencing the decisions, procedures, 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, intent, and impact on United States strategic interests of Chinese military activity in Latin America and the Caribbean, including military education and training programs, weapons sales, and space-related activities in the military or civilian spheres, such as—

(A) the satellite and space control station the People's Republic of China constructed in Argentina; and

(B) defense and security cooperation carried out by the People's Republic of China in Latin America and the Caribbean, including sales of surveillance and monitoring technology to governments in the region such as Venezuela, Cuba, Ecuador, and Colombia, and the potential use of such technologies as tools of Chinese intelligence services.

(3) FORM.—The report required under paragraph (1) shall be submitted 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 People's Republic of China has expanded sovereign lending to governments in Latin America and the Caribbean with loans that are repaid or collateralized with natural resources or commodities;

(2) several countries in Latin American and the Caribbean that have received a significant 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 Republic of China's predatory economic practices and sovereign lending practices in Latin America and the Caribbean negatively influence 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 countries 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 Caribbean achieve sustainable and serviceable debt structures.

(b) SUPPORT FOR A GENERAL CAPITAL INCREASE.—The President shall take steps to support a tenth general capital increase for the Inter-American Development Bank, including 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. 283 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 resolution to increase the capital stock of the Bank by $80,000,000,000 over a period not to exceed 5 years.

''(b) SUBSCRIPTION AUTHORIZED.—

''(1) IN GENERAL.—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 advance in appropriations Acts.

''(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—In order to pay for the increase in the United States subscription to the Bank under subsection (b), there is authorized to be appropriated $24,014,857,191 for payment by the Secretary of the Treasury.

''(2) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under paragraph (1)—

''(A) $600,371,430 shall be for paid in shares of the Bank; and

''(B) $23,414,485,761 shall be for callable shares of the Bank.''.

(d) ADDRESSING CHINA'S SOVEREIGN LENDING IN THE AMERICAS.—The Secretary of the Treasury and the United States Executive Director to the Inter-American Development Bank shall use the voice, vote, and influence of the United States—

(1) to advance efforts by the Bank to help countries restructure debt resulting from sovereign lending by the Government of the People's Republic of China in order to achieve sustainable and serviceable debt structures; and

(2) to establish appropriate safeguards and transparency and conditionality measures to protect debt-vulnerable member countries of the Inter-American Development Bank that borrow from the Bank for the purposes of restructuring Chinese bilateral debt held by such countries and preventing such countries from incurring subsequent Chinese bilateral debt.

(e) BRIEFINGS.—

(1) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter for 6 years, the President shall provide to the Committee on Foreign Relations of the Senate, the Committee on Finance of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives a briefing detailing efforts to carry out subsection (b) and (d) and the amendment made by subsection (c).

(2) PROGRESS IN ACHIEVING SUSTAINABLE AND SERVICEABLE DEBT STRUCTURES.—Not later than 180 days after the successful completion of a tenth general capital increase for the Inter-American Development Bank, and every 180 days thereafter for a period of 3 years, the President shall provide to the Committee on Foreign Relations of the Senate, the Committee on Finance of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives a briefing on efforts by the Bank to support countries in Latin American and the Caribbean in their efforts to achieve sustainable and serviceable debt structures.

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 programs are vigorous, substantive, and the preeminent choice for international military education and training for Latin American and Caribbean partners.

(c) REQUIRED ELEMENTS.—The programs referred to in subsection (a) shall—

(1) provide training and capacity-building opportunities to Latin American and Caribbean security services;

(2) provide practical skills and frameworks for—

(A) improving the functioning and organization of security services in Latin America and the Caribbean;

(B) creating a better understanding of the United States and its values; and

(C) using technology for maximum efficiency and organization; and

(3) promote and ensure that security services in Latin America and the Caribbean respect civilian authority and operate in compliance with international norms, standards, and rules of engagement, including a respect for human rights.

(d) LIMITATION.—Security assistance under this section is subject to limitations as enshrined in the requirements of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

SEC. 3252. ENGAGEMENT WITH CIVIL SOCIETY IN LATIN AMERICA AND THE CARIBBEAN REGARDING ACCOUNTABILITY, HUMAN RIGHTS, AND THE RISKS OF PERVASIVE SURVEILLANCE TECHNOLOGIES.

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

(1) the Government of the People's Republic of China is exporting its model for internal security and state control of society through advanced technology and artificial intelligence; and

(2) the inclusion of communication networks and communications supply chains with equipment and services from companies with close ties to or that are susceptible to pressure from governments or security services without reliable legal checks on governmental powers can lead to breaches of citizens' private information, increased censorship, violations of human rights, and harassment of political opponents.

(b) DIPLOMATIC ENGAGEMENT.—The Secretary of State shall conduct diplomatic engagement with governments and civil society organizations in Latin America and the Caribbean to—

(1) help identify and mitigate the risks to civil liberties posed by technologies and services described in subsection (a); and

(2) offer recommendations on ways to mitigate such risks.

(c) INTERNET FREEDOM PROGRAMS.—The Chief Executive Officer of the United States Agency for Global Media, working through the Open Technology Fund, and the Secretary of State, working through the Bureau of Democracy, Human Rights, and Labor's Internet Freedom and Business and Human Rights Section, shall expand and prioritize efforts to provide anti-censorship technology and services to journalists in Latin America and the Caribbean, in order to enhance their ability to safely access or share digital news and information.

(d) SUPPORT FOR CIVIL SOCIETY.—The Secretary of State, through the Assistant Secretary of State for Democracy, Human Rights, and Labor, and in coordination with the Administrator of the United States Agency for International Development, shall work through nongovernmental organizations to—

(1) support and promote programs that support internet freedom and the free flow of information online in Latin America and the Caribbean;

(2) protect open, interoperable, secure, and reliable access to internet in Latin America and the Caribbean;

(3) provide integrated support to civil society for technology, digital safety, policy and advocacy, and applied research programs in Latin America and the Caribbean;

(4) train journalists and civil society leaders in Latin America and the Caribbean on investigative techniques necessary to ensure public accountability and prevent government overreach in the digital sphere;

(5) assist independent media outlets and journalists in Latin America and the Caribbean to build their own capacity and develop high-impact, in-depth news reports covering governance and human rights topics;

(6) provide training for journalists and civil society leaders on investigative techniques 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 role of the Government of the People's Republic of China in such practices;

(8) assist nongovernmental organizations to strengthen their capacity to monitor the activities described in paragraph (7); and

(9) identify local resources to support the preponderance of activities that would be carried out under this subsection.

(e) BRIEFING REQUIREMENT.—Not more than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States Agency for Global Media shall provide a briefing regarding the efforts described in subsections (c), (d), and (e) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

PART II—TRANSATLANTIC ALLIANCE

SEC. 3255. SENSE OF CONGRESS ON THE TRANSATLANTIC ALLIANCE.

It is the sense of Congress that—

(1) the United States, European Union, and European countries are 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 countries on connectivity, trade, 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 Europe to support our collective economic recovery, reinforce our collective national security, and defend shared values;

(5) the United States, European Union, and European countries 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 the global 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 trilateral efforts to address economic challenges posed by the People's Republic of China;

(9) the United States, European Union, and countries of Europe should enhance cooperation to counter PRC disinformation, influence operations, and propaganda efforts;

(10) the United States and European nations share serious concerns with the repressions being supported and executed by the Government of the People's Republic of China, and should continue implementing measures to address the Government of the People's Republic of China's specific abuses in Tibet, Hong Kong, and Xinjiang, and should build 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 at the United Nations and other multilateral organizations 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'';

(12) the People's Republic of China's infrastructure 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 intentions of the Government of the People's Republic of China with respect to 5G expansion in Europe;

(14) the European Union's Investment Screening Regulation, which came into force in October 2020, is a welcome development, and member states should closely scrutinize PRC 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 Export Control Reform Act regulations 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 technologies 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 Multilateral Export Controls (CoCom) that would specifically coordinate United States and European Union export control policies with respect to limiting exports of sensitive 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 People's Republic of China, including in the medical and pharmaceutical sectors, and develop joint strategies to diversify supply chains;

(B) counter PRC efforts to use COVID–19-related assistance as a coercive tool to pressure developing countries by offering relevant United States and European expertise and assistance; and

(C) leverage the United States and European private sectors to advance the post-COVID–19 economic recovery.

SEC. 3256. STRATEGY TO ENHANCE TRANSATLANTIC COOPERATION 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 Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives 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 Senate-confirmed Department of State official that leads United States efforts to cooperate with the European Union, NATO, and European partner countries to advance a shared approach with respect to the People's Republic of China.

(2) Identify key policy points of convergence 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 practices.

(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 challenges 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 People's Republic of China; and

(E) developing a 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 Department 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 work with European partners to counter the Government of the People's Republic of China's advancement of an authoritarian governance model around the world.

(6) Detail the diplomatic efforts made up to the date of the briefing and future plans to support European efforts to identify cost-effective alternatives to Huawei's 5G technology.

(7) Detail how United States public diplomacy tools, including the Global Engagement Center of the Department of State, will coordinate efforts with counterpart entities within the European Union to counter Chinese propaganda.

(8) Describe the staffing and budget resources the Department of State dedicates to 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.

(9) Detail diplomatic efforts to work with European partners to track and counter Chinese attempts to exert influence across multilateral 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 Secretary of State shall consult with the appropriate congressional committees regarding the development and implementation of the elements described in subsection (b).

SEC. 3257. ENHANCING TRANSATLANTIC COOPERATION ON PROMOTING PRIVATE SECTOR FINANCE.

(a) IN GENERAL.—The President should work with transatlantic partners to build on the agreement among the Development Finance Corporation, FinDev Canada, and the European Development Finance Institutions (called the DFI Alliance) to enhance coordination 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 Three Seas Initiative and Three Seas Initiative Fund;

(3) the Blue Dot Network among the United States, Japan, and Australia; and

(4) a European Union-Japan initiative that has leveraged $65,000,000,000 for infrastructure projects and emphasizes transparency standards.

(b) COOPERATION AT THE UNITED NATIONS.—The United States, European Union, and European countries should coordinate efforts to address the Government 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.

(c) STANDARDS.—The United States and the European Union should coordinate and develop a strategy to enhance transatlantic cooperation with the OECD and the Paris Club on ensuring the highest possible standards for Belt and Road Initiative contracts and terms with developing countries.

SEC. 3258. REPORT AND BRIEFING ON COOPERATION BETWEEN CHINA AND IRAN AND BETWEEN CHINA AND RUSSIA.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(2) 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 Financial Services, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(b) REPORT AND BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Secretary of the Treasury, and such other heads of Federal agencies as the Director considers appropriate, submit to the appropriate committees of Congress a report and brief the appropriate committees of Congress on cooperation between the People's Republic of China and the Islamic Republic of Iran and between the People's Republic of China and the Russian Federation.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following elements:

(A) An identification of major areas of diplomatic, energy, 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) An assessment of the effect that 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)(i) that would be had by the United States reentering compliance with the JCPOA or a successor agreement and the effect of the United States not reentering compliance with the JCPOA or reaching a successor agreement.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) SENSE OF CONGRESS ON SHARING WITH ALLIES AND PARTNERS.—It is the sense of Congress that the Director of National Intelligence and the heads of other 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 development finance 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 should seek to partner with other multilateral development finance institutions and development finance institutions to leverage the respective available funds to support low carbon economic development, which may include nuclear energy projects, environmental adaptation, and resilience activities in developing countries.

(c) ALTERNATIVES TO THE PEOPLE'S REPUBLIC OF CHINA'S BELT AND ROAD INITIATIVE.—The President shall work with European counterparts to establish a formal United States-European Commission Working Group to develop a comprehensive strategy to develop alternatives to the Government of the People's Republic of China's Belt and Road Initiative for development finance. United States participants in the working group shall seek to integrate existing efforts into the strategy, including efforts to address the Government of the People's Republic of China's use of the United Nations to advance the Belt and Road Initiative, including the proliferation of memoranda of understanding between the People's Republic of China and United Nations funds and programs regarding the implementation of the Belt and Road Initiative.

(d) CO-FINANCING OF INFRASTRUCTURE PROJECTS.—

(1) AUTHORIZATION.—Subject to paragraph (2), the Secretary of State, the Administrator of the United States Development Agency, and other relevant agency heads are authorized to co-finance infrastructure projects that advance the development objectives of the United States overseas and provide viable alternatives to projects that would otherwise be included within the People's Republic of China's Belt and Road Initiative.

(2) CONDITIONS.—Co-financing arrangements authorized pursuant to paragraph (1) may not be approved unless—

(A) the projects to be financed—

(i) promote the public good;

(ii) promote low carbon emissions, which may include nuclear energy projects; and

(iii) will have substantially lower environmental impact than the proposed Belt and Road Initiative alternative; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are notified not later than 15 days in advance of entering into such co-financing arrangements.

PART III—SOUTH AND CENTRAL ASIA

SEC. 3261. SENSE OF CONGRESS ON SOUTH AND CENTRAL ASIA.

It is the sense of Congress that—

(1) the United States should continue to stand with friends and partners in South and Central Asia as they contend with efforts by the Government of the People's Republic of China to interfere in their respective political systems and encroach upon their sovereign territory; and

(2) the United States should reaffirm its commitment to the Comprehensive Global Strategic Partnership with India and further deepen bilateral defense consultations and collaboration with India commensurate with its status as a major defense partner.

SEC. 3262. STRATEGY TO ENHANCE 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 submit 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, PRC investments in land and sea ports, transportation infrastructure, and energy projects across the region.

(2) A detailed description of United States efforts to provide alternatives 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 Afghan mineral 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) In close consultation with the Government of India, identification of areas where the United States Government can provide diplomatic and other support as appropriate for India's efforts to address 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 and functional 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 agencies, including the Department of State, the United States Agency for International Development, the Department of Commerce, the Department of Energy, and 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 nations diversify their trade away from the People's Republic of China.

(9) A detailed description of United States diplomatic efforts with Central Asian countries, Turkey, and any 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 Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee of Foreign Affairs 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 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 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) INTELLIGENCE ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in coordination with the Director of National Intelligence, submit to the appropriate committees of Congress a report that assesses the nature and impact of the People's Republic of China's political, economic, and security sector activity in Africa, and its impact on United States strategic interests, 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;

(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 tactics used to facilitate illegal and corrupt activity, including trade in counterfeit and illicit goods, to include smuggled extractive resources and wildlife products, from Africa to the People's Republic of China;

(9) the methods and techniques that the People's Republic of China uses to exert undue influence on African governments and facilitate corrupt activity in Africa, including through the CCP's party-to-party training program, and to influence African multilateral organizations; and

(10) an analysis of the soft power, cultural and educational activities undertaken by the PRC and CCP to seek to expand their influence in Africa.

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, and the Committee on Ways and Means of the House of Representatives.

(b) STRATEGY REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the United States Trade Representative, the Administrator of the United States Agency for International Development, and the leadership of the United States International Development Finance Corporation, submit to the appropriate committees of Congress a report setting forth 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.—The strategy submitted pursuant to subsection (a) shall include—

(1) a description and assessment of barriers to United States investment in Africa for United States businesses, including a clear identification of the different barriers facing small-sized and medium-sized businesses, and an assessment of whether existing programs effectively address such barriers;

(2) a description and assessment of barriers to African diaspora investment in Africa, and recommendations to overcome such barriers;

(3) an identification of the economic sectors in the United States that have a comparative advantage in African markets;

(4) a determination of priority African countries for promoting two-way trade and investment and an assessment of additional foreign assistance needs, including democracy and governance and rule of law support, to promote a conducive operating environment in priority countries;

(5) an identification of opportunities for strategic cooperation with European allies on trade and investment in Africa, and for establishing a dialogue on trade, security, development, and environmental issues of mutual interest; and

(6) a plan to regularly host a United States-Africa Leaders Summit to promote two-way trade and investment, strategic engagement, and security in Africa

(d) ASSESSMENT OF UNITED STATES GOVERNMENT HUMAN RESOURCES CAPACITY.—The Comptroller General of the United States shall—

(1) conduct a review of the number of Foreign Commercial Service Officers and Department of State Economic Officers at United States embassies in sub-Saharan Africa; and

(2) develop and submit to the appropriate congressional committees an assessment of whether human resource capacity in such embassies is adequate to meet the goals of the various trade and economic programs and initiatives in Africa, including the African Growth and Opportunity Act and Prosper 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 include representatives of the Department of State, the Department of Defense, the Office of the Director of National Intelligence, and such other agencies of the United States Government as the President considers appropriate, on means to counter PRC cyber aggression with respect to Africa.

(2) DUTIES.—The Working Group established pursuant to this subsection shall develop and submit to the appropriate congressional committees a set of recommendations for—

(A) bolstering the capacity of governments in Africa to ensure the integrity of their data networks and critical infrastructure where applicable;

(B) providing alternatives to Huawei;

(C) an action plan for United States embassies in Africa to offer to provide assistance to host-country governments with respect to protecting their vital digital networks and infrastructure from PRC espionage, including an assessment of staffing resources needed to implement the action plan in embassies in Africa;

(D) utilizing interagency resources to counter PRC disinformation and propaganda in traditional and digital media targeted to African audiences; and

(E) helping civil society in Africa counter digital authoritarianism and identifying tools and assistance to enhance and promote digital democracy.

SEC. 3274. INCREASING PERSONNEL IN UNITED STATES EMBASSIES IN SUB-SAHARAN AFRICA FOCUSED ON THE PEOPLE'S REPUBLIC OF CHINA.

The Secretary of State may station on a permanent basis Department of State personnel at such United States embassies in sub-Saharan Africa as the Secretary considers appropriate focused on the activities, policies and investments of the People's Republic of China in Africa.

SEC. 3275. SUPPORT FOR YOUNG AFRICAN LEADERS INITIATIVE.

(a) FINDING.—Congress finds that youth in Africa can have a positive impact on efforts to foster economic growth, improve public sector transparency and governance, and counter extremism, and should be an area of focus for United States outreach on the continent.

(b) POLICY.—It is the policy of the United States, in cooperation and collaboration 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 serve as leaders in the public and private sectors in order to help them 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 the 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 established under this paragraph, in 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 in connection 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. 3276. 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 timeline needed to establish within the Agency an organization whose mission shall be to promote democratic values and institutions in Africa by providing 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 uncensored news, responsible discussion, and open debate.

PART V—MIDDLE EAST AND NORTH AFRICA

SEC. 3281. STRATEGY TO COUNTER CHINESE INFLUENCE IN, AND ACCESS TO, 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 that runs counter to United States interests in the region;

(2) the People's Republic of China seeks to erode United States influence 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 geographically strategic locations 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; and

(4) the export of certain communications infrastructure from the People's Republic of China degrades the security of partner networks, exposes intellectual property to theft, threatens the ability of the United States to conduct security cooperation with compromised regional partners, 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, and access to, the Middle East and North Africa.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include—

(A) an assessment of the People's Republic 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 technology transfers from the People's Republic of China to 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;

(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 initiatives across 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 engagement on critical infrastructure development projects including ports and water infrastructure;

(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 investment 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 internet;

(M) efforts to promote United States private sector engagement in and public-private partnerships on renewable energy development;

(N) the expansion of public-private partnership efforts on water, desalination, and irrigation projects; and

(O) efforts to warn United States partners 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 paths'' 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 policy of the United States 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—

(A) creates new national and regional security challenges due to increased military activity in the Arctic;

(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 patrol the 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; and

(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

(2) 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 unfolding in the Arctic;

(B) developing policies and making preparations to mitigate and respond to threats

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 competencies;

(C) adequately funding the National Earth System Prediction Capability to substantively improve weather, ocean, and ice predictions on the time scales necessary to ensure regional security and trans-Arctic shipping;

(D) investing in resources, including a significantly expanded icebreaker fleet, to ensure that the United States has adequate capacity to prevent and respond to security threats in the Arctic region;

(E) pursuing diplomatic engagements with 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 safe and efficient management of commercial maritime traffic in the Arctic;

(iv) promoting responsible natural resource management and economic development; and

(v) countering 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 (OES) shall designate a deputy assistant secretary serving within the Bureau of Oceans and International Environmental and Scientific Affairs as ''Deputy Assistant Secretary for Arctic Affairs'', who shall be responsible for OES affairs in the Arctic Region.

(e) 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) strengthening 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 respect to the activities described in paragraph (1), and, as appropriate, represent the United States within multilateral fora that address international cooperation and foreign policy matters 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 emerging environmental changes 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 to better ensure that broader decision 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 voice, vote, 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) perform such other duties and exercise such powers as the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs shall prescribe.

(f) RANK AND STATUS.—The President shall appoint the Deputy Assistant Secretary for Arctic Affairs designated under subsection (d) to Special Representative or Special Envoy with the rank of Ambassador by and with the consent of the Senate.

(g) ARCTIC REGION SECURITY POLICY.—The Bureau of European and Eurasian Affairs shall be the lead bureau for developing and implementing the United States' Arctic Region Security Policy, in coordination with the Bureau of Oceans and International Environmental and Scientific Affairs, the Bureau of Political-Military Affairs, embassies, other regional bureaus, and relevant offices 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, policies, and actions—

(1) to bolster the diplomatic presence of the United States in Arctic nations, including through enhancements to diplomatic missions and facilities, participation 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;

(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 advance principles of good governance by encouraging and cooperating with Arctic nations on collaborative approaches—

(A) to responsibly manage natural resources in the Arctic Region;

(B) to share the burden of ensuring maritime safety in the Arctic Region;

(C) to prevent the escalation of security tensions by mitigating against the militarization of the Arctic Region;

(D) to develop mutually agreed upon multilateral policies among Arctic nations on the management of maritime transit routes through the Arctic Region and work cooperatively on the transit policies for access to and transit in the Arctic Region by non-Arctic nations; and

(E) to facilitate the development of Arctic Region Security Action Plans to ensure stability and public safety in disaster situations in a humane and responsible fashion; and

(6) to evaluate the vulnerability, security, survivability, and resiliency of United States interests and non-defense assets in the Arctic Region.

PART VII—OCEANIA

SEC. 3291. STATEMENT OF POLICY ON UNITED STATES ENGAGEMENT IN OCEANIA.

It shall be the policy of the United States—

(1) to elevate the countries of Oceania as a strategic national security and economic priority of the United States Government;

(2) to promote civil society, the rule of law, and democratic governance across Oceania as part of a free and open Indo-Pacific region;

(3) to broaden and deepen relationships with the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through robust defense, diplomatic, economic, and development exchanges that promote the goals of individual states and the entire region;

(4) to work with the governments of Australia, New Zealand, and Japan to advance shared alliance goals of the Oceania region concerning health, environmental protection, disaster resilience and preparedness, illegal, unreported and unregulated fishing, maritime security, and economic development;

(5) to participate, wherever possible and appropriate, in existing regional organizations and international structures to promote the national security and economic goals of the United States and countries of the Oceania region;

(6) to invest in a whole-of-government United States strategy that will enhance youth engagement and advance long-term growth and development throughout the region, especially as it relates to protecting marine resources that are critical to livelihoods and strengthening the resilience of the countries of the Oceania region against current and future threats resulting from extreme weather and severe changes in the environment;

(7) to deter and combat acts of malign foreign influence and corruption aimed at undermining the political, environmental, social, and economic stability of the people and governments of the countries of Oceania;

(8) to improve the local capacity of the countries of Oceania to address public health challenges and improve global health security;

(9) to help the countries of Oceania access market-based private sector investments that adhere to best practices regarding transparency, debt sustainability, and environmental and social safeguards as an alternative to state-directed investments by authoritarian governments;

(10) to ensure the people and communities of Oceania remain safe from the risks of old and degrading munitions hazards and other debris that threaten health and livelihoods;

(11) to cooperate with Taiwan by offering United States support for maintaining Taiwan's diplomatic partners in Oceania; and

(12) to work cooperatively with all governments in Oceania to promote the dignified

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. 3292. OCEANIA STRATEGIC ROADMAP.

(a) OCEANIA STRATEGIC ROADMAP.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a strategic roadmap for strengthening United States engagement with the countries of Oceania, including an analysis of opportunities to cooperate with Australia, New Zealand, and Japan, to address shared concerns and promote shared goals in pursuit of 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, including a review of issues related to anticorruption, maritime and other security issues, environmental protection, fisheries management, economic growth and development, and disaster resilience and preparedness.

(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. 3293. REVIEW OF USAID PROGRAMMING IN OCEANIA.

(a) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development (in this section referred to as ''USAID''), should include the Indo-Pacific countries of Oceania in existing strategic planning and multi-sector program evaluation processes, including the Department of State's Integrated Country Strategies and USAID's Country Development Cooperation Strategies, the Joint Strategic Plan, and the Journey to Self-Reliance Country Roadmaps.

(b) PROGRAMMATIC CONSIDERATIONS.—Evaluations and considerations for Indo-Pacific countries of Oceania in the program planning and strategic development processes under subsection (a) should include—

(1) descriptions of the diplomatic and development challenges of the Indo-Pacific countries of Oceania as those challenges relate to the strategic, economic, and humanitarian interests of the United States;

(2) reviews of existing Department of State and USAID programs to address the diplomatic and development challenges of those countries evaluated under paragraph (1);

(3) descriptions of the barriers, if any, to increasing Department of State and USAID programming to Indo-Pacific countries of Oceania, including—

(A) the relative income level of the Indo-Pacific countries of Oceania relative to other regions where there is high demand for United States foreign assistance to support development needs;

(B) the relative capacity of the Indo-Pacific countries of Oceania to absorb United States foreign assistance for diplomatic and development needs through partner governments and civil society institutions; and

(C) any other factor that the Secretary or Administrator determines may constitute a barrier to deploying or increasing United States foreign assistance to the Indo-Pacific countries of Oceania;

(4) assessments of the presence of, degree of international development by, partner country indebtedness to, and political influence of malign foreign governments, such as the Government of the People's Republic of China, and non-state actors;

(5) assessments of new foreign economic assistance modalities that could assist in strengthening United States foreign assistance in the Indo-Pacific countries of Oceania, including the deployment of technical assistance and asset recovery tools to partner governments and civil society institutions to help develop the capacity and expertise necessary to achieve self-sufficiency;

(6) an evaluation of the existing budget and resource management processes for the Department of State's and USAID's mission and work with respect to its programming in the Indo-Pacific countries of Oceania;

(7) an explanation of how the Secretary and the Administrator will use existing programming processes, including those with respect to development of an Integrated Country Strategy, Country Development Cooperation Strategy, the Joint Strategic Plan, and the Journey to Self-Reliance Country Roadmaps, to advance the long-term growth, governance, economic development, and resilience of the Indo-Pacific countries of Oceania; and

(8) any recommendations about appropriate budgetary, resource management, and programmatic changes necessary to assist in strengthening United States foreign assistance programming in the Indo-Pacific countries of Oceania.

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 locations 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) A review of the funding modalities available to the 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 with participation and support of the Department of State as described in subsection (a).

(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 the greatest existential threat to countries of Oceania.

(7) An evaluation of how an Oceania Security Dialogue could help amplify the issues and work of existing regional structures and organizations dedicated to the security of the Oceania region, such as the Pacific Island Forum and Pacific Environmental Security Forum.

(8) An analysis of how an Oceania Security Dialogue would help with implementation of the strategic roadmap required by section 292 and 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 OCEANIA.

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

(1) many countries of the Oceania region depend on commercial tuna 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 this section referred to as ''IUU fishing'') activities;

(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 assess and model fishery stocks and advise managers on sustainable catch levels;

(6) beyond the damage to living marine resources, IUU fishing also contributes directly 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;

(8) such 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;

(9) 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;

(10) maritime domain awareness technologies hold the promise of significantly augmenting the current IUU fishing enforcement capacities; and

(11) maritime domain awareness technologies offer an avenue for addressing key United States national interests, including those interests related to—

(A) increasing bilateral diplomatic ties with key allies and partners in the Oceania region;

(B) countering illicit trafficking in arms, narcotics, and human beings associated with IUU fishing;

(C) advancing security, long-term growth, and development in the Oceania region;

(D) supporting ocean conservation objectives;

(E) reducing food insecurity; and

(F) countering attempts by the Government of the People's Republic of China to grow its influence in the Oceania region.

(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 Administrator of the National Oceanic and Atmospheric Administration, the Commandant of the Coast Guard, and the Secretary of Defense, shall submit to the appropriate congressional committees a report assessing the use of advanced maritime domain awareness technology systems to combat IUU fishing in Oceania.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a review of the effectiveness of existing monitoring technologies, including electronic 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 such 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 in the deployment and maintenance of large-scale use of maritime domain awareness technology systems for the purposes of combating IUU fishing and supporting fisheries resource management;

(F) an evaluation of the utility of using foreign assistance, security assistance, and development assistance provided by the United States to countries of the Oceania region to support the large-scale deployment and operations of maritime domain awareness systems to increase maritime security across the region; and

(G) an assessment 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 foreign influence.

SEC. 3296. OCEANIA PEACE CORPS PARTNERSHIPS.

(a) IN GENERAL.—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 reasonably 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; and

(2) working with regional and international partners of the United States to expand 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 better 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 durations; 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 under subsection (a)(2), 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 by—

(A) addressing, through appropriate resilience-based interventions, the vulnerability that communities in Oceania face as result of extreme weather, severe environmental change, 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 Coral Islands of Australia.

(13) The Federated States of Micronesia.

(14) The Norfolk Island of Australia.

(15) The Pitcairn Islands of the United Kingdom.

(16) The Republic of the Marshal Islands.

(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)—

(1) 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) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following:

''(F) Systematic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation policies and practices.''.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a)—

(1) 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 Permanent 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 Director of the Central Intelligence Agency, in coordination with the Secretary of State, the Secretary of Treasury, and any other relevant United States Government official, shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities of senior officials of the Government of the People's Republic of China.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include the following elements:

(i) A description of the wealth and sources of wealth of senior officials of the Government of the People's Republic of China.

(ii) A description of corrupt activities, including activities taking place outside of China, engaged in by senior officials of the Government of the People's Republic of China.

(iii) A description of any gaps in the ability of the intelligence community to collect information covered in clauses (i) and (ii).

(B) SCOPE OF REPORTS.—The first report under paragraph (1) shall include comprehensive information on the matters described in subparagraph (A). Any succeeding report under paragraph (1) may consist of an update or supplement to the preceding report under that subsection.

(3) FORM.—Each report under paragraph (1) shall include an unclassified executive summary of the elements described in clauses (i) and (ii) of paragraph (2)(A), and may include a classified annex.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake every effort and pursue every opportunity to expose the corruption and related practices of senior officials of the Government of the People's Republic of China, including 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 members of the United Nations Human Rights Council that commit gross and systemic violations of human rights, including—

(A) lowering the threshold vote at the United Nations General Assembly for removal to a simple majority;

(B) ensuring information detailing the member country's human rights record is publicly available before the vote on removal; 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 gross and 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 member—

(A) currently designated as a country engaged in a consistent pattern of gross violations of internationally recognized human rights pursuant to section 116 or section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304);

(B) currently designated as a state sponsor of terrorism;

(C) currently designated as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(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 genocide or crimes against humanity.

SEC. 3306. POLICY WITH RESPECT TO TIBET.

(a) RANK OF UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—Section 621 of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note) is amended—

(1) by redesignating subsections (b), (c), and (d), as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

''(b) RANK.—The Special Coordinator shall either be appointed by the President, with the advice and consent of the Senate, or shall be an individual holding the rank of Under Secretary of State or higher.''.

(b) TIBET UNIT AT UNITED STATES EMBASSY IN BEIJING.—

(1) IN GENERAL.—The Secretary of State shall establish a Tibet Unit in the Political Section of the United States Embassy in Beijing, People's Republic of China.

(2) OPERATION.—The Tibet Unit established under paragraph (1) shall operate until such time as the Government of the People's Republic of China permits—

(A) the United States Consulate General in Chengdu, People's Republic of China, to reopen; or

(B) a United States Consulate General in Lhasa, Tibet, to open.

(3) STAFF.—

(A) IN GENERAL.—The Secretary shall—

(i) assign not fewer than 2 United States direct-hire personnel to the Tibet Unit established under paragraph (1); and

(ii) hire not fewer than 1 locally engaged staff member for such unit.

(B) LANGUAGE TRAINING.—The Secretary shall make Tibetan language training available to the personnel assigned under subparagraph (A), consistent with the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note).

SEC. 3307. UNITED STATES POLICY AND INTERNATIONAL ENGAGEMENT ON THE SUCCESSION OR REINCARNATION OF THE DALAI LAMA AND RELIGIOUS FREEDOM OF TIBETAN BUDDHISTS.

(a) REAFFIRMATION 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 (Public Law 116–260), that any ''interference by the Government of the People's Republic of China or any other government in the process of recognizing a successor or reincarnation of the 14th Dalai Lama and any future Dalai Lamas would represent a clear abuse of the right to religious freedom of Tibetan Buddhists and the Tibetan people''.

(b) INTERNATIONAL EFFORTS TO PROTECT RELIGIOUS FREEDOM OF TIBETAN BUDDHISTS.—The Secretary of State should engage with United States allies and partners to—

(1) support Tibetan Buddhist 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 of China in the religious 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 following findings:

(1) The Uyghurs are one of several predominantly Muslim Turkic groups living in the Xinjiang Uyghur Autonomous Region (XUAR) in the northwest of the People's Republic of China (PRC).

(2) Following Uyghur demonstrations and unrest in 2009 and clashes with government security personnel and other violent incidents in subsequent years, PRC leaders sought to ''stabilize'' the XUAR through large-scale arrests and extreme security measures, under the pretext of combatting alleged terrorism, religious extremism, and ethnic separatism.

(3) In May 2014, the PRC launched its ''Strike Hard Against Violent Extremism'' campaign, which placed further restrictions on and facilitated additional human rights violations against minorities in the XUAR 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 overseeing intensifying security operations and human rights abuses in the TAR, was appointed as Party Secretary of the XUAR.

(5) Beginning in 2017, XUAR authorities have sought to forcibly ''assimilate'' Uyghurs 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 XUAR, which it calls ''vocational training'' centers, and detained Uyghurs and other groups in them and other facilities.

(7) Since 2015, XUAR authorities have arbitrarily detained an estimated 1,500,000 Uyghurs—12.5 percent of the XUAR's official Uyghur population of 12,000,000—and a smaller number of other ethnic minorities in the ''vocational training'' centers and other detention and pre-detention facilities.

(8) In 2017, the XUAR accounted for less than two percent of the PRC's total population but 21 percent of all arrests in China.

(9) The Atlantic, Radio Free Asia, and other sources have revealed that detainees are forced to renounce many of their Islamic beliefs and customs and repudiate Uyghur culture, language, and identity.

(10) Investigations by Human Rights Watch and other human rights organizations have documented how detainees are subject to political indoctrination, forced labor, crowded and unsanitary conditions, involuntary biometric data collection, both medical neglect and intrusive medical interventions, food and water deprivation, beatings, sexual violence, and torture.

(11) Research by the Australian Strategic Policy Institute suggests that, since late 2019, many detainees have been placed in higher security facilities and convicted of formal crimes.

(12) Human Rights Watch has reported that the PRC uses data collection programs, including facial recognition technology, to surveil Uyghurs in the XUAR and to identify individuals whom authorities may detain.

(13) PRC authorities have placed countless children whose parents are detained or in exile in state-run institutions and boarding schools without the consent of their parents.

(14) New York Times reporting revealed that numerous local PRC officials who did not agree with the policies carried out in XUAR have been fired and imprisoned.

(15) Associated Press reporting documented widespread and systemic efforts by PRC authorities to force Uyghur women to take contraceptives or to subject them to sterilization or abortion, threatening to detain those who do not comply.

(16) PRC authorities prohibit family members 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 the 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) Individuals who are not detained in camps have been forced to attend political indoctrination sessions, subjected to movement restrictions, mass surveillance systems, involuntary biometric data collection, and other human rights abuses.

(19) International media, nongovernmental 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 United Nations experts jointly 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.

(22) The United States Congress passed the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145).

(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 additional targeted restrictions 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, has committed genocide against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang''.

(27) On January 19, 2021, during his confirmation hearing, Secretary of State Antony Blinken testified that ''forcing men, women, and children into concentration camps, trying to in effect reeducate them to be adherents to the Chinese Communist Party—all of that speaks to an effort to commit genocide''.

(28) On January 19, 2021, Secretary of the Treasury Janet L. Yellen, during her confirmation hearing, publicly stated that China is guilty of ''horrendous human rights abuses''.

(29) On January 27, 2021, in response to a question from the press regarding the Uyghurs, Secretary Blinken stated that his ''judgement remains that genocide was committed against the Uyghurs''.

(30) On March 10, 2021, in response to a question on Xinjiang during his testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary Blinken reiterated, ''We've been clear, and I've been clear, that I see it as genocide, other egregious abuses of human rights, and we'll continue to make that clear.''.

(31) The 2020 Department of State Country Reports on Human Rights Practices: China states that ''[g]enocide 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 forced labor, sexual violence, the internment 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 other 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 those responsible for the atrocities in Xinjiang to account;

(5) United States agencies engaged with China on trade, climate, defense, or other bilateral issues should include 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 news 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 must 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 pressure 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 a strategy to investigate the human rights abuses and crimes that have taken place in the XUAR, collect evidence, and transfer the evidence to a competent court; and

(D) United States partners and allies should undertake similar strategies in an effort to build an international investigation outside 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 Kongers.

(2) On June 30, 2020, the National People's Congress passed a ''National Security Law'' that further erodes Hong Kong's autonomy and enables authorities to suppress dissent.

(3) The Government of the People's Republic of China continues to utilize the National Security Law to undermine the fundamental rights of the people of Hong Kong through 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 internet service providers to censor content, hand over user information, and block access to platforms.

(5) On January 13, 2021, the Hong Kong Broadband Network blocked public access to HK Chronicles, a website promoting pro-democracy viewpoints, under the authorities of the National Security Law.

(6) On February 12, 2021, internet service providers blocked access to the Taiwan Transitional 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—

(1) support the ability of the people of Hong Kong to maintain their freedom to access information online; and

(2) focus on investments in technologies that facilitate the unhindered exchange of information in Hong Kong in advance of any future efforts by the Chinese Communist Party—

(A) to suppress internet access;

(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 COMMITTEES OF CONGRESS.—The term ''appropriate committees 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 United Kingdom of Great Britain and Northern Ireland and 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 resiliency and online access in Hong Kong. The Secretary shall establish a Hong Kong Internet Freedom Program in the Bureau of Democracy, Human Rights, and Labor at the Department of State. Additionally, the President of the Technology Fund is authorized to establish a Hong Kong Internet Freedom Program. 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 its implementation of this, and any other Internet Freedom Programs.

(2) INDEPENDENCE.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2023, the Program shall be carried out independent from the mainland China internet freedom portfolios in order to focus on supporting liberties presently enjoyed by the people of Hong Kong.

(3) CONSOLIDATION OF DEPARTMENT OF STATE PROGRAM.—Beginning on October 1, 2023, 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).

(e) SUPPORT FOR INTERNET FREEDOM TECHNOLOGY PROGRAMS.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Secretary of State, working through the Bureau of Democracy, Human Rights, and Labor, and the Open Technology Fund, separately and independently from the Secretary of State, are authorized to award grants and contracts to private organizations to support and develop programs in Hong Kong that promote or expand—

(i) open, interoperable, reliable and secure internet; and

(ii) the online exercise of human rights and fundamental freedoms of individual citizens, activists, human rights defenders, independent journalists, civil society organizations, and marginalized populations in Hong Kong.

(B) GOALS.—The goals of the programs developed with grants authorized under subparagraph (A) should 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; and

(ix) to engage American private industry, including e-commerce firms and social networking companies, on the importance of preserving internet access in Hong Kong.

(C) GRANT RECIPIENTS.—Grants authorized under this paragraph shall be distributed to multiple vendors and suppliers through an open, fair, competitive, 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 undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interests of the United States or to individuals or organizations benefitting from programs supported by the Open Technology Fund.

(2) FUNDING SOURCE.—The Secretary of State is authorized to expend funds from the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor of the Department of State during fiscal year 2020 for grants authorized under paragraph (1) at any entity in the working group.

(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 $5,000,000 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 expended pursuant to paragraph (2), there are authorized to be appropriated to the Office of Internet Freedom Programs in 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 Secretary of State and 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 2022;

(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 and resiliency of the circumvention efforts;

(G) providing training for high-risk groups and individuals in Hong Kong; and

(H) detecting analyzing, and responding to new and evolving censorship threats;

(3) includes a detailed description of the technical and fiscal steps necessary to safely implement 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 awarding grants to private organizations for the purposes described in subsection (e)(1)(A);

(5) outlines the working group's consultations regarding the implementation of this section to ensure that all Federal efforts are aligned and well coordinated; and

(6) outlines the Department of State's strategy to influence global internet legal standards at international organizations and multilateral fora.

SEC. 3310. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) IN GENERAL.—Section 112b 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—

''(1) 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;

''(2) 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 (m)(3)(A)(ii); and

''(3) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).'';

(3) by striking subsection (b);

(4) by redesignating subsections (a), (c), (d), (f), 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)(1) Not less frequently than once each month, the Secretary, through the Legal Adviser of the Department of State, shall provide to the appropriate congressional committees the following:

''(A)(i) A list of all international agreements and qualifying non-binding instruments approved for negotiation by the Secretary or another Department of State officer at the Assistant Secretary level or higher during the prior month.

''(ii) A description of the intended 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, provides authorization for all international agreements and qualifying non-binding instruments provided under clause (ii) to become operative. If multiple authorities are relied upon, 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 subsection reference whenever available 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 operative 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 statutory or 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 may provide any of the information or texts of international agreements and qualifying non-binding instruments required under paragraph (1) in classified form if providing such information in unclassified form could reasonably be expected to cause damage to the foreign relations or foreign activities of the United States.

''(3) In the case of a general authorization issued for the negotiation or conclusion of a series of agreements of the same general type, the requirements of this subsection may be satisfied by the provision of—

''(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 such agreements are contemplated.

''(4)(A) The President 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—

''(i) 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

''(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 will 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.

''(B) Not later than 60 calendar days after the date on which the President exercises the waiver authority under subparagraph (A), 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.

''(C) The certification required by subparagraph (A) may be provided in classified form.

''(D) The President shall not delegate the waiver authority or certification requirements under subparagraph (A).

''(b)(1) Not less frequently than once each month, the Secretary shall make the text of all international agreements that entered into force and qualifying non-binding instruments that became operative during the prior month, and the information required by subparagraphs (B)(iii) and clauses (iii) and (iv) of subsection (a)(1)(C), available to the public on the website of the Department of State.

''(2) The requirement under paragraph (1)—

''(A) shall not apply to any information, including the text of an international agreement or qualifying non-binding instrument, that is classified; and

''(B) shall apply to any information, including the text of an international agreement or qualifying non-binding instrument, that is unclassified, except that the information required by subparagraphs (B)(iii) and clauses (iii) and (iv) of subsection (a)(1)(C) shall not be subject to the requirement under paragraph (1) if the international agreement or qualifying non-binding instrument to which it relates is classified.

''(3)(A) Not less frequently than once every 3 months, for all non-binding instruments that become operative and in which Department of State personnel or resources, including personnel or resources subject to chief of mission authority, were involved in the negotiation of such instruments, the Secretary shall—

''(i) make the text of all such unclassified non-binding instruments available to the public on the website of the Department of State; and

''(ii) transmit the text of all such classified non-binding instruments to the appropriate congressional committees.

''(B) The requirements under subparagraph (A) shall not apply to a non-binding instrument if the Secretary determines that such instrument is a minor undertaking. The Secretary shall submit any such determination to the appropriate congressional committees not later than 30 calendar days after the date on which such instrument is signed or approved and provide in such submission the name of the instrument and a description of the instrument's scope, substance, and participants. The Secretary may provide such determination in classified form if providing such information in unclassified form could reasonably be expected to cause damage to the foreign relations or foreign activities of the United States.

''(C) The requirements under subparagraph (A) shall not apply to any non-binding instruments that become operative pursuant to the authorities provided in title 10 or the authorities provided to the agencies described in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(c) For any international agreement or qualifying non-binding arrangement, not later than 30 calendar days after the date on which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting copies of any implementing agreements or arrangements, whether binding or non-binding, the Secretary shall submit such implementing agreements or arrangements to the appropriate congressional committees.'';

(6) by striking subsection (e) and inserting the following:

''(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

''(A) be selected from among employees of such department or agency;

''(B) serve concurrently as the Chief International Agreements Officer; and

''(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

''(2) The Chief International Agreements Officer of the Department of State shall serve in the Office of the Legal Adviser with the title of International Agreements Compliance Officer.

''(f) Texts of oral international agreements and qualifying non-binding instruments shall be reduced to writing and subject to the requirements of subsection (a).'';

(7) in subsection (g), as redesignated by paragraph (4), by striking ''of State'';

(8) by inserting after subsection (g), as so redesignated, the following:

''(h)(1) Notwithstanding any other provision of law, no amounts appropriated to the Department of State under any law shall be available for obligation or expenditure to conclude or implement or to support the conclusion or implementation of (including through the use of personnel or resources subject to the authority of a chief of mission) a particular international agreement, other than to facilitate compliance with this section, until the Secretary satisfies the substantive requirements in subsection (a) with respect to that particular international agreement.

''(2) Paragraph (1) shall take effect on October 1, 2022.

''(i)(1) Not later than 3 years after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

''(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

''(A) the cause and scope of such failure or refusal;

''(B) the specific office or offices responsible for such failure or refusal; and

''(C) penalties or other recommendations for measures to ensure compliance with statutory requirements.

''(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 websites of the Government Accountability Office and the Department of State, respectively.'';

(9) in subsection (j), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking ''The Secretary of State 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

(ii) by striking ''an index of'' and all that follows through the period at the end and inserting the following: ''a list of—

''(A) all international agreements and qualifying non-binding instruments that were signed or otherwise concluded, entered into force or otherwise became operative, or that were modified or otherwise amended during the preceding calendar year; and

''(B) for each agreement and instrument included in the list under subparagraph (A)—

''(i) the dates of any action described in such subparagraph;

''(ii) the title of the agreement or instrument; and

''(iii) a summary of the agreement or instrument (including a description of the duration of activities under the agreement or instrument and a description of the agreement or instrument).'';

(B) in paragraph (2), by striking ''may be submitted in classified form'' and inserting ''shall be submitted in unclassified form, but may include a classified annex''; and

(C) by adding at the end the following:

''(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 each part of the report involving 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 on developments with regard to non-binding instruments that have an important effect on the foreign relations of the United States.''; and

(10) in subsection (l), as redesignated by paragraph (4)—

(A) by striking ''or executive agreement'' and inserting '', executive agreement''; and

(B) by inserting '', or non-binding instrument'' after ''agreement''; and

(11) by adding after subsection (l), as redesignated by paragraph (4), the following:

''(m) In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Relations of the Senate; and

''(B) the Committee on Foreign Affairs of the House of Representatives.

''(2) The term 'international agreement' includes—

''(A) treaties that require the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

''(B) other international agreements to which the United States is a party and which are not subject to the advice and consent of the Senate.

''(3)(A) The term 'qualifying non-binding instrument' means a non-binding instrument that—

''(i) is signed or otherwise becomes operative with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

''(ii) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary.

''(B) The term 'qualifying non-binding instrument' does not include any non-binding instrument that is signed or otherwise becomes operative pursuant to the authorities provided in title 10 or the authorities provided to the agencies described in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(4) The term 'Secretary' means the Secretary of State.

''(5)(A) The term 'text of the international agreement or qualifying non-binding instrument' 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) Under subparagraph (A)(ii), the term 'contemporaneously and in conjunction with' shall be construed liberally and shall not be interpreted to mean simultaneously or on the same day.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

''112b. United States international agreements; transparency provisions.''.

(c) CONFORMING AMENDMENT.—Section 317(h)(2) of the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking ''Section 112b(c)'' and inserting ''Section 112b(g)''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $1,000,000 for each of fiscal years 2022 through 2026 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by this section.

(e) RULES AND REGULATIONS.—Not later than six months from the date of the enactment of this Act, the President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry section 112b of title 1, United States Code, as amended by this section.

SEC. 3311. AUTHORIZATION OF APPROPRIATIONS FOR PROTECTING HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Amounts authorized to be appropriated or otherwise made available to carry out section 409 of the Asia Reassurance Initiative (Public Law 115–409) include programs that prioritize the protection and advancement of the freedoms of association, assembly, religion, and expression for women, human rights activists, and ethnic and religious minorities in the People's Republic of China.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) may be used to fund nongovernmental agencies within the Indo-Pacific region that are focused on the issues described in subsection (a).

(c) CONSULTATION REQUIREMENT.—In carrying out this section, the Assistant Secretary 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);

(2) protecting members of the groups referred to in subsection (a) who have been targeted for arrest, harassment, forced sterilizations, coercive abortions, forced labor, or intimidation, including members residing outside of the People's Republic of China; and

(3) messaging efforts to reach 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 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.—

(1) IN GENERAL.—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 the XXIV Olympic Winter Games or the XIII Paralympic Winter Games by any employee of the United States Government.

(2) EXCEPTION.—Paragraph (1) shall not apply to the obligation or expenditure of Federal funds necessary—

(A) to support—

(i) the United States Olympic and Paralympic Committee;

(ii) the national governing bodies of amateur sports; or

(iii) athletes, employees, or contractors of the Olympic and Paralympic Committee or such national governing bodies; or

(B) to provide consular services or security to, or otherwise protect the health, safety, and welfare of, United States persons, employees, contractors, and their families.

(3) WAIVER.—The Secretary of State may waive the applicability of paragraph (1) in a circumstance in which the Secretary determines a waiver is the national interest.

SEC. 3313. REPEAL OF SUNSET APPLICABLE TO AUTHORITY UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.

Section 1265 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is repealed.

TITLE IV—INVESTING IN OUR ECONOMIC STATECRAFT

SEC. 3401. FINDINGS AND SENSE OF CONGRESS REGARDING THE PRC'S INDUSTRIAL POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China, at the direction of the Chinese Communist Party, is advancing an ecosystem of anticompetitive economic and industrial policies that—

(A) distort global markets;

(B) limit innovation;

(C) unfairly advantage PRC firms at the expense of the United States and other foreign firms; and

(D) unfairly and harmfully prejudice consumer choice.

(2) Of the extensive and systemic economic and industrial policies pursued by the PRC, the mass subsidization of PRC firms, intellectual property theft, and forced technology transfer are among the most damaging to the global economy.

(3) Through regulatory interventions and direct financial subsidies, the CCP, for the purposes of advancing national political and economic objectives, directs, coerces, and influences in anti-competitive ways the commercial activities of firms that are directed, financed, influenced, or otherwise controlled by the state, including state-owned enterprises, and ostensibly independent and private Chinese companies, such as technology firms in strategic sectors.

(4) The PRC Government, at the national and subnational levels, grants special privileges or status to certain PRC firms in key sectors designated as strategic, such as telecommunications, oil, power, aviation, banking, and semiconductors. Enterprises receive special state preferences in the form of favorable loans, tax exemptions, and preferential land access from the CCP.

(5) The subsidization of PRC companies, as described in paragraphs (3) and (4)—

(A) enables these companies to sell goods below market prices, allowing them to outbid and crowd out market-based competitors and thereby pursue global dominance of key sectors;

(B) distorts the global market economy by undermining longstanding and generally accepted market-based principles of fair competition, leading to barriers to entry and forced exit from the market for foreign or private firms, not only in the PRC, but in markets around the world;

(C) creates government-sponsored or supported de facto monopolies, cartels, and other anti-market arrangements in key sectors, limiting or removing opportunities for other firms; and

(D) leads to, as a result of the issues described in paragraphs (A) through (C), declines in profits and revenue needed by foreign and private firms for research and development.

(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, particularly 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 regulations, policies, and practices that coerce the handover of technology and other propriety or sensitive data from foreign enterprises to domestic firms in exchange for access to the PRC market.

(7) Companies in the United States and in foreign countries compete with state-subsidized PRC companies that enjoy 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 PRC 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 opportunity, 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 301 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 investment in IP, they are unable to achieve the growth necessary to reinvest in innovation. In this sense, China's technology transfer regime directly burdens the innovation ecosystem that is an engine of economic growth in the United States and similarly-situated economies.''.

(9) In addition to forced technology transfers described in this subsection, the United States Trade Representative's investigation of the PRC under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) also identified requirements that foreign firms license products at less than market value, government-directed and government-subsidized acquisition of sensitive technology for strategic purposes, and cyber theft as other key PRC technology and industrial policies that are unreasonable and discriminatory. These policies place at risk United States intellectual property rights, innovation and technological development, and jobs in dozens of industries.

(10) Other elements of the PRC's ecosystem of industrial policies that harm innovation and distort global markets include—

(A) advancement of policies that encourage local production over imports;

(B) continuation of policies that favor unique technical standards in use by PRC firms rather than globally accepted standards, which often force foreign firms to alter their products and manufacturing chains to compete;

(C) requirements that foreign companies disclose proprietary information to qualify for the adoption of their standards for use in the PRC domestic market; and

(D) maintenance of closed procurement processes, which limit participation by foreign firms, including by setting terms that require such firms to use domestic suppliers, transfer know-how to firms in the PRC, and disclose proprietary information.

(11) The Belt and Road Initiative (BRI) and associated industry-specific efforts under this initiative, such as the Digital Silk Road, are key vectors to advance the PRC's mercantilist policies and practices globally. The resulting challenges do not only affect United States firms. As the European Chamber of Commerce reported in a January 2020 report, the combination of concessional lending to PRC state-owned enterprises, non-transparent procurement and bidding processes, closed digital standards, and other factors severely limit European and other participation in BRI and make ''competition [with PRC companies] in third-country markets extremely challenging''. This underscores a key objective of BRI, which is to ensure the reliance of infrastructure, digital technologies, and other important goods on PRC supply chains and technical standards.

(12) On January 9, 2021, the Ministry of Commerce of the PRC issued Order No. 1 of 2021, entitled ''Rules on Counteracting Unjustified Extraterritorial Application of Foreign Legislation and other Measures'', which establishes a blocking regime in response to foreign sanctions on Chinese individuals and entities. That order allows the Government of the PRC to designate specific foreign laws as ''unjustified extraterritorial application of foreign legislation'' and to prohibit compliance with such foreign laws.

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

(1) the challenges presented by a non-market economy like the PRC's economy, which has captured such a large share of global economic exchange, are in many ways unprecedented and require sufficiently elevated and sustained long-term focus and engagement;

(2) in order to truly address the most detrimental aspects of CCP-directed mercantilist economic strategy, the United States must adopt policies that—

(A) expose the full scope and scale of intellectual property theft and mass subsidization of Chinese firms, and the resulting harm to the United States, foreign markets, and the global economy;

(B) ensure that PRC companies face costs and consequences for anticompetitive behavior;

(C) provide options for affected United States persons to address and respond to unreasonable and discriminatory CCP-directed industrial policies; and

(D) 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—

(A) to reinforce long-standing generally accepted principles of fair competition and market behavior and address the PRC's anti-competitive economic and industrial policies that undermine decades of global growth and innovation;

(B) to ensure that the PRC is not granted the same treatment as that of a free-market economy until it ceases the implementation of laws, regulations, policies, and practices that provide unfair advantage to PRC firms in furtherance of national objectives and impose unreasonable, discriminatory, and illegal burdens on market-based international commerce; and

(C) to align policies with respect to curbing state-directed subsidization of the private sector, such as advocating for global rules related to transparency and adherence to notification requirements, including through the efforts currently being advanced by the United States, Japan, and the European Union;

(4) the United States and its allies and partners must collaborate to provide incentives to their respective companies to cooperate in areas such as—

(A) advocating for protection of intellectual property rights in markets around the world;

(B) fostering open technical standards; and

(C) increasing joint investments in overseas markets; and

(5) the United States should develop policies that—

(A) insulate United States entities from PRC pressure against complying with United States laws;

(B) counter the potential impact of the blocking regime of the PRC described in subsection (a)(12), including by working with allies and partners of the United States and multilateral institutions; and

(C) plan for future actions that the Government of the PRC may take to undermine the lawful application of United States legal authorities, including with respect to the use of sanctions.

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 (referred to in this section as the ''intellectual property violators list'') that identifies—

(1) all centrally administered state-owned enterprises incorporated in the People's Republic of China that have benefitted from—

(A) a significant act or series of acts of intellectual property theft that subjected a United States economic sector or particular company incorporated in the United States to harm; or

(B) an act or government policy of involuntary or coerced technology transfer of intellectual property ultimately owned by a company incorporated in the United States; and

(2) any corporate officer of, or principal shareholder with controlling interests in, an entity described in paragraph (1).

(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, as necessary and appropriate, with—

(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.—

(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 actions described in subsection (a)(2), including any role of the PRC government;

(C) assesses, to the extent practicable, the economic advantage derived by the companies engaged in the activities described in subsection (a)(1); and

(D) assesses whether each company engaged in the activities described in subsection (a)(1) is using or has used the stolen intellectual property in commercial activity in Australia, Canada, the European Union, Japan, New Zealand, South Korea, the United Kingdom, or the United States.

(2) FORM.—The report published under paragraph (1) shall be unclassified, but may include a classified annex.

(e) DECLASSIFICATION AND RELEASE.—The Director of National Intelligence may authorize the declassification of 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; or

(B) subsequently consents to the release of such information.

(2) NONCONFIDENTIAL VERSION OF REPORT.—If confidential business 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 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. 3403. GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SUBSIDIES LIST.

(a) REPORT.—Not later than one year after the date of the 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 identifies—

(1) subsidies provided by the PRC government to enterprises in the PRC; and

(2) discriminatory treatment favoring enterprises in the PRC over foreign market participants.

(b) SUBSIDIES AND DISCRIMINATORY TREATMENT DESCRIBED.—In compiling the report under subsection (a), the Secretary of State shall consider—

(1) regulatory and other policies enacted or promoted by the PRC government that—

(A) discriminate in favor of enterprises in the PRC at the expense of foreign market participants;

(B) shield centrally administered, state-owned enterprises from competition; or

(C) otherwise suppress market-based competition;

(2) financial subsidies, including favorable lending terms, from or promoted by the PRC government or centrally administered, state-owned enterprises that materially benefit PRC enterprises over foreign market participants in contravention of generally accepted market principles; and

(3) any subsidy that meets the definition of subsidy under article 1 of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(c) CONSULTATION.—The Secretary of State, in coordination with the Secretary of Commerce and the United States Trade Representative, may, as necessary and appropriate, consult with—

(1) other Federal agencies, including independent agencies;

(2) the private sector; and

(3) civil society organizations with relevant expertise.

SEC. 3404. COUNTERING FOREIGN CORRUPT PRACTICES.

(a) IN GENERAL.—The Secretary of State, in coordination with the Attorney General, shall offer to provide technical assistance to establish legislative and regulatory frameworks to combat the bribery of foreign public officials consistent with the principles of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions to the governments of countries—

(1) that are partners of the United States;

(2) that have demonstrated a will to combat foreign corrupt practices responsibly; and

(3) for which technical assistance will have the greatest opportunity to achieve measurable results.

(b) STRATEGY REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a strategy for carrying out the activities described in subsections (a) to the appropriate congressional committees.

(c) COORDINATION.—In formulating the strategy described in subsection (b), the Secretary of State shall coordinate with the Attorney General.

(d) SEMIANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for five years, the Secretary of State shall provide a briefing regarding the activities described in subsection (a) and the strategy submitted under subsection (b) to the appropriate congressional committees.

SEC. 3405. DEBT RELIEF FOR COUNTRIES ELIGIBLE FOR ASSISTANCE FROM THE INTERNATIONAL DEVELOPMENT ASSOCIATION.

(a) POLICY STATEMENT.—It is the policy of the United States to coordinate with the international community to provide debt relief for debt that is held by countries eligible for assistance from the International Development Association that request forbearance to respond to the COVID–19 pandemic.

(b) DEBT RELIEF.—The Secretary of the Treasury, in consultation with the Secretary of State, shall engage with international financial institutions and other bilateral official creditors to advance policy discussions on restructuring, rescheduling, or canceling the sovereign debt of countries eligible for assistance from the International Development Association, as necessary, to respond to the COVID–19 pandemic.

(c) REPORTING REQUIREMENT.—Not later than 45 days after the date of the enactment of this Act, and every 90 days thereafter until the end of the COVID–19 pandemic, as determined by the World Health Organization, or until two years after the date of the enactment of this Act, whichever is earlier, the Secretary of the Treasury, in coordination with the Secretary of State, shall submit to the committees specified in subsection (d) a report that describes—

(1) actions that have been taken to advance debt relief for countries eligible for assistance from the International Development Association that request forbearance to respond to the COVID–19 pandemic in coordination with international financial institutions, the Group of 7 (G7), the Group of 20 (G20), Paris Club members, and the Institute of International Finance;

(2) mechanisms that have been utilized and mechanisms that are under consideration to provide the debt relief described in paragraph (1);

(3) any United States policy concerns regarding debt relief to specific countries;

(4) the balance and status of repayments on all loans from the People's Republic of China to countries eligible for assistance from the International Development Association, including—

(A) loans provided as part of the Belt and Road Initiative of the People's Republic of China;

(B) loans made by the Export-Import Bank of China;

(C) loans made by the China Development Bank; and

(D) loans made by the Asian Infrastructure Investment Bank; and

(5) the transparency measures established or proposed to ensure that funds saved through the debt relief described in paragraph (1) will be used for activities—

(A) that respond to the health, economic, and social consequences of the COVID–19 pandemic; and

(B) that are consistent with the interests and values of the United States.

(d) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives.

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.

Title III of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731 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 CIRCUMVENT UNITED STATES LAWS AND PROTECTIONS.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees a 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 duties 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 such duties 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 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 such sanctions during the reporting period.

''(4) In 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 formal or informal means to extradite or coercively move individuals, including United States persons, from Hong Kong to the People's Republic of China.

''(5) In consultation with the Secretary of Defense, the Director of National Intelligence, and the Director of Homeland Security—

''(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 Ministry of Public Security, and the People's Armed Police, use the Hong Kong Security Bureau and other security agencies in Hong Kong to conduct espionage on foreign nationals, including 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) 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 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 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.''.

SEC. 3407. ANNUAL REVIEW ON THE PRESENCE OF CHINESE COMPANIES 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.—

(1) 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 describes the risks posed to the United States by the presence in United States capital markets of companies incorporated in the PRC.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) 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 indexes 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;

(B) describe the activities of the companies identified pursuant to subparagraph (A), and their implications for the United States; and

(C) develop policy recommendations for the United States Government, State governments, United States financial institutions, United States equity and debt exchanges, and other relevant stakeholders to address the risks posed by the presence in United States capital markets of the companies identified pursuant to subparagraph (A).

(3) FACTORS FOR CONSIDERATION.—In completing the report under paragraph (1), the President shall consider whether a company identified pursuant to paragraph (2)(A)—

(A) has materially contributed to the development or manufacture, or sold or facilitated procurement by the PLA, of lethal military equipment or component parts of such equipment;

(B) has contributed to the construction and militarization of features in the South China Sea;

(C) has been sanctioned by the United States or has been determined to have conducted business with sanctioned entities;

(D) has engaged in an act or a series of acts of intellectual property theft;

(E) has engaged in corporate or economic espionage;

(F) has contributed to the proliferation of nuclear or missile technology in violation of United Nations Security Council resolutions or United States sanctions;

(G) has contributed to the repression of religious and ethnic minorities within the PRC, including in Xinjiang Uyghur Autonomous Region or Tibet Autonomous Region;

(H) has contributed to the development of technologies that enable censorship directed or directly supported by the PRC government;

(I) 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

(J) has contributed to other activities or behavior determined to be relevant by the President.

(c) REPORT FORM.—The report required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.

(d) 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, acting through the Secretary of State, shall develop and implement a pilot program for the creation of deployable economic defense response teams to help provide emergency technical assistance and support to a country subjected to the threat or use of coercive economic measures and to play a liaison role between the legitimate government of that country and the United States Government. Such assistance and support may include the following activities:

(1) Reducing the partner country's vulnerability to coercive economic measures.

(2) Minimizing the damage that such measures by an adversary could cause to that country.

(3) Implementing any bilateral or multilateral contingency plans that may exist for responding to the threat or use of such measures.

(4) In coordination with the partner country, developing or improving plans and strategies by the country for reducing vulnerabilities and improving responses to such measures in the future.

(5) Assisting the partner country in dealing with foreign sovereign investment in infrastructure or related projects that may undermine the partner country's sovereignty.

(6) Assisting the partner country in responding to specific efforts from an adversary attempting to employ economic coercion that undermines the partner country's sovereignty, including efforts in the cyber domain, such as efforts that undermine cybersecurity or digital security of the partner country or initiatives that introduce digital technologies in a manner that undermines freedom, security, and sovereignty of the partner country.

(7) Otherwise providing direct and relevant short-to-medium term economic or other assistance from the United States and marshalling other resources in support of effective responses to such measures.

(b) INSTITUTIONAL SUPPORT.—The pilot program required by subsection (a) should include the following elements:

(1) Identification and designation of relevant personnel within the United States Government with expertise relevant to the objectives specified in subsection (a), including personnel in—

(A) the Department of State, for overseeing the economic defense response team's activities, engaging with the partner country government and other stakeholders, and

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 purposes 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 (6) of subsection (a) as appropriate;

(G) the Department of Agriculture, for providing advisory and other assistance with respect to responding to coercive measures such as arbitrary market closures 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; and

(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 provision of any relevant participating or detailed non-Department of State personnel identified under paragraph (1).

(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 United States diplomatic personnel in a country actually or potentially threatened by coercive economic measures;

(B) operational procedures and appropriate protocols for the rapid assembly of such 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, as applicable, logistical assistance, office space, information support, and communications.

(5) Negotiation with relevant potential host countries of procedures 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 pilot program, the major elements of the program, the personnel and institutions involved, and the degree to which the program incorporates the elements described in subsection (a).

(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.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) DECLARATION OF AN ECONOMIC CRISIS REQUIRED.—

(1) NOTIFICATION.—The President may activate an economic defense response team for a period of 180 days under the authorities of this section to assist a partner country in responding to an unusual and extraordinary economic coercive threat by an adversary of the United States upon the declaration of a coercive economic emergency, together with notification to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) EXTENSION AUTHORITY.—The President may activate the response team for an additional 180 days upon the submission of a detailed analysis to the committees described in paragraph (1) justifying why the continued deployment of the economic defense response team in response to the economic emergency is in the national security interest of the United States.

(e) SUNSET.—The authorities provided under this section shall expire on December 31, 2026.

(f) RULE OF CONSTRUCTION.—Neither the authority to declare an economic crisis provided for in subsection (d), nor the declaration of an economic crisis pursuant to subsection (d), shall confer or be construed to confer any authority, power, duty, or responsibility to the President other than the authority to activate an economic defense response team as described in this section.

(g) 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, 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. 3501. FINDINGS ON STRATEGIC SECURITY AND ARMS CONTROL.

Congress makes the following findings:

(1) The United States and the PRC have both made commitments to advancing strategic security through enforceable arms control and non-proliferation agreements as states parties to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968.

(2) The United States has long taken tangible steps to seek effective, verifiable, and enforceable arms control and non-proliferation agreements that support United States and allied security by—

(A) controlling the spread 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 Robert Ashley stated, ''China is 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 in China's history.''. The PLA is building a full triad of modernized fixed and mobile ground-based launchers and new capabilities for nuclear-armed bombers and submarine-launched ballistic missiles.

(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 expanded silo-based force''.

(6) The Department of Defense report also states that, over the next decade, the PRC's nuclear stockpile—currently estimated in the low 200s—is projected to 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.

(10) 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 both conventional and nuclear strikes. Unlike the United States, which separates its conventional strike and nuclear capabilities, the PLARF appears to not only co-locate 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 intermingling 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.

(11) A January 2021 report from the Institute for Defense Analysis found that many United States and international observers viewed China's no first-use policy with skepticism, especially in the wake of the expansion and modernization of its nuclear capabilities.

(12) The long-planned United States nuclear modernization program will not increase the United States nuclear weapons stockpile, predates China's conventional military and nuclear expansion, and is not an arms race against China.

(13) The United States extended nuclear deterrence—

(A) provides critical strategic security around the world;

(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 in good faith.

(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, Lithuania, 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—

(1) to pursue, in coordination with United States allies, arms control negotiations and sustained and regular engagement with the PRC—

(A) to enhance understanding of each other's respective nuclear policies, doctrine, and capabilities;

(B) to improve transparency; and

(C) to help manage the risks of miscalculation and misperception;

(2) to formulate a strategy to engage the Government of the People's Republic of China on relevant bilateral issues that lays the groundwork for bringing the People's Republic of China into an arms control framework, including—

(A) fostering bilateral dialogue on arms control leading to the convening of bilateral strategic security talks;

(B) negotiating norms for outer space;

(C) developing pre-launch notification regimes aimed at reducing nuclear miscalculation; and

(D) expanding lines of communication between both governments for the purposes of reducing the risks of conventional war and increasing transparency;

(3) to pursue relevant capabilities in coordination with our allies and partners to ensure the security of United States and allied interests in the face of the PRC's military modernization and expansion, including—

(A) ground-launched cruise and ballistic missiles;

(B) integrated air and missile defense;

(C) hypersonic missiles;

(D) intelligence, surveillance, and reconnaissance;

(E) space-based capabilities;

(F) cyber capabilities; and

(G) command, control, and communications;

(4) to maintain sufficient force structure, posture, and capabilities to provide extended nuclear deterrence to United States allies and partners;

(5) to maintain appropriate missile defense capabilities to protect against threats to the United States homeland and our forces across the theater from rogue intercontinental ballistic missiles from the Indo-Pacific region; and

(6) to ensure that the United States declaratory policy reflects the requirements of extended deterrence, to both assure allies and to preserve its non-proliferation benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress 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, electronic, or any other PLA attack on United States early warning satellites, other portions of the nuclear command and control enterprise, or critical infrastructure poses a high risk to inadvertent but rapid escalation;

(3) the United States and its allies should promote international norms on military operations in space, the employment of cyber capabilities, and the military use of artificial intelligence, as an element of risk reduction regarding nuclear command and control; and

(4) United States allies and partners should share the burden of promoting and protecting such norms by voting against the PRC's proposals regarding the weaponization of space, highlighting unsafe behavior by the PRC that violates international norms, such as in rendezvous and proximity operations, and promoting responsible behavior in space and all other domains.

SEC. 3503. REPORT ON UNITED STATES EFFORTS TO ENGAGE THE PEOPLE'S REPUBLIC OF CHINA ON NUCLEAR ISSUES AND BALLISTIC MISSILE ISSUES.

(a) REPORT ON THE FUTURE OF UNITED STATES-CHINA ARMS CONTROL.—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 and the Secretary of Energy, shall submit to the appropriate committees of Congress a report, and if necessary a separate classified annex, that examines the approaches and strategic effects of engaging the Government of the People's Republic of China on arms control and risk reduction, including—

(1) areas of potential dialogue between the Governments of the United States and the People's Republic of China, including on ballistic, hypersonic glide, and cruise missiles, conventional forces, nuclear, space, and cyberspace issues, as well as other new strategic domains, which could reduce the likelihood of war, limit escalation if a conflict were to occur, and constrain a destabilizing arms race in the Indo-Pacific;

(2) how the United States Government can incentivize the Government of the People's Republic of China to engage in a constructive arms control dialogue;

(3) identifying strategic military capabilities of the People's Republic of China that the United States Government is most concerned about and how limiting these capabilities may benefit United States and allied security interests;

(4) mechanisms to avoid, manage, or control nuclear, conventional, and unconventional military escalation between the United States and the People's Republic of China;

(5) the personnel and expertise required to effectively engage the People's Republic of China in strategic stability and arms control dialogues; and

(6) opportunities and methods to encourage transparency from the People's Republic of China.

(b) REPORT ON ARMS CONTROL TALKS WITH THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA.—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 and the Secretary of Energy, shall submit to the appropriate committees of Congress a report that describes—

(1) a concrete plan for arms control talks that includes both the People's Republic of China and the Russian Federation;

(2) if a trilateral arms control dialogue does not arise, what alternative plans the Department of State envisages for ensuring the security of the United States and its allies security from Russian and Chinese nuclear weapons;

(3) effects on the credibility of United States extended deterrence assurances to allies and partners if the United States is faced with two nuclear-armed peer competitors and any likely corresponding implications for regional security architectures;

(4) efforts at engaging the People's Republic of China to join arms control talks, whether on a bilateral or multilateral basis; and

(5) 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.

(c) 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 Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Energy and Commerce of the House of Representatives.

SEC. 3504. COUNTERING THE PEOPLE'S REPUBLIC OF CHINA'S PROLIFERATION OF BALLISTIC MISSILES AND NUCLEAR TECHNOLOGY TO THE MIDDLE EAST.

(a) FINDINGS.—Congress makes the following findings:

(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 2000, to abide by the foundational principles of the 1987 Missile Technology Control Regime (MTCR) to not ''assist, in any way, any country in the development of ballistic 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)''.

(3) The 2020 Department of State Report on the Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments found that the People's Republic of China ''continued to supply MTCR-controlled goods to missile programs of proliferation concern in 2019'' and that the United States imposed sanctions on nine Chinese entities for covered missile transfers to Iran.

(4) 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 longstanding United States policy priority to prevent weapons of mass destruction proliferation in the Middle East.

(5) The Arms Export and Control Act of 1976 (Public Law 93–329) requires the President to sanction any foreign person or government who knowingly ''exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology'' to a country that does not adhere to the MTCR.

(6) The People's Republic of China concluded two nuclear cooperation agreements with Saudi Arabia in 2012 and 2017, 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.

(7) 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.

(8) 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 inspections, which 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 FUEL CYCLE COOPERATION.—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 reprocessing of irradiated nuclear reactor fuel elements'' under Part 110 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 with 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; and

(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 nongovernmental 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.

TITLE I—ENSURING DOMESTIC MANUFACTURING CAPABILITIES

Subtitle A—Build America, Buy America

Sec. 4101. Short title.

PART I—BUY AMERICA SOURCING REQUIREMENTS

Sec. 4111. Findings.
Sec. 4112. Definitions.
Sec. 4113. Identification of deficient programs.
Sec. 4114. Application of Buy America preference.
Sec. 4115. OMB guidance and standards.
Sec. 4116. Technical assistance partnership and consultation supporting Department of Transportation Buy America requirements.
Sec. 4117. Application.

PART II—MAKE IT IN AMERICA

Sec. 4121. Regulations relating to Buy American Act.
Sec. 4122. Amendments relating to Buy American Act.
Sec. 4123. Made in America Office.
Sec. 4124. Hollings Manufacturing Extension Partnership activities.
Sec. 4125. United States obligations under international agreements.
Sec. 4126. Definitions.
Sec. 4127. Prospective amendments to internal cross-references.

Subtitle B—BuyAmerican.gov

Sec. 4131. Short title.
Sec. 4132. Definitions.
Sec. 4133. Sense of Congress on buying American.
Sec. 4134. Assessment of impact of free trade agreements.
Sec. 4135. Judicious use of waivers.
Sec. 4136. Establishment of BuyAmerican.gov website.
Sec. 4137. Waiver Transparency and Streamlining for contracts.
Sec. 4138. Comptroller General report.
Sec. 4139. Rules of construction.
Sec. 4140. Consistency with international agreements.
Sec. 4141. Prospective amendments to internal cross-references.

Subtitle C—Make PPE in America

Sec. 4151. Short title.
Sec. 4152. Findings.
Sec. 4153. Requirement of long-term contracts for domestically manufactured personal protective equipment.

TITLE II—CYBER AND ARTIFICIAL INTELLIGENCE

Subtitle A—Advancing American AI

Sec. 4201. Short title.
Sec. 4202. Purpose.
Sec. 4203. Definitions.
Sec. 4204. Principles and policies for use of artificial intelligence in Government.
Sec. 4205. Agency inventories and artificial intelligence use cases.
Sec. 4206. Rapid pilot, deployment and scale of applied artificial intelligence capabilities to demonstrate modernization activities related to use cases.
Sec. 4207. Enabling entrepreneurs and agency missions.

Subtitle B—Cyber Response and Recovery

Sec. 4251. Short title.
Sec. 4252. Declaration of a significant incident.

TITLE III—PERSONNEL

Subtitle A—Facilitating Federal Employee Reskilling

Sec. 4301. Short title.
Sec. 4302. Reskilling Federal employees.

Subtitle B—Federal Rotational Cyber Workforce Program

Sec. 4351. Short title.
Sec. 4352. Definitions.
Sec. 4353. Rotational cyber workforce positions.
Sec. 4354. Rotational cyber workforce program.
Sec. 4355. Reporting by GAO.
Sec. 4356. Sunset.

TITLE IV—OTHER MATTERS

Subtitle A—Ensuring Security of Unmanned Aircraft Systems

Sec. 4401. Short title.
Sec. 4402. Definitions.
Sec. 4403. Prohibition on procurement of covered unmanned aircraft systems from covered foreign entities.
Sec. 4404. Prohibition on operation of covered unmanned aircraft systems from covered foreign entities.
Sec. 4405. Prohibition on use of Federal funds for purchases and operation of covered unmanned aircraft systems from covered foreign entities.
Sec. 4406. Prohibition on use of Government-issued Purchase Cards to purchase covered unmanned aircraft systems from covered foreign entities.
Sec. 4407. Management of existing inventories of covered unmanned aircraft systems from covered foreign entities.
Sec. 4408. Comptroller General report.
Sec. 4409. Government-wide policy for procurement of unmanned aircraft systems.
Sec. 4410. Study.
Sec. 4411. Sunset.

Subtitle B—No TikTok on Government Devices

Sec. 4431. Short title.
Sec. 4432. Prohibition on the use of TikTok.

Subtitle C—National Risk Management

Sec. 4461. Short title.
Sec. 4462. National risk management cycle.

Subtitle D—Safeguarding American Innovation

Sec. 4491. Short title.
Sec. 4492. Definitions.
Sec. 4493. Federal Research Security Council.
Sec. 4494. Federal grant application fraud.
Sec. 4495. Restricting the acquisition of emerging technologies by certain aliens.
Sec. 4496. Machine readable visa documents.
Sec. 4497. Certifications regarding access to export controlled technology in educational and cultural exchange programs.
Sec. 4498. Privacy and confidentiality.

TITLE I—ENSURING DOMESTIC MANUFACTURING CAPABILITIES

Subtitle A—Build America, Buy America

SEC. 4101. SHORT TITLE.

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

PART I—BUY AMERICA SOURCING REQUIREMENTS

SEC. 4111. FINDINGS.

Congress finds that—

(1) the United States must make significant investments to install, upgrade, or replace the public works infrastructure of the United States;

(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 commonsense procurement preference for the materials and products produced by companies and workers 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 metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), concrete and other aggregates, glass (including optic glass), lumber, and drywall are not adequately covered by a domestic content procurement preference, thus limiting the impact of taxpayer purchases to enhance 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 reinvest tax dollars in companies and processes using the highest labor and environmental standards in the world;

(8) strong domestic content procurement preference policies act to prevent shifts in production to countries that rely on production practices that are significantly less energy efficient and far more polluting than those in the United States;

(9) for over 75 years, Buy America and other domestic content procurement preference laws 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 a narrow scope 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 programs;

(13) a robust domestic manufacturing sector is a vital component of the national security of the United States;

(14) as more manufacturing operations of the United States have moved offshore, the strength and readiness of the defense industrial base of the United States has been diminished; and

(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 no amounts made available through a program for Federal financial assistance may be obligated for a project unless—

(A) all iron and steel used in the project are produced in the United States;

(B) the manufactured products used in the project are produced in the United States; or

(C) the construction materials used in the project are produced in the United States.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means any authority 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).

(4) FEDERAL FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—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).

(B) INCLUSION.—The term ''Federal financial assistance'' includes all expenditures by a Federal agency to a non-Federal entity for an infrastructure project, except that it does not include expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster 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.

(5) 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.

(6) PRODUCED IN THE UNITED STATES.—The term ''produced in the United States'' means—

(A) in the case of iron or steel products, that all manufacturing processes, 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 mined, 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.

(7) 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, for each Federal financial assistance program—

(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 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 603 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. 300j–12(a)(4));

(G) section 5035 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

(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 infrastructure identified under that subsection for which a domestic content procurement preference requirement—

(1) does not apply in a manner consistent with section 4114; or

(2) is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project.

SEC. 4114. APPLICATION OF BUY AMERICA PREFERENCE.

(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 infrastructure, including each deficient program, 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) WAIVER.—The head of a Federal agency that applies a domestic content procurement preference under this section may waive the application of that preference in any case in which the head of the Federal agency finds that—

(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) WRITTEN JUSTIFICATION.—Before issuing a waiver under subsection (b), the head of the Federal agency shall—

(1) make publicly available in an easily accessible location on a website designated by the Office of Management and Budget and on the website of the Federal agency a detailed written explanation for the proposed determination to issue the waiver; and

(2) provide a period of not less than 15 days for public comment on the proposed waiver.

(d) AUTOMATIC SUNSET ON WAIVERS OF GENERAL APPLICABILITY.—

(1) IN GENERAL.—A general applicability waiver issued under subsection (b) shall expire not later than 2 years after the date on which the waiver is issued.

(2) REISSUANCE.—The head of a Federal agency may reissue a general applicability waiver only after—

(A) publishing in the Federal Register a notice that—

(i) describes the justification for reissuing a general applicability waiver; and

(ii) requests public comments for a period of not less than 30 days; and

(B) publishing in the Federal Register a second notice that—

(i) responds to the public comments received in response to the first notice; and

(ii) provides the final decision on whether the general applicability waiver will be reissued.

(e) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 4115. OMB GUIDANCE AND STANDARDS.

(a) GUIDANCE.—The Director of the Office of Management and Budget shall—

(1) issue guidance to the head of each Federal agency—

(A) to assist in identifying deficient programs under section 4113(c); and

(B) to assist in applying new domestic content procurement preferences under section 4114; and

(2) if necessary, amend subtitle A of title 2, Code of Federal Regulations (or successor regulations), to ensure that domestic content procurement preference requirements required by this part or other Federal law are imposed through the terms and conditions of awards of Federal financial assistance.

(b) STANDARDS FOR CONSTRUCTION MATERIALS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget 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 benefited or created in the production of the construction material.

SEC. 4116. TECHNICAL ASSISTANCE PARTNERSHIP AND CONSULTATION SUPPORTING DEPARTMENT OF TRANSPORTATION BUY AMERICA REQUIREMENTS.

(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(j) 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 procurement preference for an infrastructure project under the jurisdiction of the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) TECHNICAL ASSISTANCE PARTNERSHIP.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall enter into a technical assistance partnership with the Secretary of Commerce, 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 transportation in the United States, such as intercity high speed rail transportation, public transportation systems, highway construction or reconstruction, airport improvement 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 assistance from the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, or another office or modal administration of the Secretary of Transportation;

(3) to encourage technologies developed with the support of and resources from the Secretary to be transitioned into commercial market and applications; and

(4) to establish procedures for consultation under subsection (c).

(c) CONSULTATION.—Before granting a written waiver under a Buy America law, the Secretary shall consult with the Director of the Hollings Manufacturing Extension Partnership regarding whether there is a domestic entity that could provide the iron, steel, manufactured product, or construction material 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 submit 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 Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Oversight and Reform of the House of Representatives a report that includes—

(1) a detailed description of the consultation procedures developed under subsection (b)(4);

(2) a detailed description of each waiver requested under a Buy America law in the preceding 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 preceding year, including the type of waiver and the reasoning for granting the waiver; and

(4) an update on challenges and gaps in the domestic supply base identified in carrying out subsection (b)(1), including a list of actions and policy changes the Secretary recommends be taken to address those challenges and gaps.

SEC. 4117. APPLICATION.

(a) IN GENERAL.—This part shall apply to a Federal financial assistance program for infrastructure only to the extent that a domestic content procurement preference as described 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 this Act, the Director of the Office of Management and Budget (''Director''), acting through the Administrator for Federal Procurement Policy and, in consultation with the Federal Acquisition Regulatory Council, shall promulgate final regulations or other policy or management guidance, as appropriate, to standardize and simplify how Federal agencies comply with, report on, and enforce the Buy American Act. The regulations or other policy or management guidance shall include, at a minimum, the following:

(1) Guidelines for Federal agencies to determine, for the purposes of applying sections 8302(a) and 8303(b)(3) of title 41, United States Code, the circumstances under which the acquisition of articles, materials, or supplies mined, 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 anticipated project delays and lack of substitutable 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 easily identifiable location on the website of the agency, and within the following time periods, the following information:

(i) A written description of the circumstances in which the head of the agency may waive the requirements of the Buy American Act.

(ii) Each 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 established 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 with domestic components.

(b) GUIDELINES RELATING TO WAIVERS.—

(1) INCONSISTENCY WITH PUBLIC INTEREST.—

(A) IN GENERAL.—With respect to the guidelines developed under subsection (a)(1), the Administrator shall seek to minimize waivers related to contract awards that—

(i) result in a decrease in employment in the United States, including 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 directly involved in the manufacture 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) with respect to a product sourced from a foreign country, a 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 injuriously subsidized steel, iron, or manufactured goods.

(B) CONSULTATION.—The Federal agency conducting the assessment under subparagraph (A) shall consult with the International Trade Administration in making the assessment if the agency considers such consultation to be helpful.

(C) USE OF FINDINGS.—The Federal agency conducting the assessment under subparagraph (A) shall integrate any findings from the assessment into its waiver determination.

(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 domestic end products and domestic construction material to 75 percent, or, in the event of no qualifying offers, 60 percent.

(d) DEFINITION OF END PRODUCT MANUFACTURED IN THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend part 25 of 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.

SEC. 4122. AMENDMENTS RELATING TO BUY AMERICAN ACT.

(a) SPECIAL RULES RELATING TO AMERICAN MATERIALS REQUIRED FOR PUBLIC USE.—Section 8302 of title 41, United States Code, is amended by adding at the end the following new subsection:

''(c) SPECIAL RULES.—The following rules apply in carrying out the provisions of subsection (a):

''(1) IRON AND STEEL MANUFACTURED IN THE UNITED STATES.—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 1907 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 FOR PURPOSES OF CONTRACTS FOR PUBLIC WORKS.—Section 8303 of title 41, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) 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 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies used in contracts described in subsection (a).''.

(c) ANNUAL REPORT.—Subsection (b) of section 8302 of title 41, United States Code, is amended to read as follows:

''(b) 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 Oversight and Reform of the House of Representatives a report on the total amount of acquisitions made by Federal agencies in the relevant fiscal year of articles, materials, or supplies acquired from entities that mine, produce, or manufacture the articles, materials, or supplies outside the United States.

''(2) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection does not apply to acquisitions made by an agency, or component of an agency, that is an element of the intelligence community as specified in, or designated under, section 3 of the National Security Act of 1947 (50 U.S.C. 3003).''.

(d) DEFINITION.—Section 8301 of title 41, United States Code, is amended by adding at the end the following new paragraph:

''(3) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'executive agency' in section 133 of this title.''.

(e) CONFORMING AMENDMENTS.—Title 41, United States Code, is amended—

(1) in section 8302(a)—

(A) in paragraph (1)—

(i) by striking ''department or independent establishment'' and inserting ''Federal agency''; and

(ii) by striking ''their acquisition to be inconsistent with the public interest or their cost to be unreasonable'' and inserting ''their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality''; and

(B) in paragraph (2), by amending subparagraph (B) to read as follows:

''(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304 of this title), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and''; and

(2) in section 8303—

(A) in subsection (b)—

(i) by striking ''department or independent establishment'' each place it appears and inserting ''Federal agency'';

(ii) by amending subparagraph (B) of paragraph (1) to read as follows:

''(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and''; and

(iii) in paragraph (3)—

(I) in the heading, by striking ''INCONSISTENT WITH PUBLIC INTEREST'' and inserting ''WAIVER AUTHORITY''; and

(II) by striking ''their purchase to be inconsistent with the public interest or their cost to be unreasonable'' and inserting ''their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality''; and

(B) in subsection (d), as redesignated by subsection (b)(1) of this section, by striking ''department, bureau, agency, or independent establishment'' each place it appears and inserting ''Federal agency''.

(f) EXCLUSION FROM INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.—Subparagraph (A) of section 1908(b)(2) of title 41, United States Code, is amended by striking ''chapter 67'' and inserting ''chapters 67 and 83''.

SEC. 4123. MADE IN AMERICA OFFICE.

(a) ESTABLISHMENT.—The Director of the Office of Management and Budget shall establish within the Office of Management and Budget an office to be known as the ''Made in America Office''. The head of the office shall be appointed by the Director of the Office of Management and Budget (in this section referred to as the ''Made in America Director'').

(b) DUTIES.—The Made in America Director shall have the following duties:

(1) Maximize and enforce compliance with domestic preference statutes.

(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 executive branch 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 Made in America Director, shall report to the relevant congressional committees on the extent to which, in each of the three fiscal years prior to the date of enactment of this Act, articles, materials, or supplies acquired by the Federal Government were mined, produced, or manufactured outside the United States. Such report shall include for each Federal agency the following:

(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) under each category of exception under such chapter; 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 that were mined, produced, or manufactured outside the United States, in the aggregate and by country;

(B) an itemized list of all waivers made under the Buy American 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 micropurchase threshold exception described under section 8302(a)(2)(C) of title 41, United States Code), the specific exception that was used to purchase such articles, materials, or supplies; 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 (as described in section 8304 of title 41, United States Code), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation, a citation to such memorandum of understanding, trade agreement, or designation.

(3) A description of the methods used by each Federal agency to calculate the percentage domestic content of articles, materials, and supplies mined, produced, or manufactured in the United States.

(d) REVIEW OF RECIPROCAL DEFENSE AGREEMENTS.—

(1) REVIEW OF PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Made in America Director shall review the Department of Defense'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) REVIEW OF RECIPROCAL PROCUREMENT MEMORANDA OF UNDERSTANDING.—The Made in America Director shall review reciprocal procurement memoranda 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 under the memoranda of understanding 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.

(e) REPORT ON USE OF MADE IN AMERICA LAWS.—The Made in America Director shall submit to the relevant congressional committees a summary of each report on the use of Made in America Laws received by the Made in America Director pursuant to section 11 of Executive Order 14005, dated January 25, 2021 (relating to ensuring the future is made in all of America by all of America's workers) not later than 90 days after the date of the enactment of this Act or receipt of the reports required under section 11 of such Executive Order, whichever is later.

(f) DOMESTIC PREFERENCE STATUTE DEFINED.—In this section, the term ''domestic preference statute'' means any of the following:

(1) the Buy American Act;

(2) a Buy America law (as that term is defined in section 4116(a));

(3) the Berry Amendment;

(4) section 604 of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) (commonly referred to as the ''Kissell amendment'');

(5) section 2533b of title 10 (commonly referred to as the ''specialty metals clause'');

(6) laws requiring domestic preference for maritime transport, including the Merchant Marine Act, 1920 (Public Law 66–261), commonly known as the ''Jones Act''; and

(7) any other law, regulation, rule, or executive order relating to Federal financial assistance awards or Federal procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or materials 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 BUSINESSES TO CONTRACTING OPPORTUNITIES.—The head of each Federal agency shall work with the Director of the Hollings Manufacturing Extension Partnership, as necessary, to ensure businesses participating in this Partnership are aware of their contracting opportunities.

(b) AUTOMATIC ENROLLMENT IN GSA ADVANTAGE!.—The Administrator of the General Services Administration and the Secretary of Commerce, acting 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!.

SEC. 4125. 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 133 of title 41, United States Code.

(4) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' 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, material, or supply for public use, means the inapplicability of chapter 83 of title 41, United States Code, to the acquisition by reason of any of the following determinations under section 8302(a)(1) or 8303(b) of such title:

(A) A determination by the head of the Federal agency concerned that the acquisition is inconsistent with the public interest.

(B) A determination by the head of the Federal agency concerned that the cost of the acquisition is unreasonable.

(C) A determination by the head of the Federal agency concerned that the article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

SEC. 4127. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) SPECIALTY METALS CLAUSE REFERENCE.—Section 4123(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 4862''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

Subtitle B—BuyAmerican.gov

SEC. 4131. SHORT TITLE.

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

SEC. 4132. DEFINITIONS.

In this subtitle:

(1) BUY AMERICAN LAW.—The term ''Buy American law'' means any law, regulation, Executive order, or rule relating to Federal contracts, grants, or financial assistance that requires or provides a preference for the purchase or use of goods, products, or materials mined, produced, or manufactured in the United States, including—

(A) chapter 83 of title 41, United States Code (commonly referred to as the ''Buy American Act'');

(B) section 5323(j) of title 49, United States Code;

(C) section 313 of title 23, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 24405 of title 49, United States Code;

(F) section 608 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(G) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(H) section 5035 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3914);

(I) section 2533a of title 10, United States Code (commonly referred to as the ''Berry Amendment''); and

(J) section 2533b of title 10, United States Code.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term ''agency'' in paragraph (1) of section 3502 of title 44, United States Code, except that it does not include an independent regulatory agency, as that term is defined in paragraph (5) of such section.

(3) BUY AMERICAN WAIVER.—The term ''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. 4133. SENSE OF CONGRESS ON BUYING AMERICAN.

It is the sense of Congress that—

(1) every executive 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) every executive agency should use available data to routinely audit its compliance with 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, determination of public interest waivers 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 and 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 violations after the award of a contract. 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, in consultation with the heads of relevant agencies, shall develop a mechanism to collect information on requests to invoke a Buy American waiver for a Federal contract, utilizing existing reporting requirements whenever possible, for purposes of providing early notice of possible waivers via the website established under section 4136.

(b) WAIVER TRANSPARENCY AND STREAMLINING.—

(1) REQUIREMENT.—Prior to granting a request to waive a Buy American law, the head of an executive agency shall submit a request to invoke a Buy American waiver to the Administrator of General Services, and the Administrator of General Services shall 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 contracting need in an unforeseen and exigent circumstance.

(c) INFORMATION AVAILABLE TO THE EXECUTIVE AGENCY CONCERNING THE REQUEST.—

(1) REQUIREMENT.—No 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 and adequately 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 obligations under international agreements, justifying why the requested waiver is in the public interest; and

(D) a certification that the procurement official or assistance recipient made 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), for a request citing nonavailability as the statutory basis for a Buy American waiver, an executive agency shall provide an explanation of the procurement official's efforts to procure a product 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 or regulation.

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 as preempting, superseding, or otherwise affecting 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 INTERNAL CROSS-REFERENCES.

(a) IN GENERAL.—Section 4132(1) is amended—

(1) in subparagraph (I), by striking ''section 2533a'' and inserting ''section 4862''; and

(2) in subparagraph (J), by striking ''section 2533b'' 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 wholly domestic 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 demands.

(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) In order to effectively incentivize investment in the United States and the reshoring 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 commitments under the World Trade Organization's Agreement on Government Procurement and its free trade agreements, including by invoking any relevant exceptions 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 powered air purifying respirators and required filters, face shields and protective eyewear, gloves, disposable and reusable surgical and isolation gowns, head 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 procurement 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 the materials and components thereof, that is grown, reprocessed, reused, or produced in the United States.

(c) ALTERNATIVES TO DOMESTIC PRODUCTION.—The requirement under subsection (b) shall not apply to an item of personal protective equipment, or component or material thereof if, after maximizing to the extent feasible sources consistent with subsection (b), the covered Secretary—

(1) maximizes sources for personal protective equipment that is assembled outside the United States containing only materials and components that are grown, reprocessed, reused, or produced in the United States; and

(2) 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 section 25.104 of the Federal Acquisition Regulation as one for which a nonavailability determination has been made; or

(B) as to which the covered Secretary determines that a sufficient quantity of a satisfactory quality that is grown, reprocessed, reused, or produced in the United States cannot be procured as, and when, needed at United States market prices.

(2) CERTIFICATION REQUIREMENT.—The covered Secretary shall certify every 120 days that the exception under paragraph (1) is necessary to meet 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 and ranking members 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, including strategies 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.

(D) A determination whether all notifications, amendments, and other necessary actions have been completed to bring the United States existing international obligations into conformity with the statutory requirements of this subtitle.

(f) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—

(1) IN GENERAL.—A covered Secretary may transfer to the Strategic National Stockpile established under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) any excess personal protective equipment acquired under a contract executed pursuant to subsection (b).

(2) TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.—

(A) AMENDMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.

''(a) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—During a public health emergency declared by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary, at the request of the Secretary of Health and Human Services, may transfer to the Department of Health and Human Services, on a reimbursable basis, excess personal protective equipment or medically necessary equipment in the possession of the Department.

''(b) DETERMINATION BY SECRETARIES.—

''(1) IN GENERAL.—In carrying out this section—

''(A) before requesting a transfer under subsection (a), the Secretary of Health and Human Services shall determine whether the personal protective equipment or medically necessary equipment is otherwise available; and

''(B) before initiating a transfer under subsection (a), the Secretary, in consultation with the heads of each component within the Department, shall—

''(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and

''(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

''(2) NOTIFICATION.—The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

''(3) 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.''.

(B) 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. 2135) is amended by inserting after the item relating to section 528 the following:

''Sec. 529. Transfer of equipment during a public health emergency.''.

(3) STRATEGIC NATIONAL STOCKPILE.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) 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 paragraph (1) 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; or

''(B) determined by the Secretary to no longer be needed in the stockpile due to advances in medical or technical capabilities.''.

(g) 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 Procurement and the relevant exceptions of other relevant agreements 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 A—Advancing American AI

SEC. 4201. SHORT TITLE.

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

SEC. 4202. PURPOSE.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 4203. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ''artificial intelligence system''—

(A) 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, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(5) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(6) 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—

(1) 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;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) 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 experts; 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 of the Department and any other person determined to be relevant by the Secretary of Homeland Security, 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 rending inoperable of artificial intelligence-enabled systems; and

(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) INSPECTOR GENERAL.—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);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 4205. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) 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 PILOT, 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 as determined to be appropriate by the Director, shall identify 4 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 enable agencies 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 capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and

(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; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—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 for agencies;

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with grants management; or

(v) outcomes measurement to measure economic and social benefits.

(6) REQUIREMENTS.—Not later than 3 years 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 establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests 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;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(E) enables knowledge transfer and collaboration across agencies; and

(F) 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 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 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 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:

''(f) DEFINITIONS.—In this section—

''(1) the term 'commercial product'—

''(A) has the meaning given the term 'commercial item' in section 2.101 of the Federal Acquisition Regulation; and

''(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

''(2) the term 'innovative' means—

''(A) any new technology, process, or method, including research and development; or

''(B) any new application of an existing technology, process, or method.''; and

(3) in subsection (g), by striking ''2022'' and insert ''2027''.

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(B) by amending paragraph (2) to read as follows:

''(2) PROTOTYPE PROJECTS.—The Secretary—

''(A) may, under the authority of paragraph (1), carry out prototype projects under section 2371b of title 10, United States Code; and

''(B) in applying the authorities of such section 2371b, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.'';

(2) in subsection (c)(1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(3) in subsection (d), by striking ''section 845(e)'' and all that follows and inserting ''section 2371b(e) of title 10, United States Code.''.

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

Subtitle B—Cyber Response and Recovery

SEC. 4251. SHORT TITLE.

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

SEC. 4252. DECLARATION OF A SIGNIFICANT INCIDENT.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''Subtitle C—Declaration of a Significant Incident

''SEC. 2231. 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 to 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. 2232. DEFINITIONS.

''For the purposes of this subtitle:

''(1) ASSET RESPONSE ACTIVITY.—The term 'asset response activity' means an activity to support an entity impacted by an incident with the response to, remediation of, or recovery from, the incident, including—

''(A) furnishing technical and advisory assistance to the entity to protect the assets of the entity, mitigate vulnerabilities, and reduce the related impacts;

''(B) assessing potential risks to the critical infrastructure sector or geographic region impacted by the incident, including potential cascading effects of the incident on other critical infrastructure sectors or geographic regions;

''(C) developing courses of action to mitigate the risks assessed under subparagraph (B);

''(D) facilitating information sharing and operational coordination with entities performing threat response activities; and

''(E) providing guidance on how best to use Federal resources and capabilities in a timely, effective manner to speed recovery from the incident.

''(2) DECLARATION.—The term 'declaration' means a declaration of the Secretary under section 2233(a)(1).

''(3) DIRECTOR.—The term 'Director' means the Director of the Cybersecurity and Infrastructure Security Agency.

''(4) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 3502 of title 44, United States Code.

''(5) FUND.—The term 'Fund' means the Cyber Response and Recovery Fund established under section 2234(a).

''(6) INCIDENT.—The term 'incident' has the meaning given the term in section 3552 of title 44, United States Code.

''(7) RENEWAL.—The term 'renewal' means a renewal of a declaration under section 2233(d).

''(8) SIGNIFICANT INCIDENT.—The term 'significant incident'—

''(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

''(i) the national security interests, foreign relations, or economy of the United States; or

''(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

''(B) does not include an incident or a portion of a group of related incidents that occurs on—

''(i) a national security system (as defined in section 3552 of title 44, United States Code); or

''(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

"SEC. 2233. DECLARATION.

''(a) IN GENERAL.—

''(1) DECLARATION.—The Secretary, in consultation with the National Cyber Director, may make a declaration of a significant incident in accordance with this section for the purpose of enabling the activities described in this subtitle if the Secretary determines that—

''(A) a specific significant incident—

''(i) has occurred; or

''(ii) is likely to occur imminently; and

''(B) otherwise available resources, other than the Fund, are likely insufficient to respond effectively to, or to mitigate effectively, the specific significant incident described in subparagraph (A).

''(2) PROHIBITION ON DELEGATION.—The Secretary may not delegate the authority provided to the Secretary under paragraph (1).

''(b) ASSET RESPONSE ACTIVITIES.—Upon a declaration, the Director shall coordinate—

''(1) the asset response activities of each Federal agency in response to the specific significant incident associated with the declaration; and

''(2) with appropriate entities, which may include—

''(A) public and private entities and State and local governments with respect to the asset response activities of those entities and governments; and

''(B) Federal, State, local, and Tribal law enforcement agencies with respect to investigations and threat response activities of those law enforcement agencies; and

''(3) Federal, State, local, and Tribal emergency management and response agencies.

''(c) DURATION.—Subject to subsection (d), a declaration shall terminate upon the earlier of—

''(1) a determination by the Secretary that the declaration is no longer necessary; or

''(2) the expiration of the 120-day period beginning on the date on which the Secretary makes the declaration.

''(d) RENEWAL.—The Secretary, without delegation, may renew a declaration as necessary.

''(e) PUBLICATION.—

''(1) IN GENERAL.—Not later than 72 hours after a declaration or a renewal, the Secretary shall publish the declaration or renewal in the Federal Register.

''(2) PROHIBITION.—A declaration or renewal published under paragraph (1) may not include the name of any affected individual or private company.

''(f) ADVANCE ACTIONS.—

''(1) IN GENERAL.—The Secretary—

''(A) shall assess the resources available to respond to a potential declaration; and

''(B) may take actions before and while a declaration is in effect to arrange or procure additional resources for asset response activities or technical assistance the Secretary determines necessary, which may include entering into standby contracts with private entities for cybersecurity services or incident responders in the event of a declaration.

''(2) EXPENDITURE OF FUNDS.—Any expenditure from the Fund for the purpose of paragraph (1)(B) shall be made from amounts available in the Fund, and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purpose.

"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);

''(2) response and recovery support for the specific significant incident associated with a declaration to Federal, State, local, and Tribal, entities and public 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) analytic support;

''(E) threat detection and hunting; and

''(F) network protections;

''(3) as the Director determines appropriate, grants for, or cooperative agreements with, Federal, State, local, and Tribal public and private entities to respond to, and recover from, the specific significant incident associated with a declaration, such as—

''(A) hardware or software to replace, update, improve, harden, or enhance the functionality of existing hardware, software, or systems; and

''(B) technical contract personnel support; and

''(4) advance actions taken by the Secretary under section 2233(f)(1)(B).

''(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), and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purposes.

''(c) SUPPLEMENT NOT SUPPLANT.—Amounts in the Fund shall be used to supplement, not supplant, other Federal, State, local, or Tribal funding for activities in response to a declaration.

''(d) REPORTING.—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 estimation of the planned duration of the declaration;

''(2) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent 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;

''(3) with respect to a notification of a renewal, the reason for the renewal;

''(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 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 if the Secretary determines that the declarations or renewals substantively relate to the same specific significant incident.

''(e) EXEMPTION.—The requirements of subchapter I of chapter 35 of title 44 (commonly known as the 'Paperwork Reduction Act')

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 carry out the authorized 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, 2028.

"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 107–296; 116 Stat. 2135) is amended by adding at the end the following:

''Subtitle C—Declaration of a Significant Incident

''Sec. 2231. Sense of Congress.
''Sec. 2232. Definitions.
''Sec. 2233. Declaration.
''Sec. 2234. Cyber response and recovery fund.
''Sec. 2235. Notification and reporting.
''Sec. 2236. Rule of construction.
''Sec. 2237. Authorization of appropriations.
''Sec. 2238. Sunset.''.

TITLE III—PERSONNEL

Subtitle A—Facilitating Federal Employee Reskilling

SEC. 4301. SHORT TITLE.

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

SEC. 4302. RESKILLING FEDERAL EMPLOYEES.

(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) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(5) EMPLOYEE.—The term ''employee'' means an employee serving in a position in the competitive service or the excepted service.

(6) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given the term in section 2103 of title 5, United States Code.

(7) FEDERAL RESKILLING PROGRAM.—The term ''Federal reskilling program'' means a program established by the head of an agency or the Director 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 that requires such technical skill or expertise.

(b) REQUIREMENTS.—With respect to a Federal reskilling 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 the bar on prohibited 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 entitled to have 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 an 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).

(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, 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 retrains 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 accomplish the goal of reskilling the Federal workforce.

(e) 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);

(2) may prescribe additional regulations, as the Director determines necessary, to provide for requirements with respect to, and the implementation of, Federal reskilling programs; and

(3) with respect to any regulation prescribed under this subsection, shall brief the appropriate committees of Congress with respect to the regulation not later than 30 days before the date on which the final version of the regulation is published.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the head of an agency or the Director to establish a Federal reskilling program.

(g) USE OF FUNDS.—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 head or the Director, as applicable.

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) COUNCILS.—The term ''Councils'' means—

(A) the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note); and

(B) the Chief Information Officers Council established under section 3603 of title 44, United States Code.

(4) CYBER WORKFORCE POSITION.—The term ''cyber workforce position'' means a position identified as having information technology, cybersecurity, or other cyber-related functions under section 303 of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 301 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 2103 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 at agencies.

(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 construed to modify the requirement under section 4354(b)(3) that participation in the rotational cyber workforce program by an employee shall be voluntary.

(2) NOTICE PROVIDED.—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); 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).

(b) 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; and

(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, processes, and procedures for a program for the detailing of employees among rotational cyber workforce positions at agencies, which may be incorporated into and implemented 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 designee of the head of the employing agency of the employee, 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 partner to ensure that the employing agency of an employee who participates in the rotational cyber workforce program is able to fill the position vacated by the employee;

(7) require that an employee detailed to a rotational cyber workforce position under the rotational cyber workforce program, upon the end of the period of service with respect to the detail, shall be entitled to return to the position held by the employee, or an equivalent position, in the employing agency of the employee without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not been detailed;

(8) provide that discretion with respect to the assignment of an employee under the rotational cyber workforce program shall remain with the employing agency of the employee;

(9) require that an employee detailed to a rotational cyber workforce position under the rotational cyber workforce program in an agency that is not the employing agency of the employee shall have all the rights that would be available to the employee if the employee were detailed under a provision of law other than this subtitle from the employing agency to the agency in which the rotational cyber workforce position is located;

(10) provide that participation by an employee in the rotational cyber workforce program shall not constitute a change in the conditions of the employment of the employee; and

(11) provide that an employee participating in the rotational cyber workforce program shall receive performance evaluations relating to service in the rotational cyber workforce program in a participating agency that are—

(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 performing service in the rotational cyber workforce position;

(B) based on objectives identified in the operation plan with respect to the employee; and

(C) based in whole or in part on the contribution of the employee to the agency in which the employee performed such service, as communicated from that agency to the employing agency of the employee.

(c) PROGRAM REQUIREMENTS FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—An employee serving in a cyber workforce position in an agency may, with the approval of the head of the agency, submit an application for detail to a rotational cyber workforce position that appears on the list developed under section 4353(b).

(2) OPM APPROVAL FOR CERTAIN POSITIONS.—An employee serving in a position in the excepted service may only be selected for a rotational cyber workforce position that is in the competitive service with the prior approval of the Office of Personnel Management, in accordance with section 300.301 of title 5, Code of Federal Regulations, or any successor thereto.

(3) SELECTION AND TERM.—

(A) SELECTION.—The head of an agency shall select an employee for a rotational cyber workforce position under the rotational cyber workforce program in a manner that is consistent with the merit system principles under section 2301(b) of title 5, United States Code.

(B) TERM.—Except as provided in subparagraph (C), and notwithstanding section 3341(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 described in subparagraph (B) for a period of 60 days unless the Chief Human Capital Officer of the employing agency of the employee objects to that extension.

(4) WRITTEN SERVICE AGREEMENTS.—

(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 supersede or modify the terms or conditions of any other service agreement entered into by the employee under any other authority or relieve the obligations between the employee and 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 under the terms of such agreement or 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, including whether the head of each such participating agency has—

(A) identified positions within the agency that are rotational cyber workforce positions;

(B) had employees from other participating agencies serve in positions described in subparagraph (A); and

(C) had employees of the agency request to serve in rotational cyber workforce positions under the rotational cyber workforce program in participating agencies, including a description of how many such requests were approved; and

(2) the experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program, including an assessment of—

(A) the period of service;

(B) the positions (including grade level and occupational series or work level) held by employees before completing service in a rotational cyber workforce position under the rotational cyber workforce program;

(C) the extent to which each employee who completed service in a rotational cyber workforce position under the rotational cyber workforce program achieved a higher skill level, or attained a skill level in a different area, with respect to information technology, cybersecurity, or other cyber-related functions; and

(D) the extent to which service in rotational cyber workforce positions has affected

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 a list developed 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 extrajudicial direction 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).

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term ''covered unmanned aircraft system'' has the meaning given the term ''unmanned aircraft system'' in section 44801 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) though (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 (consisting of 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 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—

(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 Secretary of Transportation, in consultation with the Secretary of Homeland Security, 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 (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), 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 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. 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 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—

(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 Secretary of Transportation, in consultation with the Secretary of Homeland Security, 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 UAE through Research Excellence (ASSURE) Center of Excellence (COE) for Unmanned Aircraft Systems.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board (NTSB), 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 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.

(g) 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. 4405. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATION 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.—A 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, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, 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; or

(F) the safe integration of UAS in the national airspace (as determined in consultation with the Secretary of Transportation); 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.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the requirements of this section pertaining to Federal contracts.

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

any covered unmanned aircraft system from a covered foreign entity.

SEC. 4407. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—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 data related to 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. COMPTROLLER 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 UNMANNED AIRCRAFT SYSTEMS.

(a) 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 coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of UAS—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing and transmitting Federal information in a UAS:

(1) Protections to ensure controlled access of UAS.

(2) Protecting software, firmware, and hardware by ensuring changes to UAS are properly managed, including by ensuring UAS can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of UAS.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of UAS.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—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 purposes of training, testing, or analysis for—

(A) electronic warfare; 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—

(A) may not be delegated below the level of the Deputy Secretary of the procuring department or agency;

(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;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of 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 seek to enter into a contract with a federally funded research and development center under which the center will conduct a study of—

(1) the current and future unmanned aircraft system global and domestic market;

(2) the ability of the unmanned aircraft system domestic market to keep pace with technological advancements across the industry;

(3) the ability of domestically made unmanned aircraft systems to meet the network security and data protection requirements of the national security enterprise;

(4) the extent to which unmanned aircraft system component parts, such as the parts described in section 4403, are made domestically; and

(5) an assessment of the economic impact, including cost, of excluding the use of foreign-made UAS for use across the Federal Government.

(b) SUBMISSION TO OMB.—Upon completion of the study in subsection (a), the federally funded research and development center shall submit the study to the Director of the Office of Management and Budget.

(c) SUBMISSION TO CONGRESS.—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—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Homeland Security and the Committee on Oversight and Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4411. SUNSET.

Sections 4403, 4404, and 4405 shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

Subtitle B—No TikTok on Government Devices

SEC. 4431. SHORT TITLE.

This subtitle may be cited as the ''No TikTok on Government Devices Act''.

SEC. 4432. PROHIBITION ON THE USE OF TIKTOK.

(a) DEFINITIONS.—In this section—

(1) the term ''covered application'' means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited;

(2) the term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code; and

(3) the term ''information technology'' has the meaning given that term in section 11101 of title 40, United States Code.

(b) PROHIBITION ON THE USE OF TIKTOK.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under paragraph (1) shall include—

(A) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(B) for any authorized use of a covered application under an exception, requirements for executive agencies to develop and document risk mitigation actions for such use.

Subtitle C—National Risk Management

SEC. 4461. SHORT TITLE.

This subtitle may be cited as the ''National Risk Management Act of 2021''.

SEC. 4462. NATIONAL RISK MANAGEMENT CYCLE.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.

''(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, 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 would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

''(b) NATIONAL RISK MANAGEMENT CYCLE.—

''(1) RISK IDENTIFICATION AND ASSESSMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, the associated likelihoods, vulnerabilities, and consequences, and the resources necessary to address them.

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

''(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

''(D) REPORT.—The Secretary shall submit to the President, 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 risks identified by the process established under subparagraph (A)—

''(i) not later than 1 year after the date of enactment of this section; and

''(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

''(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

''(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

''(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

''(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

''(iii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

''(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

''(v) request any additional authorities necessary to successfully execute the strategy.

''(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

''(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers the first strategy required under paragraph (2)(A), and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall 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 full range of activities proposed by the strategy.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 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 to which more than $100,000,000 in basic and applied research and development funds 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.

(C) 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.

(D) 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—

(I) utilize the same facilities as other research and development activities; and

(II) 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.
''7902. Federal Research Security Council establishment and membership.
''7903. Functions and authorities.
''7904. Strategic plan.
''7905. Annual report.
''7906. Requirements for Executive agencies.

''§ 7901. Definitions

''In this chapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Commerce, Science, and Transportation 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 Armed Services of the Senate;

''(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(G) the Committee on Oversight and Reform of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Committee on Energy and Commerce of the House of Representatives;

''(J) the Permanent Select Committee on Intelligence of the House of Representatives;

''(K) the Committee on Foreign Affairs of the House of Representatives;

''(L) the Committee on Armed Services of the House of Representatives; and

''(M) the Committee on Education and Labor of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Research Security Council established under section 7902(a).

''(3) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(4) FEDERAL RESEARCH SECURITY RISK.—The term 'Federal research security risk' means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

''(5) INSIDER.—The term 'insider' means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

''(6) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency's normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

''(7) 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.

''(C) 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.

''(D) 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—

''(I) utilize the same facilities as other research and development activities; and

''(II) are not included in the instruction function.

''(8) UNITED STATES RESEARCH COMMUNITY.—The term 'United States research community' means—

''(A) research and development centers of 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 Commerce.

''(I) The Department of Health and Human Services.

''(J) The Department of State.

''(K) The Department of Transportation.

''(L) The National Aeronautics and Space Administration.

''(M) The National Science Foundation.

''(N) The Department of Education.

''(O) The Small Business Administration.

''(P) The Council of Inspectors General on Integrity and Efficiency.

''(Q) Other Executive agencies, as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

''(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

''(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

''§ 7903. Functions and authorities

''(a) DEFINITIONS.—In this section:

''(1) IMPLEMENTING.—The term 'implementing' means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

''(2) UNIFORM APPLICATION PROCESS.—The term 'uniform application process' means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

''(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

''(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

''(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

''(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

''(4) Identifying an appropriate Executive agency—

''(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

''(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

''(i) the oversight of federally funded research and development;

''(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

''(iii) counterintelligence investigations.

''(5) Identifying, as appropriate, Executive agencies to provide—

''(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

''(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

''(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

''(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

''(A) a grantee's support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

''(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

''(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

''(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

''(10) Engaging with 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 2020 (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.

''(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process 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—

''(i) to 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) to 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, while safeguarding sensitive information; and

''(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

''(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 circumstances 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; and

''(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; and

''(B) to leverage counterintelligence, 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 accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

''(4) the designation 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) IN GENERAL.—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) CONTENT.—A 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 resulting from federally funded research and development;

''(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

''(i) the science and technology of that foreign country; or

''(ii) federally funded research and development; and

''(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

''(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

''(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

''(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

''(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

''(4) proposals for developing a unified Federal policy on suspensions and debarments; and

''(5) other current suspension and debarment related issues.

''(h) SAVINGS PROVISION.—Nothing in this section may be construed—

''(1) to alter or diminish the authority of any Federal agency; or

''(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

''§ 7904. Annual report

''Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

''§ 7905. Requirements for Executive agencies

''(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

''(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

''(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

''(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

''(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council.

''(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

''(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

''(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

''(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

''(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

''79. Federal Research Security Council ..... 7901.''.

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:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant 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 institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act 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'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(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 endeavor, including a title, research 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, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a false statement;

''(B) contains a material misrepresentation;

''(C) has no basis in law or fact; or

''(D) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, 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 during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL 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 seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(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 Energy, the Department of Commerce, 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 government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a 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, and semi-annually thereafter until the sunset date set forth in subsection (e), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the aliens to which the grounds of inadmissibility described in subsection (a) may apply;

(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; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(d) CLASSIFICATION OF REPORT.—Each report required under subsection (c) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(e) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

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 the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(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 date of the enactment of this Act, the Secretary of State shall submit a 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 Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Energy and Commerce 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;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different 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) permits 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 developing exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, by requiring—

''(A) the sponsor to certify to the Department of State that the sponsor, after reviewing all regulations related to 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)(I) 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

''(II) the sponsor will prevent 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 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 rights and requirements provided in section 552a of title 5, United States Code (commonly known as the ''Privacy Act

of 1974'') or subchapter III of chapter 35 of 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:

Sec. 5001. Short title; table of contents.

TITLE I—FINANCIAL SERVICES

Sec. 5101. Findings on transparency and disclosure; sense of Congress.
Sec. 5102. Establishment of interagency task force to address Chinese market manipulation in the United States.
Sec. 5103. Expansion of study and strategy on money laundering by the People's Republic of China to include risks of contributing to corruption.
Sec. 5104. Statement of policy to encourage the development of a corporate code of conduct for countering malign influence in the private sector.

TITLE II—PROTECTING UNITED STATES NATIONAL SECURITY

Subtitle A—Sanctions With Respect to People's Republic of China

Sec. 5201. Definitions.
Sec. 5202. Use of sanctions authorities with respect to the People's Republic of China.
Sec. 5203. Imposition of sanctions with respect to activities of the People's Republic of China undermining cybersecurity, including cyber attacks on United States Government or private sector networks.
Sec. 5204. Imposition of sanctions with respect to theft of trade secrets of United States persons.
Sec. 5205. Implementation; penalties.
Sec. 5206. Exceptions.

Subtitle B—Export Control Review And Other Matters

Sec. 5211. Review and controls on export of items with critical capabilities to enable human rights abuses.
Sec. 5212. Prohibition on reviews by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.
Sec. 5213. Conforming amendments to Treasury positions established by Foreign Investment Risk Review Modernization Act of 2018.

TITLE III—REPORTS

Sec. 5301. Review of the presence of Chinese entities in United States capital markets.
Sec. 5302. Report on malign activity involving Chinese state-owned enterprises.
Sec. 5303. Report on use and applicability of sanctions to Chinese officials complicit in human rights violations and violations of United States sanctions with respect to Hong Kong.
Sec. 5304. Report on domestic shortfalls of industrial resources, materials, and critical technology items essential to the national defense.
Sec. 5305. Report on implementation of process for exchange of information between Committee on Foreign Investment in the United States and allies and partners.
Sec. 5306. Report on economic and national security implications of changes to cross-border payment and financial messaging systems.
Sec. 5307. Report on development and utilization of dual-use technologies by the Government of the People's Republic of China.
Sec. 5308. Report on currency issues with respect to the People's Republic of China.
Sec. 5309. Report on exposure of the United States to the financial system of the People's Republic of China.
Sec. 5310. Report on investment reciprocity between the United States and the People's Republic of China.

TITLE I—FINANCIAL SERVICES

SEC. 5101. FINDINGS ON TRANSPARENCY AND DISCLOSURE; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) More than 2,000,000 corporations, limited liability companies, and other similar entities are formed under the laws of the States each year and some of those 2,000,000 entities are formed by persons outside of the United States, including by persons in the People's Republic of China.

(2) Most or all States do not require information about the beneficial owners of the corporations, limited liability companies, or other similar entities formed under the laws of the State.

(3) Malign actors seek to conceal their ownership of corporations, limited liability companies, or other similar entities in the United States to facilitate illicit activity, including money laundering, the financing of terrorism, proliferation financing, serious tax fraud, human and drug trafficking, counterfeiting, piracy, securities fraud, financial fraud, economic espionage, theft of intellectual property, and acts of foreign corruption, which harm the national security interests of the United States and allies of the United States.

(4) National security, intelligence, and law enforcement investigations have consistently been impeded by an inability to reliably and promptly obtain information identifying the persons that ultimately own corporations, limited liability companies, or other similar entities suspected of engaging in illicit activity, as documented in reports and testimony by officials from the Department of Justice, the Department of Homeland Security, the Department of the Treasury, the Government Accountability Office, and other agencies.

(5) In the National Strategy for Combating Terrorist and Other Illicit Financing, issued in 2020, the Department of the Treasury found the following: ''Misuse of legal entities to hide a criminal beneficial owner or illegal source of funds continues to be a common, if not the dominant, feature of illicit finance schemes, especially those involving money laundering, predicate offences, tax evasion, and proliferation financing.''.

(6) Federal legislation, including the Anti-Money Laundering Act of 2020 (division F of Public Law 116–283) and the Corporate Transparency Act (title LXIV of division F of Public Law 116–283), combating the crime of money laundering and providing for the collection of beneficial ownership information by the Financial Crimes Enforcement Network of the Department of the Treasury (referred to in this section as ''FinCEN'') with respect to corporations, limited liability companies, or other similar entities formed under the laws of the States has recently been enacted to—

(A) set a clear Federal standard for incorporation practices;

(B) better enable critical national security, intelligence, and law enforcement efforts to identify and counter money laundering, the financing of terrorism, and other illicit activity; and

(C) bring the United States into compliance with international standards with respect to anti-money laundering and countering the financing of terrorism.

(7) Providing beneficial ownership information to FinCEN is especially important in cases in which foreign firms, including those in the People's Republic of China or subject to the jurisdiction of the People's Republic of China, seek to acquire United States firms and the valuable intellectual property of those firms in a manner that poses a threat to the national security of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury should implement the Anti-Money Laundering Act of 2020 (division F of Public Law 116–283), including the Corporate Transparency Act (title LXIV of division F of Public Law 116–283), within the timelines required under those Acts, including the elements of those Acts designed to enhance the ability of financial services providers to adopt and implement anti-money laundering best practices, mitigate burdens on small businesses, ensure the security of beneficial ownership information as provided for by those Acts, and address specific concerns relating to abuses of anonymous shell companies by Chinese entities and the Government of the People's Republic of China.

SEC. 5102. ESTABLISHMENT OF INTERAGENCY TASK FORCE TO ADDRESS CHINESE MARKET MANIPULATION IN THE UNITED STATES.

(a) IN GENERAL.—The Department of Justice, the Federal Trade Commission, the Department of the Treasury, and such other Federal agencies as the President determines appropriate shall establish a joint interagency task force to investigate allegations of systemic market manipulation and other potential violations of antitrust and competition laws in the United States by companies established in the People's Republic of China, including allegations of efforts to illegally capture market share, fix or manipulate prices, and control the supply of goods in critical industries of the United States, 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.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall provide to the appropriate congressional committees—

(1) a briefing on the progress of the interagency task force and its findings as described in subsection (a); and

(2) recommendations to the committees on potential amendments to antitrust and competition laws in the United States that would strengthen the ability of United States antitrust enforcement agencies to bring actions against anticompetitive business practices by Chinese companies.

(c) 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, 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 6507 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116–283) is amended—

(1) in subsection (a)—

(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) the ways in which such increased illicit finance risks may contribute to corruption involving Chinese firms and a strategy to combat such corruption.''; and

(2) in subsection (b), by inserting ''and corruption'' after ''activities''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall 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 MALIGN 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 bedrock of 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 malign 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 the American dream, free from restrictions 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, which are seeking 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) harassment of 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 collectively 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; and

(10) to specifically encourage United States businesses to develop and 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 free speech 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 enjoy full 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) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or 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.

(8) 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 ethnic minorities;

(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 full 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:

(A) The Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).

(B) Section 1637 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (50 U.S.C. 1708) (relating to addressing economic and industrial espionage in cyberspace).

(C) The Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.).

(D) The Hong Kong Autonomy Act (Public Law 116–149; 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).

(F) Section 6 of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 22 U.S.C. 6901 note) (relating to the imposition of sanctions with respect to violations of human rights of minority groups in the Xinjiang Uyghur Autonomous Region).

(G) The Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.) (relating to the imposition of new export controls).

(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 1260I of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1687) (relating to limiting the removal of Huawei Technologies Co. Ltd. from the entity list of the Bureau of Industry and Security).

(I) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 41 U.S.C. 3901 note prec.) (relating to a prohibition on Federal Government contracts with entities that use telecommunications equipment or services produced by certain Chinese entities).

(J) The North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9201 et seq.), including the amendments made to that Act by the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (title LXXI of Public Law 116–92; 22 U.S.C. 9201 note).

(K) Section 73 of the Bretton Woods Agreements Act (22 U.S.C. 286yy), as added by section 7124 of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (title LXXI of Public Law 116–92; 22 U.S.C. 9201 note).

SEC. 5203. IMPOSITION OF SANCTIONS WITH RESPECT TO ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA UNDERMINING CYBERSECURITY, INCLUDING CYBER ATTACKS ON UNITED STATES GOVERNMENT OR PRIVATE SECTOR NETWORKS.

(a) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall—

(1) identify each foreign person that the President determines—

(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) knowingly 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) impose the sanctions described in subsection (b) with respect to each individual identified under paragraph (1); and

(3) impose 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)(2) 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 individual if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) 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 VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect pursuant to section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)); 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:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the entity.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the entity under—

(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.);

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES 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.

(4) LOANS FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The President may direct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit the entity.

(5) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against the entity if the entity is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—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 sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of subsection (a)(3), and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of subsection (a)(3).

(6) 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.

(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 in which the entity has any interest.

(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, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the entity has any interest;

(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, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

(d) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under this section with respect to a foreign person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) not 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.

(e) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY DEFINED.—In this section, the term ''significant activities undermining cybersecurity'' includes—

(1) significant efforts—

(A) to deny access to or degrade, compromise, disrupt, or destroy an information and communications technology system or network; or

(B) to exfiltrate, degrade, corrupt, destroy, or release information from such a system or network without authorization for purposes of—

(i) conducting influence operations; or

(ii) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;

(2) significant destructive malware attacks; or

(3) significant denial of service activities.

SEC. 5204. IMPOSITION OF SANCTIONS WITH RESPECT TO THEFT 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, during 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, or that has acted or purported to act for or on behalf of, directly or indirectly, any foreign person identified under clause (i) or (ii); or

(iv) is a chief executive officer or member of the board of directors of any foreign entity identified under clause (i) or (ii);

(B) describing the nature, objective, and outcome of the theft of trade secrets each foreign person described in subparagraph (A)(i) engaged in or benefitted from; and

(C) assessing whether any chief executive officer or member of the board of directors described in clause (iv) of subparagraph (A) engaged in, or benefitted from, activity described in clause (i) or (ii) of that subparagraph.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report required by paragraph (1), the period beginning on the date of the enactment of this Act and ending on the date on which the report is required to be submitted; and

(B) in the case of each subsequent report required by paragraph (1), the one-year period preceding the date on which the report is required to be submitted.

(3) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(b) AUTHORITY TO IMPOSE SANCTIONS.—

(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 if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INCLUSION ON ENTITY LIST.—The President may include the entity on the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations, for activities contrary to the national security or foreign policy interests of the United States.

(C) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, 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 UNITED STATES 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 United States executive director to each international financial institution to use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit the entity.

(F) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against the entity if the entity is a financial institution:

(i) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(ii) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—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 sanction under clause (i) or (ii) shall be treated as one sanction 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 transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the entity has any interest.

(I) 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.

(J) 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.

(K) 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.

(L) 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 and with similar authorities as such officer or officers, any of the sanctions under this paragraph.

(2) SANCTIONS APPLICABLE TO INDIVIDUALS.—In the case of an alien identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under that subsection, the following shall apply:

(A) BLOCKING OF PROPERTY.—The President shall, 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 alien if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in subparagraph (A) of subsection (a)(1) is—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) 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.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—An alien described in subparagraph (A) of subsection (a)(1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(aa) take effect pursuant to section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)); and

(bb) cancel any other valid visa or entry documentation that is in the alien's possession.

(c) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under subsection (b) with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) not 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 the termination takes effect, that the person is no longer engaged in the activity identified in the report.

(e) DEFINITIONS.—In this section:

(1) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations.

(2) FOREIGN ENTITY.—The term ''foreign entity'' means an entity that is not a United States person.

(3) TRADE SECRET.—The term ''trade secret'' has the meaning given that term in section 1839 of title 18, United States Code.

SEC. 5205. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or any regulation, license, or order issued to carry out this subtitle shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the

same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 5206. EXCEPTIONS.

(a) INTELLIGENCE ACTIVITIES.—This subtitle 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 United States.

(b) LAW ENFORCEMENT ACTIVITIES.—Sanctions under this subtitle shall not apply with respect to any authorized law enforcement activities of the United States.

(c) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under this subtitle 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 Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between 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.

(d) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authority or a requirement to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

Subtitle B—Export Control Review And Other Matters

SEC. 5211. REVIEW AND CONTROLS ON EXPORT OF ITEMS WITH CRITICAL CAPABILITIES TO ENABLE HUMAN RIGHTS ABUSES.

(a) STATEMENT OF POLICY.—It is the policy of the United States to use export controls to the extent necessary to further the protection of internationally recognized human rights.

(b) REVIEW OF ITEMS WITH CRITICAL CAPABILITIES TO ENABLE HUMAN RIGHTS ABUSES.—Not later than 180 days after the date of the enactment of this Act, and as appropriate thereafter, the Secretary, in coordination with the Secretary of State, the Director of National Intelligence, and the heads of other Federal agencies as appropriate, shall conduct a review of items subject to controls for crime control reasons pursuant to section 742.7 of the Export Administration Regulations.

(c) CONTROLS.—In furtherance of the policy set forth in subsection (a), not later than 60 days after completing the review required by subsection (b), the Secretary, in coordination with the heads of other Federal agencies as appropriate, shall determine whether additional export controls are needed to protect human rights, including whether—

(1) controls for crime control reasons pursuant to section 742.7 of the Export Administration Regulations should be imposed on additional items, including items with critical capabilities to enable human rights abuses involving—

(A) censorship or social control;

(B) surveillance, interception, or restriction of communications;

(C) monitoring or restricting access to or use of the internet;

(D) identification of individuals through facial or voice recognition or biometric indicators; or

(E) DNA sequencing; or

(2) end-use and end-user controls should be imposed on the export, reexport, or in-country transfer of certain items with critical capabilities to enable human rights abuses that are subject to the Export Administration Regulations if the person seeking to export, reexport, or transfer the item has knowledge, or the Secretary determines and so informs that person, that the end-user or ultimate consignee will use the item to enable human rights abuses.

(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 secure the cooperation of 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 ''; or''; and

(3) by adding at the end the following:

''(vi) 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 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 5212. PROHIBITION ON REVIEWS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Committee on Foreign Investment in the United States may not review or investigate a gift to an institution of higher education from a foreign person, or the entry into a contract by such an institution with a foreign person, 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 or otherwise made available 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. 5213. CONFORMING AMENDMENTS TO TREASURY POSITIONS ESTABLISHED BY FOREIGN INVESTMENT RISK REVIEW MODERNIZATION ACT OF 2018.

(a) TITLE 31.—Section 301(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).''.

TITLE III—REPORTS

SEC. 5301. REVIEW OF THE PRESENCE OF CHINESE ENTITIES IN UNITED STATES CAPITAL MARKETS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, 3 years after such date of enactment, and 5 years after such date of enactment, 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.

(2) MATTERS TO BE INCLUDED.—Each report required under paragraph (1) shall—

(A) identify entities incorporated in the People's Republic of China—

(i)(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; or

(II) that have ''A Shares'' listed or traded on mainland exchanges in the People's Republic of China that are included in index-based, exchange-traded funds purchased or sold within the United States; and

(ii) that, 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;

(B) describe the activities of the entities identified pursuant to subparagraph (A) and their implications for the United States; and

(C) develop policy recommendations for the United States Government, United States financial institutions, national securities exchanges, and other relevant stakeholders to address any risks posed by the presence in United States capital markets of the entities identified pursuant to subparagraph (A).

(3) FACTORS FOR CONSIDERATION.—In completing each report under paragraph (1), the Secretary of the Treasury shall consider whether an entity identified pursuant to paragraph (2)(A)—

(A) has materially contributed to the development or manufacture, or sold or facilitated procurement by the People's Liberation Army, of lethal military equipment or component parts of such equipment;

(B) has contributed to the construction and militarization of features in the South China Sea;

(C) has been sanctioned by the United States or has been determined to have conducted business with sanctioned entities;

(D) has engaged in an act or a series of acts of intellectual property theft;

(E) has engaged in corporate or economic espionage;

(F) has contributed to the proliferation of nuclear or missile technology in violation of United Nations Security Council resolutions or United States sanctions;

(G) has contributed to the repression of religious and ethnic minorities within the People's Republic of China, including in the Xinjiang Uyghur Autonomous Region or the Tibet Autonomous Region;

(H) has contributed to the development of technologies that enable censorship directed

or directly supported by the Government of the People's Republic of China;

(I) 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

(J) has contributed to other activities or behavior determined to be relevant by the Secretary of the Treasury.

(b) REPORT FORM.—Each report required under subsection (a)(1) shall be submitted in unclassified form but may include a classified annex.

(c) PUBLICATION.—The unclassified portion of a report under subsection (a)(1) 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.

(2) NATIONAL SECURITIES EXCHANGE.—The term ''national securities exchange'' means an exchange registered as a national securities exchange in accordance with section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

SEC. 5302. REPORT ON MALIGN 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, including in the Xinjiang Uyghur Autonomous Region;

(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 116–149; 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 1999 (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 $5,000,000,000 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 that received financial assistance from an agency of the United States Government during that period, identifies the amount of such assistance received by the enterprise, company, or subsidiary; and

(4) includes recommendations for any legislative or administrative action to address matters identified in the report, including any recommendations with respect to additional limitations on United States financial assistance provided to enterprises, companies, and subsidiaries identified under paragraph (2).

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) 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.

(2) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984.

SEC. 5303. REPORT ON USE AND APPLICABILITY OF SANCTIONS TO CHINESE OFFICIALS COMPLICIT IN HUMAN RIGHTS VIOLATIONS AND VIOLATIONS OF UNITED STATES SANCTIONS WITH RESPECT TO HONG KONG.

(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 the Treasury, shall submit to the appropriate congressional committees a report on the use and applicability of sanctions, including financial sanctions and the denial of visas to enter the United States, with respect to officials of the Government of the People's Republic of China complicit in—

(1) human rights violations, including severe religious freedom restrictions and human trafficking; or

(2) violations of sanctions imposed by the United States with respect to Hong Kong.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a list of all relevant authorities under statutes or Executive orders for imposing sanctions described in subsection (a);

(2) an assessment of where, if at all, such authorities may conflict, overlap, or otherwise require clarification;

(3) a list of all instances in which designations for the imposition of sanctions described in subsection (a) were made during the one-year period preceding submission of the report; and

(4) an assessment of the effectiveness of those designations in changing desired behavior and recommendations for increasing the effectiveness of such designations.

(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 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. 5304. REPORT ON DOMESTIC SHORTFALLS OF INDUSTRIAL RESOURCES, MATERIALS, AND CRITICAL TECHNOLOGY ITEMS ESSENTIAL TO THE NATIONAL DEFENSE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) identifies current or projected domestic shortfalls of industrial resources, materials, or critical technology items essential to the national defense;

(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

(3) includes recommendations relating to the use of authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) to make investments to reduce the reliance of the United States on the People's Republic of China for strategic and critical materials.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) DEFINITIONS.—In this section, the terms ''industrial resources'', ''materials'', ''critical technology item'', and ''national defense'' have the meanings given those terms in section 702 of the Defense Production Act of 1950 (50 U.S.C. 4552).

SEC. 5305. REPORT ON IMPLEMENTATION OF PROCESS FOR EXCHANGE OF INFORMATION BETWEEN COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES AND ALLIES AND PARTNERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the chairperson of the Committee on Foreign Investment in the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the implementation of the formal process for the exchange of information with governments of countries that are allies or partners of the United States described in section 721(c)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(c)(3)).

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 5306. REPORT ON ECONOMIC AND NATIONAL SECURITY IMPLICATIONS OF CHANGES TO CROSS-BORDER PAYMENT AND FINANCIAL MESSAGING SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in collaboration with the Secretary of State and the Board of Governors of the Federal Reserve System, shall submit to the appropriate congressional committees a report on the economic and national security implications of material changes to the infrastructure or ecosystem of cross-border payment and financial messaging systems, including alternative systems being developed by other countries.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an assessment of the impact of—

(A) how changes to the infrastructure or ecosystem of cross-border payment and financial messaging systems, including emerging systems that enable cross-border payments, will affect United States national security interests, including enforcement of United States and international anti-money laundering, countering the financing of terrorism, and sanctions standards designed to

safeguard the international financial system; and

(B) other relevant national security implications of such changes;

(2) an assessment of 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 state actors in alternative cross-border payment and financial messaging systems; and

(4) recommendations for actions—

(A) to bolster and 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 robotics, artificial intelligence and autonomous systems, facial recognition systems, quantum computing, cryptography, space systems and satellites, 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 investments, including their effect 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) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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 effects 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—

(1) not later than 180 days after the date of enactment of this Act; and

(2) 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 required to be submitted under section 701 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4421) after the date specified in paragraph (1).

SEC. 5309. REPORT ON EXPOSURE OF THE UNITED STATES TO THE FINANCIAL SYSTEM OF THE PEOPLE'S REPUBLIC OF CHINA.

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 Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission, shall submit to Congress a report on the exposure of the United States to the financial sector of the People's Republic of China that includes—

(1) an assessment of the effects of reforms to the financial sector of the People's Republic of China on the United States and global financial systems;

(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, shall submit to Congress a report on investment reciprocity between the United States and the People's Republic of China that includes—

(1) an identification of restrictions imposed by the Government of the People's Republic of China on United States investment in the People's Republic of China that are not comparable to restrictions imposed by the United States on Chinese investment in the United States; and

(2) recommendations for legislative or administrative action that would be necessary to ensure that, on a reciprocal, sector-by-sector basis, there is an equivalent level of market access for United States investors to the market of the People's Republic of China as there is for Chinese investors to the market of the United States.

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TITLE I—COMPETITIVENESS AND SECURITY FOR EDUCATION AND MEDICAL RESEARCH

Subtitle A—Department of Health and Human Services Programs

SEC. 6101. FOREIGN TALENT PROGRAMS.

The Secretary of Health and Human Services shall require disclosure of participation in foreign talent programs, consistent with section 2303, 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.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in consultation with the Director of National Intelligence, the Secretary of State, the Secretary of Defense, and other national security experts, as

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 301(d)(4) 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 implications related to potential misuse 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 within the Department of Health and Human Services—

(1) 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 human 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 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 a semicolon;

(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 on a regular basis, 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, as appropriate and practicable, entities 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 Assistant to the President for National Security Affairs, 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 identifiable, 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 and biomedical research supported by other agencies as applicable, and make recommendations to institutions of higher education or other entities that have traditionally received 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 identifiable, sensitive information of 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, in 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, and other congressional committees as appropriate, a report on the findings and recommendations pursuant to subsection (a).

SEC. 6105. GAO STUDY.

(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 201(6) 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 or countries of concern, in the estimation of the Director of National Intelligence or the head of another Federal department or agency, as appropriate.

(b) CONSIDERATIONS.—In carrying out the study under this section, the Comptroller General shall—

(1) consider—

(A) the extent to which the country or countries of concern could obtain human genomic information of citizens and residents of the United States from such entities that sequence, analyze, collect, or store human genomic information and which the Director of National Intelligence or the head of another Federal department or agency reasonably anticipates may use such information in a manner inconsistent with the national security interests of the United States;

(B) whether the Department or recipient of such funds from the Department sought to provide funding to, or to use, domestic entities with no such ties to the country or countries of concern for such purposes and any barriers to the use of domestic entities; and

(C) whether data use agreements, data security measures, and other such measures taken by the Department or recipient of such funds from the Department are sufficient to protect the identifiable, sensitive information of the people of the United States and the national security interests of the United States; and

(2) make recommendations to address any vulnerabilities to the United States national security identified, as appropriate.

(c) ESTIMATION.—In conducting the study under this section, the Comptroller General may, as appropriate and necessary to complete such study, investigate specific instances of such utilization of genetic sequencing services or genetic services, as described in subsection (a), to produce estimates of the potential prevalence of such utilization among entities in receipt of Departmental funds.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report on the study under this section, in a manner that does not compromise national security, 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. The report shall be submitted in unclassified form, to the extent practicable, but may include a classified annex.

SEC. 6106. REPORT ON PROGRESS TO ADDRESS UNDUE 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 prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce in the House of Representatives, in a manner that does not compromise national security, a report on actions taken by such Secretary—

(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 by a research institution, including relating to undisclosed research support, undisclosed conflicts of interest or other conflicts of commitment, and peer review violations;

(B) the number of cases referred to the Office of Inspector General of the Department of Health and Human Services, the Office of National Security 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 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 upon its 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, together, is inclusive of all 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. 3111).

(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 diploma'', ''Secretary'', ''State'', ''State educational agency'', and ''technology'' shall have the meaning given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) GOVERNOR.—The term ''Governor'' means the chief executive officer of a State.

(5) PERKINS DEFINITIONS.—The terms ''career and technical education'' and ''work-based learning'' have the meaning given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(6) POSTSECONDARY STEM PATHWAY.—The term ''postsecondary STEM pathway'' means a sequence of courses focused on STEM education, including advanced coursework approved by the eligible entity taken at any point during high school that—

(A) when taken together, provide at least 12 credit hours or the equivalent coursework toward an associate degree or baccalaureate degree, or, in the case of postsecondary credit in career and technical education earned through such sequence of courses, credit toward a recognized postsecondary credential for a high-skill, high-wage, or in-demand industry sector or occupation; and

(B) if completed successfully, results in credit that—

(i) satisfies requirements for the State's regular high school diploma; and

(ii) is a part of the statewide articulation agreement described in subsection (d)(2)(B); and

(C) may include work-based learning in a STEM field aligned with the academic coursework offered in a postsecondary STEM pathway.

(7) STEM EDUCATION.—The term ''STEM education'' means courses, activities, high-quality instruction, and learning in the subjects of science, technology, engineering, or mathematics, including computer science.

(8) SUBGROUP OF STUDENTS.—The term ''subgroup of students'' means—

(A) students from a family with a low income;

(B) students of color;

(C) children with disabilities, as defined in section 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3));

(D) English learners;

(E) migratory children, as described in section 1309(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399(3));

(F) homeless children and youths, as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(G) students who are in foster care or are aging out of the foster care system; and

(H) first-generation college students.

(9) WIOA DEFINITIONS.—The terms ''in-demand industry sector or occupation'' and ''recognized postsecondary credential'' have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(10) STUDENT FROM A FAMILIES WITH A LOW INCOME.—The term ''students from a family with a low income'' includes any student who is identified by any of the measures described in section 1113(a)(5) of the Elementary and Secondary Education Act (20 U.S.C. 6313(a)(5)).

(11) FIRST-GENERATION COLLEGE STUDENT.—The term ''first-generation college student'' has the meaning given the term in section 402A(h) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)).

(c) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—From the amounts appropriated under subsection (i) and not reserved under paragraph (2), the Secretary shall award grants, on a competitive basis, to eligible entities to enable those eligible entities to implement activities described under subsection (e).

(2) RESERVATIONS.—From the total amount appropriated under subsection (i) for a fiscal year, the Secretary shall reserve—

(A) 1 percent for the Bureau of Indian Education to improve access to postsecondary STEM pathways;

(B) 2 percent to conduct the evaluation described under subsection (g); and

(C) 2 percent for technical assistance and dissemination, which may include—

(i) 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

(ii) disseminating information on evidence-based practices that are successful in improving the quality of activities funded under this section.

(3) DURATION.—A grant awarded under this section shall be for a period of not more than 5 years.

(4) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period for programs that meet the goals specified in subsection (d)(4)(B) of the initial grant.

(5) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(6) SUFFICIENT SIZE AND SCOPE.—Each 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.

(7) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications that—

(A) provide postsecondary STEM pathways to a high proportion of the State's students enrolled in high schools operated by local educational agencies;

(B) prioritize evidence-based strategies to ensure subgroups of students have equitable access to postsecondary STEM pathways; and

(C) 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 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(d) ELIGIBLE ENTITY APPLICATION.—In order to receive a grant under subsection (c)(1), the eligible entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include, at a minimum—

(1) signatures from the Governor, chief State school officer, and State higher education executive officer verifying the eligible entity shall meet the requirements described in paragraph (2) within the specified timeframe;

(2) a description of how the eligible entity will, not later than 2 years after the date of the initial receipt of funds under this section—

(A) ensure STEM postsecondary pathways are aligned with entrance requirements for credit-bearing coursework at the State's public institutions of higher education; and

(B) develop a formal, universal statewide articulation agreement among all public institutions of higher education or systems in the State—

(i) to guarantee that—

(I) all advanced coursework successfully completed as part of a postsecondary STEM pathway results in credit that—

(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 or public institution of higher education located in another State that chooses to participate in the articulation agreement; and

(II) if a student earns an associate degree (including an associate degree in applied science) as part of 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 such State; and

(ii) to facilitate the seamless transfer of credit earned in the postsecondary STEM pathway among such institutions of higher education, including between 2-year and 4-year public institutions of higher education and private nonprofit institutions of higher education (if such private nonprofit institutions of higher education choose to participate in the articulation agreement), by using methods such as—

(I) common course numbering;

(II) a general education core curriculum; and

(III) management systems regarding course equivalency, transfer of credit, and articulation;

(3) a description of how the eligible entity will disseminate information to subgroups of students in the middle grades and high school served by the eligible entity, including their families, about the opportunity to participate in a postsecondary STEM pathway and the benefits of participation;

(4) a description of how the eligible entity will implement postsecondary STEM pathways in all local educational agencies participating in the eligible entity, including—

(A) the timeline and plan to provide, by the end of the grant period, a substantial number of students in the State the opportunity to participate in a postsecondary STEM pathway; and

(B) annual goals for participation in advanced coursework and postsecondary STEM pathways among subgroups of students such that, if the goals are met—

(i) significant progress will be made toward improving equity in access to advanced coursework and postsecondary STEM pathways across the local educational agencies within the eligible entity in the State; and

(ii) the demographics of students participating in advanced coursework and postsecondary STEM pathways will be similar to the demographics of total student enrollment in the State the eligible entity is located in by the end of the grant period;

(5) a description of how the eligible entity has, or will, ensure that postsecondary STEM pathways are aligned with in-demand industries or occupations and provide students with opportunities for work-based learning;

(6) a description of how the eligible entity consulted with stakeholders in development of its application and how the eligible entity will continue to engage, collaborate, and solicit feedback with stakeholders to improve implementation of the application requirements described in this subsection and uses of funds described in subsection (e), including—

(A) the State board of education (if the State has a State board of education);

(B) the State higher education governing or coordinating entity (if the State has such an entity);

(C) a State board or local board, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)

(D) the State agency responsible for the administration of career and technical education in the State or for the supervision of the administration of career and technical education in the State (if the State has such an entity);

(E) institutions of higher education in the State;

(F) local educational agencies, including those located in rural areas and with the highest enrollments of students from low income families, as described in subsection (c)(7)(C);

(G) representatives of Indian Tribes located in the State;

(H) charter school leaders (if the State has charter schools);

(I) civil rights organizations in the State;

(J) business leaders or their representatives in the State;

(K) teachers, principals, and other school leaders; and

(L) parents and students;

(7) an assurance that the eligible entity will provide postsecondary STEM pathways at no cost to students and families, including that students and their parents shall not be required to pay the cost of tuition, fees (including examination fees associated with Advanced Placement, International Baccalaureate, and similar examinations), books, and supplies necessary to successfully complete postsecondary STEM pathways;

(8) an assurance that not less than half of grant funds received by the eligible entity will be used to support subgroups of students in accessing and completing postsecondary STEM pathways; and

(9) an assurance that the State will comply with the supplement, not supplant requirement described under subsection (h).

(e) USES OF FUNDS.—

(1) REQUIRED USES.—An eligible entity receiving a grant under this section shall use grant funds to carry out the following:

(A) Activities to implement the alignment requirements pursuant to subsection (d)(2) for a period of time not to exceed the first 2 fiscal years for which the grant is provided.

(B) Supporting the development and implementation of postsecondary STEM pathways consistent with the timeline, plan, and goals specified in subsection (d)(4) in order to increase the number of students accessing and completing postsecondary STEM pathways in the State, including—

(i) expanding advanced coursework offered to students served by the eligible entity to increase the availability of postsecondary STEM pathways;

(ii) covering tuition, fees (including examination fees associated with Advanced Placement, International Baccalaureate, and similar examinations), books, and supplies for students participating in postsecondary STEM pathways, in accordance with subsection (d)(7); and

(iii) covering transportation costs necessary for full participation in postsecondary STEM pathways for students from a family with a low income.

(C) Implementing programs and activities to improve student preparation for, and participation in postsecondary STEM pathways, with a priority for students enrolled in local educational agencies described in subsection (c)(7)(C) and subgroups of students, which may include—

(i) using data from evidence-based early warning indicator systems;

(ii) providing supplemental advising or counseling activities that are voluntary to students, including information on choosing postsecondary options, applying for financial aid, completing applications to institutions of higher education, and career counseling and advising, beginning as early as the middle grades; and

(iii) other evidence-based activities to support the successful implementation of postsecondary STEM pathways and students' transition from high school to postsecondary education.

(D) Conducting outreach and communicating with subgroups of students, including their families, to build awareness about the opportunity to participate in a postsecondary STEM pathway and the benefits of participation.

(2) PERMITTED USES.—An eligible entity receiving a grant under this section may also use grant funds to—

(A) provide training, professional development, or recruitment for educators employed by the local educational agencies within the eligible entity and for faculty who teach courses that are included in a postsecondary STEM pathway, including increasing the number of educators qualified to teach dual or concurrent enrollment programs in STEM courses, to improve access and completion of such pathways, particularly for subgroups of students; and

(B) carry out capacity-building efforts to improve the coordination between the elementary and secondary education system and the higher education system, including through stakeholder engagement and monitoring.

(3) TRANSPORTATION CAP.—An eligible entity shall not use more than 25 percent of grant funds to cover transportation costs authorized under paragraph (1)(B)(iii).

(f) REPORTING REQUIREMENTS.—

(1) ELIGIBLE ENTITY REPORTING.—Not later than 1 year after the enactment of this section and every year thereafter, the eligible entity shall provide a report to the Secretary containing such information as the Secretary may require, including, at a minimum—

(A) information on the progress of the eligible entity in establishing the policies and completing the required activities as specified in subsection (d)(2);

(B) the number and percentage of local educational agencies and institutions of higher education in the State offering a postsecondary STEM pathway, including changes year-over-year, and the extent to which the eligible entity was meeting its timeline, plan, and goals specified in subsection (d)(4);

(C) the eligible entity's progress in meeting the goals established by the eligible entity for the participation of subgroups of students in postsecondary STEM pathways as specified in subsection (d)(4);

(D) evidence demonstrating how the eligible entity certified each such pathway meets all the requirements of this section;

(E) the number and percentage of students in the State, including disaggregated by each subgroup of students, and by sex, who—

(i) participate in a postsecondary STEM pathway; and

(ii) participate in a postsecondary STEM pathway and—

(I) successfully complete a postsecondary STEM pathway;

(II) enroll in an institution of higher education and received credit, in accordance with the alignment requirements described in subsection (d)(2);

(III) receive credit toward a recognized postsecondary credential for a high-skill, high-wage, or in-demand industry sector or occupation; and

(IV) earn a postsecondary credential; and

(F) any additional information as the Secretary may reasonably require to ensure

compliance with the requirements of this section and to effectively evaluate, monitor, and improve grant implementation.

(2) SECRETARY'S REPORT.—Not later than 6 month after receiving the initial report described in paragraph (1) and annually thereafter, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that includes a summary of reports submitted by eligible entities and identifies best practices related to improving access to STEM education and postsecondary education, particularly for subgroups of students, through the implementation of postsecondary STEM pathways.

(g) EVALUATION.—The Secretary, acting through the Director of the Institute of Education Sciences, shall conduct an independent evaluation after the initial award of grants under this section, of the policies and services provided under this section, including at a minimum, the impact of such policies and services on outcomes for all students, particularly for subgroups of students, with regard to each of the following:

(1) Enrollment in and completion of advanced coursework during high school, including the number of courses students take and the number of credits students earn.

(2) Postsecondary enrollment, remediation, first-year credit attainment, persistence, and completion including the number of students who enrolled in a STEM field, and the number of students who received a credential in a STEM field.

(3) The rate at which credits earned through postsecondary STEM pathways are recognized for credit by public institutions of higher education institutions.

(4) Postsecondary degree attainment, including completion of an associate degree, baccalaureate degree, or recognized postsecondary credential, and the time it takes students to earn a degree.

(5) Changes in access and rigor of STEM education offered to students served by local educational agencies in eligible entities.

(6) To the extent practicable, analysis of student outcomes described in paragraphs (1) through (5) by STEM field.

(h) SUPPLEMENT, NOT SUPPLANT.—Federal funds provided under this section shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out activities described in this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2022 through 2026.

SEC. 6112. IMPROVING ACCESS TO ELEMENTARY AND SECONDARY COMPUTER SCIENCE EDUCATION.

(a) PURPOSE.—The purpose of this section is to improve the United States' global competitiveness by improving access to computer science education and computational thinking skills for students enrolled in elementary schools and secondary schools operated by local educational agencies, particularly for students facing systemic barriers.

(b) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''dual or concurrent enrollment program'', ''elementary school'', ''educational service agency'', ''English learner'', ''evidence-based'', ''local educational agency'', ''middle grades'', ''professional development'', ''secondary school'', ''Secretary'', ''State'', ''State educational agency'', and ''technology'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) COMPUTER SCIENCE EDUCATION.—The term ''computer science education'' means instruction or learning regarding the study 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, representing, securing, and using digital information; and

(C) computational thinking skills and interdisciplinary problem-solving to equip 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, abstractions, modularity, and algorithm design; and

(C) that involve creative problem solving skills and are applicable across a wide-range of disciplines and careers.

(4) STATE'S COMPUTER SCIENCE EDUCATION STANDARDS.—The term ''State's computer science education standards'' means academic standards established by a State regarding computer science education and computational thinking skills.

(5) STUDENTS FACING SYSTEMIC BARRIERS.—The term ''students facing systemic barriers'' means students who are underrepresented in the computer science field, including through enrollment in computer science education courses in elementary and secondary education, enrollment and completion of computer science associates', bachelors', and graduate degrees, and participation in computer science careers, which includes female students, students from families with low incomes, Black and Latino students, Native American and Alaskan Native students, Native Hawaiian and Pacific Islander students, students with disabilities, English learners, students in rural areas, migrant students, students experiencing homelessness, and children and youth in foster care.

(6) TECHNOLOGY INFRASTRUCTURE.—The term ''technology infrastructure'' means computer devices and internet connectivity.

(c) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k), after making the reservations described in paragraph (2), the Secretary shall award computer science education program grants, on a competitive basis, to State educational agencies (which may include consortia of State educational agencies) that have submitted applications described in subsection (d) to increase access to computer science education and increase the development of computational thinking skills in elementary and secondary education, particularly for students facing systemic barriers, in order to increase American competitiveness, in accordance with this section.

(2) RESERVATIONS.—From the total amount appropriated under subsection (k) for a fiscal year, the Secretary shall reserve—

(A) not less than 1 percent for the Bureau of Indian Education for the purpose of this section;

(B) not less than 2 percent for technical assistance and administration; and

(C) not less than 2 percent for evaluation, in accordance with subsection (h).

(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 more than 10 percent of the total grant amount received by the State for State level activities described in subsection (f)(1), of which not more 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. The Secretary may renew 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 subsection (d)(1).

(4) COORDINATION.—The Secretary shall coordinate with the Director of the National Science Foundation to identify 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, and to support the effective implementation of the grant program under this section.

(d) STATE APPLICATION.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require, including the following:

(1) 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 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 supports to close identified equity gaps; and

(C) ensure that local educational agencies and educational service agencies receiving a subgrant under this section develop and implement a data-driven approach to meet such agency's goals described in subsection (f)(2)(A), including through the measurement and collection of local data aligned with the State educational agency's data-driven plan.

(2) A description of the factors the State educational agency will take into account when reviewing applications submitted by agencies under subsection (e) and making subgrants under this section, including how such State educational agency shall—

(A) take into consideration the need among agencies, including the number of students served by such agencies who are from families with low incomes, in accordance with paragraph (3)(A)(i); and

(B) consider the agency's capacity and commitment, including the agencies' previous work to address achievement gaps, to—

(i) close equity gaps in access to and enrollment in computer science education coursework, particularly for students facing systemic barriers; and

(ii) provide access to high-quality instruction to improve the development of computational thinking skills in elementary and secondary education, particularly for students in elementary school and in the middle grades.

(3) An assurance that the State educational agency—

(A) shall give priority in subgrant awards to local educational agencies that—

(i) are in the highest quartile of local educational agencies, in a ranking of all local educational agencies in the State, ranked in descending order by the number or percentage of children in each agency counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or

(ii) will partner or collaborate with a Historically Black College or University (within the meaning of the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) or other institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), that is located within the State, to carry out activities under the subgrant, in accordance with subsection (f)(2);

(B) will distribute subgrant awards among geographically diverse areas, including urban, suburban, and rural areas; and

(C) in operating the local competitive subgrant process described in subsection (c)(3)(A), shall conduct outreach to local educational agencies described in subparagraph (A)(i) to make the agencies aware of the subgrant availability under this section, and provide technical assistance and support to such agencies in submitting an application under subsection (e).

(4) A description of the State educational agency's strategy to increase the number of educators prepared to teach computer science education, including by—

(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 training 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 and enrollment for candidates enrolled in educator preparation programs and current educators in computer science education.

(5) 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 encourage, 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 youth to access extracurricular opportunities, career exploration and exposure activities, career information and advising, and high-quality work-based learning opportunities (such as internships) to increase exposure to computer science education and career pathways, and support the development of computational thinking skills, particularly for students facing systemic barriers;

(B) how the State's elementary school and secondary school curriculum supports 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 under subsection (c) will be 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 operated by the local educational agency or educational service agency, including the number of students who enroll and complete such courses and the demographics of such students.

(C) A description of how the local educational agency or educational service agency will use subgrant funds to implement evidence-based practices to improve the quality of instruction in computer science and the development of computational thinking skills, including—

(i) providing evidence-based professional development for current educators in computer science education, or evidence-based training for current educators seeking to transition from other subjects to computer science; and

(ii) improving instruction in the development of computational thinking skills for students in elementary schools and secondary schools, particularly for students in elementary schools and middle grades.

(D) A description regarding whether and how the local educational agency or educational service agency may partner or collaborate, to carry out activities with the subgrant, in accordance with subsection (f)(2), with 1 of the following entities, to the extent practicable if such entities are located within the State:

(i) A Historically Black College or University (within the meaning of the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) or other institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))

(ii) A computer science industry, institution of higher education, nonprofit organization, community learning center (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))), State workforce agency, or a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111).

(E) An assurance that the local educational agency or educational service agency will meet the requirements under paragraph (2).

(2) TARGETING OF FUNDS TO HIGH-NEEDS SCHOOLS.—

(A) IN GENERAL.—A local educational agency or educational service agency that receives a subgrant under this section shall use not less than 50 percent of such funds to support elementary schools and secondary schools that meet one of the following criteria:

(i) Using any of the measures of poverty in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), elementary schools and secondary schools that have a higher percentage of students from families with low incomes than the average of the percentage of students from families with low incomes across all elementary schools and secondary schools served by the local educational agency or educational service agency .

(ii) Using any of the measures of poverty in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), elementary schools and secondary schools by grade-span grouping that have a higher percentage of students from families with low incomes than the average of the percentage of students from families with low incomes across all elementary schools and secondary schools serving students in such grade-span grouping in the local educational agency or educational service agency.

(B) SECONDARY SCHOOLS.—In identifying schools under subparagraph (A), percentages of students from families with low incomes in secondary schools may be calculated using comparable data from the schools that feed into such secondary school.

(f) USES OF FUNDS.—

(1) STATE USE OF FUNDS.—A State educational agency shall use amounts reserved under subsection (c)(3)(B) 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 seeking to transition from other subjects to computer science.

(C) Identifying and supporting the implementation and scaling of evidence-based instructional 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, career exploration and exposure activities, career information and advising, and high-quality work-based learning opportunities (such as internships), to develop computational thinking skills and increase exposure to computer science education and career pathways, particularly for students facing systemic barriers.

(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 measures, analyzes, 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 (if the local educational agency or educational service agency is located in a State who has adopted such standards);

(iii) establishes goals and specifies activities supported by subgrant funds to meet those goals by—

(I) increasing 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) Carry out 1 or more of the following:

(i) Expand access to rigorous computer science education and improve the development of computational thinking skills for all students, especially students facing systemic barriers, including through—

(I) increasing access to computer science education in elementary schools and secondary schools, including through expanded course offerings such as Advanced Placement or International Baccalaureate courses, dual or concurrent enrollment programs, in-demand industry recognized credentials, or high-quality distance education; and

(II) improving the development of computational thinking skills for students in elementary schools and secondary schools, particularly elementary schools and in the middle grades, including through investments in high-quality instructional materials, technology infrastructure, high-quality curriculum, and evidence-based professional development, with the goal of more effectively preparing such students for success in computer science education, such as enrollment in computer science education coursework in secondary school, receiving a postsecondary degree or credential in computer science, and attaining a career in computer science or a related field.

(ii) Diversify, support, and increase the number of educators adequately prepared to deliver rigorous instruction in computer science education, by—

(I) providing evidence-based professional development for current computer science education educators, or evidence-based training for current educators seeking to transition from other subjects to computer science;

(II) recruiting and retaining educators described in subclause (I); and

(III) analyzing disparities amongst computer science educators by race, ethnicity, sex, socioeconomic status, age, disability status, and language ability, and addressing such disparities.

(iii) Implement evidence-based practices to improve the quality of instruction regarding computer science and the development of computational thinking skills.

(iv) Support student mastery of the development of problem-solving skills and other key prerequisites for computer science education coursework, including algebra and statistics, to promote success in computer science education coursework.

(v) Establish robust regional collaborations with relevant local entities to improve work-based learning opportunities and career exploration and exposure in computer science, for elementary school and secondary school students, that may include collaborating with computer science industry, institutions of higher education, nonprofit organizations, community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b)), 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. 3111).

(vi) Support the development of opportunities for youth to access extracurricular opportunities, career exploration and exposure activities, career information and advising, and high-quality work-based learning opportunities (such as internships), to develop computational thinking skills and increase exposure to computer science education and career pathways.

(3) RESTRICTION.—A 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)(i)(II).

(g) REPORTING REQUIREMENTS.—

(1) LOCAL REPORTING.—Each local educational agency and educational service agency that receives 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 equity gaps in enrollment and 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 increase enrollment and success in computer science education and increase the development of computational thinking skills for elementary school and secondary school students, particularly for students in elementary schools and middle grades.

(C) Data on the number and diversity of educators providing high-quality instruction in computer science education.

(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, at a minimum—

(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 State's curriculum for elementary school and secondary school students;

(C) an update of the State educational agency's implementation of its data-driven plan described in subsection (d)(1) to improve access and increase enrollment in computer science education and increase the development of computational thinking skills for students facing systemic barriers; and

(D) 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;

(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 of the program in diversifying, supporting, and increasing the number of educators adequately prepared to deliver rigorous instruction in computer science education and how to develop computational thinking skills in students.

(i) RULE OF CONSTRUCTION.—The Secretary shall comply with requirements of section 8526A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7906a) in carrying out activities under this section.

(j) SUPPLEMENT NOT SUPPLANT.—Federal funds provided under this section shall be used to supplement, and not supplant, other Federal, State, or local funds available to carry out the activities described in 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.—Section 602(b)(2)(B)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1122(b)(2)(B)(ii)) is amended—

(1) in subclause (III), by striking ''or'';

(2) in subclause (IV), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(V) the beginning, intermediate, or advanced study of a foreign language related to the area of specialization.''.

(b) INTERNATIONAL RESEARCH AND INNOVATION.—Section 605 of the Higher Education Act of 1965 (20 U.S.C. 1125) is amended to read as follows:

''SEC. 605. INTERNATIONAL RESEARCH AND INNOVATION.

''(a) PURPOSE.—It is the purpose of this section to support essential international and foreign language education research and innovation projects with the goal of assessing and strengthening international education capacity, coordination, delivery, and outcomes to meet national needs.

''(b) AUTHORITY.—

''(1) IN GENERAL.—From the amount provided to carry out this section, the Secretary shall carry out 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 of the United States, and document the outcomes of programs funded under this title for every grant cycle.

''(2) GRANTS OR CONTRACTS.—The Secretary shall carry out activities to achieve the outcomes described in paragraph (1)—

''(A) directly; or

''(B) through grants awarded under subsection (d) or (e).

''(c) ELIGIBLE ENTITIES DEFINED.—In this section, the term 'eligible entity' means—

''(1) an institution of higher education;

''(2) a public or private nonprofit library;

''(3) a nonprofit educational organization;

''(4) an entity that—

''(A) received a grant under this title for a preceding fiscal year; or

''(B) as of the date of application for a grant under this section is receiving a grant under this title; or

''(5) a partnership of two or more entities described in paragraphs (1) through (4).

''(d) RESEARCH GRANTS.—

''(1) PROGRAM AUTHORIZED.—For any fiscal year for which the Secretary carries out activities to achieve the outcomes described in subsection (b)(1) through research grants under this subsection, the Secretary shall award such grants, on a competitive basis, to eligible entities.

''(2) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this subsection shall use the grant funds to pay for the Federal share of the costs of the systematic development, collection, analysis, publication, and dissemination of data, and other information resources, in a manner that—

''(A) is easily understandable, made publicly available, and contributes to achieving the purpose of subsection (a); and

''(B) achieves at least 1 of the outcomes described in subsection (b)(1).

''(3) DISCRETIONARY ACTIVITIES.—An eligible entity that receives a grant under this subsection may use the grant to carry out any of the following activities:

''(A) Assess and document international and foreign language education capacity and supply through studies or surveys that—

''(i) determine the number of foreign language courses, programs, 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 business and 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 demands for, and outcomes of, international and foreign language education and their alignment, through studies, surveys, and conferences to—

''(i) determine demands for increased or improved instruction in foreign language, area or global studies, or other international fields, and the demand for employees with such skills and knowledge in the education, government, and private sectors (including business and other professions);

''(ii) 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); or

''(iii) assess standardized outcomes and effectiveness and benchmarking of programs supported under this title.

''(C) Develop and publish specialized materials for use in foreign language, area, global, or other international studies, including in international business or other professional education or technical training, as appropriate.

''(D) Conduct studies or surveys that identify and document systemic challenges and changes needed in higher education and elementary school and secondary school systems to make international and foreign language education available to all students as part of the basic curriculum, including challenges in current evaluation standards, entrance and graduation requirements, program accreditation, student degree requirements, or teacher and faculty legal workplace barriers to education and research abroad.

''(E) With respect to underrepresented institutions of higher education (including minority-serving institutions or community colleges), carry out studies or surveys that identify and document—

''(i) systemic challenges and changes and incentives and partnerships needed to comprehensively and sustainably internationalize educational programming; or

''(ii) short- and long-term outcomes of successful internationalization strategies and funding models.

''(F) Evaluate the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs.

''(e) INNOVATION GRANTS.—

''(1) PROGRAM AUTHORIZED.—For any fiscal year for which the Secretary carries out activities to achieve the outcomes described in subsection (b)(1) through innovation grants under this subsection, the Secretary shall award such grants, on a competitive basis, to eligible entities.

''(2) USES OF FUNDS.—An eligible entity that receives an innovation grant under this subsection shall use the grant funds to pay the Federal share of projects consistent with the purpose described in subsection (a) that establish and conduct innovative strategies, or scale up proven strategies, and that achieve at least 1 of the outcomes described in subsection (b)(1). Such projects may include one or more of the following:

''(A) Innovative paradigms to improve communication, sharing, and delivery of resources that further the purpose described in subsection (a), including the following:

''(i) Networking structures and systems to more effectively match graduates with international and foreign language education skills with employment needs.

''(ii) Sharing international specialist expertise across institutions of higher education or in the workforce to pursue specialization or learning opportunities not available at any single institution of higher education, such as shared courses for studying less commonly taught languages, world areas or regions, international business or other professional areas, or specialized research topics of national strategic interest.

''(iii) Producing, collecting, organizing, preserving, and widely disseminating international and foreign language education expertise, resources, courses, and other information through the use of electronic technologies and other techniques.

''(iv) Collaborative initiatives to identify, capture, and provide consistent access to, and creation of, digital global library resources that are beyond the capacity of any single eligible entity receiving a grant under this section or any single institution of higher education, including the professional development of library staff.

''(v) Utilization of technology to create open-source resources in international, area, global, and foreign language studies that are adaptable to multiple educational settings and promote interdisciplinary partnerships between technologists, curriculum designers, international and foreign language education experts, language teachers, and librarians.

''(B) Innovative curriculum, teaching, and learning strategies, including the following:

''(i) New initiatives for collaborations of disciplinary programs with foreign language, area, global, and international studies, and education abroad programs that address the internationalization of such disciplinary studies with the purpose of producing globally competent graduates.

''(ii) Innovative collaborations between established centers of international and foreign language education excellence and underrepresented institutions and populations seeking to further their goals for strengthening international, area, global, and foreign language studies, including at minority-serving institutions or community colleges.

''(iii) Teaching and learning collaborations among foreign language, area, global, or other international studies with diaspora communities, including heritage students.

''(iv) New approaches and methods to teaching emerging global issues, cross-regional interactions, and underrepresented regions or countries, such as project- and team-based learning.

''(C) Innovative assessment and outcome tools and techniques that further the purpose described in subsection (a), including the following:

''(i) International and foreign language education assessment techniques that are

coupled with outcome-focused training modules, such as certificates or badges, immersion learning, or e-portfolio systems.

''(ii) Effective and easily accessible methods of assessing professionally useful levels of proficiency in foreign languages or competencies in area, culture, and global knowledge or other international fields in programs under this title, which may include use of open access online and other cost-effective tools for students and educators at all educational levels and in the workplace.

''(f) APPLICATION.—Each eligible entity desiring a grant under this section shall submit 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 cost for carrying out a 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 of such cost shall be no less than 33.34 percent and may be provided either in-kind or in cash, from institutional and non-institutional funds, including contributions from State or private sector corporations, nonprofit entities, or foundations.

''(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary may waive or reduce the non-Federal share required under paragraph (2) for eligible entities that—

''(A) 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.

''(h) DATABASE AND REPORTING.—The Secretary shall directly, or through grants or contracts with an eligible grant recipient—

''(1) establish, curate, maintain, and update at least every grant cycle a web-based site which shall showcase the results of this section and serve as a user-friendly repository of the information, resources, and best practices generated through activities conducted 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 findings and policy issues from the activities conducted under this section, especially as such activities relate to international and foreign language education and outcomes.''.

(c) DISCONTINUATION OF FOREIGN INFORMATION ACCESS PROGRAM.—Part A of title VI of the Higher Education Act of 1965 (20 U.S.C. 1121 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 AND PROFESSIONAL EDUCATION PROGRAMS.—Section 611 of the Higher Education Act of 1965 (20 U.S.C. 1130) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) the future welfare of the United States will depend substantially on increasing international and global skills in business, educational, and other professional communities and creating an awareness among the American public of the internationalization of our economy and numerous other professional areas important to the national interest in the 21st century;'';

(B) by amending paragraph (2) to read as follows:

''(2) concerted efforts are necessary to engage business and other professional education and technical training programs, language, area, and global study programs, professional international affairs education programs, public and private sector organizations, and United States business in a mutually productive relationship which benefits the Nation's future economic and security interests;'';

(C) in paragraph (3), by striking ''and the international'' and inserting ''and other professional fields and the international and global''; and

(D) in paragraph (4)—

(i) by inserting '', as well as other professional organizations,'' after ''departments of commerce''; and

(ii) by inserting ''or other professions'' after ''business''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''and economic enterprise'' and inserting '', economic enterprise, and security''; and

(ii) by inserting ''and other professional'' before ''personnel''; and

(B) in paragraph (2), by striking ''to prosper in an international'' and inserting ''and other professional fields to prosper in a global''.

(e) PROFESSIONAL AND TECHNICAL EDUCATION FOR GLOBAL COMPETITIVENESS.—Section 613 of the Higher Education Act of 1965 (20 U.S.C. 1130a) is amended to read as follows:

''SEC. 613. PROFESSIONAL AND TECHNICAL EDUCATION FOR GLOBAL COMPETITIVENESS.

''(a) PURPOSE.—The purpose of this section is to support innovative strategies that provide undergraduate and graduate students with the global professional competencies, perspectives, and skills needed to strengthen and enrich global engagement and competitiveness in a wide variety of professional and technical fields important to the national interest in the 21st century.

''(b) PROGRAM AUTHORIZED.—The Secretary shall make grants to, or enter into contracts with, eligible entities to pay the Federal share of the cost of programs designed to—

''(1) establish an interdisciplinary global focus in the undergraduate and graduate curricula of business, science, technology, engineering, and other professional education and technical training programs to be determined by the Secretary based on national needs;

''(2) produce graduates with proficiencies in both the global aspects of their professional education or technical training fields and international, cross-cultural, and foreign language skills; and

''(3) provide appropriate services to or partnerships with the corporate, government, and nonprofit communities in order to expand knowledge and capacity for global engagement and competitiveness and provide internship or employment opportunities for students and graduates with international skills.

''(c) MANDATORY ACTIVITIES.—An eligible entity that receives a grant or contract under this section shall use the grant or contract to carry out the following:

''(1) With respect to undergraduate or graduate professional education and technical training curricula, incorporating—

''(A) foreign language programs that lead to proficiency, including immersion opportunities;

''(B) international, area, or global studies programs;

''(C) education, internships, or other innovative or technological linkages abroad; and

''(D) global business, economic, and trade studies, where appropriate.

''(2) Innovating and improving international, global, and foreign language education curricula to serve the needs of business and other professional and nonprofit communities, including development of new programs for nontraditional, mid-career, or part-time students.

''(3) Establishing education or internship abroad programs, domestic globally-focused internships, or other innovative approaches to enable undergraduate or graduate students in professional education or technical training to develop foreign language skills and knowledge of foreign cultures, societies, and global dimensions of their professional fields.

''(4) Developing collaborations between institutions of higher education and corporations or non-profit organizations in order to strengthen engagement and competitiveness in global business, trade, or other global professional activities.

''(d) DISCRETIONARY ACTIVITIES.—An eligible entity that receives a grant or contract under this section may use the grant or contract to carry out the following:

''(1) Developing specialized teaching materials and courses, including foreign language and area or global studies materials, and innovative technological delivery systems appropriate for professionally-oriented students.

''(2) Establishing student fellowships or other innovative support opportunities, including for underrepresented populations, first generation college students (defined in section 402A), and heritage learners, for education and training in global professional development activities.

''(3) Developing opportunities or fellowships for faculty or junior faculty of professional education or technical training (including the faculty of minority-serving institutions or community colleges) to acquire or strengthen international and global skills and perspectives.

''(4) Creating institutes that take place over academic breaks, like the summer, including through technological means, and cover foreign language, world area, global, or other international studies in learning areas of global business, science, technology, engineering, or other professional education and training fields.

''(5) Internationalizing curricula at minority-serving institutions or community colleges to further the purpose of this section.

''(6) Establishing international linkages or partnerships with institutions of higher education, corporations, or organizations that contribute to the objectives of this section.

''(7) Developing programs to inform the public of increasing global interdependence in professional education and technical training fields.

''(8) Establishing trade education programs through agreements with regional, national, global, bilateral, or multilateral trade centers, councils, or associations.

''(e) APPLICATION.—Each eligible entity desiring 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 reasonably require, including assurances that—

''(1) each proposed project have reasonable 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

other activities described in subsection (b) that are conducted by the institution of higher education as of the day before the date of the grant or contract;

''(3) in the case of eligible entities that are consortia of institutions of higher education, or partnership described in subsection (g)(1)(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) if applicable, a demonstration of why the eligible entity needs a waiver or reduction of the matching requirement under subsection (f).

''(f) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Federal share of the total cost for carrying out a program supported by a grant under this section shall be not more than 50 percent.

''(2) NON-FEDERAL SHARE CONTRIBUTIONS.—The non-Federal share of such cost shall be not less than 50 percent and may be provided either in-kind or in cash, from institutional and non-institutional funds, including contributions from State and private sector corporations, nonprofit entities, or foundations.

''(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary may waive or reduce the non-Federal share required under paragraph (2) for eligible entities that—

''(A) are minority-serving institutions or are community colleges; or

''(B) have submitted a grant application as required by subsection (e) that demonstrates a need for such a waiver or reduction.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an institution of higher education;

''(B) a consortia of such institutions; or

''(C) a partnership between—

''(i) an institution of higher education or a consortia of such institutions; and

''(ii) at least one corporate or nonprofit entity.

''(2) PROFESSIONAL EDUCATION AND TECHNICAL TRAINING.—The term 'professional education and technical training' means a program at an institution of higher education that offers undergraduate, graduate, or postgraduate level education in a professional or technical field that is determined by the Secretary as meeting a national need for global or international competency (which may include business, science, technology, engineering, law, health, energy, environment, agriculture, transportation, or education).

''(h) FUNDING RULE.—Notwithstanding any other provision of this title, funds made available to the Secretary for a fiscal year may not be obligated or expended to carry out this section unless the funds appropriated for such fiscal year to carry out this title exceed $69,353,000.''.

(f) DISCONTINUATION OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—Part B of title VI of the Higher Education Act of 1965 (20 U.S.C. 1130 et seq.) is further amended by striking section 614.

(g) REPEAL OF INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.—Title VI of the Higher Education Act of 1965 (20 U.S.C. 1131 et seq.) is amended—

(1) by striking part C; and

(2) by redesignating part D as part C.

(h) DEFINITIONS.—Section 631(a) of the Higher Education Act of 1965 (20 U.S.C. 1132(a)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(11) the term 'community college' means a public institution of higher education at which the highest degree that is predominantly awarded to students is an associate degree, including a 2-year Tribal College or University (as defined in section 316);

''(12) the term 'heritage student' means a postsecondary 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 and language 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.''.

(i) PRIORITY TO MINORITY-SERVING INSTITUTIONS.—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—

(1) by striking sections 637 and 638; and

(2) by adding at the end the following:

''SEC. 637. 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.''.

(j) 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) IN GENERAL.—There are 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. 6122. 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 that 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 (e), an institution of higher education that maintains a contract or agreement between the institution and a Confucius Institute shall not be eligible to receive Federal funds provided under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), except funds provided under title IV of such Act, unless the institution satisfies the requirements and conditions of subsection (c) or (d).

(c) EVALUATION OF CONFUCIUS INSTITUTE CONTRACTS OR AGREEMENTS.—

(1) IN GENERAL.—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, to confirm that any 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).

(d) PUBLIC INSPECTION REQUIREMENT.—The Secretary of Education shall ensure that each institution of higher education that maintains a contract or agreement between the institution and a Confucius Institute makes available for public inspection—

(1) a true copy of the contract or agreement between the institution and the Confucius Institute; and

(2) a translation in English of the contract or agreement between the institution and the Confucius Institute that is certified by a third party translator.

(e) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall not apply to an institution of higher education if that institution has fulfilled the requirements for a waiver from the Department of Defense as described under section 1062 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and made the documents available for public inspection in accordance with subsection (d).

(f) SUNSET.—This section shall cease to be effective on September 30, 2027.

SEC. 6123. SUSTAINING THE TRUMAN FOUNDATION AND THE MADISON FOUNDATION.

(a) TRUMAN MEMORIAL SCHOLARSHIP FUND.—

(1) IN GENERAL.—Section 10(b) of Public Law 93–642 (20 U.S.C. 2001 et seq.) is amended to read as follows:

''(b)(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund.

''(2) 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 at the market price.

''(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 par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ 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 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. 2013) is amended by striking ''$30,000,000 to the fund'' and inserting ''to the Harry S. Truman Memorial Scholarship Trust Fund such sums as may be necessary for fiscal year 2022 and each succeeding fiscal year.''.

(b) JAMES MADISON MEMORIAL FELLOWSHIP TRUST FUND.—

(1) IN GENERAL.—Subsection (b) of section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended to read as follows:

''(b)(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund.

''(2) Subject to paragraph (3), 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 at the market price. 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 par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ 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 original issue or at the market price, is not in the public interest.

''(3)(A) Notwithstanding paragraph (2), upon receiving a determination 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 securities are traded 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 without any diminution of the number of fellowships provided under section 804.

''(C) 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 is otherwise consistent with the requirements of this title.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 816 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 Trust 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 receives a gift from, or enters into a contract with, a foreign source, the value of which is $50,000 or more, considered alone or in combination with all other gifts from, or contracts with, that foreign source within the calendar year.

''(2) DISCLOSURE 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 that has an undetermined monetary value.

''(3) FOREIGN SOURCE OWNERSHIP OR CONTROL DISCLOSURES.—In the case of an institution that is owned or controlled by 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) In the case of an institution required to file a report under paragraph (1) or (2) of subsection (a)—

''(i) for gifts received from or contracts entered into with a foreign government, the aggregate amount of such gifts and contracts received from each foreign government; and

''(ii) for gifts received from or contracts entered into with a foreign source other than a foreign government, the aggregate dollar amount of such gifts and contracts attributable to a particular country and the legal or formal name of the foreign source.

''(B) For purposes of this paragraph, the country to which a gift is attributable is—

''(i) the country of citizenship, or if unknown, the principal residence, for a foreign source who is a natural person; or

''(ii) the country of incorporation, or if unknown, the principal place of business, for a foreign source which is a legal entity.

''(2) In the case of an institution required to file a report under subsection (a)(3)—

''(A) the information described in paragraph (1)(A) (without regard to any gift or contract threshold described in subsection (a)(1));

''(B) the identity of the foreign source that owns or controls the institution;

''(C) the date on which the foreign source assumed ownership or control; and

''(D) any changes in program or structure resulting from the change in ownership or control.

''(3) An assurance that the institution will maintain a true copy of each gift or contract agreement subject to the disclosure requirements under this section, until the latest of—

''(A) the date that is 4 years after the date of the agreement;

''(B) the date on which the agreement terminates; or

''(C) the last day of any period that applicable State public record law requires a true copy of such agreement to be maintained.

''(4) An assurance that the institution will produce true copies of gift and contract agreements subject to the disclosure requirements under this section upon request of the Secretary during a compliance audit or other institutional investigation and shall ensure all gifts and contracts from the foreign source are translated into English by a third party unaffiliated with the foreign source or institution for this purpose.

''(c) ADDITIONAL DISCLOSURES FOR RESTRICTED AND 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, and a description of such conditions or restrictions. The report shall also disclose the country of citizenship, or if unknown, the principal residence for a foreign source which is a natural person, and the country of incorporation, or if unknown, the principal place of business for a foreign source which is a legal entity.

''(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.

''(d) RELATION TO OTHER REPORTING REQUIREMENTS.—

''(1) 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 filed with the State may be filed with the Secretary in lieu of the report required under such subsection. The State in which the institution is located shall provide to the Secretary such assurances as the Secretary may require to establish that the institution has met the requirements for public disclosure under State law if the State report is filed.

''(2) USE OF OTHER FEDERAL REPORTS.—If an institution receives a gift from, or enters into a contract with, a foreign source, where any other department, agency, or bureau of the executive branch requires a report containing all the information required under this section for the same or an equivalent time period, a copy of the report may be filed with the Secretary in lieu of a report required under subsection (a).

''(e) 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 compared.

''(2) MODIFICATIONS.—The Secretary shall incorporate a process permitting institutions to revise and update previously filed disclosure reports under this section to ensure accuracy, compliance, and ability to cure.

''(f) SANCTIONS FOR NONCOMPLIANCE.—

''(1) 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, that is—

''(A) in the case of a failure to disclose a gift or contract with a foreign source as required under this section or to comply with the requirements of subsection (b)(4), in an amount that is not less 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) KNOWING 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 with a foreign source as 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 twice 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 shall 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 for a receipt of a gift from or contract with a foreign source in 2 consecutive years, shall be required to submit a compliance plan to Secretary.

''(g) COMPLIANCE OFFICER.—Any institution that is required to report a gift or contract under this section shall designate and maintain a compliance officer who—

''(1) shall be a current employee or legally authorized agent of such institution; and

''(2) shall be responsible, on behalf of the institution, for compliance with the foreign gift reporting requirement under this section and section 124, if applicable.

''(h) SINGLE POINT OF CONTACT.—The Secretary shall maintain a single point of contact to—

''(1) receive and respond to inquiries and requests for technical assistance from institutions of higher education regarding compliance with the requirements of this section; and

''(2) coordinate the disclosure of information on the searchable database, and process for modifications of disclosures and ability to cure, as described in subsection (e).

''(i) 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, a foreign source who is 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 student covering one or more elements of such student's cost of attendance.

''(B) Assignment or license of registered industrial and intellectual property rights, such as patents, utility models, trademarks, or copyrights, or technical assistance, that are not 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 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.

''(j) DEFINITIONS.—In this section—

''(1) the term 'contract'—

''(A) means any—

''(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, 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;

''(2) the term 'foreign source' means—

''(A) a foreign government, including an agency of a foreign government;

''(B) a legal entity, governmental or otherwise, created under the laws of a foreign state or states;

''(C) an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and

''(D) an agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source;

''(3) the term 'gift' means any gift of money, property, resources, staff, or services;

''(4) the term 'institution' means an institution of higher education, as defined in section 102, or, if a multicampus institution, any single campus of such institution, in any State; and

''(5) the term 'restricted or conditional gift or contract' means any endowment, gift, grant, contract, award, present, or property of any kind which includes provisions regarding—

''(A) the employment, assignment, or termination of faculty;

''(B) the establishment of departments, centers, institutes, instructional programs, research or lecture programs, or new faculty positions;

''(C) the selection or admission of students; or

''(D) the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion.''.

(b) POLICY REGARDING CONFLICTS OF INTEREST FROM FOREIGN GIFTS AND CONTRACTS.—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

''SEC. 124. INSTITUTIONAL POLICY REGARDING FOREIGN GIFTS AND CONTRACTS TO FACULTY AND STAFF.

''(a) REQUIREMENT TO MAINTAIN POLICY AND DATABASE.—Each institution of higher education described in subsection (b) shall—

''(1) maintain a policy requiring faculty, professional staff, and other staff engaged in research and development (as determined by the institution) employed at such institution to disclose to such institution any gifts received from, or contracts entered into with, a foreign source;

''(2) maintain a searchable database of information disclosed in paragraph (1) for the previous five years, except an institution shall not be required to include in the database gifts or contracts received or entered into before the date of enactment of the Securing America's Future Act; and

''(3) maintain a plan to effectively identify and manage potential information gathering by foreign sources through espionage targeting faculty, professional staff, and other staff engaged in research and development (as determined by the institution) that may arise from gifts received from, or contracts entered into with, a foreign source, including through the use of periodic communications and enforcement of the policy described in paragraph (1).

''(b) INSTITUTIONS.—An institution of higher education shall be subject to the requirements of this section if such institution—

''(1) is an institution of higher education as defined under section 102; and

''(2) had more than $5,000,000 in research and development expenditures in any of the previous five years.

''(c) SANCTIONS FOR NONCOMPLIANCE.—

''(1) 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.

''(2) SECOND FAILURE.—In addition to a fine for a violation in accordance with paragraph (1), the Secretary shall impose a fine on an institution that knowingly, willfully, and repeatedly fails to comply with the requirements of this section in a second consecutive year in an amount that is not less than $1,000 but not more than $25,000.

''(3) THIRD AND ADDITIONAL FAILURES.—In addition to a fine for a violation in accordance with paragraph (1) or (2), the Secretary shall impose a fine on an institution that knowingly, willfully, and repeatedly fails to comply with the requirements of this section in a third consecutive year, or any consecutive year thereafter, in an amount that is not less than $25,000 but not more than $50,000.

''(4) ADMINISTRATIVE FAILURES.—The Secretary shall 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.

''(5) COMPLIANCE PLAN REQUIREMENT.—An institution that fails to comply with the requirements under this section for 2 consecutive years shall be required to submit a compliance plan to the Secretary.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'foreign source' and 'gift' have the meaning given the terms in section 117;

''(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 the name, likeness, time, services, or resources of faculty, professional staff, and other staff engaged in research and development (as determined by the institution); and

''(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. 203).''.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall begin the negotiated rulemaking process under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) to carry out the amendments made by subsections (a) and (b).

(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 operate substantially 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.

TITLE 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. PREMERGER NOTIFICATION FILING FEES.

Section 605 of Public Law 101–162 (15 U.S.C. 18a note) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''$45,000'' and inserting ''$30,000'';

(ii) by striking ''$100,000,000'' and inserting ''$161,500,000'';

(iii) by striking ''2004'' 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 less''; 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 less than $1,000,000,000 (as so adjusted and published);''; and

(D) by adding at the end the following:

''(4) $400,000 if the aggregate total amount determined under section 7A(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);

''(5) $800,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $2,000,000,000 (as so adjusted and published) but is less than $5,000,000,000 (as so adjusted and published); and

''(6) $2,250,000 if the aggregate total amount determined under section 7A(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

(2) by adding at the end the following:

''(c)(1) For each fiscal year commencing after September 30, 2022, the filing fees in this section shall be increased each year by an amount equal to the percentage increase, if any, in the Consumer Price Index, as 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.

TITLE 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 Energy and Commerce of the House of Representatives.

(2) ENTREPRENEUR.—The term ''entrepreneur'' means an individual who founded, or is a member of a group that founded, a 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 sole 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'')—

(i) are disproportionately responsible for the innovations that drive economic growth; and

(ii) account for virtually all net new job creation;

(B) 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 but a handful of 360 metro areas examined, 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)(B) 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)(B), including—

(A) demographic changes caused by an aging workforce and slowing population growth;

(B) increased industry concentration that may make it more difficult for new market entrants to compete with established companies;

(C) increased risk-aversion following the financial crisis and recession that occurred in 2008 and 2009 and deterioration of household balance sheets;

(D) difficulties relating to access to capital, particularly difficulties encountered by underserved populations, women, and members of minority groups;

(E) the concentration of venture capital in only a few cities;

(F) record levels of student debt; and

(G) inefficiencies or other difficulties relating to the commercialization of federally funded research and innovation.

(c) ASSESSMENT AND ANALYSIS.—

(1) ASSESSMENT AND ANALYSIS REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Director of the Bureau of the Census and the Director of the Bureau of Economic Analysis of the Department of Commerce, shall conduct an assessment and analysis regarding the reasons for the state of the formation of new United States businesses during a period—

(A) that the Secretary determines appropriate based on the data described in paragraph (2)(A)(i); and

(B) ending on the date on which the assessment and analysis is conducted.

(2) CONSIDERATIONS AND CONSULTATION.—

(A) IN GENERAL.—In conducting the assessment and analysis required under paragraph (1), the Secretary shall—

(i) notwithstanding any other provision of Federal law, and subject to subparagraph (B), review data collected and maintained by—

(I) the Bureau of the Census;

(II) the Bureau of Economic Analysis;

(III) the Bureau of Labor Statistics;

(IV) the Small Business Administration;

(V) the Department of the Treasury;

(VI) the Board of Governors of the Federal Reserve System; and

(VII) any other Federal or State agency, or public or private sector organization, that the Secretary determines appropriate;

(ii) with respect to the formation of new United States businesses, consider the impact of—

(I) 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) foreign-born entrepreneurs and the impact of those entrepreneurs on job creation; and

(XII) any other factor that the Secretary determines appropriate; and

(iii) consult with—

(I) the heads of any agencies and offices of the Federal Government that the Secretary determines appropriate, including—

(aa) the Secretary of the Treasury;

(bb) the Secretary of Labor;

(cc) the Administrator of the Small Business Administration;

(dd) the Chief Counsel of the Office of Advocacy of the Small Business Administration; and

(ee) the Board of Governors of the Federal Reserve System;

(II) entrepreneurs, including entrepreneurs who are women or members of minority groups, and especially entrepreneurs who founded United States businesses that experienced rapid growth; and

(III) representatives from consumer, community, and entrepreneurship advocacy organizations.

(B) CONFIDENTIALITY.—With respect to data reviewed by the Secretary under subparagraph (A)(i), the Secretary shall ensure that the data is subject to the same confidentiality requirements and protections as the confidentiality requirements and protections of the agency or entity, as applicable, providing 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 1503. Ms. MURKOWSKI (for herself, Mr. RISCH, Mr. CRAMER, Mrs. CAPITO, Mr. TILLIS, Mr. SULLIVAN, Mr. MANCHIN, Mr. DAINES, Mr. LANKFORD, and Ms. SINEMA) 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 MINERALS SUPPLY CHAINS AND RELIABILITY.

(a) DEFINITION OF CRITICAL MINERAL.—In this section, the term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(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 economic to recover 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 of 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 in this section 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 against 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 accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(5) engaging in early and active consultation with State, local, and Tribal governments—

(A) to avoid conflicts or duplication of effort;

(B) to resolve concerns; and

(C) to allow for concurrent, rather than sequential, reviews;

(6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(7) expanding and institutionalizing Federal permitting and review process improvements that have proven effective;

(8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(9) developing other practices, such as preapplication procedures.

(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, including regulatory and legislative proposals, if appropriate, that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(2) identifies options, including cost recovery paid by permit applicants, for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(3) quantifies the period of time typically required to complete each step associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, including by—

(A) calculating the range, the mean, the median, the variance, and other statistical measures or representations of the period of time; and

(B) taking into account other aspects that affect the period of time that are outside the control of the Executive branch, such as judicial review, applicant decisions, or State and local government involvement; and

(4) describes actions carried out pursuant to subsection (c).

(e) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under subsection (d), and after providing public notice and an opportunity to comment, the Secretaries, using as a baseline the period of time quantified under paragraph (3) of that subsection, shall develop and publish a performance metric for evaluating the progress made by the Executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(f) ANNUAL REPORTS.—Not later than the date on which the President submits the first budget of the President under section 1105 of title 31, United States Code, after publication of the performance metric required under subsection (e), and annually thereafter, the Secretaries shall submit to Congress a report that—

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (d);

(2) using the performance metric developed under subsection (e), describes progress made by the Executive branch, as compared to the baseline developed pursuant to subsection (d)(3), in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(3) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(g) INDIVIDUAL PROJECTS.—Each year, using data contained in the reports submitted under subsection (f), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

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 in division F, insert the following:

SEC. ___. FENTANYL-RELATED SUBSTANCES.

(a) AMENDMENTS.—Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended—

(1) by adding at the end of subsection (b) of Schedule I the following:

''(23) Isobutyryl fentanyl.

''(24) Para-Methoxybutyrylfentanyl.

''(25) Valeryl fentanyl.

''(26) Cyclopentyl fentanyl.

''(27) Para-Chloroisobutyryl fentanyl.''; and

(2) by adding at the end of Schedule I the following:

''(e)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of fentanyl-related substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

''(2) In paragraph (1), the term 'fentanyl-related substances' includes the following:

''(A) Any substance that is structurally related to fentanyl by one or more of the following modifications:

''(i) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

''(ii) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro groups.

''(iii) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxy, halo, haloalkyl, amino or nitro groups.

''(iv) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

''(v) By replacement of the N-propionyl group by another acyl group.

''(B) 4′-Methyl acetyl fentanyl.

''(C) Crotonyl fentanyl.

''(D) 2′-Fluoro ortho-fluorofentanyl.

''(E) Ortho-Methyl acetylfentanyl.

''(F) Thiofuranyl fentanyl.

''(G) Ortho-Fluorobutyryl fentanyl.

''(H) Ortho-Fluoroacryl fentanyl.

''(I) Beta-Methyl fentanyl.

''(J) Phenyl fentanyl.

''(K) Para-Methylfentanyl.

''(L) Beta′-Phenyl fentanyl.

''(M) Benzodioxole fentanyl.''.

(b) EFFECTIVE DATE.—This section shall take effect 1 day after the date of enactment of this Act.

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 the ''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. 7101. Investigations of allegations of goods produced by forced labor.
Sec. 7102. Preventing importation of seafood and seafood products harvested or produced using forced labor.

Subtitle B—Addressing Censorship and Barriers to Digital Trade

Sec. 7111. Censorship as a trade barrier.
Sec. 7112. Investigation of censorship and barriers to digital trade.
Sec. 7113. Expedited investigation of discriminatory digital trade measures proposed by major trading partners of the United States.

Subtitle C—Protecting Innovators and Consumers

Sec. 7121. Technical and legal support for addressing intellectual property rights infringement cases.
Sec. 7122. Improvement of anti-counterfeiting measures.

Subtitle D—Ensuring a Level Playing Field

Sec. 7131. 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.
Sec. 7132. Assessment of overcapacity of industries in the People's Republic of China.

TITLE II—IMPROVING TRANSPARENCY AND ADMINISTRATION OF TRADE PROGRAMS AND OVERSIGHT AND ACCOUNTABILITY OF TRADE AGENCIES

Sec. 7201. Enhanced congressional oversight of the United States Trade Representative and the Department of Commerce.
Sec. 7202. Authority of U.S. Customs and Border Protection to consolidate, modify, or reorganize customs revenue functions.
Sec. 7203. Protection from public disclosure of personally identifiable information contained in manifests.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 7301. Authorization of additional appropriations.

SEC. 7002. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this division, the term ''appropriate congressional committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

TITLE I—TRADING CONSISTENT WITH AMERICAN VALUES

Subtitle A—Preventing Importation of Goods Produced by Forced Labor

SEC. 7101. 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'';

(2) by striking '''Forced labor', as herein used, shall mean'' and inserting the following:

''(c) FORCED LABOR DEFINED.—In this section, the term 'forced labor' means''; and

(3) by inserting after subsection (a), as designated by paragraph (1), the following:

''(b) FORCED LABOR DIVISION.—

''(1) IN GENERAL.—There is established in the Office of Trade of U.S. Customs and Border Protection a Forced Labor Division, which shall—

''(A) receive and investigate allegations of goods, wares, articles, or merchandise mined, produced, or manufactured using forced labor; and

''(B) coordinate with other agencies to enforce the prohibition under subsection (a).

''(2) PRIORITIZATION OF INVESTIGATIONS.—In prioritizing investigations under paragraph (1)(A), the Forced Labor Division shall—

''(A) consult closely with the Bureau of International Labor Affairs of the Department of Labor and the Office to Monitor and Combat Trafficking in Persons of the Department of State; and

''(B) take into account—

''(i) the complicity of—

''(I) the government of the foreign county in which the instance of forced labor is alleged to have occurred; and

''(II) the government of any other country that has facilitated the use of forced labor in the country described in subclause (I);

''(ii) the ranking of the governments described in clause (i) in the most recent report on trafficking in persons required by section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1));

''(iii) whether the good involved in the alleged instance of forced labor is included in the most recent list of goods produced by child labor or forced labor required by section 105(b)(1)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)); and

''(iv) the effect taking action with respect to the alleged instance of forced labor would have in eradicating forced labor from the supply chain of the United States.

''(3) QUARTERLY BRIEFINGS REQUIRED.—Not less frequently than every 90 days, the Forced Labor Division shall provide briefings to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding—

''(A) allegations received under paragraph (1);

''(B) the prioritization of investigations of such allegations under paragraph (2); and

''(C) progress made toward—

''(i) issuing withhold release orders for goods, wares, articles, or merchandise mined, produced, or manufactured using forced labor; and

''(ii) making findings in and closing investigations conducted under paragraph (1).''.

SEC. 7102. PREVENTING IMPORTATION OF SEAFOOD AND SEAFOOD PRODUCTS HARVESTED OR PRODUCED USING FORCED LABOR.

(a) DEFINITIONS.—In this section:

(1) CHILD LABOR.—The term ''child labor'' has the meaning given the term ''worst forms of child labor'' in section 507 of the Trade Act of 1974 (19 U.S.C. 2467).

(2) FORCED LABOR.—The term ''forced labor'' has the meaning given that term in section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(3) HUMAN TRAFFICKING.—The term ''human trafficking'' has the meaning given the term ''severe forms of trafficking in persons'' in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(4) SEAFOOD.—The term ''seafood'' means fish, shellfish, processed fish, fish meal, shellfish products, and all other forms of marine animal and plant life other than marine mammals and birds.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(b) FORCED LABOR IN FISHING.—

(1) RULEMAKING.—Not later than one year after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection, in coordination with the Secretary, shall issue regulations regarding the verification of seafood imports to ensure that no seafood or seafood product harvested or produced using forced labor is entered into the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(2) STRATEGY.—The Commissioner of U.S. Customs and Border Protection, in coordination with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall—

(A) develop a strategy for using data collected under Seafood Import Monitoring Program to identify seafood imports at risk of being harvested or produced using forced labor; and

(B) publish information regarding the strategy developed under subparagraph (A) on the website of U.S. Customs and Border Protection.

(c) INTERNATIONAL ENGAGEMENT.—The United States Trade Representative, in coordination with the Secretary of Commerce, shall engage with interested countries regarding the development of compatible and effective seafood tracking and sustainability plans in order to—

(1) identify best practices;

(2) coordinate regarding data sharing;

(3) reduce barriers to trade in fairly grown or harvested fish; and

(4) end the trade in products that—

(A) are harvested or produced using illegal, unregulated, or unreported fishing, human trafficking, or forced labor; or

(B) pose a risk of fraud.

Subtitle B—Addressing Censorship and Barriers to Digital Trade

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. 2241 et seq.) is amended by adding at the end the following:

"SEC. 183. IDENTIFICATION OF COUNTRIES THAT DISRUPT DIGITAL TRADE.

''(a) IN GENERAL.—Not later than 60 days after the date on which the National Trade Estimate is submitted under section 181(b), the United States Trade Representative (in this section referred to as the 'Trade Representative') shall identify, in accordance with subsection (b), foreign countries that are trading partners of the United States that engage in acts, policies, or practices that disrupt digital trade activities, including—

''(1) coerced censorship in their own markets or extraterritorially; and

''(2) other eCommerce or digital practices with the goal, or substantial effect, of promoting censorship or extrajudicial data access that disadvantages United States persons.

''(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;

''(2) deny fair and equitable market access to digital service providers that are United States persons with the goal, or substantial effect, of promoting censorship or extrajudicial data access; or

''(3) engage in coerced censorship or extrajudicial 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.

''(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.

''(2) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

''(A) IN GENERAL.—The Trade Representative may at any time, if information available to the Trade Representative indicates that such action is appropriate—

''(i) revoke the identification of any foreign country as a priority foreign country under paragraph (1); or

''(ii) identify any foreign country as a priority foreign country under that paragraph.

''(B) REPORT ON REASONS FOR REVOCATION.—The Trade Representative shall include in the semiannual report submitted to Congress under section 309(3) a detailed explanation of the reasons for the revocation under subparagraph (A) of the identification of any foreign country as a priority foreign country under paragraph (1) during the period covered by the report.

''(d) REFERRAL TO ATTORNEY GENERAL OR INVESTIGATION.—If the Trade Representative identifies an instance in which a foreign country designated as a priority foreign country under subsection (c) has successfully pressured an online service provider to inhibit free speech in the United States, the Trade Representative shall—

''(1) submit to Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report detailing the precise circumstances of the instance, including the actions taken by the foreign country and the online service provider;

''(2) if the online service provider is under the jurisdiction of the United States, refer the instance to the Attorney General; and

''(3) if appropriate, initiate an investigation under section 302 and impose a remedy under section 301(c).

''(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of 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)(2).

''(f) ANNUAL REPORT.—Not later than 30 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.''.

(b) INVESTIGATIONS 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 (i), by inserting ''or designated as a priority foreign country under section 183(c)'' after ''section 182(a)(2)''; and

(2) in subparagraph (D), by striking ''by reason of subparagraph (A)'' and inserting ''with respect to a country identified under section 182(a)(2)''.

(c) 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) IN GENERAL.—Subsection (b) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter preceding subparagraph (A), as redesignated by paragraph (1), by striking ''If the Trade Representative'' and inserting ''(1) If the Trade Representative'';

(3) by adding at the end the following:

''(2) For purposes of paragraph (1), an act, policy, or practice that is unreasonable includes any act, policy, or practice, or any combination of acts, policies, or practices, that denies fair and equitable market opportunities, including through censorship or barriers to the provision of domestic digital services, by the government of a foreign country that—

''(A) precludes competition by conferring special benefits on domestic entities or imposing discriminatory burdens on foreign entities;

''(B) provides inconsistent or unfair market access to United States persons;

''(C) requires censorship of content that originates in the United States; or

''(D) requires extrajudicial data access that disadvantages United States persons.''.

(b) AUTHORIZED ACTION.—Subsection (c) of such section is amended by adding 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 that is 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.''.

(c) CONFORMING AMENDMENT.—Section 304(a)(1)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)(A)(ii)) is amended by striking ''(b)(1)'' and inserting ''(b)(1)(A)''.

SEC. 7113. EXPEDITED INVESTIGATION OF DISCRIMINATORY DIGITAL TRADE MEASURES PROPOSED BY MAJOR TRADING PARTNERS OF THE UNITED STATES.

(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,;

(B) requiring re-engineering or separation of integrated products;

(C) creating due process concerns;

(D) requiring the sharing of data, intellectual property, trade secrets, or confidential business information in a manner accessible to entities in competition with United States entities;

(E) undermining privacy for consumers or users or creating serious concerns regarding the provision of sensitive data to foreign governments; or

(F) being otherwise detrimental to the trade in digital goods or services by United States entities, as determined by the Trade Representative.

(b) DETERMINATION.—Not later than 180 days after the date of the enactment of this Act the Trade Representative shall, pursuant to the investigation required under subsection (a)(1)—

(1) determine whether—

(A) the rights to which the United States is entitled under any trade agreement will be denied if a proposed digital trade legislative or regulatory measure described in that subsection is finalized; or

(B) any act, policy, or practice described in subsection (a)(1)(B) or (b)(1) of section 301 of to the Trade Act of 1974 (19 U.S.C. 2411) will exist if the proposed measure is finalized; and

(2) brief the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the results of the investigation required under subsection (a)(1).

(c) NEGOTIATION WITH MAJOR TRADING PARTNERS.—If the Trade Representative

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 objective of eliminating the measure and 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) TIMING 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 304(a)(1) of that Act (19 U.S.C. 2414(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 30 days after the date on which those procedures are concluded; or

(B) with respect to an investigation under section 301 of that Act (19 U.S.C. 2411), 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; or

(2) 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.

SEC. 7122. IMPROVEMENT OF ANTI-COUNTERFEITING MEASURES.

(a) INCREASED INSPECTIONS.—

(1) REPORT ON SEIZURES OF COUNTERFEIT GOODS.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection 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 seizures by U.S. Customs and Border Protection of counterfeit goods during the one-year period preceding submission of the report, including the number of such seizures disaggregated by category of good, source country, and mode of transport.

(2) INCREASED INSPECTIONS OF GOODS FROM CERTAIN COUNTRIES.—The Commissioner shall increase inspections of imports of goods from each source country identified in the report required by paragraph (1) as one of the top source countries of counterfeit goods, as determined by the Commissioner.

(b) PUBLICATION OF CRITERIA FOR NOTORIOUS MARKETS LIST.—Not later than 2 years after the date of the enactment of this Act, and not less frequently than every 5 years thereafter, the United States Trade Representative shall publish in the Federal Register criteria for determining that a market is a notorious market for purposes of inclusion of that market in the list developed by the Trade Representative pursuant to section 182(e) of the Trade Act of 1974 (19 U.S.C. 2242(e)) (commonly known as the ''Notorious Markets List'').

(c) PUBLICATION OF ACTION PLANS.—

(1) IN GENERAL.—Not less frequently than annually, the Trade Representative shall publish on an publicly available internet website of the Office of the United States Trade Representative—

(A) the action plans for priority watch list countries under section 182(g)(1) of the Trade Act of 1974 (19 U.S.C. 2242(g)(1)) for that year; and

(B) for each priority watch list country with respect to which such an action plan is prepared, an assessment of the progress of the country in meeting the benchmarks described in subparagraph (D) of that section.

(2) PUBLIC HEARINGS.—Not less frequently than annually, the Trade Representative shall hold public hearings to track the progress of priority watch list countries in meeting the benchmarks described in subparagraph (D) of section 182(g)(1) of the Trade Act of 1974 (19 U.S.C. 2242(g)(1)) included in their action plans under that section.

(3) PRIORITY WATCH LIST COUNTRY DEFINED.—In this subsection, the term ''priority watch list country'' means a country identified under section 182(a)(2) of the Trade Act of 1974 (19 U.S.C. 2242(a)(2)).

(d) SHARING OF INFORMATION WITH RESPECT TO SUSPECTED VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS.—Section 628A of the Tariff Act of 1930 (19 U.S.C. 1628a) is amended—

(1) in subsection (a)(1), by inserting '', packing materials, shipping containers,'' after ''its packaging'' each place it appears; 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.''.

Subtitle D—Ensuring a Level Playing Field

SEC. 7131. 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.

Title III of the United States–Hong Kong Policy Act of 1992 (22 U.S.C. 5731 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 CIRCUMVENT UNITED STATES LAWS AND PROTECTIONS.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary of State and the United States Trade Representative shall jointly submit to the appropriate congressional committees a 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 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 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 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.

''(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 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.

''(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 formal or informal means to extradite or coercively move foreign nationals, including United States persons, from Hong Kong to the People's Republic of China; and

''(B) a list of foreign nationals, including United States persons, who have been formally or informally extradited or coercively moved from Hong Kong to the People's Republic of China.

''(5) In consultation with the Secretary of Defense, the Director of National Intelligence, and the Director of Homeland Security—

''(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 Ministry of Public Security, and the People's Armed Police, use the Hong Kong Security Bureau and other security agencies in Hong Kong to conduct espionage on foreign nationals, including 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) 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 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 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.''.

SEC. 7132. ASSESSMENT OF OVERCAPACITY OF INDUSTRIES 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 Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on 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 industry in the United States.

(b) BRIEFING.—Not later than 180 days after a positive determination of overcapacity under subsection (a)(2)(A), the Trade Representative shall brief the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the steps taken to address that overcapacity, which may include—

(1) discussions with allies;

(2) negotiations at an appropriate multilateral institution to which the United States is a party; and

(3) bilateral negotiations with the People's Republic of China.

(c) DETERMINATION OF SUBSTANTIAL REDUCTION.—Not later than each of one year and two years after a briefing under subsection (b) with respect to a positive determination of overcapacity under subsection (a)(2)(A), 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 containing a determination of whether the steps taken to address that overcapacity are likely to lead to a substantive reduction in that overcapacity.

TITLE II—IMPROVING TRANSPARENCY AND ADMINISTRATION OF TRADE PROGRAMS AND OVERSIGHT AND ACCOUNTABILITY OF TRADE AGENCIES

SEC. 7201. ENHANCED CONGRESSIONAL OVERSIGHT OF THE UNITED STATES TRADE REPRESENTATIVE AND THE DEPARTMENT OF COMMERCE.

(a) UNITED STATES TRADE REPRESENTATIVE.—

(1) PEOPLE'S REPUBLIC OF CHINA.—The United States Trade Representative shall submit to the appropriate congressional committees—

(A) not later than September 1, 2021, and every 180 days thereafter for the following 2 years, a confidential report describing—

(i) the implementation of the Economic and Trade Agreement Between the Government 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; and

(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

(B) the text of any initial proposal for an executive agreement or memorandum of understanding with the People's Republic of China intended to resolve an investigation with respect to duties under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) not later than 3 business days before submitting the proposal to any official of the People's Republic of China.

(2) TRADE ENFORCEMENT TRUST FUND.—Section 611(e) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405(e)) is amended—

(A) in the subsection heading, by striking ''REPORT'' and inserting ''REPORTS'';

(B) by striking ''Not later than'' and inserting ''(1) REPORT AFTER ENTRY INTO FORCE.—Not later than''; and

(C) by adding at the end the following:

''(2) REPORT ON USE OF FUNDS.—Not later than July 1 of each year, the Trade Representative shall submit to Congress a report that identifies the use of any funds from the Trust Fund during the one-year period preceding the date of the report, including an identification of the specific enforcement matter for which the funds were used.''.

(b) DEPARTMENT OF COMMERCE.—

(1) ANTIDUMPING OR COUNTERVAILING DUTIES.—

(A) IN GENERAL.—Not later than July 1 of each year, the Secretary of Commerce shall submit to the appropriate congressional committees a report that identifies any antidumping or countervailing duty determination 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 with the World Trade Organization.

(B) ELEMENTS.—With respect to each determination under subparagraph (A), the Secretary of Commerce shall indicate—

(i) the specific statutory requirement that the Court of International Trade or the Chapter 10 Panel found that the Secretary failed to observe or the specific provision of 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 734(b) of the Tariff Act of 1930 (19 U.S.C. 1673c(b)) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and moving those two subparagraphs, as so redesignated, two ems to the right;

(B) by striking ''The administering authority'' and inserting ''(1) IN GENERAL.—The administering authority''; and

(C) by adding at the end the following:

''(2) NOTIFICATION TO CONGRESS.—The administering authority shall submit to Congress the text of any proposal to suspend an investigation under paragraph (1) not later than 3 business days before submitting the proposal to an interested party.''.

(c) DEFINITIONS.—In this section:

(1) APPELLATE BODY; DISPUTE SETTLEMENT PANEL.—the terms ''Appellate Body'' and ''dispute settlement panel'' have the meanings given those terms in section 121 of the Uruguay Round Agreements Act (19 U.S.C. 3531).

(2) 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

(B) approved by Congress under section 101(a)(1) of the United States–Mexico–Canada Agreement Implementation Act (19 U.S.C. 4511(a)).

(3) WTO AGREEMENT.—The term ''WTO Agreement'' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

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 inserting after ''reduce the staffing level'' the following: ''below the optimal staffing level determined in the most recent

Resource Allocation Model required by section 301(h) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(h))''; and

(B) in paragraph (2), by inserting '', National Account Managers'' after ''Financial Systems Specialists''; and

(2) by adding at the end the following:

''(d) AUTHORITY TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.—

''(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection may, subject to subsection (b), consolidate, modify, or reorganize customs revenue functions delegated to the Commissioner under subsection (a), including by adding such functions to existing positions or establishing new or modifying existing job series, grades, titles, or classifications for personnel, and associated support staff, performing such functions.

''(2) POSITION CLASSIFICATION STANDARDS.—At the request of the Commissioner, the Director of the Office of Personnel Management shall establish new position classification standards for any new positions established by the Commissioner under paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 412(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 212(a)(1)) is amended by striking ''403(a)(1)'' and inserting ''403(1)''.

SEC. 7203. PROTECTION FROM PUBLIC DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION CONTAINED IN MANIFESTS.

(a) IN GENERAL.—Paragraph (2) of section 431(c) of the Tariff Act of 1930 (19 U.S.C. 1431(c)) is amended to read as follows:

''(2)(A) The information listed in paragraph (1) shall not be available for public disclosure if—

''(i) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

''(ii) the information is exempt under the provisions of section 552(b)(1) of title 5, United States Code.

''(B) The Secretary shall ensure that any personally identifiable information, including Social Security account numbers and passport numbers, is removed from any manifest signed, produced, delivered, or electronically transmitted under this section before access to the manifest is provided to the public.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 30 days after the date of the enactment of this Act.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 7301. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the head of each agency specified in subsection (b) such sums as may be necessary for the agency to carry out the responsibilities of the agency under this title.

(b) AGENCIES SPECIFIED.—The agencies specified in this subsection are the following:

(1) The Office of the United States Trade Representative.

(2) The Department of Commerce.

(3) The Department of the Treasury.

(4) U.S. Customs and Border Protection.

SA 1506. 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, add 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—

(1) where fresh meat, fish, and live animals are bought, sold, and slaughtered; and

(2) that is not regulated under any standardized sanitary or health inspection processes that meet applicable standards required for similar establishments in the United States, as determined by the Secretary of Agriculture.

(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 the 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. _____. 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 of division B, 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.

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. ___. FEDERAL RESEARCH TRANSPARENCY AND ACCOUNTABILITY.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code; and

(2) the term ''covered study'' means any study that—

(A) is carried out in whole or in part with Federal funds; and

(B) is published, presented at a conference or meeting, or otherwise made publicly available.

(b) PREVENTION OF DUPLICATIVE RESEARCH FUNDING.—The Director of the Office of Management and Budget shall coordinate with each agency that provides funding to entities to carry out research and development to establish a system to detect potential duplicative applications for funding in order to prevent duplicative funding.

(c) DATABASE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Each agency shall include in a publicly accessible database a searchable listing of each unclassified research and development project that is funded by the agency, including a contract, grant, cooperative agreement, or task order.

(2) CONTENTS.—A database described in paragraph (1) shall, with respect to each unclassified research and development project of an agency, contain—

(A) the agency component that is carrying out or providing funding or other assistance for the project;

(B) the name of the project;

(C) an abstract or summary of the project;

(D) the funding level for the project;

(E) the duration of the project;

(F) the name of any contractor, subcontractor, or grantee;

(G) the title of any published study funded by or related to the project; and

(H) expected objectives and milestones for the project.

(3) EXISTING DATABASE.—An agency may satisfy the requirements under this subsection if the Director of the Office of Management and Budget determines that the agency maintains a publicly accessible database, including a database operated by or shared with another agency, that substantially meets the requirements of this subsection.

(d) REQUIREMENT FOR ACKNOWLEDGMENT IN COVERED STUDIES.—The acknowledgment section in each covered study shall include—

(1) the name of each agency that provided funding for the covered study;

(2) the project or award number associated with the covered study; and

(3) an estimate of the total cost of the covered study.

(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. _____. REPEAL OF CERTAIN TIME LIMITATIONS ON LEAVE 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. ___. 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 who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, from among individuals who have—

(A) an extensive financial management or accounting background; and

(B) experience with successfully presenting the financial statements of a large or complex organization and obtaining an unmodified opinion on audits of such financial statements.

(2) INELIGIBILITY.—An individual shall not be eligible to be appointed as Auditor General under paragraph (1) if the individual is an employee of the National Science Foundation or was an employee of the National Science Foundation at any point in the 7-year period preceding the date of the appointment.

(c) ROLE.—The Auditor General appointed under subsection (b) shall fulfill the role of internal auditor of the National Science Foundation through conducting independent review of the financial administration of the National Science Foundation.

(d) 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 authorities as the Director may prescribe, including the following:

(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 able to be audited.

(3) Exercising authority, direction, and control over the financial statements of the National Science Foundation, including authority to direct the provision of financial 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. ___. 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

"(a) USE OF GRANTS, COOPERATIVE AGREEMENT, AND OTHER TRANSACTION AUTHORITY.—Notwithstanding section 6303 of title 31, the Secretary of Defense shall provide that grants, cooperative agreements, and other transactions authorized under section 4002 of this title may be used in carrying out the SBIR program and the STTR program within the Department of Defense.

"(b) USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR SBIR AND STTR CONTRACTS IN EXCESS OF SIMPLIFIED ACQUISITION THRESHOLD.—(1) In carrying out the SBIR program and the STTR program within the Department of Defense, the Secretary of Defense may use simplified acquisition procedures for a contract under such program without regard to the amount of the contract.

"(2) Section 3571(b) of this title, and any other provision of law for which the applicability of the provision depends on whether the amount of a contract is not greater than the simplified acquisition threshold, shall apply to a contract for which the Secretary uses simplified acquisition procedures by reason of the authority under paragraph (1) in the same manner as if the amount of the contract were not greater than the simplified acquisition threshold.

"(3) In carrying out paragraph (1), the Secretary shall ensure that the applicability of the provisions of the Small Business Act (15 U.S.C. 1631 et seq.) providing for the determination of the respective rights of the United States and the small business concern with respect to intellectual property rights, and with respect to any right to carry out follow-on research, under a funding agreement under the SBIR program or the STTR program is not affected by the use of simplified acquisition procedures.

"(c) DEFINITIONS.—In this section:

"(1) The terms 'SBIR' and 'STTR' have the meanings given those terms, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

"(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 134 of title 41.".

(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. ___. 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; and

''(3) the percentage of the total costs of, and dollar amount for, the program, project, or activity that will be financed by nongovernmental 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, shall 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–6e) 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 using advanced manufacturing, and to ensure that the Nation is able to retain or acquire necessary supplies to address critical public health needs, including countermeasures required during a pandemic or other public health emergency.

''(b) ELIGIBLE PRODUCTS.—The Secretary, in consultation with the Secretary of Defense, shall compile and update a list of drugs, biological products (including vaccines), devices (including respiratory protective devices), and other medical supplies that are, or may become, critical supplies in the event of a pandemic or public health emergency.

''(c) ELIGIBILITY.—To 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 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 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 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. _____. 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. 15801); and

(6) the term ''Secretary'' means the Secretary of Homeland Security.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—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.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall require not less than 50 percent of the cost of a research, development, demonstration, or commercial application program or activity described in subparagraph (A) to be provided by a non-Federal source.

(ii) REDUCTION.—The Secretary may reduce or eliminate, on a case-by-case basis, the percentage requirement specified in clause (i) if the Secretary determines that the reduction or elimination is necessary and appropriate.

(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 302(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 subsection if the project of the applicant—

(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)(I) a for-profit business entity, academic institution, National Laboratory, or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; 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) 1 shall be a representative of the Federal Government;

(ii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational 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 by the recipient; 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 United States and Israel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not less than $6,000,000 for each of fiscal years 2022 through 2026.

SA 1517. Mr. TILLIS (for himself and Ms. HIRONO) 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. _____. COLLECTION OF DEMOGRAPHIC INFORMATION FOR PATENT INVENTORS.

(a) AMENDMENT.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following:

"§ 124. Collection of demographic information for patent inventors

''(a) VOLUNTARY COLLECTION.—The Director shall provide for the collection of demographic information, including gender, race, military or veteran status, and any other demographic category that the Director determines appropriate, related to each inventor listed with an application for patent, that may be submitted voluntarily by that inventor.

''(b) PROTECTION OF INFORMATION.—The Director shall—

''(1) keep any information submitted under subsection (a) confidential and separate from the application for patent; and

''(2) establish appropriate procedures to ensure—

''(A) the confidentiality of any information submitted under subsection (a); and

''(B) that demographic information is not made available to examiners or considered in the examination of any application for patent.

''(c) RELATION TO OTHER LAWS.—

''(1) FREEDOM OF INFORMATION ACT.—Any demographic information submitted under subsection (a) shall be exempt from disclosure under section 552(b)(3) of title 5.

''(2) FEDERAL INFORMATION POLICY LAW.—Subchapter I of chapter 35 of title 44 shall not apply to the collection of demographic information under subsection (a).

''(d) PUBLICATION OF DEMOGRAPHIC INFORMATION.—

''(1) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, and not later than January 31 of each year thereafter, the Director shall make publicly available a report that, except as provided in paragraph (3)—

''(A) includes the total number of patent applications filed during the previous year disaggregated—

''(i) by demographic information described in subsection (a); and

''(ii) by technology class number, technology class title, country of residence of the inventor, and State of residence of the inventor in the United States;

''(B) includes the total number of patents issued during the previous year disaggregated—

''(i) by demographic information described in subsection (a); and

''(ii) by technology class number, technology class title, country of residence of the inventor, and State of residence of the inventor in the United States; and

''(C) includes a discussion of the data collection methodology and summaries of the aggregate responses.

''(2) DATA AVAILABILITY.—In conjunction with issuance of the report under paragraph (1), the Director shall make publicly available data based on the demographic information collected under subsection (a) that, except as provided in paragraph (3), allows the information to be cross-tabulated to review subgroups.

''(3) PRIVACY.—The Director—

''(A) may not include personally identifying information in—

''(i) the report made publicly available under paragraph (1); or

''(ii) the data made publicly available under paragraph (2); and

''(B) in making publicly available the report under paragraph (1) and the data under paragraph (2), shall anonymize any personally identifying information related to the demographic information collected under subsection (a).

''(e) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Director shall submit to Congress a biennial report that evaluates the data collection process under this section, ease of access to the information by the public, and recommendations on how to improve data collection.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 35, United States Code, is amended by adding at the end the following:

''124. Collection of demographic information for patent inventors.''.

SA 1518. 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 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 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).

SA 1519. 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 section 6203, strike ''$252,000,000'' and insert ''$184,524,000''.

SA 1520. 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 section 6203, strike ''$418,000,000'' and insert ''$351,000,000''.

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. 25___. RESCISSION.

Of the amounts made available by the American Rescue Plan Act of 2021 (Public Law 117–2) (including any amendments made by such Act), except for amounts made available under subtitle D, E, F, G, or H of title II of such Act (or amendments made by any such subtitle), and remaining unobligated on the date of enactment of this Act, $109,500,000,000 (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), other than amounts appropriated under a provision exempted under subsection (b), that are 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 subtitle D, 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) may be used for purposes of carrying out this Act, or any 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.

APPOINTMENT

The PRESIDING OFFICER. 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. WYDEN); 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).

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 the consideration of S. Res. 222, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 222) recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

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 PRESIDING OFFICER. 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 the consideration of S. Res. 223, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 223) congratulating the city of Columbia Heights, Minnesota, on its 100th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, MAY 19, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Wednesday, May 19; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that upon the conclusion of morning business, the Senate resume consideration of Calendar No. 33, S.J. Res. 13; finally, that all time on the joint resolution be considered expired at 12 noon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Wednesday, May 19, 2021, at 10:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

KRISTEN M. CLARKE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL