



# **AMERICA COMPETES ACT**

**OF 2022**



**America Creating Opportunities for Manufacturing,  
Pre-Eminence in Technology, and Economic Strength  
(America COMPETES) Act of 2022**

**Section by Section**

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## **DIVISION A – CREATING HELPFUL INCENTIVES TO PRODUCE SEMICONDUCTORS (CHIPS) FOR AMERICA FUND**

### *Sec. 10001. Creating CHIPS for America Fund.*

- (a) Establishes a 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 to provide federal financial assistance to incentivize investment in facilities in the United States for fabrication, assembly, testing or advanced packaging of semiconductors and to support semiconductor research and development (R&D). In addition to amounts otherwise available, appropriates \$50.2 billion in funds for fiscal years 2022 through 2026.
- (b) Establishes a fund to carry out Sec. 9903 of the same Act 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. In addition to amounts otherwise available, appropriates \$2.0 billion in funds for fiscal years 2022 through 2026.
- (c) Establishes a fund to carry out Secs. 9905 and 9902(a)(2) 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 semiconductor supply chains, and other emerging technologies. In addition to amounts otherwise available, appropriates \$500 million in funds for fiscal years 2022 through 2026.
- (d) Includes these CHIPS programs under programs exempt from Sequestration.
- (e) Designates the amounts provided as an emergency requirement.

### *Sec. 10002. Semiconductor Incentives*

- (a) Amends Sec. 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 to update the definition of “covered entity” and add new definitions for “critical manufacturing industry” and “mature technology node.”
- (b) Amends Sec. 9902 of the same Act to expand eligibility for incentives to upstream equipment and materials suppliers; clarify requirements for the selection process; include a Sense of Congress regarding selection criteria; establish a separate program under such section for mature technology nodes; and ensure construction funded under the incentives program meets prevailing wage requirements.
- (c) Amends 9906 to ensure construction funded under the R&D program meets prevailing wage requirements.
- (d) Amends Sec. 9902 to authorize loan guarantees under the program.
- (e) Amends Sec. 9906 to make several administrative updates to the R&D program.
- (f) Adds new Sec. 9909 to provide additional administrative authorities to the Secretary of Commerce to carry out the programs.
- (g) Provides a conforming amendment to the underlying law.

## **DIVISION B – RESEARCH & INNOVATION**

### **TITLE I – DEPARTMENT OF ENERGY SCIENCE FOR THE FUTURE**

#### *Sec. 10101. Mission of the Office of Science.*

Section 101 amends the Department of Energy Organization Act (42 U.S.C. 7139) by authorizing the Director of the Office of Science to steward scientific user facilities and coordinate programs and activities of the Office of Science. This section also authorizes the Secretary of Energy to coordinate the activities of the Office of Science with other offices of the Department of Energy and other Federal Agencies.

#### *Sec. 10102. Basic energy sciences program.*

Subsection (a) amends the Department of Energy Research and Innovation Act (42 U.S.C. 18641) by authorizing a research and development program in basic energy sciences, including materials science and engineering, chemical sciences, physical biosciences, geosciences, and other disciplines; prioritizing research and development in sustainable chemistry to enable clean, safe, and economic alternatives and methodologies to traditional chemical products and processes; and authorizing annual appropriations and providing other guidance for major construction projects.

Subsection (b) amends Section 973 of the Energy Policy Act of 2005 (42 U.S.C. 16313) by authorizing various research and development activities related to artificial photosynthesis and authorizing annual appropriations.

Subsection (c) amends Section 975 of the Energy Policy Act of 2005 (42 U.S.C. 16315) by authorizing various research and development activities related to electricity storage and authorizing annual appropriations.

#### *Sec. 10103. Biological and environmental research.*

Subsection (a) amends Section 306 of the Department of Energy Research and Innovation Act (42 U.S.C. 18644) by authorizing research and development program in biological systems science and climate and environment science relevant to the development of new energy technologies and to support the energy, environment, and national security missions of the Department.

Subsection (b) amends Section 977(f) of the Energy Policy Act of 2005 (42 U.S.C. 16317(f)) by authorizing up to six bioenergy research centers focused on fundamental research in plant and microbial systems biology, biological imaging and analysis, and genomics to accelerate the research, development, and commercial application of bioenergy sources and biobased products. It also provides guidance on the research thrusts, duration, selection, partnership efforts, and other activities and characteristics of these centers.

Subsection (c) amends Section 306(e)(8) of the Department of Energy Research and Innovation Act (42 U.S.C. 18644(e)(8)) by authorizing annual appropriations for a Low-Dose Radiation Research Program.

Subsection (d) amends Section 306(f) of the Department of Energy Research and Innovation Act (42 U.S.C. 18644(d)) by directing the Secretary of Energy, in consultation with the Administrator

of the National Aeronautics and Space Administration, to carry out a basic research program on the similarities and differences between low-dose radiation exposure on Earth, in low-Earth orbit, and in the space environment.

Subsection (e) amends Section 306 of the Department of Energy Research and Innovation Act (42 U.S.C. 18644) by authorizing research in Earth and environment systems science, including in clean water and watersheds and climate and Earth modeling, and through a new mid-scale funding mechanism; providing guidance on the stewardship of biological and environmental research user facilities; and establishing new initiatives in coastal zone research and engineered ecosystems.

*Sec. 10104. Advanced scientific computing research program.*

Subsection (a) amends Section 304 of the Department of Energy Research and Innovation Act (42 U.S.C. 18642) by authorizing a program to steward applied mathematics, computational science, and computer science research relevant to the mission of the Department; support research to accelerate the development of advanced computing and networking technologies; and expansion of funding for the Computational Science Graduate Fellowship. Subsection (a) also: provides guidance on activities necessary for the long-term sustainment of the Exascale computing ecosystem; establishes new initiatives in next-generation computing, heterogeneous computing architectures, and energy efficient computing; and provides guidance on the future of the Energy Sciences Network.

Subsection (b) establishes programs to support quantum network infrastructure research and development and broaden access to quantum computing resources, and directs the Secretary of Energy to ensure the equitable use of the Department's high-performance computing resources.

*Sec. 10105. Fusion energy research.*

Subsection (a) amends Section 307 of the Department of Energy Research and Innovation Act (42 U.S.C. 18645) by authorizing appropriations for research and development of fusion materials, the establishment of national teams to develop conceptual designs and technology roadmaps for a pilot fusion plant; the establishment of a high-performance computation collaborative research program and an associated innovation center in high-performance computing for fusion; and construction of the Material Plasma Exposure Experiment and the Matter in Extreme Conditions Instrument Upgrade project.

Subsection (b) amends Section 972 of the Energy Policy Act of 2005 (42 U.S.C. 16312) by authorizing annual appropriations for the construction of the ITER international fusion project.

*Sec. 10106. High energy physics program.*

Subsection (a) amends Section 305 of the Department of Energy Research and Innovation Act (42 U.S.C. 18643) by authorizing a research program in elementary particle physics and associated advanced technology research and development, including activities that leverage high energy accelerators and advanced detectors to create and study the interaction of elementary particles and to investigate the fundamental forces of physics.

Subsection (b) amends Section 305(d) of the Department of Energy Research and Innovation Act (42 U.S.C. 18634(d)) by authorizing the Director to ensure the participation of the United States

in international efforts related to the Large Hadron Collider, encourage international participation in the Long-Baseline Neutrino Facility and Deep Underground Neutrino Experiment, and prioritize engagement in future international facilities.

Subsection (c) amends Section 305(f) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(f)) by authorizing research in fundamental cosmic phenomena and collaboration with other Federal Agencies and international partners on associated facilities and experiments.

Subsection (d) amends Section 305 of the Department of Energy Research and Innovation Act (42 U.S.C. 18645) by authorizing the construction of major facilities and items of equipment recommended by the 2014 Particle Physics Project Prioritization Panel report entitled “Building for Discovery”; upgrades to existing accelerators and detectors; accelerator and detector research and development; and a program in underground science.

*Sec. 10107. Nuclear physics program.*

Amends Section 308 of the Department of Energy Research and Innovation Act (42 U.S.C. 18646) by authorizing a research program in nuclear matter and providing guidance and authorization levels for the construction of the Facility for Rare Isotope Beams and the Electron-Ion Collider.

*Sec. 10108. Accelerator research and development.*

Amends the Department of Energy Research and Innovation Act (42 U.S.C. 18601 et seq.) by authorizing a program to advance accelerator science and technology of relevance to the mission of the Department; foster partnerships to develop, demonstrate, and enable the commercial application of such technologies; support associated workforce development activities; and provide access to accelerator design and engineering resources.

*Sec. 10109. Isotope development and production for research applications.*

Amends the Department of Energy Research and Innovation Act (42 U.S.C. 18601 et seq.) by authorizing a program to produce isotopes for use in research, medical, industrial, and related purposes and to advance isotope production methods and techniques. Section 109 also directs the Secretary to ensure that any activities carried out under this program do not compete with private industry unless such activities are warranted by national security concerns.

*Sec. 10110. Science laboratories infrastructure program.*

Amends Section 309 of the Department of Energy Research and Innovation Act (42 U.S.C. 18647) by authorizing the Director of the Office of Science to employ all available approaches and funding mechanisms to address science laboratory infrastructure needs. Also establishes a mid-scale instrumentation program to enable the acquisition and development of instruments ranging in cost between \$1 million and \$20 million.

*Sec. 10111. Increased collaboration with teachers and scientists.*

Amends the Department of Energy Research and Innovation Act (42 U.S.C. 18601 et seq.) by authorizing the Director of the Office of Science to support the development of a scientific workforce through programs that foster collaboration between K-12 students, university students, early-career researchers, faculty, and national laboratories, including through proven mechanisms for engaging individuals from underrepresented groups.

Subsection (b) amends the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381) by directing the Secretary of Energy to expand opportunities to increase the number and the diversity, equity, and inclusion of highly skilled STEM professionals working in the Department's mission-relevant disciplines and broaden the recruitment pool to increase diversity, including expanded partnerships with minority-serving institutions, emerging research institutions, and scientific societies. Subsection (b) also directs the Office of Science to collaborate with the National Science Foundation to support and leverage the National Science Foundation Inclusion across the Nation of Communities of Learners of Underrepresented Discoverers in Engineering and Science (NSF INCLUDES) National Network to expand the number of students, early-career researchers, and faculty from underrepresented groups pursuing and attaining skills or undergraduate and graduate degrees in science, technology, engineering, and mathematics fields relevant to the Department's mission.

*Sec. 10112. High intensity laser research initiative; Office of Science Emerging Infectious Disease Computing Research Initiative; helium conservation program; authorization of appropriations.*

Subsection (a) amends the Department of Energy Research and Innovation Act (42 U.S.C. 18601 et seq.) by authorizing the establishment of a high intensity laser research initiative to advance laser technologies relevant to future facility needs in discovery science as well as to support a user network of academic and national laboratory high intensity laser facilities; and establishes a program to reduce the use of helium among the Department's grantees and facilities by encouraging recycling and reuse. This subsection also authorizes the Secretary of Energy, in coordination with the Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation, to carry out a crosscutting initiative that leverages the Federal Government's relevant analytical resources and tools, user facilities, and advanced computational and networking capabilities to prevent, prepare for, and respond to emerging infectious diseases, including COVID-19. Finally, subsection (a) also authorizes annual appropriations for the Office of Science.

Subsection (b) amends Section 1(b) of the Department of Energy Research and Innovation Act to by inserting a Table of Contents that reflects the amendatory language.

*Sec. 10113. State-owned enterprises prohibition.*

Subsection (a) stipulates that none of the funds authorized in this section may be used in awarding a contract, subcontract, grant, or loan to any entity that is legally or financially related to a corporation based in a country that is identified as a nonmarket economy country pursuant to Section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)); was identified by the U.S. Trade Representative as a priority foreign country pursuant to Section 182(a)(2) of the Trade Act of 1974 (19 U.S.C. 2242); or is subject to monitoring by the U.S. Trade Representative under Section 306 of the Trade Act of 1974 (19 U.S.C. 2416). This subsection also prohibits the use of authorized funds from being awarded to any entity that is legally or financially related to a corporation based in a country that is listed pursuant to Section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116-145).

Subsection (b) authorizes the Secretary of Energy to grant a publicly available waiver to a an entity that might qualify under Subsection (a) if such an entity possesses a minority relationship or investment.

Subsection (c) stipulates that the section shall be applied in a manner that is consistent with U.S. obligations under international agreements.

*Sec. 10114. Determination of Budgetary Effects.*

PAYGO Language.

## **TITLE II – NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY FOR THE FUTURE ACT OF 2021**

### **SUBTITLE A – APPROPRIATIONS**

*Sec. 10211. Authorization of appropriations.*

### **SUBTITLE B – MEASUREMENT RESEARCH**

*Sec. 10221. Engineering biology and biometrology.*

Authorizes and expands NIST’s engineering biology, biomanufacturing, and biometrology research and development of tools and methodologies to measure the molecular components of the cell and engineered systems.

*Sec. 10222. Greenhouse gas measurement research.*

Authorizes and expands NIST’s greenhouse gas measurement program, including support for testbeds and a center of excellence.

*Sec. 10223. NIST authority for cybersecurity and privacy activities.*

Amends Section 2 of the NIST Act (15 U.S.C. 272) cybersecurity and privacy program authorities, including with specific direction on software and cloud security and privacy enhancing technologies.

*Sec. 10224. Software security and authentication.*

Directs NIST to create guidance on the security of the full lifecycle of software and open source software repositories, establishes a program for AI-enabled defense research, and requires NIST to digitally authenticate all software tools developed by the agency.

*Sec. 10225. Digital identity management research.*

Amends Section 504 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7464) to authorize NIST’s digital identity research and require NIST to develop voluntary guidance for digital identity management.

*Sec. 10226. Biometrics research and testing.*

Expands NIST’s biometrics identification research and testing program for evaluating the accuracy and bias of biometric technologies.

*Sec. 10227. Federal biometric performance standards.*



Directs NIST to develop performance standards and guidelines for high-risk Federal biometric identification systems.

*Sec. 10228. Protecting research from cyber theft.*

Requires NIST to consider the needs of institutions of higher education when creating cybersecurity guidance.

*Sec. 10229. Dissemination of resources for research institutions.*

Requires NIST to offer resources and technical assistance to research intensive universities to help them mitigate their cyber risks.

*Sec. 10230. Advanced communications research.*

Authorizes NIST's advanced communications research and test beds, including the existing National Advanced Spectrum Communications Test Network (NASCTN) spectrum test network.

*Sec. 10231. Neutron scattering.*

Requires NIST to develop a strategic plan for the future of the NIST Center for Neutron Research, in coordination with DOE.

*Sec. 10232. Quantum information science.*

Amends the National Quantum Initiative Act (15 U.S.C. 8801) to expand NIST work with post-quantum encryption and quantum networking and communications.

*Sec. 10233. Artificial intelligence.*

Provides support for NIST's role in the development of safe and trustworthy artificial intelligence and data science, including establishing test beds.

*Sec. 10234. Sustainable Chemistry Research and Education.*

Requires NIST to conduct activities in support of sustainable chemistry.

*Sec. 10235. Premise plumbing research.*

Authorizes a research program to facilitate the development of metrology for premise plumbing.

**SUBTITLE C – GENERAL ACTIVITIES**

*Sec. 10241. Educational outreach and support for underrepresented communities.*

Expands NIST's educational activities and outreach focused on underrepresented communities.

*Sec. 10242. Other transactions authority.*

Gives NIST more flexibility to partner with the private sector on research and development.

*Sec. 10243. Report to congress on collaborations with government agencies.*

Requires report to relevant Committees, within six months of enactment of this Act, describing challenges with respect to collaboration with other Federal agencies .

*Sec. 10244. Hiring critical technical experts.*

Gives NIST the authority to directly hire 15 employees to enable the agency to better compete with the private sector for talent in critical technology areas.

*Sec. 10245. International standards development.*

Codifies NIST's role as a convener and federal coordinator in international standard setting; expands NIST's support for standards capacity building, including through a pilot program for grants to small businesses, nonprofits, and universities to participate in international standards setting; and reaffirms the importance of voluntary, consensus-driven policies in international standards setting.

*Sec. 10246. Standard technical update.*

Provides several technical and administrative updates to the NIST Act.

*Sec. 10247. GAO study on NIST research security policies and protocols.*

Directs GAO to review the security practices of the Institute to guard against foreign interference.

*Sec. 10248. Standards development organization grants.*

Directs NIST to establish a competitive grants program for nongovernmental standards organizations to develop, approve, disseminate, maintain and review forensic science voluntary consensus standards.

**SUBTITLE D – HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP**

*Sec. 10251. Establishment of expansion awards pilot program as a part of the Hollings Manufacturing Extension Partnership.*

Establishes a pilot program of expansion awards for Hollings Manufacturer Extension Partnership (MEP) centers to provide services for workforce development, resiliency of domestic supply chains.

*Sec. 10252. Update to manufacturing extension partnership.*

Updates for Hollings Manufacturer Extension Partnership to require increased outreach to underserved communities, allows NIST to accept funding from other Federal departments and agencies for competitive MEP grants, and ensures the MEP Centers are specifically focused on supporting American manufacturing.

*Sec. 10253. National supply chain database.*

Establishes a national supply chain database at MEP to track disruptions in U.S. supply chains.

*Sec. 10254. Hollings Manufacturing Extension Partnership activities.*

This section contains technical amendments related to the Hollings Manufacturing Extension Partnership program.

**TITLE III – NATIONAL SCIENCE FOUNDATION FOR THE FUTURE**

*Sec. 10301. Findings.*

*Sec. 10302. Definitions.*

*Sec. 10303. Authorizations of appropriation.*

*Sec. 10304. STEM education.*

- (a) PreK-12 STEM Education - Supports a decadal survey to be carried out by the National Academies to identify research priorities in PreK-12 STEM education and an additional study on barriers to the widespread implementation of STEM education innovations. Establishes a program to fund multidisciplinary research and translation centers to scale STEM education innovations.
- (b) Undergraduate STEM Education - Supports research and development to improve the alignment of undergraduate STEM education and training with workforce needs. Updates the Advanced Technological Education program to establish a network of centers for science and technical education.
- (c) Advanced Technological Manufacturing Act – Amends and increases the authorized budget for the Advanced Technological Education program.
- (d) Graduate STEM Education - Expands requirement for funding proposals to include a mentoring plan to graduate students. Supports activities to facilitate career exploration for graduate students and postdoctoral researchers. Creates a requirement for funding proposals to include individual development plans for graduate students and postdoctoral researchers and provides supplemental funding to facilitate professional development activities. Supports research on the graduate education system. Updates the Graduate Research Fellowship Program to address workforce demand, increase the cost of education allowance, and recruit a more diverse pool of applicants. Requires an evaluation of mechanisms for supporting graduate student education and training.
- (e) STEM Workforce Data - Requires a portfolio analysis of Foundation investments in the skilled technical workforce. Requires an assessment of the feasibility and benefits of adding rotating questions/topic modules to existing National Center for Science and Engineering Statistics (NCSES) surveys. Requires an assessment of the feasibility and benefits of incorporating new questions to existing (NCSES) surveys on a range of topics related to the nature of the STEM workforce and the workforce environment. Requires a Government Accountability Office evaluation of the capacity of NCSES to meet current and future needs for data on the STEM workforce.
- (f) Cyber Workforce Development Research and Development - Supports research on the cyber workforce.
- (g) Federal Cyber Scholarship-for-Service Program – Clarifies that cybersecurity-related aspects of artificial intelligence, quantum computing, aerospace, and other fields are within the scope of the NSF CyberCorps Scholarship-for-Service program.
- (h) Cybersecurity Workforce Data Initiative – Establishes a data initiative to measure the cybersecurity workforce.

*Sec. 10305. Broadening participation.*

- (a) Presidential Awards for Excellence in Mathematics and Science Teaching - Updates the program to allow for the selection of at least one teacher each from the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands of the United States, and Guam.

- (b) Robert Noyce Teacher Scholarship Program Update - Requires outreach to historically Black colleges and universities, minority institutions, higher education programs that serve veterans and rural communities, and emerging research institutions.
- (c) NSF INCLUDES Initiative - Codifies the NSF INCLUDES program.
- (d) Broadening Participation on Major Facilities Awards - Establishes a requirement for organizations seeking management awards to demonstrate experience and capabilities in employing best practices in broadening participation and directs the Foundation to consider implementation of such practices in oversight of the award.
- (e) Partnerships with Emerging Research Institutions - Establishes a pilot program to require multi-institution proposals seeking funding in excess of \$1 million be submitted in partnership with emerging research institutions and requires annual reporting on such grants to include feedback directly from participating emerging research institutions.
- (f) Tribal Colleges and Universities Program Update - Expands the scope of the Tribal Colleges and Universities program to include support for activities to build graduate programs.
- (g) Diversity in Tech Research - Supports organizational research, including research on diversity, equity, and inclusion in the technology sector.
- (h) Continuing Support for EPSCoR – Expresses the sense of Congress that the Foundation should continue to support research and education capacity building through the EPSCoR program.
- (i) Fostering STEM Research Diversity and Capacity Program – Supports research capacity building for research institutions not in the top 100 of Federal research funding, including support for developing and expanding research programs, faculty professional development, stipends for students, acquisition of research instrumentation, and administrative research support.
- (j) Capacity Building Program for Developing Universities – Supports administrative capacity building activities to increase the capacity of minority serving institutions to compete for and manage Foundation research and development awards.
- (k) Chief Diversity Officer of the NSF – Establishes a Chief Diversity Officer position charged with providing guidance and leading the Foundation’s strategic planning to broaden participation of individuals and institutions in NSF-funded activities.

*Sec. 10306. Fundamental research.*

- (a) Definitions
- (b) Broader Impacts - Directs an assessment of the application of the Broader Impacts review criterion across the Foundation and provides support for activities to improve its implementation.
- (c) Sense of Congress - Expresses the sense of Congress that the Foundation should continue to identify opportunities to reduce administrative burden on researchers.
- (d) Research Integrity and Security - Directs the Foundation to take steps to address security risks to Foundation-supported research, including through the Office of Research Security and Policy, the appointment of a Chief of Research Security, the development of an online resources to inform institutions and researchers of security risks, support for the establishment of a risk assessment center, and support for research on misconduct in the research environment. Authorizes NSF to request proposal supporting documentation, including talent recruitment program contracts and directs NSF to require and support the

development of research security training. Supports an update to the National Academies Guide to Responsible Conduct in Research. Establishes a prohibition on participation by NSF-funded researchers in malign foreign talent recruitment programs sponsored by foreign countries of concern.

- (e) Research Ethics - Expresses the sense of Congress with respect to potential ethical, social, safety, and security implications of research in emerging technologies. Establishes a requirement for the inclusion of an ethics statement in award proposals. Supports research on the ethical and social implications of Foundation-supported research and the development of approaches for risk mitigation.
- (f) Research Reproducibility and Replicability - Establishes a requirement for the inclusion of a machine-readable data management plan in award proposals. Requires the development of a set of criteria for trusted open repositories and provides support for the development of open data repositories to address any gaps. Requires the establishment of a single web-based point of access for data, software, and code resulting from Foundation funded projects. Directs the Foundation to ensure that data resulting from Foundation-funded projects is made available in trusted open repositories. Supports research and development of tools and infrastructure to support research reproducibility.
- (g) Climate Change Research - Supports research to improve understanding and predictability of the climate system and climate-change risk, resilience, and mitigation and to educate and train climate researchers.
- (h) Violence Research - Supports research related to violence.
- (i) Social, Behavioral, and Economic Sciences - Directs the Foundation to take steps to ensure the participation of social, behavioral, and economic science researchers in cross-cutting agency programs.
- (j) Measuring Impacts of Federally Funded R&D - Supports research related to the impacts of Federally funded research and development on society, the economy, and the workforce.
- (k) Food-Energy-Water Research - Supports research related to the food-energy-water system.
- (l) Biological Field Stations and Marine Laboratories – Supports research instrumentation and other infrastructure at biological field stations and marine laboratories.
- (m) Sustainable Chemistry Research and Education - Establishes a program to support research related to sustainable chemistry.
- (n) Risk and Resilience Research - Supports research related to risk assessment and predictability and development of tools and technologies for increased resilience.
- (o) UAV Technologies – Supports research and development related to unmanned aerial vehicle technologies.
- (p) Leverage International Expertise in Research - Directs NSF to explore opportunities to support international research collaboration.
- (q) Biological Research Collections - Supports databases and tools to secure and improve biological research collections. Establishes a requirement for the inclusion of a specimen management plan in award proposals. Supports the establishment of a center to facilitate coordination and data sharing.
- (r) Clean Water Research and Technology Acceleration - Supports water system research and technology development.
- (s) Technology and Behavioral Science Research - Supports social and behavioral science research on consumer technology and mental health.

- (t) Manufacturing Research Amendment - Updates the list of technology areas eligible for funding through the NSF's advanced manufacturing research program to include additive and continuous manufacturing.
- (u) Critical Minerals Mining Research and Development – Supports research to advance critical minerals mining strategies and technologies.
- (v) Study of AI Research Capacity – Directs the Foundation to conduct or support a study on artificial intelligence research capacity at U.S. universities.
- (w) Advancing IoT for Precision Agriculture – Supports research to improve the use of advanced sensing systems in rural and agricultural areas, highlights improving productivity in agriculture as a goal for activities funded under the Advanced Technological Education program, and supports a Government Accountability Office technology assessment of precision agriculture technologies.
- (x) Astronomy and Satellite Constellations – Supports research on the impact of satellite constellations on ground-based astronomy and the development of mitigation strategies.

*Sec. 10307. Research infrastructure.*

- (a) Facility Operations and Maintenance - Requires the continuation of the Facility Operation Transition pilot program in the Facilities Construction (MREFC) account to provide cost sharing with the managing directorate during the first five years of operation.
- (b) Reviews - Directs periodic assessment of the cost and benefits of extending the operation of research facilities beyond their planned operational lifespan.
- (c) Helium Conservation - Expands eligibility for the Major Research Instrumentation program to include the purchase, installation, operation, and maintenance of equipment and instrumentation to conserve helium.
- (d) Advanced Computing - Directs the Foundation to collect information and regularly publish a report on the computational needs for Foundation-funded projects. Directs the Foundation to develop and regularly update an advanced computing roadmap.
- (e) National Secure Data Service – Establishes a National Secure Data Service demonstration project.

*Sec. 10308. Directorate for science and engineering solutions.*

- (a) Establishment - Establishes a new directorate to accelerate use-inspired and translational research and development to advance solutions to pressing societal challenges.
- (b) Purpose – Describes the purposes of the directorate.
- (c) Activities - Describes activities to be supported by the directorate, including support for use-inspired research and translation, the development of innovative approaches to connect research with societal outcomes, the development of partnerships and collaborations that include traditional and nontraditional players, support for translational research infrastructure and capacity building, and support for education and training of students.
- (d) Assistant Director - Establishes an Assistant Director position to head the directorate.
- (e) Advisory Committee - Establishes an advisory committee to assess the activities carried out by the directorate and propose new strategies for fulfilling the purpose of the directorate.
- (f) Existing Programs - Authorizes the Foundation to place existing programs under the management of the directorate.

- (g) Focus Areas - Directs the Foundation to identify focus areas to guide directorate activities and to consider focus areas that contribute to a list of societal challenge –climate change and environmental sustainability, global competitiveness, cybersecurity, national security, STEM education and workforce, and social and economic inequality.
- (h) Technology Research Institutes – Supports Technology Research Institutes to advance transdisciplinary research, development, and commercialization in key technology areas, including through support for multi-user testbeds and instrumentation, accessible repositories for research data and computational models, workshops, and graduate student traineeships.
- (i) Planning and Capacity Building Grants – Supports technology transfer capacity building for smaller research institutions, including support for technology transfer expert staff, private sector partnerships, and education and training of students and researchers.
- (j) Entrepreneurial Fellowships – Establishes a fellowship program to provide scientists with entrepreneurial training.
- (k) Low-Income Scholarship Program – Authorizes appropriations for the Scholarships in STEM program.
- (l) Transfer of Funds - Authorizes the transfer of funds to other Foundation offices, directorates, or divisions and prohibits the reverse transfer of funds.
- (m) Authorities - Provides flexible funding and hiring authorities.
- (n) Ethical, Legal, and Societal Considerations - Directs the Foundation to take steps to ensure that ethical, legal, and societal considerations are integrated into the activities of the directorate.
- (o) Reports and Roadmaps - Directs the Foundation to provide an annual report describing the activities of the directorate and a roadmap describing the strategic vision that will guide future investment decisions.
- (p) Evaluation - Directs an evaluation of the success of the directorate in achieving its purpose to advance solutions to pressing societal challenges through use-inspired and translational research.

*Sec. 10309. Administrative amendments.*

- (a) Supporting Veterans in STEM Careers - Provides a technical fix.
- (b) Sunshine Act Compliance - Relaxes the requirement for an annual review and report related to Sunshine Act Compliance of the National Science Board and authorizes a risk-based approach to scheduling compliance reviews.
- (c) Science and Engineering Indicators Report Submission - Changes the deadline for a biennial report on science and engineering indicators from January 15 to March 15.
- (d) Other requirements – Ensures that construction activities funded under this title meet prevailing wage requirements.

## **TITLE IV – BIOECONOMY RESEARCH AND DEVELOPMENT**

*Sec. 10401. Findings.*

*Sec. 10402. Definitions.*

*Sec. 10403. National Engineering Biology Research and Development Initiative.*

Subsection (a) establishes a National Engineering Biology Research and Development Initiative to advance engineering biology research; support risk research to address ethical, safety, security and other societal implications of engineering biology; support the development of tools to accelerate engineering biology research; expand the number of engineering biology researchers; accelerate the translation and commercialization of engineering biology research; and improve interagency planning and coordination of federal engineering biology research initiatives.

Subsection (b) describes the specific activities of the Initiative, including support for research grants, research centers, ``omics" databases, novel tools and technologies to accelerate research, education and training of students, metrics to understand and assess the bioeconomy, and technology transfer activities.

Subsection (c) requires outreach to minority-serving institutions and predominantly undergraduate institutions and encourages research collaborations among different types of institutions.

Subsection (d) describes how the Initiative should take into account the ethical, legal, environmental, safety, security, and other appropriate societal concerns.

*Sec. 10404. Initiative coordination.*

Requires OSTP to designate an Interagency Committee that would oversee the planning, management, and coordination of the Initiative, in addition to developing and regularly updating a strategic plan for the Initiative, developing a national genomic sequencing strategy; and submitting to Congress an annual coordinated interagency budget proposal for the Initiative.

*Sec. 10405. Advisory committee.*

Designates an Advisory Committee of non-Federal members to provide advice on the Initiative (in practice the intent would be for PCAST to fill this role); charges the Committee with specific duties; and requires the Committee to report on their findings and recommendations at least every 3 years.

*Sec. 10406. External review of ethical, legal, environmental, safety, security, and societal issues.*

Requires a National Academy of Sciences workshop to review the ethical, environmental, societal, and health concerns related to engineering biology research and development.

*Sec. 10407. Agency activities.*

Describes specific Initiative activities and responsibilities for the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, the National Aeronautics and Space Administration, and the Environmental Protection Agency.\

*Sec. 10408. Rule of construction.*

Stating that nothing in the title will be construed to require public disclosure of information that is exempt from mandatory disclosure.

## **TITLE V – BROADENING PARTICIPATION IN SCIENCE**

### **SUBTITLE A – STEM OPPORTUNITIES**



*Sec. 10501. Findings.*

*Sec. 10502. Purposes.*

The purposes of this Act are to: (1) ensure Federal science agencies and institutions of higher education are fully engaging their entire talent pool; (2) to provide for research and data collection on the participation and trajectories of groups historically underrepresented in STEM studies and careers; (3) to raise awareness within Federal science agencies and institutions of higher education about the barriers faced by these groups; (4) to identify, disseminate, and implement best practices for lowering these barriers at Federal science agencies and institutions of higher education; (5) to provide grants to institutions of higher education to implement or expand evidence-based reforms to increase the number of individuals from underrepresented groups in STEM studies and careers.

*Sec. 10503. Federal science agency policies for caregivers.*

Requires OSTP to develop guidance to Federal science agencies regarding establishment of policies to provide no-cost extensions and flexibility in award start time to grantees with caregiving responsibilities.

*Sec. 10504. Collection and reporting of data on Federal research grants.*

Requires each Federal science agency to collect comprehensive demographic data on recipients of Federal grants and to report this data to NSF for summarization and publication.

*Sec. 10505. Policies for review of Federal research grants.*

Requires Federal science agencies to implement recommendations from the 2016 OSTP Report ``Reducing the Impact of Bias in the STEM Workforce" in reviewing grant applications, hiring policies, and workforce policies. Also requires agencies to carry out pilot programs and develop evidence-based policies to minimize the effect of implicit bias in the grant review process.

*Sec. 10506. Collection of data on demographics of faculty.*

Requires NSF to carry out a survey of STEM faculty demographics at institutions of higher education and to summarize and publish data collected under this section. Authorizes \$3 million for each of fiscal years 2022 through 2024 for this purpose.

*Sec. 10507. Cultural and institutional barriers to expanding the academic and Federal STEM workforce.*

Requires OSTP to develop and disseminate guidance to universities and Federal laboratories on best practices to help identify any cultural or institutional barriers limiting the recruitment, retention, and advancement of women and minorities in STEM research careers. Directs NSF to develop policies to requiring institutions to report on steps taken based on OSTP guidance. Requires OSTP to develop uniform policy guidance on agency support for workshops for researchers and STEM departments on methods that minimize the effects of implicit bias. Authorizes \$1 million for each of fiscal years 2022 through 2026 for NSF to carry out this section.

*Sec. 10508. Research and dissemination at the National Science Foundation.*

Requires NSF to award research grants and carry out dissemination activities using data from Sections 4 and 6. Authorizes \$5 million for each of fiscal years 2022 through 2026 for this purpose.

*Sec. 10509. Research and related activities to expand STEM opportunities.*

Requires NSF to award grants to universities to implement or expand research-based practices aimed at increasing the recruitment, retention, and advancement of minority faculty. Authorizes \$8 million for each of fiscal years 2022 through 2026 for this purpose. Further, authorizes NSF to award grants to research, develop and assess scalable reforms in undergraduate STEM education, with a focus on increasing the recruitment and retention of minority students. Authorizes \$15 million for each of fiscal years 2022 through 2026 for this purpose.

*Sec. 10510. Tribal Colleges and Universities Program.*

Requires NSF to award grants through the Tribal Colleges and Universities Program to increase participation in computer science and computational thinking education programs.

Authorizes \$2 million for each of fiscal years 2022 through 2026 for this purpose.

*Sec. 10511. Report to Congress.*

Requires OSTP submit a report to Congress with a description and evaluation of the status and usage of policies, and progress on efforts to minimize effects of implicit bias in the review of Federal research grants.

*Sec. 10512. Merit review.*

Nothing in this Act shall be construed as altering any intellectual or broader impacts criteria at Federal science agencies for evaluating grant applications.

*Sec. 10513. Determination of budgetary effects.*

PAYGO language.

*Sec. 10514. Definitions.*

**SUBTITLE B – RURAL STEM EDUCATION RESEARCH**

*Sec. 10521. Findings.*

*Sec. 10522. NIST engagement with rural communities.*

Expands the scope of the National Institute of Standards and Technology (NIST) Hollings Manufacturing Extension Partnership (MEP) program to include engagement with secondary schools. Directs the Secretary of Commerce to establish a prize competition to stimulate innovation in technologies to deploy broadband connectivity to rural communities.

*Sec. 10523 NITR-D broadband working group.*

Directs the Office of Science and Technology Policy (OSTP) to establish a working group to address the challenges and opportunities for improving access to broadband connectivity across the U.S. Sunsets the Working Group 5 years after enactment of the Act.

*Sec. 10524. National Academy of Sciences evaluation.*

Directs NSF to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for a study that includes an evaluation of Federal investments in rural STEM education, an assessment of research and data needs, and recommendations for improving STEM

education in rural communities. Authorizes \$1 million in appropriations for fiscal year 2022 to carry out this section.

*Sec. 10525. GAO review.*

Directs GAO to study the engagement of rural populations in Federal STEM programs and submit report to Congress.

*Sec. 10526. Capacity building through EPSCoR.*

Amends the America COMPETES Reauthorization Act of 2010 to direct Federal agencies administering an EPSCoR program to consider modifications to EPSCoR award structures to build the STEM education and workforce development capacity of rural communities.

*Sec. 10527. National Science Foundation rural STEM Research activities.*

Authorizes the National Science Foundation (NSF) to support research to improve STEM teaching in rural schools and improve participation and advancement of rural students in STEM studies. Directs the NSF Committee on Equal Opportunities in Science and Engineering (CEOSE) to report to Congress an assessment of NSF activities that support participation of rural students in STEM studies. Authorizes \$20 million in appropriations for each of fiscal years 2022-2027 to carry out this section.

*Sec. 10528. Researching opportunities for online education.*

Authorizes NSF to support research on online STEM education and mentoring in rural communities.

*Sec. 10529. Definitions.*

**SUBTITLE C – MSI STEM ACHIEVEMENT**

*Sec. 10531. Findings.*

*Sec. 10532. Government Accountability Office review.*

GAO is directed to report to Congress an inventory of Federal science agency competitive funding programs targeted to MSIs. GAO is also directed to assess Federal science agency outreach to MSIs and make recommendations for steps agencies can take to increase the participation and competitiveness of MSIs in such programs.

*Sec. 10533. Research and capacity building.*

NSF is authorized to support research on the challenges and successes MSIs have had in contributing to the STEM workforce. NSF is also directed to support research focused on building the research capacity of MSIs, encouraging mutually beneficial partnerships, and scaling up successful model programs for use by other universities.

*Sec. 10534. Agency responsibilities.*

OSTP is directed to issue uniform policy guidance for Federal science agencies to improve outreach to MSIs with the goal of increasing awareness among MSIs of funding opportunities and building MSI capacity to submit competitive proposals and manage awarded grants. OSTP is also directed to work with Federal science agencies to develop a strategic plan for how to modify

existing or develop new programs or processes to make Federal STEM education and research funding more accessible to MSIs.

*Sec. 10535. Definitions.*

## **SUBTITLE D – COMBATING SEXUAL HARASSMENT IN SCIENCE**

*Sec. 10541. Findings.*

*Sec. 10542. Definitions.*

*Sec. 10543. Research grants.*

Requires NSF to establish a program to award research grants to further understanding of sexual harassment in the STEM workforce and effective interventions to reduce the incidence and negative consequences of such harassment.

*Sec. 10544. Data collection.*

Requires NSF to convene a working group of Federal statistical agencies to develop survey questions on sexual harassment in STEM in order to gather national data on the prevalence, nature, and implications of sexual harassment in institutions of higher education.

*Sec. 10545. Responsible conduct guide.*

Requires NSF to enter into agreement with the National Academies to update the report *On Being a Scientist: A Guide to Responsible Conduct in Research* to include updated professional conduct standards, including methods for identifying and addressing incidents of sexual harassment.

*Sec. 10546. Interagency working group.*

Requires OSTP to establish an interagency working group to coordinate Federal science agency efforts to reduce the prevalence of sexual harassment involving federally funded researchers and to develop and implement uniform policy guidelines for Federal Science agencies.

*Sec. 10547. National academies assessment.*

Requires NSF to enter into agreement with the National Academies to undertake a follow-on study to examine the influence of sexual harassment in institutions of higher education on the career advancement of individuals in the STEM workforce.

*Sec. 10548. Authorization of appropriations.*

Authorizes to be appropriated \$17.5 million to NSF to carry out this Act.

## **TITLE VI – MISCELLANEOUS SCIENCE AND TECHNOLOGY PROVISIONS**

### **SUBTITLE A – SUPPORTING EARLY-CAREER RESEARCHERS**

*Sec. 10601. Findings.*

*Sec. 10602. Early-career research fellowship program.*

Directs the National Science Foundation to establish a 2-year pilot program to support early career scientists to conduct research for up to 2 years at the institution of their choice.

*Sec. 10603. Authorization of appropriations.*

Authorizes \$250 million in each of fiscal years 2021 and 2022 for the program.

## **SUBTITLE B – NATIONAL SCIENCE AND TECHNOLOGY STRATEGY**

*Sec. 10611. National science and technology strategy.*

Requires the Director of OSTP to develop and submit to Congress a 4-year comprehensive national S&T strategy. Requires that the S&T strategy be consistent with other relevant Federal strategies, such as the national defense strategy, and describes the required elements of the report.

*Sec. 10612. Quadrennial science and technology review.*

Requires the Director of OSTP to conduct a quadrennial review of the S&T enterprise and describes specific requirements for the scope and contents of each review.

## **SUBTITLE C – ENERGIZING TECHNOLOGY TRANSFER**

*Sec. 10621. Definitions.*

### **Part 1 – National Clean Energy Technology Transfer Programs**

*Sec. 10623. National clean energy incubator program.*

Authorizes a program to support incubators that accelerate the commercial application of clean energy technologies by providing a physical workspace or support, such as business education and mentorship to clean energy technology startups or companies. Awards authorized under this section are limited to \$4 million per state for one or more incubators, for a period of no longer than 5 years, with the option for a renewal of not more than 3 years.

*Sec. 10624. Clean energy technology university prize competition.*

Authorizes a prize competition for university students to develop a business model for furthering the commercial application of an innovative clean energy technology to encourage student interest in clean energy technology development in diverse regions of the U.S. This prioritizes funding entities that work with students at minority-serving institutions.

*Sec. 10625. Clean energy technology transfer coordination.*

Authorizes the Secretary of Energy to support the coordination of relevant technology transfer programs within the Department of Energy. Coordination activities described in this Section include information sharing, connecting entrepreneurs and startup companies to the variety of programs related to clean energy technology transfer under the Department of Energy, and the development of metrics to measure the impact of clean energy technology transfer programs.

### **Part 2 – Supporting Technology Development at the National Laboratories**

*Sec. 10626. Lab partnering service pilot program.*

Authorizes funds for the Lab Partnering Service Pilot Program as authorized in Section 9002 of division Z of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

*Sec. 10627. Lab-embedded entrepreneurship program.*

Authorizes a program to provide entrepreneurial fellows with access to national laboratory research facilities, expertise, and mentorship to assist with the commercial application of research ideas.

*Sec. 10628. Small business voucher program.*

This section makes technical changes to Section 1003 of the Energy Policy Act of 2005 (42 U.S.C. 16393), which authorizes a program for the Secretary of Energy, in consultation with the Directors of the National Laboratories, to provide small businesses with vouchers to perform research, development, demonstration, technology transfer, or commercial application activities at the national laboratories.

*Sec. 10629. Entrepreneurial leave program.*

Authorizes the Secretary of Energy to delegate to the Directors of the National Laboratories the authority to carry out an entrepreneurial leave program, allowing national laboratory employees to take a leave of absence from their employment for up to 3 years to advance the commercial application of energy and related technologies relevant to the mission of the Department of Energy. This section requires the establishment of streamlined mechanisms for facilitating the licensing of technology that is the focus of an employee who participates in this program.

*Sec. 10630. National laboratory employee outside employment authority.*

Authorizes the Secretary of Energy to delegate to the Directors of the National Laboratories the authority to allow their employees to engage in outside employment and consulting activities.

*Sec. 10631. Signature authority.*

Directs the Secretary of Energy to delegate to the Directors of the National Laboratories the authority to approve any agreements signed with the national laboratory that costs less than \$1 million.

**Part 3 – Department of Energy Modernization**

*Sec. 10632. Office of technology transitions.*

Amends Section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391) to give the Under Secretary for Science the authority to appoint personnel using the authorities in section 305 of the Energizing Technology Transfer Act and authorizes funds for this section and the Office of Technology Transitions as authorized in Section 9001 of division Z of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

*Sec. 10633. Management of demonstration projects.*

Directs the Secretary of Energy to establish a program to conduct project management and oversight of demonstration projects that receive or are eligible to receive funding from the Department of Energy. The purposes of the program are to conduct independent oversight of the execution of demonstration projects and ensure a balanced portfolio of investments in clean energy technology demonstration projects, among others.

*Sec. 10634. Streamlining prize competitions.*

Amends Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) to add reporting requirements for prize competitions.

*Sec. 10635. Cost-share waiver extension.*

Extends the cost-share waiver pilot program for non-profit institutions and institutions of higher education granted in Section 108 of the Department of Energy Research and Innovation Act by 2 years.

*Sec. 10636. Special hiring authority for scientific, engineering, and project management personnel.*

Authorizes the Under Secretary for Science to make appointments for scientific, engineering, and professional personnel for a term of not more than 3 years.

*Sec. 10637. Technology transfer reports and evaluation.*

Updates reporting requirements as authorized in Section 9007 of division Z of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

**SUBTITLE D – REGIONAL INNOVATION**

*Sec. 10641. Regional Innovation Capacity.*

This section amends the Stevenson-Wydler Technology Innovation Act of 1980 to include a regional technology and innovation hub program at the Department of Commerce.

- (a) Definitions
- (b) Regional Technology and Innovation Hub Program – Requires the Secretary of Commerce to establish a regional technology and innovation hubs program consisting of strategy development and strategy implementation grants or cooperative agreements and describes the purposes of the program.
- (c) Eligible Consortia – Provides direction regarding eligibility for the program.
- (d) Designation of Regional Technology and Innovation Hubs – Requires the Secretary to use a competitive process to designate not fewer than 10 eligible consortia as regional hubs, and provides direction regarding geographic distribution and inclusion of underserved communities.
- (e) Strategy Development Grants and Cooperative Agreements – provides direction for strategy development grants, including requirements for geographic distribution, use of funds, and cost-share.
- (f) Strategy Implementation Grants and Cooperative Agreements – provides direction for strategy implementation grants; describes allowable uses of funds; establishes two tiers of awards and a maximum allowable grant size of \$150 million for tier 1 and 15% of the total program for tier 2; establishes cost-share requirements based on tier and type of consortium.
- (g) Applications – Requires the Secretary to establish specific application requirements.
- (h) Considerations for Designation and Award of Strategy Implementation Grants and Cooperative Agreements – Provides guidance to the Secretary regarding selection criteria.

- (i) Coordination and Collaboration – Requires the Secretary to ensure coordination among Hubs and between the program and other relevant Federal programs, including MEP and Manufacturing USA.
- (j) Performance Measurement, Transparency, and Accountability – Requires the Secretary to develop performance, transparency and accountability criteria for recipients and reporting requirements for the program.
- (k) Authorization of Appropriations – Authorizes nearly \$7 billion for the program from fiscal years 2022 through 2026.
- (l) Administration – Allows the Secretary to use funds for program administration.

*Sec. 10642. Regional Clean Energy Innovation Program.*

This section amends the Energy Independence and Security Act of 2007 to authorize a Regional Clean Energy Innovation Program at DOE to establish regional partnerships that promote the economic development of diverse geographic areas of the United States by supporting clean energy innovation. Awards are capped at \$10 million over 5 years and requires a cost-share of 50% in years 3, 4, and 5, of the grant, with an optional renewal for an additional 5 years. This section also authorizes grants in the amount of \$2 million for government entities, in partnership with other entities, to conduct planning activities to setup a regional clean energy innovation partnership.

*Sec. 10643. Critical technology and innovation analytics program.*

This section directs the Secretary of Commerce to create a program of data collection and analysis of technology and innovation sectors critical to realizing national objects, such as national security, economic prosperity, and social welfare. The section authorizes the Secretary of Commerce to access data across the Federal government and to coordinate these activities with Federal statistical agencies, as appropriate. This section authorizes \$100 million for the program from fiscal years 2022 through 2026.

## **SUBTITLE E – MALIGN FOREIGN TALENT RECRUITMENT PROGRAM PROHIBITION**

*Sec. 10651. Malign foreign talent recruitment program prohibition.*

This section requires Federal research agencies to establish policies to prohibit awards to individuals party to a malign foreign talent recruitment program, subject to certain existing laws.

## **SUBTITLE F – MICROELECTRONICS RESEARCH FOR ENERGY INNOVATION**

*Sec. 10661. Definitions.*

Definitions.

*Sec. 10662. Findings.*

Findings relevant to the subtitle.

*Sec. 10663. Microelectronics research program.*

This section directs the Secretary of Energy to carry out a crosscutting program in microelectronics research, development, and demonstration and authorizes appropriations for those purposes. The section also authorizes activities in workforce development and outreach pursuant to the program, and authorizes the Secretary to consult with the National Science Foundation on these activities.



*Sec. 10664. Microelectronics science research centers.*

This section directs the Secretary of Energy to establish Microelectronics Science Research Centers to conduct mission-driven research to address foundational challenges in the design, development characterization, prototyping, demonstration, and fabrication of microelectronics and to facilitate the translation of research results to industry, and authorizes appropriations for this purpose.

*Sec. 10665. Miscellaneous other requirements.*

This section ensures that any construction authorized in Sec. 10663 meets prevailing wage requirements.

## **DIVISION C – ENERGY AND COMMERCE**

### **TITLE I – COMMUNICATIONS AND TECHNOLOGY**

*Sec. 20101. Appropriations for wireless supply chain innovation.*

This section authorizes \$1.5 billion in fiscal year (FY) 2022, to remain available until FY 2031, 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) to spur movement towards open-architecture, software-based wireless technologies, funding innovative, ‘leap-ahead’ technologies in the U.S. mobile broadband market. The fund is managed by the National Telecommunications and Information Administration (NTIA), with input from the National Institute of Standards and Technology (NIST), the Department of Homeland Security (DHS), and the Intelligence Advanced Research Projects Activity, among others.

*Sec. 20102. Understanding cybersecurity of mobile networks.*

This section directs NTIA, in consultation with DHS, to submit a report to Congress within one year examining the cybersecurity of mobile service networks and the vulnerability of these networks and mobile devices to cyberattacks and surveillance conducted by adversaries. Among other things, the report must include an assessment of the degree to which providers of mobile service have addressed certain cybersecurity vulnerabilities; a discussion of the degree to which these providers have implemented cybersecurity best practices and risk assessment frameworks; a discussion of how consumers consider cybersecurity when purchasing mobile services and devices and the commercial availability of resources to enable consumers to evaluate cybersecurity risk and price tradeoffs; and an estimate of the prevalence and efficacy of encryption and authentication algorithms and techniques used in mobile service and communications equipment, mobile devices, and mobile operating systems and software. This section authorizes \$500,000 for FY 2022, to remain available through FY 2023.

*Sec. 20103. Information and communication technology strategy.*

This section directs the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Communications and Information, to submit a report to Congress within one year analyzing the information and communication technology (ICT) supply chain by determining the ICT critical to the economic competitiveness of the United States, as well as the economic

competitiveness of trusted vendors in the ICT supply chain, and identifying the actions the federal government could undertake and the resources it could provide to support the economic competitiveness of trusted ICT vendors while reducing dependence on non-trusted ICT vendors. This section also requires the Secretary to submit to Congress, within six months after the report is submitted, a whole-of-government strategy to ensure the economic competitiveness of trusted ICT vendors in the United States.

*Sec. 20104. Open RAN outreach.*

This section directs the Assistant Secretary of Commerce for Communications and Information, acting through the head of the Office of Internet Connectivity and Growth, to conduct outreach and provide technical assistance to small communications network providers to raise awareness of the uses, benefits, and challenges of Open Radio Access Network (RAN) networks and other open network architectures. This section also requires the Assistant Secretary to raise awareness about, and participation in, the Wireless Supply Chain Innovation Grant Program established under section 9202(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

*Sec. 20105. Future networks.*

This section directs the Federal Communications Commission (FCC) to create a 6G (sixth generation) Task Force within 120 days. It stipulates that the membership of the Task Force must be appointed by the Chair of the FCC, and that the membership be composed of representatives, to the extent practicable, from trusted companies from the communications industry (meaning those not controlled by or subject to the influence of foreign adversaries), trusted public interest groups, and government representatives, with at least one representative respectively representing federal, state, local, and Tribal governments. This section also requires the Task Force to submit a report to Congress within one year on 6G wireless technology, including the status of industry-led standards-setting bodies in setting standards for 6G, the possible uses, strengths, and limitations of 6G (including any supply chain, cybersecurity, or other limitations that will need to be addressed in future generations of wireless technologies), and how federal, state, local, and Tribal governments can leverage 6G.

*Sec. 20106. NTIA policy and cybersecurity coordination.*

This section redesignates the existing NTIA Office of Policy Analysis and Development as the Office of Policy Development and Cybersecurity. In addition to codifying the responsibilities of NTIA in administering the information sharing program in Section 8 of the Secure and Trusted Communications Act, this section assigns the Office functions to coordinate and develop policy regarding the cybersecurity of the internet and other communications networks, among other things.

*Sec. 20107. American cybersecurity literacy.*

This section directs NTIA to develop and conduct a cybersecurity literacy campaign (which must be available in multiple languages and formats, if practicable) to increase the knowledge and awareness of Americans on the ways to reduce cybersecurity risks. Among other things, this section requires the campaign to educate the American people on how to prevent and mitigate cyberattacks and cybersecurity risks as well as encourages them to use resources to help mitigate cybersecurity risks.

*Sec. 20108. Communications Security Advisory Council.*

This section codifies an existing FCC advisory council, the Communications Security, Reliability, and Interoperability Council. It stipulates that the membership of the Council must be appointed by the Chair of the FCC, and that the membership be composed of representatives, to the extent practicable, from trusted companies from the communications industry (meaning those not controlled by or subject to the influence of foreign adversaries), trusted public interest groups, and government representatives, with at least one representative respectively representing federal, state, local, and Tribal governments. This section also requires biennial reporting to the FCC and the public that includes recommendations to increase the security, reliability, and interoperability of communications networks as well as other relevant issues.

*Sec. 20109. Promoting United States wireless leadership.*

This section directs the Assistant Secretary of Commerce for Communications and Information, in consultation with NIST, to encourage and facilitate the participation of trusted companies (meaning those that do not pose a threat to U.S. national security) in standards-setting bodies, including the International Organization for Standardization, the 3rd Generation Partnership Project, the Institute of Electrical and Electronics Engineers, and any standards-setting body accredited by the American National Standards Institute or the Alliance for Telecommunications Industry Solutions. This section also requires the Assistant Secretary to brief Congress on their efforts within 60 days.

## **TITLE II – CONSUMER PROTECTION AND COMMERCE**

### **SUBTITLE A — SUPPLY CHAIN RESILIENCE**

*Sec. 20201. Supply Chain Resilience and Crisis Response Office.*

This section creates a Supply Chain Resiliency and Crisis Response Office (Office) in the Department of Commerce (DOC) charged with leading a governmentwide approach to supply chain resilience, supporting the availability of critical goods, and preparing for and responding to supply chain shocks. The Office is led by an Assistant Secretary appointed by the President with the advice and consent of the Senate.

*Sec. 20202. United States' Strategy to Counter Threats to Supply Chains.*

This section requires the Assistant Secretary to develop and implement a strategy to support the resilience, diversity, security, and strength of supply chains. The strategy must detail how the Assistant Secretary will implement the requirements under this subtitle, including mitigating supply chain vulnerabilities, incentivizing domestic production of critical goods, and addressing supply chain threats from countries of concern. The Assistant Secretary is also required to detail how the Office will coordinate with other offices and bureaus within the DOC on supporting supply chain resilience.

*Sec. 20203. Critical Supply Chain Monitoring Program.*

This section requires the Assistant Secretary, in consultation with a coordination group established under this section, to map, monitor, and model supply chains to identify supply chain vulnerabilities and opportunities to address threats. The Assistant Secretary is also required to designate, through a public notice and comment process, critical industries, supply chains, and

critical goods. Further, the Assistant Secretary is directed to produce a quadrennial report on the state of the nation's supply chain resilience, which must include an assessment of the supply and demand of critical goods, the state of domestic manufacturing, and the ability of the United States to prepare for and respond to supply chain shocks. This section authorizes \$500 million for the period of FY 2022 through 2027 for the Assistant Secretary to carry out these activities.

*Sec. 20204. Critical Supply Chain Resilience Program.*

This section authorizes \$45 billion for the period of FY 2022 through 2027 for the Assistant Secretary to provide grants, loans, and loan guarantees that support the resilience, diversity, security, and strength of supply chains, including for activities that support the manufacturing or acquisition of critical goods, enhance manufacturing facilities, and create surge capacity. The Assistant Secretary is permitted to provide financial assistance to domestic manufacturers and enterprises, state and local governments, Tribal governments, manufacturing extension partnership centers, Manufacturing USA institutes, institutions of higher education, and nonprofit organizations.

*Sec. 20205. Supply Chain Innovation and Best Practices.*

This section requires the Assistant Secretary to facilitate and support the development of a voluntary set of standards, guidelines, and best practices that can be voluntarily adopted by the private sector to measure supply chain resilience, evaluate the value of supply chain resilience, and reduce the risk of supply chain shocks. The Assistant Secretary is authorized \$500 million for the period of FY 2022 through 2027 to carry out these activities.

*Sec. 20206. Program Evaluation by the Inspector General of the Department of Commerce.*

This section requires the Inspector General (IG) of the DOC conduct an audit of the Office to evaluate the effectiveness of the Assistant Secretary at implementing the requirements under this subtitle. The IG is authorized \$5 million for the period of FY 2022 through 2027 to carry out the audit.

*Sec. 20207. Supply Chain Database and Toolkit.*

This section requires the DOC to establish a database and online toolkit where United States' businesses may voluntarily submit supply chain information.

*Sec. 20208. Definitions.*

This section establishes the definitions for key terms used throughout the subtitle.

**SUBTITLE B — STRENGTHENING CONSUMER PROTECTIONS, TOURISM, AND MANUFACTURING**

*Sec. 20211. National Manufacturing Advisory Council.*

This section establishes within the DOC a National Manufacturing Advisory Council that is required to provide recommendations on worker education, training, development, and entrepreneurship training; connect individuals and businesses with workforce development services; coordinate services relating to employee engagement; develop and support training and job placement services and apprenticeship and online learning platforms; develop programming to prevent job losses; and develop best practices for employee ownership.

*Sec. 20212. Availability of Travel Promotion Fund for Brand USA.*

This section requires the Secretary of the Treasury to make \$250 million available from unobligated balances collected by the Travel Promotion Fund before October 1, 2020, for use by the Corporation for Travel Promotion, commonly known as “Brand USA.”

*Sec. 20213. Collection, Verification, and Disclosure of Information by Online Marketplaces to Inform Consumers.*

This section directs online platforms that allow for third-party sellers of consumer products to verify the identity of high-volume third-party sellers, enabling consumers to identify basic identification and contact information for certain high-volume third-party sellers.

### **TITLE III – ENERGY**

*Sec. 20301. Strategic transformer reserve and resilience program.*

This section directs the Secretary of Energy to reduce the vulnerability of the electric grid to physical attack, cyber attack, electromagnetic pulse, geomagnetic disturbances, severe weather, climate change, and seismic events, by creating a strategic transformer reserve and by facilitating domestic manufacturing, and testing and monitoring of critical electric grid equipment. This section authorizes \$75 million each year from FY 2022 through 2026.

*Sec. 20302. Solar component manufacturing supply chain assistance.*

This section directs the Secretary of Energy to establish a program to award grants and direct loans to eligible entities to carry out projects in the United States for the construction of new solar component manufacturing facilities, and retooling, retrofitting, or expanding of existing facilities, to make the United States less reliant on solar components made in China. This section authorizes \$600 million each year from FY 2022 through 2026.

### **TITLE IV – MEDICAL PRODUCT SUPPLY CHAIN IMPROVEMENTS**

#### **SUBTITLE A — MEDICAL PRODUCT INNOVATION, TRANSPARENCY, AND SAFETY**

*Sec. 20401. National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing.*

This section authorizes the Food and Drug Administration (FDA) to award grants to institutions of higher education designated as a National Center of Excellence in Advanced and Continuous Pharmaceutical Manufacturing to support the advancement and development of continuous and advanced pharmaceutical manufacturing technologies and practices. Authorizes \$100 million for the period of FY 2022 through 2026 to carry out the activities outlined in this section.

*Sec. 20402. Notification, nondistribution, and recall of drugs.*

This section authorizes FDA to order drug manufacturers to cease distributing and recall a drug if there is a reasonable probability that the drug could cause serious adverse health consequences or death.

*Sec. 20403. Reporting requirements for drug manufacturers.*

This section requires drug manufacturers to report foreign drug manufacturing sites and to report quarterly on the volume of drugs manufactured.

*Sec. 20404. Enhanced penalties for false information and records destruction.*

This section prohibits the alteration, mutilation, falsification, fabrication, destruction, or removal of records or information required to be produced or maintained by the sponsor of a drug approval application. Institutes a civil monetary penalty of \$1 million per violation of this prohibited act, which can escalate if the violation continues.

**SUBTITLE B — STRENGTHENING AMERICA’S STRATEGIC NATIONAL STOCKPILE**

*Sec. 20411. Reimbursable transfers.*

This section permits the Strategic National Stockpile (SNS) to transfer to any federal department or agency, on a reimbursable basis, any drugs, vaccines or other biological products, medical devices, and other supplies in the stockpile if the supplies are less than one year from expiry; the stockpile is able to replenish the supplies, as appropriate; and the Secretary of Health and Human Services (HHS) decides the transfer is in the best interest of the United States Government. A report shall be submitted to the House Committee on Energy and Commerce and the Senate Committee on Health, Education, Labor, and Pensions on each transfer made and the amount received in exchange for that transfer no later than September 30, 2023. The authority to make transfers under this section shall cease to be effective on September 30, 2024.

*Sec. 20412. Equipment maintenance.*

This section requires that the contents of the SNS remain in good working order and, as appropriate, have maintenance services conducted on the contents of the stockpile. Section 20412 also permits the Secretary of HHS to enter into contracts for the procurement of equipment maintenance services.

*Sec. 20413. Supply chain flexibility manufacturing pilot.*

This section establishes a supply chain flexibility manufacturing pilot in order to enhance medical supply chain elasticity and maintain domestic reserves of critical medical supplies. Such supplies include personal protective equipment, ancillary medical supplies, and other supplies required for the administration of drugs, vaccines, and other biological products, and other medical devices, including diagnostic tests. Such enhancements to domestic medical supply capacity may be done by increasing emergency stock of critical medical supplies, diversifying domestic production of medical supplies, entering into cooperative agreements or partnerships with respect to manufacturing lines, facilities, and equipment for domestic production of medical supplies, and managing domestic reserves by refreshing and replenishing stock of such medical supplies. A report shall be submitted to the House Committee on Energy and Commerce and the Senate Committee on Health, Education, Labor, and Pensions on each cooperative agreement or partnership entered into under the manufacturing pilot and the amount expended by the Secretary of HHS on each cooperative agreement or partnership transfer no later than September 30, 2023. The authority to enter into cooperative agreements or partnerships under this section shall cease to be effective on September 30, 2024. To carry out this manufacturing pilot, section 20413 authorizes \$500 million each year from FY 2022 through 2024, to remain available until expended.

*Sec. 20414. GAO study on the feasibility and benefits of a user fee agreement.*

This section requires the Comptroller General of the United States to conduct a study to investigate the feasibility of establishing user fees to offset certain federal costs attributable to the procurement of single-source materials for the SNS and distributions of such materials from the stockpile. In

conducting this study, the Comptroller General shall consider, to the extent information is available: whether entities receiving such distributions generate profits from those distributions; any federal costs attributable to such distributions; whether such user fees would provide the Secretary of HHS with funding to potentially offset procurement costs of such materials for the SNS; and any other issues the Comptroller General identifies as relevant. The report shall be submitted to Congress not later than February 1, 2024.

*Sec. 20415. Grants for state strategic stockpiles.*

This section establishes a pilot program that awards grants to states to expand or maintain a strategic stockpile of commercially available drugs, medical equipment, personal protective equipment, and other products deemed by the state to be essential in the event of a public health emergency. The Secretary of HHS shall develop and publish a list of products that are eligible for inclusion in a state's strategic stockpile using funds received through this pilot program. The Secretary may not obligate or expend any funds to award grants or fund any previously awarded grants under this section unless the total amount made available for the SNS under current law is equal to or greater than the total amount of funds made available in FY 2022. States shall make available non-federal contributions in cash toward such costs in an amount that is equal to and not less than the amount of federal funds provided under this pilot program. However, the Secretary may waive this matching fund requirement for the first two years of a state receiving a grant if the Secretary determines that such waiver is needed for a state to establish a strategic stockpile. The Secretary shall also provide technical assistance to states in establishing, expanding, and maintaining a stockpile described under this section. To carry out this section, \$3.5 billion is authorized to be appropriated each year from FY 2022 through 2024. The authority vested by this section terminates at the end of FY 2024.

*Sec. 20416. Action reporting.*

This section requires the Secretary of HHS, in consultation with the Federal Emergency Management Agency (FEMA) Administrator, to issue a report to the House Committee on Energy and Commerce and the Senate Committee on Health, Education, Labor, and Pensions regarding all state, local, Tribal, and territorial requests for supplies from the SNS related to COVID-19. This report is required to be issued not later than 30 days after the date of enactment of this legislation and shall be updated every 30 days thereafter for the duration of the emergency period. Section 20416 requires that the report include the specific medical countermeasures, devices, personal protective equipment, and other materials requested and the amount of such materials requested, as well as the outcomes of each request.

*Sec. 20417. Improved, transparent processes.*

This section requires the Secretary of HHS to develop and implement improved, transparent processes for the use and distribution of drugs, vaccines and other biological products, medical devices, and other supplies in the SNS no later than January 1, 2023. The section also requires the Secretary to submit a report on the processes submitted to the House Committee on Energy and Commerce and the Senate Committee on Health, Education, Labor, and Pensions no later than January 1, 2024. The processes developed shall include: the form and manner in which states, localities, Tribes, and territories are required to submit requests for supplies from the Stockpile; the criteria used by the Secretary in responding to such requests; the circumstances that result in prioritization of distribution to states, localities, Tribes, and territories; clear plans for future,

urgent communication between the Secretary and states, localities, Tribes, and territories regarding the outcome of such requests; and any differences in the processes developed for geographically related emergencies and national emergencies. The processes developed shall be unclassified to the greatest extent possible consistent with national security.

*Sec. 20418. Authorization of appropriations.*

This section increases the annual authorization of appropriations for the SNS from \$610 million to \$705 million each year from FY 2022 through 2024.

## **DIVISION D – FOREIGN AFFAIRS**

*Sec. 30000. Short title; table of contents.*

*Sec. 30001. Definitions.*

This section includes several definitions that apply throughout the bill.

*Sec. 30002. Findings.*

Puts forward findings on the history of U.S. engagement with the PRC, the historical and current political, diplomatic, economic, developmental, security, and ideological objectives of the PRC, problematic and illegal PRC policies, PRC aggression in the Indo-Pacific, and U.S. policies in response to the PRC.

*Sec. 30003. Statement of policy.*

Provides a statement of policy of key U.S policy objectives, including but not limited to the need for the U.S to preserve and advance its global leadership role, strengthen cooperation and partnerships with allies and other like-minded countries, advocate for and defend key U.S values, fundamental freedoms, and international norms, promote technologic innovation, and reduce the risk of conflict with the PRC

*Sec. 30004. Sense of Congress.*

Expresses the sense of Congress that successful execution of the policy requires actions such as the revitalization of American leadership both globally and in the Indo-Pacific, coordination with allies and partners to compete effectively with the PRC, provision of support to the private sector, civil society, universities and academic institutions, organization of Federal Agencies to defend U.S interests, prioritization of strengthening nonmilitary instruments of power, and adaptation to the information environment of the 21st century.

*Sec. 30005. Rules of construction.*

This section describes the applicability of existing restrictions on assistance to foreign security forces and states that nothing in this Act authorizes the use of military force.

## **TITLE I – INVESTING IN AMERICAN COMPETITIVENESS**

### **SUBTITLE A – SCIENCE AND TECHNOLOGY**



*Sec. 30101. Authorization to assist United States companies with global supply chain diversification and management.*

Authorizes \$90M over six years for a State Department program that allows for U.S. embassies to hire contractors to assist interested U.S. persons and businesses with supply chain management issues related to China.

*Sec. 30102. Report on national technology and industrial base.*

Requires the State Department to submit a report to Congress describing the Department's efforts to facilitate access among the National Technology and Industrial Base to defense articles and services subject to the U.S. Munitions List.

## **SUBTITLE B – GLOBAL INFRASTRUCTURE AND ENERGY DEVELOPMENT**

*Sec. 30111. Appropriate committees of Congress defined.*

*Sec. 30112. Sense of Congress on international quality infrastructure investment standards.*

Expresses the sense of Congress that the U.S. should initiate collaboration among foreign governments, the private sector, and civil society to encourage the adoption of the quality global infrastructure development standards advanced by the G20 in 2018, and that the U.S. should launch a series of fora around the world to demonstrate the commitment of the U.S. and its partners to high-quality development cooperation.

*Sec. 30113. Supporting economic independence from the People's Republic of China.*

States that the President should develop and submit a strategy utilizing Federal agencies and resources to counteract Chinese assistance and financing to foreign governments. Authorizes the Secretary of State in coordination with the USAID Administrator to establish a new initiative or continue an existing one as the Infrastructure Transaction and Assistance Network to advance the development of sustainable, transparent, and high-quality infrastructure and to help boost the capacity of partner countries to evaluate contracts and assess the financial and environmental impacts of potential infrastructure projects. Authorizes \$375M for the Infrastructure Transaction and Assistance Network.

*Sec. 30114. Strategy for advanced and reliable energy infrastructure.*

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

*Sec. 30115. Report on the People's Republic of China's investments in foreign energy development.*

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

## **SUBTITLE C – ECONOMIC DIPLOMACY AND LEADERSHIP**

*Sec. 30121. Findings on regional economic order.*

Puts forward findings on the importance of U.S. leadership in constructing the international economic order and the vital need for the U.S. to upgrade its economic engagement and leadership and develop concrete steps to strengthen its commercial diplomacy.

*Sec. 30122. Report on entrenching American economic diplomacy in the Indo-Pacific.*

Directs the Secretary of State, in coordination with USTR and Commerce, to report on the steps the United States is taking and plans to take to enhance U.S. commercial relationships in the Indo-Pacific, bolster American leadership and participation in regional economic organizations and fora, and build secure and resilient supply chains in critical industries.

*Sec. 30123. Sense of Congress on the need to bolster American leadership in the Asia Pacific Economic Cooperation.*

Expresses the sense of Congress that the U.S. has benefited from its participation in APEC and should announced its interest to host APEC in 2023.

*Sec. 30124. Strategy on deterrence of economic coercion.*

Directs the President to submit to Congress a whole-of-government strategy to deter Chinese economic coercion against third countries and, subsequently, an assessment of the implementation and effectiveness of the strategy, lessons learned, and planned changes to the strategy.

*Sec. 30125. Sense of Congress on digital technology issues.*

Expresses the sense of Congress that the U.S. must reassert its leadership in international standard-setting bodies that set the governance norms and rules for digital technologies, that the U.S. should lead an international effort to combat digital authoritarianism, that the U.S. should lead a global effort to ensure the freedom of information in the digital age, and that the U.S. should convene a global effort to ensure that technological development does not threaten democratic governance.

*Sec. 30126. Digital dialogue and cooperation.*

Expresses the sense of Congress China is advancing a set of digital rules that are contrary to United States values and interests.

*Sec. 30127. Digital connectivity and cybersecurity partnership.*

Authorizes the President to create the “Digital Connectivity and Cybersecurity Partnership” to help foreign countries expand and increase secure internet access and digital infrastructure in emerging markets, protect technological assets, promote exports of U.S. ICT goods and services, and build cybersecurity capacity.

*Sec. 30128. Sense of Congress on ideological competition.*

Expresses the sense of Congress with regards to ideological competition with the PRC.

**SUBTITLE D – FINANCIAL DIPLOMACY AND LEADERSHIP**

*Sec. 30131. Findings on Chinese financial industrial policy.*

Finds that the PRC gives favorable treatment to state-owned financial institutions, while foreign institutions endure strict restrictions on their ability to operate. This protectionism is in violation of international agreements that China signed decades ago.

*Sec. 30132. Report on importance of American financial strength for global leadership.*

Expresses the sense of Congress that the dominance of the dollar yields significant benefits, allowing the U.S. to maintain economic independence, better control its monetary policy, and finance government outlays. Effective diplomacy and national security rely on the U.S. remaining a global financial leader; the findings above demonstrate the PRC is attempting to replace the U.S. in that position. Requires the Secretary of State and Secretary of the Treasury to submit a report to the appropriate committees that lists and examines benefits from U.S. global financial leadership to American foreign policy and identifies steps the U.S. can take to preserve its current status as the world's leading financial center.

*Sec. 30133. Review of Chinese companies on United States capital markets.*

This section requires the Secretary of Treasury, in consultation with the State Department and the Securities and Exchange Commission, to submit a report to Congress about the capital raising activities of companies based in China and companies that predominantly invest in China-based companies. The Secretary is also directed to review the capital raising methods of such companies, including the issuance of registered and unregistered securities. The report will list such companies that pose a risk to American national security interests or that have a record of violating human rights.

*Sec. 30134. Report on the implications of changes to cross-border payment and financial messaging systems.*

This section requires the Secretary of Treasury, in coordination with Secretary of State, to submit a report on the implications of cross-border payment systems.

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

### **SUBTITLE A – STRATEGIC AND DIPLOMATIC MATTERS**

*Sec. 30201. Appropriate committees of Congress defined.*

*Sec. 30202. United States commitment and support for allies and partners in the Indo-Pacific.*

Expresses the sense of Congress that maintaining and strengthening relationships with allies and partners is critical to the U.S. strategy in the Indo-Pacific region, and that the U.S. will work with allies to prioritize human rights in the region. Provides a statement of policy that the U.S. shall deepen diplomatic, economic, and security cooperation between and among U.S. allies in the region, as well as uphold its treaty obligations, strengthen regional partnerships, and promote human rights.

*Sec. 30203. Boosting Quad cooperation.*

Directs the Secretary of State to develop and submit a report with a strategy for bolstering engagement and cooperation with the Quad, including ways to expand cooperation on COVID-19, climate change, maritime security, quality infrastructure, technology standards, and combatting economic coercion.

*Sec. 30204. Establishment of Quad Intra-Parliamentary Working Group.*

Directs the Secretary of State to enter negotiations with the governments of Japan, Australia, and India with the goal of establishing a Quad Intra-Parliamentary Working Group to facilitate closer

cooperation on shared interests and values. Authorizes \$4M to the United States Group for the next 4 FYs.

*Sec. 30205. Statement of policy on cooperation with ASEAN.*

Provides a statement of policy that the U.S. stands with the nations of ASEAN as they respond to COVID-19, urges ASEAN to continue its efforts to foster greater integration and unity, supports ASEAN nations in addressing maritime and territorial disputes in a constructive manner, and supports ASEAN as a source of well-functioning and problem-solving regional architecture in the Indo-Pacific region.

*Sec. 30206. Young Southeast Asian Leaders Initiative.*

Directs the Secretary of State to oversee all U.S.-based activities carried out under the YSEALI program and to continue supporting overseas initiatives of the program. Directs the Secretary of State to submit a strategy for implementing the YSEALI program, an annual report on the program's progress and an assessment of the metrics, goals, targets, and outcomes and recommendations for improvements or amendments to the YSEALI program and strategy, and a final assessment report that evaluates the program's implementation and outcomes during the entire duration of its program operation

*Sec. 30207. Sense of Congress on engagement with G7 and G20 countries.*

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

*Sec. 30208. Enhancing the United States-Taiwan partnership.*

Provides a statement of policy reiterating the U.S.'s commitment to Taiwan and recognizing Taiwan as a vital part of the U.S. approach to the Indo-Pacific. Advises the Secretary of State to establish the United States-Taiwan Cultural Exchange Foundation to deepen ties between the future leaders of Taiwan and the U.S. by sending students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

*Sec. 30209. Taiwan diplomatic review.*

Directs the Secretary of State to seek to enter into negotiations with appropriate officials of TECRO with the objective of renaming its office in Washington, D.C., the Taiwan Representative Office in the United States, and its subsidiary offices in the United States.

*Sec. 30210. Taiwan Peace and Stability Act.*

Provides a statement of policy of U.S. interests in maintaining the peace and stability in the Western Pacific and working with allies and partners to promote peace and stability and deter military acts or other forms of coercive behavior in the Indo-Pacific. Expresses the sense of Congress of Taiwan's meaningful participation in the international community and the importance of Taiwan's ability to deter acts of PRC intimidation and defend itself. Directs the Secretary of State, in consultation with other Federal departments and agencies, to submit a strategy that advances Taiwan's meaningful participation in a prioritized set of international organizations and responds to PRC pressure on foreign governments, international organizations, commercial actors, and civil society organizations to comply with its "One-China Principle" with respect to Taiwan. Directs the USAID Administrator, in consultation with DFC, to submit a report on cooperation

with Taiwan on trilateral and multilateral development initiatives. Directs the President to submit a whole-of-government strategy to enhance deterrence over a cross-Strait military conflict between the PRC and Taiwan. Directs the Secretary of State, in consultation with the Secretary of Defense, to present a plan for strengthening the community of civilian defense professionals in Taiwan.

*Sec. 30211. Taiwan International Solidarity Act.*

Amends the TAIPEI Act of 2019 by adding that UN recognition of the PRC did not address the issue of Taiwan representation at the UN or any related organizations, nor take a position on the relationship between the PRC and Taiwan or Taiwan's sovereignty, and that the U.S. opposes any initiative that seeks to change Taiwan's status without the consent of the people. Amends the TAIPEI Act of 2019 by instructing USG representatives in all organizations to use the voice, vote, and influence of the U.S. to advocate such organizations to resist PRC efforts to influence such organizations regarding Taiwan. Amends the TAIPEI Act of 2019 by encouraging U.S. allies and partners to oppose PRC efforts to undermine Taiwan's official diplomatic relationships and its partnerships with countries with which it does not maintain diplomatic relations. Amends the reporting criteria on the PRC's attempts to promote its "One China" position.

*Sec. 30212. Taiwan Fellowship Program.*

The "Taiwan Fellowship Act" directs the Secretary of State to establish the "Taiwan Fellowship Program" to provide a fellowship opportunity in Taiwan of up to two years for eligible U.S. citizens. Authorizes \$2.9M for FY 2022, and \$2.4M for FY 2023 and each succeeding FY.

*Sec. 30213. Increasing Department of State personnel and resources devoted to the Indo-Pacific.* Presents a statement of policy that the U.S. shall increase funding and personnel dedicated to the Indo-Pacific region. Requires an action plan from the Secretary of State to increase budgetary and personnel resources. Authorizes \$2B under the Foreign Assistance Act to the Indo-Pacific and \$1.25B for diplomatic engagement.

*Sec. 30214. Report on bilateral efforts to address Chinese fentanyl trafficking.*

Directs the Secretary of State and Attorney General to report on U.S. Government efforts to gain a commitment from the Chinese Government to submit unregulated fentanyl precursors to controls and a plan for future steps the U.S. Government will take to urge China to combat illicit fentanyl production and trafficking originating in China.

*Sec. 30215. Facilitation of increased equity investments under the Better Utilization of Investments Leading to Development Act of 2018.*

Expresses the sense of Congress that support provided under section 1421(c)(1) of the BUILD Act of 2018 should be considered a Federal credit program that is subject to the Federal Credit Reform Act of 1990 for purposes of applying the requirements of such Act to such support. Amends Section 1433 of the BUILD Act of 2018 by increasing the maximum contingent liability to \$100B.

*Sec. 30216. Expanding investment by United States International Development Finance Corporation for vaccine manufacturing.*

Authorizes DFC to provide financing to entities in India and in other less developed countries to increase capacity for the manufacturing of SRA or WHO Emergency Use Listing COVID-19 vaccines, therapeutics, or critical medical supplies. Directs the DFC CEO, in coordination with the

Secretary of State, to report on the countries where DFC financing could be most impactful for vaccine manufacturing and to achieve the goal of manufacturing 1 billion COVID–19 vaccines by 2022; U.S. and partner country interests served by U.S. support to such projects; support provided by other U.S. allies and partners to increase manufacturing capacity for SRA or WHO Emergency Use Listing COVID-19 vaccines, therapeutics, or critical medical supplies; and support provided by China to increase this manufacturing capacity.

*Sec. 30217. Ensuring United States diplomatic posts align with American strategic national security and economic objectives.*

Requires the Department of State in consultation with other departments and agencies to assess and report to Congress biannually on whether the number, location, and objectives of U.S. diplomatic missions are sufficient to achieve United States national security and economic interests vis-a-vis our strategic competitors. In particular, it requires the Department of State to explain any gaps that exist where the United States has no physical presence—either embassy, consulate general, or principal officer post—but where China does maintain a physical presence.

*Sec. 30218. Authorization of appropriations for the Fulbright-Hays Program.*

Authorizes \$105.5M to promote education, training, research, and foreign language skills through the Fulbright-Hays Program, in accordance with the Mutual Educational and Cultural Exchange Act of 1961.

*Sec. 30219. Supporting independent media and countering disinformation.*

Authorizes \$500M for the United States Agency for Global Media for ongoing and new programs to support local media, build independent media, combat PRC disinformation inside and outside of China, invest in technology to subvert censorship, and monitor and evaluate these programs. Directs the Secretary of State, acting through the A/S for DRL, and the USAID Administrator, acting through the Assistant Administrator for DDI, to support and train journalists on investigative techniques necessary to ensure public accountability, promote transparency, fight corruption, and support the ability of the public to develop informed opinions about pressing issues facing their countries. Directs DRL to continue to support internet freedom programs. Authorizes \$170M to the State Department and USAID for ongoing and new programs in support of press freedom, training, and protection of journalists.

*Sec. 30219A. Global Engagement Center.*

Amends the National Defense Authorization Act for Fiscal Year 2017 by delaying the termination of the Global Engagement Center to December 31, 2027. Expresses the sense of Congress that the Global Engagement Center should expand its coordinating capacity of diplomatic messaging through the exchange of liaison officers with Federal departments and agencies that manage aspects of identifying and countering foreign disinformation, including the Office of the Director of National Intelligence and Special Operations Command's Joint MISO Web Operations Center. Authorizes \$150M for FY 2022 for the Global Engagement Center to counter foreign state and non-state sponsored propaganda and disinformation.

*Sec. 30219B. Report on origins of the COVID–19 pandemic.*

Expresses the sense of Congress on the importance of understanding the origins of the COVID–19 pandemic. Directs the President to submit a report that assesses the most likely source or origin

of the SARS–CoV–2 virus, the level of confidence in the assessment, and challenges identified to the USG’s ability to make such an assessment.

*Sec. 30219C. Extension of Asia Reassurance Initiative Act of 2018.*

Expresses the sense of Congress of the importance of the Asia Reassurance Initiative Act of 2018 (ARIA) on the U.S. commitment to the Indo-Pacific. Amends the ARIA by increasing funding for each fiscal year to \$2B and extending it three years until 2026.

*Sec. 30219D. China Watcher Program.*

Creates a "China Watchers" program that designates FSO positions at U.S. posts abroad to assess the PRC’s malign influence in the economic and political sectors.

*Sec. 30219E. Liu Xiaobo Fund for Study of the Chinese Language.*

Establishes the Liu Xiaobo Fund for Study of the Chinese Language to fund alternatives to Confucius Institutes at U.S. universities.

*Sec. 30219F. Oversight of funds made available through the American Rescue Plan Act of 2021.*

Applies FAA restrictions onto American Rescue Plan Act of 2021 funds, including the Global Fund contribution, and allows for the funding to be transferred to the Inspector General for oversight work.

*Sec. 30219G. Requirements relating to vaccine branding.*

Directs the President to ensure that every vaccine donated, procured, or financed by the U.S. Government is clearly branded with the U.S. flag.

**SUBTITLE B – INTERNATIONAL SECURITY MATTERS**

*Sec. 30221. Appropriate committees of Congress.*

*Sec. 30222. Additional funding for international military education and training in the Indo-Pacific.*

Authorizes \$225M over five years for State Department international military education and training (IMET) assistance.

*Sec. 30223. Statement of policy on maritime freedom of operations in international waterways and airspace of the Indo-Pacific and on artificial land features in the South China Sea.*

Expresses the sense of Congress that Congress condemns the use of force to impede freedom of navigation operations in the Indo-Pacific region and presents a statement of policy with respect to PRC claims in the South China Sea.

*Sec. 30224. Report on capability development of Indo-Pacific allies and partners.*

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

more capable security partners in the Indo-Pacific, focusing on areas in which the U.S. can help develop allies' capabilities.

*Sec. 30225. Statement of policy regarding the threat posed by the Chinese Communist Party to the North Atlantic Treaty Organization.*

States that it is U.S. policy to work with NATO allies to address challenges posed by the Chinese Communist Party and share the burden that comes with collective security.

*Sec. 30226. Identification of PLA-supported institutions.*

Requires the publishing of a list of institutions affiliated with or funded by the PLA.

**SUBTITLE C – MULTILATERAL STRATEGIES TO BOLSTER AMERICAN POWER**

*Sec. 30231. Findings on multilateral engagement.*

Puts forward findings on the legal requirements of UN member states to finance the UN's core budget, the role of the U.S. as the largest single financial contributor to the UN system and its importance, how U.S. failure to meet its UN financial commitments enhances the PRC's power within the organization, and a State report about the lack of a standard operating procedure within IO for tracking and promoting the employment of American Citizens in the UN system and its recommendation to the department to establish one.

*Sec. 30232. Statement of policy on America's multilateral engagement.*

Provides a statement of policy that the U.S. Special Representative to the UN serves as a standing member of the cabinet; assessed dues to multilateral organizations be paid in full in a timely fashion; Federal agencies utilize all the authorities to detail or transfer employees to relevant international organizations; the Secretary of State shall assist the State Department and other Federal agencies in carrying out employee details or transfers; the Secretary of State shall support qualified American candidates in their bid to win election to UN-related leadership positions; and the Secretary of State shall support the placement of JPOs sponsored by the U.S. in UN-affiliated agencies.

*Sec. 30233. Support for Americans at the United Nations.*

Authorizes the Secretary of State to establish within the Department of State's Bureau of International Organization Affairs (IO) an Office for American Citizens, which will advocate for the employment of U.S. citizens by all international organizations of which the U.S. is a member, coordinate the interagency support of non-American candidates for leadership roles when no American candidate has been nominated and when it is in the U.S. interest, and establish and implement a standard operating procedure for the promotion and efficient tracking of U.S. citizen employment at international organizations, along with other related responsibilities towards increasing qualified Americans in international organizations.

*Sec. 30234. Junior professional officers.*

Calls on the Secretary of State to increase the number of Junior Professional Officer positions sponsored by the U.S. within the UN system. Calls on the head of each bureau of the State Department to provide the head of the Office of Multilateral Staffing and Personnel of the Department information regarding the amount of funding each such bureau has designated during



the immediately preceding fiscal year for Junior Professional Officer positions in the UN system and the number of such positions that exist as of such fiscal year.

*Sec. 30235. Report on American employment in international organizations.*

Directs the Secretary of State, in consultation with the heads of other Federal departments and agencies as appropriate, to develop and submit a report on how many Federal employees are currently detailed or transferred to an international organization during the immediately preceding 12-month period and a one-time strategy for increasing the number of Federal employees so detailed or transferred.

## **SUBTITLE D – REGIONAL STRATEGIES**

*Sec. 30241. Statement of policy on cooperation with allies and partners around the world.*

States that it is the policy of the U.S. to strengthen alliances and partnerships with Europe and with like-minded countries to compete with the PRC. Identifies the promotion of democracy and human rights in China as policy areas to address, including human rights abuses against the Uyghurs, other religious minorities, and political dissidents in Hong Kong. Highlights the importance of counteracting the Chinese government's predatory economic practices, particularly in the Indo-Pacific region, as well as countering Chinese Communist Party disinformation relating to COVID-19.

### **Part 1 – Western Hemisphere**

*Sec. 30242. Sense of Congress regarding United States-Canada relations.*

Expresses the sense of Congress that the U.S. and Canada share a unique relationship and should cooperate in policy areas such as counternarcotics, environmental and energy issues, economic relations, and security defense of the region and the Arctic. Underscores the value of the U.S.-Canada partnership in addressing China's economic, political, and security influence, including in relation to the People's Republic of China's infrastructure investments in 5G telecommunications technology, extraction of natural resources, and port infrastructure.

*Sec. 30243. Sense of Congress regarding China's arbitrary imprisonment of Canadian citizens.*

States that the U.S. joins the Canadian government's call for the immediate release of Michael Spavor and Michael Kovrig, two Canadian nationals that the People's Republic of China detained in apparent retaliation for the Government of Canada's arrest of Meng Wanzhou.

*Sec. 30244. Strategy to enhance cooperation with Canada.*

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

*Sec. 30245. Strategy to strengthen economic competitiveness, governance, human rights, and the rule of law in Latin America and the Caribbean.*

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

*Sec. 30246. Engagement in international organizations and the defense sector in Latin America and the Caribbean.*

Requires the Secretary of State, in coordination with the Director of National Intelligence and the Director of the Central Intelligence Agency, to submit a report assessing the nature, intent, and impact to U.S. strategic interests of Chinese diplomatic activity aimed at influencing multilateral organizations in Latin America and the Caribbean and of Chinese military activity in Latin America and the Caribbean.

*Sec. 30247. Defense cooperation in Latin America and the Caribbean.*

Authorizes \$67.5M over five years to the Department of State for the International Military Education and Training Program for Latin America and the Caribbean. Specifies that the authorized funds shall be used for improving Latin American and Caribbean security services and ensuring that security services in Latin America and the Caribbean respect civilian authority.

*Sec. 30248. Engagement with civil society in Latin America and the Caribbean regarding accountability, human rights, and the risks of pervasive surveillance technologies.*

Expresses the sense of Congress that China is exporting its model for internal security and state control of society to Latin America and the Caribbean through advanced technology and artificial intelligence. Instructs the Secretary of State to engage with governments and civil society organizations in the region to address and mitigate this threat. Instructs the U.S. Agency for Global Media to expand and prioritize efforts to provide anti-censorship technology and services to journalists in Latin America and the Caribbean.

*Sec. 30249. Caribbean energy initiative as alternative to China's Belt and Road Initiative.*

Requires the Department of State in coordination with USAID to submit a multi-year strategy to Congress to promote regional cooperation with Caribbean countries for improving energy security, grid reliability, and energy efficiency, as well as reforming energy markets and investing in cleaner energy technologies. It also seeks to reduce the Caribbean's dependency on oil from Venezuelan sources.

*Sec. 30250. U.S.-Caribbean Resilience Partnership.*

Seeks to promote long-term resilience in the Caribbean to natural disasters, severe weather events, and a changing ocean environment by authorizing appropriations in support of the U.S. Caribbean Resilience Partnership, which the Department of State and fifteen federal agencies launched in 2019 to increase engagement between federal, state, and local government officials and experts with their Caribbean counterparts. It also seeks to build partnerships among academic institutions and the private sector in the region as well as design effective regional and bilateral programs to further efforts to adapt to, mitigate, and promote resilience to environmental impacts. Requires the Department of State in coordination with other agencies to submit a multi-year strategy to Congress in furtherance of these objectives.

*Sec. 30251. Countering China's educational and cultural diplomacy in Latin America.*

Directs the Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs, and in coordination with the Assistant Administrator for the Bureau of Economic Growth, Education, and Environment at USAID, to devise a strategy that evaluates and expands

existing people-to-people programs and creates new exchanges and people-to-people programs that advance U.S. foreign policy goals and promote U.S. national security interests and values. Directs the Secretary of State, in coordination with the Director of National Intelligence, to submit a report that assesses the nature and impact of the PRC's educational and cultural sector activity in Latin America and the Caribbean, its impact on U.S. strategic interests, and recommendations for USG to expand people-to-people ties.

*Sec. 30252. Narcotics trafficking in Latin America and the Caribbean.*

Expresses the sense of Congress that governments that do not cooperate on financial investigations with respect to transnational crimes should be held accountable, that China has not cooperated with financial investigations, that the U.S. should apply economic and financial sanctions, and that the U.S. should look into policies that punish countries that fail to sufficiently investigate activities that foster narcotics trafficking in Latin America.

## **Part 2 – Transatlantic Relationships**

*Sec. 30255. Sense of Congress on Transatlantic relationships.*

Outlines the sense of Congress that the United States and European countries share a set of common values grounded in democracy, human rights, transparency, and a rules-based order—which necessitates closer cooperation to counter PRC efforts to increase economic, political, and security leverage in Europe. Calls for a joint strategy to diversify supply chains away from the PRC, cooperate to counter PRC disinformation campaigns, address ongoing PRC human rights violations, harmonize export control policies, and ensure adequate security in critical infrastructure.

*Sec. 30256. Strategy to enhance Transatlantic cooperation with respect to the People's Republic of China.*

Calls for the President to brief Congress on its strategy for enhancing cooperation with the European Union, NATO, and European partner countries with respect to the PRC on topics including: key policy points of convergence and divergence in technology and economic practices; shared interests on PRC economic challenges, human rights, technology, and defense issues; a response to the Belt and Road Initiative; interagency coordination mechanisms; and United States diplomatic and public diplomacy efforts in furtherance of these objectives.

*Sec. 30257. Enhancing Transatlantic cooperation on promoting private sector finance.*

Calls for the President to work with transatlantic development partners to foster private sector-led development and provide market-based alternatives to state-directed financing in emerging markets, particularly as it pertains to the Belt and Road Initiative. Specifically, looks to integrate efforts under the Three Seas Initiative; the European Union Strategy on Connecting Europe and Asia; the Blue Dot Network among the United States, Japan, and Australia; and a European-Japan initiative on infrastructure and transparency. Calls for a joint United States – European Union strategy to enhance cooperation with the OECD and Paris Club to ensure the highest possible standards on Belt and Road Initiative contracts with developing countries.

*Sec. 30258. Report and briefing on cooperation between China and Iran and between China and Russia.*

Requires the Director of National Intelligence in coordination with other departments and agencies to submit a report to Congress on cooperation between the PRC and Iran, and between the PRC and Russia. Provides the sense of Congress that the findings from this report should be shared with allies and partners of the United States.

### **Part 3 – South and Central Asia**

*Sec. 30261. Sense of Congress on South and Central Asia.*

Expresses the sense of Congress that the U.S. should stand with its partners in South and Central Asia in countering the Government of China's efforts to interfere in their respective political systems and encroach upon their sovereign territory. Calls for the U.S. to reaffirm its commitment to the Comprehensive Global Strategic Partnership with India and deepen bilateral defense consultations and collaboration with India.

*Sec. 30262. Strategy to enhance cooperation with South and Central Asia.*

Directs the President to submit a strategy for how the U.S. will engage with the countries of South and Central Asia in managing relations with China, including through the C5+1 mechanism. Specifies that the strategy must include detailed descriptions on issues such as the security and economic challenges that China poses to the countries of South and Central Asia and U.S. efforts to provide alternatives to Chinese investment in infrastructure and other sectors in South and Central Asia.

*Sec. 30263. Indian Ocean region strategic review.*

Directs the Secretary of State, in coordination with Defense and USAID, to develop a multi-year strategy for U.S. engagement to support U.S. interests in the Indian Ocean region, including describing challenges to U.S. interests in the region, efforts to improve cooperation in the Quad, efforts to support economic connectivity, proposed U.S. engagement in regional intergovernmental organizations and entities, an assessment of U.S. diplomatic presence and agreements in the region, and a security assistance strategy.

### **Part 4 – Africa**

*Sec. 30271. Assessment of political, economic, and security activity of the People's Republic of China in Africa.*

Requires the Secretary of State, in coordination with DNI, to submit a report to Congress that assesses the nature and impact of Chinese political, economic, sociocultural, and security sector activity in Africa and its impact on U.S. strategic interests.

*Sec. 30272. Increasing the competitiveness of the United States in Africa.*

Requires that the Secretary of State, in consultation with the Secretary of the Treasury and Secretary of Commerce, the Attorney General, the U.S. Trade Representative, the USAID Administrator, and the leadership of the U.S. International Development Finance Corporation submit to Congress a report setting forth a multi-year strategy for increasing U.S. economic competitiveness and promoting improvements in the investment climate in Africa, including through support for democratic institutions, the rule of law, including property rights, and for improved transparency, anti-corruption and governance.

*Sec. 30273. Digital security cooperation with respect to Africa.*

Requires the President to 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 other agencies the President considers appropriate, on means to counter Chinese cyber aggression with respect to Africa. Requires that the Working Group establish a set of recommendations for bolstering the capacity of African governments to ensure the integrity of their data networks and critical infrastructure, providing alternatives to Huawei, developing an action plan for U.S. embassies to assist host-country governments, utilizing interagency resources to counter Chinese disinformation and propaganda, and helping civil society in Africa counter digital authoritarianism.

*Sec. 30274. Support for Young African Leaders Initiative.*

Authorizes the Young African Leaders Initiative to be carried out by the Secretary of State, in coordination with USAID, to provide fellows from Africa education and training in leadership and professional development. Requires the USAID Administrator to establish regional centers in Africa to provide in-person and online training throughout the year in business and entrepreneurship, civic leadership, and public management, as well as an online network that provides information and online courses on topics related to entrepreneurship and leadership. Establishes that it is the sense of the Congress that the number of fellows from Africa participating in the Mandela Washington Fellowship should be increased above the current 700 projected for FY 2021.

*Sec. 30275. Africa broadcasting networks.*

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

*Sec. 30276. Africa energy security and diversification.*

Amends the Electrify Africa Act of 2015 by expanding the statement of U.S. policy to include advancing U.S. foreign policy and development goals by assisting African countries to reduce their energy dependence on countries that use energy dependence for undue political influence; promoting the energy security of U.S. allies and partners; encouraging U.S. public and private sector investment in African energy infrastructure projects; and helping facilitate the export of U.S. energy resources, technology, and expertise to global markets in a way that benefits the energy security of U.S. allies and partners, including in Africa.

**Part 5 – Middle East and North Africa**

*Sec. 30281. Strategy to counter Chinese influence in, and access to, the Middle East and North Africa.*

Expresses the sense of Congress that the PRC is upgrading its influence in the region through energy and infrastructure investments, technology transfer, and arms sales, and seeks to establish military or dual use facilities in strategic locations. Requires that the Secretary of State, in consultation with USAID and other appropriate federal agencies, submit to Congress a strategy for countering and limiting Chinese influence in, and access to, the Middle East and North Africa.

*Sec. 30282. Sense of Congress on Middle East and North Africa engagement.*

Finds that the U.S. and international community have long-term interests in the stability, security, and prosperity of the people of the Middle East and North Africa. Establishes that the U.S. should harness a whole of government approach to compete with and counter Chinese influence. Establishes that a clearly articulated positive narrative of U.S. engagement can help counter predatory foreign investment and influence efforts. Establishes that it is the policy of the U.S. that the U.S. and international community should continue diplomatic and economic efforts throughout MENA.

*Sec. 30283. Sense of Congress on People's Republic of China-Iran relationship.*

Expresses the sense of Congress that China's violation of U.S. sanctions on Iran undermine U.S. efforts to compel Iran to abandon its malign activities.

## **Part 6 – Arctic Region**

*Sec. 30285. Arctic diplomacy.*

Expresses a sense of Congress that the rapidly changing Arctic environment and increased military activity poses new national and regional security challenges, including a heightened risk of the Arctic emerging as a major theater of conflict in ongoing strategic competition. Requires the United States to conduct periodic comprehensive evaluations of present and ongoing disruptions to the global climate system and account for global climate disruptions in National Security Planning. Directs the United States to develop a strategy for protecting national interests in the Arctic and establishes an Ambassador at Large for Arctic Affairs appointed by the President, by and with the advice and consent of the Senate, who would coordinate United States policies related to the Arctic and Chair the Arctic Council when the United States holds such Chairmanship.

*Sec. 30286. Statement of policy regarding observer status for Taiwan on the Arctic Council.*

States that it is U.S. policy to urge that Taiwan be given observer status on the Arctic Council.

## **Part 7 – Oceania**

*Sec. 30291. Statement of policy on United States engagement in Oceania.*

Establishes that it shall be the policy of the U.S. to elevate the countries of Oceania as a strategic national security and economic priority; to promote civil society, rule of law, and democratic governance in the region; and to broaden and deepen the U.S. relationship with Palau, the Marshall Islands, and Micronesia. Establishes that the U.S. shall work with the regional organizations and with the governments of Australia, New Zealand, and Japan to advance our development goals in the region, and that the U.S. invest in a whole-of-government strategy to enhance youth engagement in the region and to deter and combat malign foreign influence and corruption. Also states that the policy of the U.S. shall include improving the local capacity of the countries of Oceania; helping the countries in the region address market-based private sector investments; ensuring that the people and the communities in the region remain safe; and working cooperatively with the governments of the region to promote the dignified return of the returns of U.S. Armed Forces members.

*Sec. 30292. Oceania strategic roadmap.*

Requires the Secretary of State to submit to Congress an Oceania Strategic Roadmap, outlining how the U.S. will strengthen engagement with the countries in Oceania and including an analysis

of the opportunities to cooperate with Australia, New Zealand, and Japan to address their shared concerns in the region.

*Sec. 30293. Oceania Security Dialogue.*

Directs the Secretary of State to brief the appropriate committees of Congress on the feasibility and advisability of establishing the U.S.-based public-private sponsored security dialogue, 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.

*Sec. 30294. Oceania Peace Corps partnerships.*

Directs the Director of the Peace Corps to report on strategies to expand the number of Peace Corps volunteers in Oceania, with the goals of expanding the Peace Corps presence to all currently feasible locations in Oceania and working with regional and international partners to expand the presence of Peace Corps volunteers in low-income Oceania communities in support of climate resilience initiatives.

**Part 8 – Pacific Islands**

*Sec. 30295. Short title.*

*Sec. 30296. Findings.*

Puts forward findings on the importance of the Pacific Islands and the vital U.S. national security interests in the Pacific Islands. Highlights the shared challenges the region faces, the deepening of U.S. diplomatic engagement with the Pacific Islands, and the consistent Peace Corps presence in the region.

*Sec. 30297. Statement of policy.*

States that the United States seeks to develop and commit to a comprehensive, multifaceted, and principled U.S. policy in the Pacific Islands that promotes peace, security, stability and prosperity, to support the vision, values, and objectives of existing regional multilateral institutions and frameworks, to extend and renew the provisions of the Compacts of Free Association and related U.S. law that will soon expire, and to work closely with allies and partners with existing relationships and interests in the Pacific Islands in advancing common goals.

*Sec. 30298. Definition.*

*Sec. 30299. Authority to consolidate reports; form of reports.*

Authorizes reports subject to deadlines for submission consisting of the same units of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to such deadlines and that contains all information required under such reports.

*Sec. 30299A. Diplomatic presence in the Pacific Islands.*

Directs the Secretary of State, in consultation with the Secretary of Commerce and USAID Administrator, to report on the U.S. diplomatic and development presence in the Pacific Islands. Authorizes the Secretary of State and the Secretary of Commerce to hire locally employed staff in the Pacific Islands for the purpose of promoting increased diplomatic engagement and economic

and commercial engagement between the U.S. and the Pacific Islands. Directs the USAID Administrator to submit a regional development cooperation strategy for the Pacific Islands.

*Sec. 30299B. Coordination with regional allies and partners.*

Directs the Secretary of State to establish a formal consultative process with such regional allies and partners to coordinate with respect to programs that provide assistance to the Pacific Islands. Directs the Secretary of State to report on ongoing efforts undertaken by regional allies and partners to advance priorities identified in this Act; ongoing efforts, initiatives, and programs undertaken by non-allied foreign actors that are viewed as being potentially harmful or in any way detrimental to one or more countries of the Pacific Islands; U.S. programs in the Pacific Islands and their alignment and complementarity with the efforts of regional allies and partners; and the formal consultative process to summarize engagements held and identify opportunities to improve coordination with regional allies and partners.

*Sec. 30299C. Climate resilient development in the Pacific Islands.*

Directs the Secretary of State, in coordination with the USAID Administrator, the Secretary of the Treasury, and the DFC CEO, to develop and implement a strategy to invest in and improve critical infrastructure, provide technical assistance to assist local government and civil society leaders assess risks to local infrastructure, and support investment and improvement in ecosystem conservation and protection for the long-term sustainable use of ecosystem services. Directs the Secretary of the Treasury to direct the U.S. representatives to the World Bank, the IMF, and ADB to use the voice and vote of the U.S. to support climate resilient infrastructure projects in the Pacific Islands. Directs the Secretary of State to report on foreign infrastructure developments in the Pacific Islands. Authorizes \$250M to carry out this section.

*Sec. 30299D. International law enforcement academy for the Pacific Islands.*

Directs the Secretary of State to develop and implement a plan to expand coverage of the International Law Enforcement Academies (ILEA) program for the Pacific Islands, including by expanding coverage of the regional program located in Bangkok, Thailand, to the Pacific Islands; or establishing a new regional program for the Pacific Islands. Directs the Secretary of State to brief the appropriate committees on this plan.

*Sec. 30299E. Security assistance for the Pacific Islands.*

Directs the Secretary of State, with the concurrence of the Secretary of Defense and in coordination with the Secretary of Homeland Security, to develop and implement and report on a comprehensive strategy to provide assistance to and build the capacity of local civilian and national security institutions of the Pacific Islands for purposes of enhancing maritime security and maritime domain awareness to address challenges; assisting local law enforcement in detecting, preventing, and combatting transnational crime; participating in efforts to coordinate and facilitate cooperation on shared security challenges; and expanding information sharing and to work toward operational coordination and interoperability among Pacific Island maritime security forces.

*Sec. 30299F. Countering transnational crime.*

Directs the Secretary of State to submit a report on the status of the progress of each country of the Pacific Islands toward ratifying and implementing international legal conventions related to transnational crime and U.S. plans for assisting those countries that have yet to fully ratify such



conventions with their respective ratification efforts. Directs the Secretary of State, in coordination with the heads of relevant Federal agencies, to submit a report that identifies Pacific Island countries that are countries of concern with respect to illegal logging and associated trade. Amends the National Defense Authorization Act for Fiscal Year 2020 by adding a reporting requirement on the assessment of gaps or limitations in the U.S. ability to effectively assist priority regions and priority flag states relating to IUU fishing due to resource constraints and the additional resources necessary to overcome those constraints.

*Sec. 30299G. Emergency preparedness initiative for the Pacific Islands.*

Directs the USAID Administrator to develop and implement and report on a program to assist the Pacific Islands in enhancing their preparedness for and resilience to natural disasters and other emergencies. Authorizes \$200M for this program.

*Sec. 30299H. Peace Corps in the Pacific Islands.*

Expresses the sense of Congress on the importance of expanding the presence of the Peace Corps in the Pacific Islands. Directs the Director of the Peace Corps to submit a report that includes a comparative analysis of the Peace Corps presence in the Pacific Islands region to other regions of the world; analysis of current impediments to Peace Corps expansion in the Pacific Islands region; outcomes of consultations among U.S. agencies, and with regional allies and partners, on areas in which cooperation can reduce factors limiting Peace Corps expansion; and a plan and timeline for implementing these outcomes to facilitate expansion of Peace Corps presence in the region.

### **TITLE III – INVESTING IN OUR VALUES**

*Sec. 30301. Sense of Congress on the continued violation of rights and freedoms of the people of Hong Kong.*

Puts forwards findings on the PRC's abrogation of its obligations and commitments under international law and agreements and the erosion of Hong Kong's autonomy, undermining of democratic norms and human rights, and the use of violence and excessive force after the imposition of the national security law. Expresses the sense of Congress that condemns the actions taken by the PRC and HKSAR governments, reaffirms support for the people of Hong Kong, calls the PRC and HKSAR governments to honor its commitments in respect to Hong Kong and to release those detained under the national security law, and encourages the President, the Secretary of State, and the Secretary of the Treasury to coordinate with allies and partners and continue U.S. efforts to respond to developments in Hong Kong.

*Sec. 30302. Authorization of appropriations for promotion of democracy in Hong Kong.*

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

*Sec. 30303. Hong Kong people's freedom and choice.*

Provides temporary protected status and refugee status for qualifying Hong Kong residents for the 18-month period beginning after enactment. Stipulates that Hong Kong continue to be considered a foreign state separate and apart from the PRC for purposes of the numerical limitations on immigrant visas. Directs the Secretary of State, in consultation with the Secretary of Homeland Security, to publish an interim final rule establishing procedures for designation of Priority Hong

Kong Residents and finalize such rule no later than 1 year after enactment. Directs the Secretary of State and the Secretary of Homeland Security, in consultation with other Federal agencies, to submit a report detailing the number of HKSAR residents who have applied for U.S. visas or immigration benefits; the number of approvals, denials, or rejections of applicants for visas or immigration benefits; the number of pending refugee and asylum applications for HKSAR residents, and the length of time and reason for which such applications have been pending. Directs the Secretary of State and the Secretary of Homeland Security to report on refugee and asylum related matters related to HKSAR applications, average wait-times, approvals, referrals, denials, and refugee circuit rides to interview populations that would include Hong Kong SAR. Authorizes the Secretary of Homeland Security and the Secretary of State in consultation with the Secretary of Homeland Security to provide special immigrant status admission for certain priority highly skilled Hong Kong residents, not to exceed 5,000 per year for each of the 5 FYs.

*Sec. 30304. Export prohibition of munitions items to the Hong Kong police force.*

Amends “An Act to prohibit the commercial export of covered munitions items to the Hong Kong Police Force” by extending the prohibition to the date on which the President certifies that (1) the Secretary of State has certified that Hong Kong warrants treatment under U.S. law in the same manner as U.S. laws were applied to Hong Kong before July 1, 1997; (2) the Hong Kong Police have not engaged in gross violations of human rights during the 1-year period ending on the date of such certification; and (3) there has been an independent examination of human rights concerns related to the crowd control tactics of the Hong Kong Police and that the HKSAR government has adequately addressed those concerns.

*Sec. 30305. Sense of Congress on treatment of Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region.*

Expresses the sense of Congress that the ongoing atrocities in Xinjiang must be condemned; the President, the Secretary of State, and the U.S. Ambassador to the UN should speak publicly about the ongoing human rights abuses and appeal to the UN Secretary-General to take a more proactive and public stance on the situation in the XUAR; the U.S. should continue to use targeted sanctions and all diplomatic tools available to hold those responsible accountable; U.S. agencies engaged with China on bilateral issues should include human rights abuses in the XUAR as a consideration in developing U.S. policy; the U.S. supports Radio Free Asia Uyghur; and the U.S. recognizes the repeated requests from the UN High Commissioner for Human Rights for unfettered access to the XUAR and the PRC’s refusal to comply, requiring the U.S. and its allies and partners to pressure PRC authorities to allow unfettered access to the XUAR and build an international investigation outside of the PRC if PRC authorities do not comply with a UN investigation.

*Sec. 30306. Uyghur human rights protection.*

The “Uyghur Human Rights Protection Act” designates aliens who were Chinese nationals and Xinjiang residents on January 1, 2021; aliens who fled Xinjiang after June 30, 2009 and reside in other Chinese provinces or a third country where they are not firmly resettled; and the spouses, children, and parents as Priority 2 refugees of special humanitarian concern. Directs the Secretary of State and the Secretary of Homeland Security to submit a report on the applications submitted under this section.

*Sec. 30307. Removal of members of the United Nations Human Rights Council that commit human rights abuses.*

Instructs the President to direct the U.S. Permanent Representative to the UN to use the voice, vote, and influence of the United States to reform the rules and processes of the UN Human Rights Council so that members that commit gross and systemic violations of human rights are removed, not elected to the Council, and are opposed in an election.

*Sec. 30308. Policy with respect to Tibet.*

Amends the Tibetan Policy Act of 2002 to make changes to the position of the U.S. Special Coordinator for Tibetan Issues at the State Department.

*Sec. 30309. United States policy and international engagement on the succession or reincarnation of the Dalai Lama and religious freedom of Tibetan Buddhists.*

Provides a statement of policy that interference by the PRC 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. Advises the Secretary of State to engage with U.S. allies and partners to support Tibetan Buddhist religious leaders' sole religious authority to identify and install the 15th Dalai Lama, oppose PRC claims that it has the authority to decide the 15th Dalai Lama, and reject PRC interference in Tibetan Buddhists' religious freedom.

*Sec. 30310. Development and deployment of internet freedom and Great Firewall circumvention tools for the people of Hong Kong.*

Authorizes the Secretary of State to establish a Hong Kong Internet Freedom Program in DRL to develop a strategy to bolster internet resiliency and online access in Hong Kong. Authorizes the President of the Technology Fund to establish a Hong Kong Internet Freedom Program. Authorizes \$10M to the Open Technology Fund and \$20M to DRL's Office of Internet Freedom Programs. Directs the Secretary of State and the working group to submit a classified report on the Federal Government's strategy to promote and support Great Firewall circumvention and internet freedom in Hong Kong, influence global internet legal standards at international organizations and multilateral fora, and other related topics.

*Sec. 30311. Authorization of appropriations for protecting human rights in the People's Republic of China.*

Authorizes funding to nongovernmental agencies within the Indo-Pacific region that are focused on 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 PRC. Directs the A/S of DRL to consult with the appropriate congressional committees and civil society representatives regarding strengthening the capacity of these organizations, protecting members of at-risk groups, and messaging about U.S. efforts to protect freedom of association, expression, assembly, and the rights of ethnic minorities.

*Sec. 30312. Modifications to and reauthorization of sanctions with respect to human rights violations.*

Amends the Global Magnitsky Human Rights Accountability Act to express the sense of Congress that the President should establish and regularize information sharing and sanctions-related

decision making with like-minded governments possessing human rights and anti-corruption sanctions programs, to make modifications to the President's sanctions authority, to add additional criteria to the reporting requirements to Congress, and to repeal the sunset.

*Sec. 30313. Sense of Congress condemning anti-Asian racism and discrimination.*

Puts forwards findings on the rise of crimes and discrimination against Asians and those of Asian descent since the onset of COVID-19. Expresses the sense of Congress that anti-Asian attacks and discrimination have no place in a peaceful, civilized, and tolerant world and that the U.S. should encourage other governments to use the scientific names for COVID-19 and combat the spread of anti-Asian racism and discrimination.

*Sec. 30314. Annual reporting on censorship of free speech with respect to international abuses of human rights.*

Amends the Foreign Assistance Act to expand reporting on censorship of free speech with respect to international abuses of human rights to include instances in which a government attempts to extraterritorially intimidate or pressure a company or entity to censor or self-censor the speech of its employees, contractors, customers, or associated staff with regards to the abuse of human rights in such country or seeks retaliation against such employees or contractors for the same.

*Sec. 30315. Policy toward the XXIV Olympic Winter Games and the XIII Paralympic Winter Games.*

Expresses the sense of Congress that the IOC should publicly declare that it will consider moving the 2022 Beijing Olympics given the human rights situation and initiate an emergency search process for suitable replacement facilities if China doesn't release all the detained minorities in Xinjiang, affirm its commitment to the fundamental rights instruments of the international system, develop a set of actions it would take if any host country infringes on the freedom of expression of athletes, journalists, and participants, and rescind Rule 50 of the Olympic Charter. Puts forward a statement of policy that the U.S. implement a presidential and cabinet level diplomatic boycott of the 2022 Beijing Olympic and Paralympic Winter Games, encourage other nations to do the same, and call for an end to the CCP's ongoing human rights abuses.

*Sec. 30316. Review and controls on export of items with critical capabilities to enable human rights abuses.*

Requires periodic Commerce Department-led interagency review of export control lists to insure that items are included that would provide China with a critical capability for surveillance or repression.

*Sec. 30317. Sense of Congress on commercial export control policy.*

Expresses the sense of Congress that the President should reexamine U.S. export policy to any country, including China, that supplies arms or dual use items to any country designated a state sponsor of terror or any entity designated a foreign terrorist organization.

*Sec. 30318. Imposition of sanctions with respect to systematic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation in the Xinjiang Uyghur Autonomous Region.*

Amends the Uyghur Human Rights Policy Act of 2020 to impose sanctions based on systematic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation policies and practices in Xinjiang.

*Sec. 30319. Sense of Congress regarding censorship of political speech.*

Expresses the sense of Congress that the PRC censors political speech which is antithetical to human rights and U.S. values and interests.

*Sec. 30320. Report on manner and extent to which the Government of China exploits Hong Kong to circumvent United States laws and protections.*

Requires the State Department to submit a report to Congress on how the PRC uses the status of Hong Kong to circumvent U.S. laws and protections.

*Sec. 30321. Sense of Congress regarding annual Country Reports on Human Rights Practices.*

Expresses the sense of Congress that the State Department's annual Country Reports on Human Rights Practices should include information on forcible repatriation of Uyghurs and other support for the PRC's genocide against Uyghurs.

*Sec. 30322. Sense of Congress regarding press freedom in the People's Republic of China.*

Expresses the sense of Congress that the PRC should respect freedom of press and expression.

*Sec. 30323. United States Special Envoy for Xinjiang Province.*

Establishes within the State Department the position of United States Special Envoy for Xinjiang Province and authorizes the coordination on human rights and other pressing issues relevant to Xinjiang and enables the State Department to dual-hat and swiftly fill the position.

*Sec. 30324. China Censorship Monitor and Action Group.*

Enables a research entity to examine the problem of Chinese government censorship in the U.S. and establish a monitoring group pursuant to the results of the review.

*Sec. 30325. Public disclosure on BIS licensing information.*

Requires a periodic report from the Commerce Department to Congress on licenses issued for exports by U.S. firms to Chinese companies on the Commerce Entity List.

#### **TITLE IV – INVESTING IN OUR ECONOMIC STATECRAFT**

*Sec. 30401. Sense of Congress regarding the People's Republic of China's industrial policy.*

Expresses the sense of Congress that the U.S. must adopt policies to expose the detrimental aspects of the PRC's nonmarket policies, provide options for those affected by unreasonable and discriminatory industrial policies, ensure that PRC companies face costs and consequences for anticompetitive behavior, and strengthen the protection of critical technology and sensitive data. The U.S. should work with allies and partners to reinforce long-standing principles, address the PRC's anticompetitive policies, counter detrimental PRC actions, and collaborate to provide incentives to their respective companies to cooperate, as well as taking other actions to respond to the PRC's mercantilist economic strategy.

*Sec. 30402. Economic defense response teams.*

Directs the President to 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 U.S. Government. Directs the Secretary of State to report to and brief the appropriate committees of Congress on the pilot program upon its establishment and as a follow-up no later than one year after the initial report. Authorizes the President to activate an economic defense response team for a period of 180 days to assist a partner country in responding to an unusual and extraordinary economic coercive threat by an adversary of the U.S. upon the declaration of a coercive economic emergency, together with notification to SFRC and HFAC.

*Sec. 30403. Countering overseas kleptocracy.*

Targets authoritarian leaders in foreign countries who abuse their power to steal assets from state institutions and use corruption to solidify their grip on power and undermine democratic institutions abroad. Calls on the leveraging of diplomatic engagement and foreign assistance to promote the rule of law, promote international instruments to combat corruption, close loopholes in legal and financial architecture, assist in the prosecution of such individuals and recovery of assets for victims, and employ existing sanctions authorities as necessary. Establishes an Anti-Corruption Action Fund at the Department of the Treasury in furtherance of these objectives to be funded from fines and penalties pursuant to criminal prosecutions under the Foreign Corrupt Practices Act. Creates an interagency anti-corruption task force at the Department of State to improve government coordination in promoting overseas good governance and countering public corruption. Requires USAID to consolidate existing reports having anti-corruption components into a single online, public platform.

*Sec. 30404. Annual report on Chinese surveillance companies.*

Directs the Secretary of State, in coordination with the Director of National Intelligence, to submit an annual report on people in China who have provided items or services related to targeted digital surveillance to a foreign government or entity where the items or services could be used in a manner contrary to human rights or to a country, entity, or person determined by the Secretary of State to have used items or services for targeted digital surveillance in a manner contrary to human rights; and on people who have materially assisted, sponsored, or provided financial, material, or technological support for, or items or services to or in support of these activities.

## **TITLE V – ENSURING STRATEGIC SECURITY**

*Sec. 30501. Cooperation on a strategic nuclear dialogue.*

Provides a statement of policy that the U.S. pursues arms control negotiations and sustained and regular engagement with the PRC, formulates a strategy to lay the groundwork for a constructive arms control framework with the PRC, and pursues negotiations in coordination with allies and partners. Expresses the sense of Congress that it is in the interest of both nations to cooperate, that a PLA attack on U.S. infrastructure risks escalation, that the U.S. and allies should promote international norms, and that allies and partners should share the burden in promoting norms and responsible behavior.

*Sec. 30502. Report on United States efforts to engage the People's Republic of China on nuclear issues and ballistic missile issues.*

Directs the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Energy, to report on the approaches and strategies they will pursue to engage the PRC on arms control and risk reduction. Directs the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, to report on its plan for arms control talks with the PRC, alternative State plans if dialogue does not arise, implications for the credibility of U.S. deterrence commitments if talks do not materialize, efforts at engaging the PRC to join arms control talks, and the PRC's interest level in joining arms control talks.

*Sec. 30503. Countering the People's Republic of China's proliferation of ballistic missiles and nuclear technology to the Middle East.*

Directs the President to submit a written determination detailing whether any foreign person in China knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex to any foreign person and the sanctions the President has imposed or intends to against any foreign person who knowingly engaged in the export, transfer, or trade of that item or items. Directs the President to submit a report detailing whether any foreign person in China engaged in cooperation with any other foreign person 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 the policy options required to prevent and respond to any future effort by 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.

## **TITLE VI – INVESTING IN A SUSTAINABLE FUTURE**

*Sec. 30601. Ensuring national security and economic priorities with the People's Republic of China and other countries account for environmental issues and climate change.*

Sets the objectives for investing in a sustainable future: 1) to ensure the United States maintains its strategic competitiveness as countries shift to clean energy and green technologies; to demonstrate Congressional support and cooperation with the executive branch effort to restore the U.S.'s indispensable leadership in global cooperative efforts to combat climate change; 2) to find common ground with China on climate action where possible, but continue to hold China accountable where its actions undermine the interests of the United States, its allies, and partners; 3) to provide resources, authorities and support for enhancing the U.S.'s ambition and commitment to work with other countries to set an ambitious climate action agenda; 4) to create pathways for specific assistance and international financing options; 5) to integrate considerations for climate change into broader U.S. foreign policy decision-making; 6) and to improve diplomatic relationships and consider the pursuit of new bilateral and multilateral opportunities for advancing cooperative climate action.

*Sec. 30602. Enhancing security considerations for global climate disruptions.*

Calls for interagency coordination on the development of periodic evaluations and strategic planning on the evolving security risks associated with climate change, with special attention towards improving predictive capacities around future and evolving threats and instability

through the integration and use of climate models and forecasting. The section also details a United States' climate security strategy.

*Sec. 30603. Balancing accountability and cooperation with China.*

Expresses the sense of Congress that climate change requires global cooperation, especially between the United States and China and that both countries should work together to undertake parallel initiatives to mitigate greenhouse gas emissions, develop and deploy clean energy generation technologies, and integrate sustainable adaptation solutions. Instructs the United States and its allies to work together to hold China accountable for increasing its emissions targets, eliminating greenhouse gas intensive projects from its Belt and Road Initiative, and avoiding efforts that undermine the Paris Agreement's underlying framework.

*Sec. 30604. Promoting responsible development alternatives to the People's Republic of China's Belt and Road Initiative.*

Calls on the President 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 support clean energy development, resiliency, and adaptation to environmental changes and natural disasters. Authorizes the Secretary of State, USAID and other relevant agency heads to co-finance infrastructure, resilience, and environmental adaptation projects that advance the development objectives of the United States overseas and provide viable alternatives to projects that would otherwise be included within China's Belt and Road Initiative. Allows the International Development Finance Corporation to partner with other multilateral development finance institutions in furtherance of these objectives.

*Sec. 30605. Using climate diplomacy to better serve national security and economic interests.*

Makes diplomatic engagement and climate action a central and crosscutting tenet of the State Department. Calls for greater coordination and integration of climate change diplomacy into the United States' missions around the world and charges the Secretary of State with coordinating/facilitating the integration of climate action, diplomacy, and scientific data into the Department of State. Charges the Secretary of State to ensure each mission has a climate diplomacy strategy and to utilize resources within the bureau. Specifically, creates Climate Change Officer positions within the Foreign Service responsible for convening stakeholders and supporting U.S. engagement on climate change and requires corresponding curriculum at the Foreign Service Institute. Additionally, requires Chiefs of Mission to have a strategy on addressing climate change and to certify that, to the extent practicable, they have integrated climate change considerations into mission activities, management, and operations.

*Sec. 30606. Driving a global climate change resilience strategy.*

Amends the Foreign Assistance Act of 1961 to authorize the President to furnish assistance to programs and initiatives that promote resilience to climate change and creates a Coordinator of Climate Change Resilience at the Department of State. This coordinator will oversee the development of a 10-year strategy to mitigate the impacts of climate change and work with allies and partners to ensure a level playing field exists when it comes to climate action. Requires the Department of State to provide a report within 270 days after enactment on implementation of these requirements and an assessment of risks and resources related to achieving the strategy.



*Sec. 30607. Addressing international climate change mitigation, adaptation, and security.*

Authorizes a successor foreign assistance program to the *Global Climate Change Initiative*. Would provide specific, supplemental (not supplanted) foreign assistance for clean energy, sustainable land use, and adaptation, but with considerable focus on building resilience capacities, improving food security and natural resource conservation, and ensuring that mitigation of transportation sector emissions are eligible activities. Contributions to multilateral funds, as well as bilateral regional assistance would be eligible to receive funds.

*Sec. 30608. Reducing the negative impacts from black carbon, methane, and high-GWP hydrofluorocarbons.*

Establishes a policy and instructs U.S. representatives to multilateral institutions, and other U.S. diplomats, to advance international efforts to control highly potent environmental pollutants consisting of or deriving from black carbon, methane, and high-GWP hydrofluorocarbons. Calls for exploring appropriate international mechanisms to deal specifically with these pollutants, which present long-term health and environmental risks if left unaddressed or unmitigated.

*Sec. 30609. Building United States economic growth and technological innovation through the Green Climate Fund.*

Two-year authorization of contributions to the Green Climate Fund. \$4 billion each for FY 2022 and FY2023, which will further international efforts in assisting developing countries with mitigating and adapting to climate change. Calls for the United States to lead efforts to ensure the Fund uses best practices for environmental and social safeguards and respects human rights.

*Sec. 30610. Ensuring a whole-of-government response to climate action.*

Establishes an interagency task force, led by the Department of State, to monitor climate change impacts on social conditions to anticipate potential national security risks to the United States, as well as assess the actions taken by other countries vis-à-vis their national climate strategies and international commitments to ensure a coordinated response with allies and partners if state and non-state actors seek to undermine global climate objectives and norms. It also seeks to improve interagency and international coordination in these efforts. Requires a report to Congress within 180 days of enactment.

*Sec. 30611. Working with international partners to reduce deforestation.*

In recognition of the substantial negative impact by China on global forest ecosystems due to its substantial consumption of timber products, soybeans, and other products, this section establishes a program at USAID in consultation with other appropriate agencies that provides assistance to developing countries to reduce deforestation and forest degradation through measurable sustainable development practices. It sets carbon dioxide emissions reduction targets for 2025 and 2030 by assisting other countries to build capacity to reduce deforestation. It calls on U.S. representatives at the World Bank, IMF, and other international financial institutions to prioritize efforts to combat deforestation.

*Sec. 30612. Controlling the export of electronic waste to protect United States supply chains.*

With China being the largest producer of e-waste and evidence existing of Chinese counterfeit electronic parts entering the U.S. military's supply chain, this provision would bar persons and

entities from exporting or reexporting electronic waste items unless exempted. Among other requirements, an exemption requires that all export transactions be registered in accordance part 758 of Export Administration Regulation, contain a certification that the item is a low-risk counterfeit electronic, and has written consent to enter the destination country. The receiving party must also certify it has the necessary permits, resources, and competence to reuse or recycle the item, and prevent its subsequent release as a counterfeit good or counterfeit military good.

## **DIVISION E – COMMITTEE ON OVERSIGHT AND REFORM**

### *Sec. 40101. Federal Rotational Cyber Workforce Program.*

This section would establish a personnel rotation program for cybersecurity professionals at federal agencies, creating valuable career development and collaboration opportunities. The Director of the Office of Personnel Management would be required to issue an operational plan providing policies, processes, and procedures for the program, and the Government Accountability Office would report on agency participation in, and employees' experiences of, the program.

### *Sec. 40102. AI in Counterterrorism Oversight Enhancement.*

This section would strengthen the ability of the Privacy and Civil Liberties Oversight Board to provide meaningful oversight and governance related to the use of AI technologies for counterterrorism purposes. It would authorize the Board to access information about AI-enabled technologies in use or under consideration for use by federal agencies. The section would also require the Board to conduct an assessment to determine if any change in authorities, resources, or organizational structure may be necessary to carry out these functions.

## **DIVISION F – COMMITTEE ON HOMELAND SECURITY**

### *Sec. 50101. Homeland procurement reform.*

Subsection (a) amends subtitle D of title VIII of the Homeland Security Act of 2002 to add a new section that requires the Secretary of Homeland Security to ensure that any procurement of covered items for a frontline operational component of the Department of Homeland Security (DHS) meet the following criteria: (1) to the maximum extent possible, at least one-third of the funds obligated for the procurement of uniforms and related gear be used to purchase goods manufactured or supplied by entities that qualify as a U.S. small business; (2) each contractor, with respect to the procurement of covered items, is registered in the System for Award Management (or successor system) and is in compliance with quality control standards deemed appropriate by the Secretary; and (3) each supplier of covered items bearing DHS insignia that are not produced, applied, or assembled within the U.S. secures such items in locked storage, reports any theft of such items, and ensures the destruction of defective or unusable items in a manner established by the Secretary. In the event the President declares a national emergency or major disaster, the Secretary may waive the requirements if the Secretary determines there is insufficient supply of covered items to meet the requirements. If the Secretary determines a waiver is necessary, the Secretary shall provide a notice to Congress, not later than 60 days after making the determination, that includes: (1) identification of the national emergency or major disaster declared by the President; (2) identification of the covered item for which the Secretary intends to issue the waiver; and (3) a

description of the demand for the item and corresponding lack of supply from contractors to meet the requirements.

This subsection also requires the Secretary to ensure that uniform items and related gear are purchased at fair and reasonable prices. Additionally, the Secretary is required to brief Congress no later than 1 year after enactment of the section, and annually thereafter, on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response to such instances. Subsection (a) further clarifies that the requirements in this section apply to contracts entered into by the Department or any of its frontline operational components on or after a date that is 180 days after the enactment of the section. Lastly, this subsection defines the terms “Department frontline operational component” and “covered items.”

Subsection (b) directs the Secretary to submit to Congress a study of the adequacy of uniform allowances provided to frontline personnel not later than 18 months after the enactment of the Act. The study shall: (1) be informed by a Department-wide survey of employees who receive uniform allowances to determine what improvements can be made to current uniform allowances and what impact current allowances have had on employee morale and retention; (2) assess the adequacy of the most recent increase to the allowance for first-year employees; and (3) consider increasing by at least 50 percent the annual allowance for all other employees.

Subsection (c) directs the Secretary to submit to Congress a report with recommendations on how the Department could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security not later than 180 days after the enactment of the Act. The report shall include: (1) a review of the Department's compliance with the requirements outlined in the Kissell Amendment (6 U.S.C. Sec. 453b); and (2) an assessment of the capacity of the Department to procure other specified items from domestic sources, such as personal protective equipment, helmets that provide ballistic protection, and rain gear, among other things.

*Sec. 50102. DHS software supply chain risk management.*

Subsection (a) directs the Secretary of Homeland Security, acting through the Under Secretary for Management (USM), to issue guidance with respect to new covered information and communications technology or services (ICT(S)) contracts for the Department of Homeland Security (DHS).

Subsection (b) outlines what content the USM's guidance is to include related to new covered contracts. Specifically, the guidance requires that, as a condition for the award of a new ICT(S) contract, each contractor submits a planned bill of materials as a part of its bid proposal and the certifications and notifications described in subsection (d).

Subsection (c) requires contractors to submit in a timely manner updates to bill of materials in the case of a change of information.

Subsection (d) outlines the certification and notification requirements contractors are to make with respect to covered ICT(S) contracts. Specifically, contractors are required to provide a certification

to the Department that each item listed on a submitted bill of materials is free from all known vulnerabilities or defects affecting the security of the end product or service supplied to DHS. In doing so, contractors are required to consult the National Institute of Standards and Technology National Vulnerability Database and any other database identified by the USM, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, that tracks security vulnerabilities and defects in open source or third-party developed software. Contractors are required to provide a notification to the Department of each vulnerability or defect affecting the security of the end product or service supplied to DHS identified through the certification process or any other manner. Additionally, contractors are to provide a notification to the Department outlining how they will mitigate, repair, or resolve each identified vulnerability or defect.

Subsection (e) directs the Secretary to include instructions in the guidance related to how and when Department officials are to enforce the requirements outlined in the guidance for new and existing covered contracts.

Subsection (f) establishes that the guidance is to take effect one year after the enactment of the section.

Subsection (g) authorizes the Department to prescribe regulations as may be necessary to carry out this section.

Subsection (h) directs the Comptroller General of the United States to submit a report to Congress no later than two years after the enactment of the Act. The report is to include a review of DHS's implementation of the requirements outlined in the Act; information related to DHS's engagement with industry; an assessment of how the Department's guidance complies with Executive Order 14208 related to improving the Nation's cybersecurity; and any recommendations related to improving the supply chain with respect to covered ICT(S) contracts.

Subsection (i) defines key terms, including “bill of materials,” “covered contract,” “covered information and communications technology or services,” and “software.”

*Sec. 50103. Department of Homeland Security Mentor-Protege Program.*

This section amends title VIII of the Homeland Security Act of 2002 to authorize a mentor protege program within the Department of Homeland Security (DHS or Department) under which a mentor firm enters into an agreement with a protegee firm for the purpose of assisting the protegee firm to compete for prime contracts and subcontracts of the Department.

This section requires the Secretary of Homeland Security to:

- (1) establish eligibility criteria for mentor and protégé firms; and
- (2) establish a process for mentor and protege firms to jointly submit applications to participate in the program that include—
  - (a) a description of the assistance to be provided by the mentor firm;
  - (b) a schedule with milestones to achieve the assistance to be provided;
  - (c) an estimate of the costs to be incurred by the mentor firm for providing assistance;

- (d) a commitment to submit reports to the Secretary to assist in evaluating the protege's developmental progress; and
- (e) a commitment to inform the Secretary of a change in participation eligibility or voluntary withdrawal.

This section also requires the head of DHS's Office of Small and Disadvantaged Business Utilization to notify applicants of approval or disapproval, and in the case of disapproval, the process for resubmitting an application. The head of the Office of Small and Disadvantaged Business Utilization may rescind the approval of an application if in the best interest of the Department.

This section requires that mentor and protege firms participate in the program for not less than 36 months. This section allows mentor firms to receive benefits including evaluation credit during the selection process when competing for DHS contracts. A protege firm may receive technical, managerial, financial, or any other mutually agreed upon benefits from a mentor firm, including a subcontract award. Further, the Secretary may identify additional benefits to be provided.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the head of the Office of Small and Disadvantaged Business Utilization shall submit to the Committees on Homeland Security and Small Business of the House of Representatives a report that:

- (1) identifies each agreement between a mentor firm and a protege firm, including the number of protege firms that are small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, women-owned small business concerns, historically Black colleges and universities, and minority institutions of higher education;
- (2) describes the type of assistance provided by mentor firms;
- (3) identifies contracts within the Department in which a mentor firm serving as the prime contractor provided subcontracts to a protege firm under the mentor-protégé program; and
- (4) assesses the degree to which there has been—
  - (a) an increase in the technical capabilities of protege firms; and
  - (b) an increase in the quantity and estimated value of prime contract and subcontract awards to protégé firms for the period covered by the report.

*Sec. 50104. Unmanned aerial security.*

Subsection (a) prohibits the Secretary of Homeland Security from operating, procuring, or providing financial assistance for an unmanned aircraft system (UAS) that is (1) manufactured in a covered foreign country, (2) uses devices manufactured in a foreign country, (3) uses a ground control systems or operating software developed in a foreign covered country, or (4) uses network connectivity or data storage located in a covered foreign country. Moreover, it prohibits the use of any of those technologies if they are manufactured, developed, or administered by a corporation domiciled in a covered foreign country.

Subsection (b) sets forth the circumstances under which the Secretary would be permitted to waive the prohibition. Such a waiver requires that the Secretary certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that the operation or procurement subject to the waiver is required (1) in the national interest of the United States, (2) for counter-UAS testing, evaluation, or training; or (3) for intelligence, electronic warfare, or information warfare operations, testing, analysis, or training.

Subsection (c) establishes that the requirements in this section shall take effect 120 days after the date of the enactment of this Act. It also specifies that the Secretary of Homeland Security shall establish a process for requesting a waiver allowed for in subsection (b) no later than 60 days after the date of enactment.

Subsection (d) requires the Secretary to submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a UAS terrorism threat assessment report no later than 180 days after the date of the enactment of this Act.

Subsection (e) defines the following terms: “covered foreign country,” “intelligence community,” and “unmanned aircraft system.”

## **DIVISION G – COMMITTEE ON FINANCIAL SERVICES**

### **TITLE I – U.S. POLICY ON WORLD BANK GROUP AND ASIAN DEVELOPMENT BANK LOANS TO CHINA**

*Sec. 60101. U.S. policy on World Bank Group and Asian Development Bank Loans to China.* This section directs the Secretary of the Treasury to instruct the United States Executive Directors at the World Bank Group and Asian Development Bank to use the voice and vote of the United States to vote against any assistance to the People’s Republic of China (PRC) unless the Secretary has certified that the PRC and lenders owned and controlled by the PRC participate in debt relief initiatives on terms comparable to other G-20 governments, allow borrowing countries to seek restructuring of China loans in multilateral debt workout forums, allow for the public disclosure of the terms and conditions of its loans to other countries, and that such assistance contributes significantly to the provision of a global public good that serves the national interest of the United States, such as limiting the negative impacts of climate change.

### **TITLE II – PROHIBITIONS OR CONDITIONS ON CERTAIN TRANSMITTALS OF FUNDS**

*Sec. 60201. Findings.*

*Sec. 60202. Prohibitions or conditions on certain transmittals of funds.* This section streamlines the process by which special measures may be introduced and modernizes the authorities granted to the Financial Crimes Enforcement Network (FinCEN) by adding a sixth special measure to allow the agency to pursue bad actors like those laundering the proceeds of Chinese ransomware

and or declared a Primary Money Laundering Concern due to support to North Korea's sanctions evasion.

### **TITLE III – TRADING PROHIBITION FOR 2 CONSECUTIVE NON-INSPECTION YEARS**

*Sec. 60301. Trading prohibition for 2 consecutive non-inspection years.* This section shortens the grace period US stock exchange listed companies currently have, under Holding Foreign Company Accountable Act of 2020, to comply with Public Company Accounting Oversight Board (PCAOB) inspection requirements. The current law allows for three years to either comply with PCAOB rules or be delisted from US stock exchanges.

### **TITLE IV – COMBATING WILDLIFE TRAFFICKING FINANCING AND PROCEEDS STUDY ACT**

*Sec. 60401. Findings.*

*Sec. 60402. Study.* This section requires the Secretary of the Treasury to conduct a study with respect to wildlife trafficking and its proceeds, including examination of the proliferation of online platforms and the convergence of trafficking commodities, financial enablers, and illicit networks, many of which are fueled by Chinese criminal activity and demand.

### **TITLE V – STUDY ON CHINESE SUPPORT FOR AFGHAN ILLICIT FINANCE**

*Sec. 60501. Study on Chinese support for Afghan illicit finance.* This section presents the findings and directs Treasury's Office of Terrorism and Financial Intelligence to engage with the interagency and brief to Congress on the identification and analysis of Chinese economic, commercial, and financial connections to Afghanistan, including illicit financial networks involved in narcotics trafficking, illicit financial transactions, official corruption, natural resources exploitation, and terrorist networks.

### **TITLE VI – U.S. POLICY ON CO-FINANCING ARRANGEMENTS AT THE MULTILATERAL DEVELOPMENT BANKS**

*Sec. 60601. U.S. Policy on co-financing arrangements at the multilateral development banks.* This section directs the United States Executive Director at each multilateral development bank to oppose at their respective institution any co-financing arrangements with the China-led Asian Infrastructure Investment Bank (AIIB) unless the Secretary of the Treasury has certified that the AIIB has demonstrated a track record of providing grants and concessional assistance to the world's poorest countries.

### **TITLE VII—CHINA FINANCIAL THREAT MITIGATION**

*Sec. 60701. China financial threat mitigation.* This section would require the Department of the Treasury to study and issue a report analyzing risks to U.S. financial stability and the global economy emanating from the People's Republic of China, and provide recommendations to U.S. representatives of relevant international organizations to monitor and mitigate such risks. The

report is due to Congress by December 31, 2022, and the unclassified portions of the report must be published by that date.

## **TITLE VIII—SUPPORT FOR DEBT RELIEF FOR DEVELOPING COUNTRIES**

*Sec. 60801. Support for international initiatives to provide debt relief to developing countries with unsustainable levels of debt.* This section directs the Secretary of Treasury and the United States representatives at the International Monetary Fund and the World Bank to engage with international financial institutions, official creditors, and relevant commercial creditor groups to advocate for the effective implementation of the G-20's Common Framework—the first multilateral debt relief initiative aimed at easing the debt burdens of developing countries to include China as an official creditor—through the establishment of clear procedures and a commitment to transparency, equitable burden-sharing, and broad creditor participation.

## **TITLE IX—SECURING AMERICA'S VACCINES FOR EMERGENCIES**

*Sec. 60901. Short title.*

This section provides the following short title, “Securing America’s Vaccines for Emergencies Act of 2022” or the “SAVE Act of 2022”.

*Sec. 60902. Securing essential medical materials.* This section adds to the Statement of Policy of the Defense Production Act of 1950 (DPA) that the President should use DPA authorities when appropriate to ensure the availability of medical materials essential to national defense, including through measures designed to secure the drug supply chain and clarifies that the President may provide incentives to ensure the availability of medical materials essential for national defense. This section also requires the President to submit a strategy, within 180 days of enactment, on securing medical materials supply chains, including supply chains for drugs that diagnose, cure, mitigate, treat, or prevent disease, and an analysis of vulnerabilities to the supply chain and measures to be undertaken by the President to ensure that essential components of the supply chain are not under the exclusive control of a foreign government in a manner that threatens national security. Finally, this section includes an annual progress report to Congress on the strategy and any relevant updates through September 30, 2025.

*Sec. 60903. Investment in supply chain security.* This section amends Section 303 of the DPA to permit the President to make payments to increase supply chain security, including for eligible entities producing critical components, critical technology, or raw materials for supply chains.

## **TITLE X—COVID-19 EMERGENCY MEDICAL SUPPLIES ENHANCEMENT**

*Sec. 61001. Short title.* This section provides the following short title, “COVID–19 Emergency Medical Supplies Enhancement Act of 2022.”

*Sec. 61002. Determination on emergency supplies and other public health emergencies.* This section provides a list of materials to be deemed as scarce and critical materials essential to national defense during the COVID-19 emergency period. The definition of these materials as scarce and critical allows funds authorized for the Defense Production Act of 1950 (DPA) to be used to purchase the materials and/or increase their production. A full list of these materials can be found



in the bill. In addition, this section would include health emergency preparedness and response activities within the definition of National Defense, as it relates to DPA authorities.

*Sec. 61003. Exercise of title I authorities in relation to contracts by State, local or Tribal governments.* Title I of the DPA prioritizes federal government contracts and purchases for materials deemed scarce and critical. This section would give the president the ability to exclude the essential materials described in section 61002 of this bill from those prioritization or allocation authorities that the DPA provides to the federal government. Under this section, the president has the capacity to exclude those materials if such materials have been ordered by a State, local or Tribal government, and are scheduled to be delivered within 15 days of the date at which the federal government had purchased, contracted production of, or otherwise allocated the materials. In addition, where practicable, the President must notify a State, local or Tribal government within 24 hours if exercise of DPA prioritization and allocation authorities would delay receipt of such materials that the non-federal government ordered. The President also must work to ensure that the local governments receive the delayed materials in the shortest possible period, in a manner consistent with current law and with the purposes of the DPA. Finally, this section requires an update to the relevant federal regulations to ensure they are consistent with the requirements laid out in this bill.

*Sec. 61004. Engagement with the private sector.* This section provides that FEMA, in consultation with HHS, may appoint a civilian “Outreach Representative”, who acts as the liaison between the federal government and the manufacturing companies and suppliers who are interested in producing medical supplies and equipment, and to help coordinate partnerships between the federal government and private sector for the purposes of production of essential materials.

*Sec. 61005. Enhancement of supply chain production.* This section directs the President to use DPA title III authorities to ensure that support is provided to the U.S. supply chain for essential materials described in Section 61002.

*Sec. 61006. Enhanced reporting during COVID-19 emergency.* This section requires a report from the President to the Congress explaining the purpose of any contract the administration has signed, any purchase order, or any other exercise of DPA authorities (such as seizure of materials). It also requires a briefing to be provided to these committees within four months of submission of the report. Finally, it requires additional reporting from the US International Development Finance Corporation (IDFC) for any loans the IDFC makes under DPA authorities.

*Sec. 61007. Report on activities involving small business.* This section requires agencies exercising purchase and contract authorities under the DPA to report on the extent to which they have contracted or ordered from small business concerns for FYs 2023 and 2024.

*Sec. 61008. Definitions.* This section defines the end of the COVID-19 emergency period as either the end of the President’s emergency declaration or December 31, 2025, whichever is earlier. It also defines relevant stakeholders as private sector entity representatives, representatives of

organizations representing workers, as well as non-profit and primary and secondary school system representatives. Finally, it defines a “State” to include Washington, D.C., Puerto Rico and the U.S. territories.

## **DIVISION H – COMMITTEE ON NATURAL RESOURCES**

### **TITLE I – ILLEGAL FISHING AND FORCED LABOR PREVENTION**

*Sec. 70101. Definitions.*

*Sec. 70102. Authorization of appropriations.*

Authorizes \$20 million per year through FY2026 for the Secretary of Commerce to carry out subtitle A and subtitle B of this title.

#### **SUBTITLE A – COMBATting HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING**

*Sec. 70111. Definitions.*

*Sec. 70112. Expansion of Seafood Import Monitoring Program to all species.*

Directs the Secretary of Commerce to expand the Seafood Import Monitoring Program (SIMP) to apply to all fish and fish products within two years.

*Sec. 70113. Enhancement of Seafood Import Monitoring Program Automated Commercial Environment Message Set.*

Directs the Secretary of Commerce within six months after the date of enactment to develop a strategy to improve the quality and verifiability of data in the Automated Commercial Environment system, through which importers submit data used by SIMP.

*Sec. 70114. Additional data requirements for Seafood Import Monitoring Program data collection.*

Increases data requirements for SIMP, including consideration of labor conditions, more accurate location of catch, chain of custody records, and the vessel owner. Requires import data to be submitted at least 72 hours and no more than 15 days before entry into the U.S. Directs a regulatory process to establish additional key data elements for SIMP regarding labor conditions for imported fish and fish products and requires additional oversight for international fisheries trade permits.

*Sec. 70115. Import audits.*

Directs the development of a comprehensive data audit procedure and prioritizes audit imports from countries identified by other Federal agencies as having human trafficking, forced labor, and child labor in any part of the seafood supply chain.

*Sec. 70116. Availability of fisheries information.*

Provides access to fisheries data by federal agencies responsible for screening imported seafood, verifying and enforcing traceability, catch documentation, and legality under the condition it does

not damage the value of catch or business. This section increases interagency coordination and data sharing and still preserves the confidentiality of personally identifiable information.

*Sec. 70117. Authority to hold fish products.*

Authorizes the Secretary of Commerce to detain any shipment of fish or fish product imported into the United States for up to 14 days.

*Sec. 70118. Report on seafood import monitoring.*

Requires the Secretary of Commerce to submit an annual report to Congress on SIMP implementation and trends.

*Sec. 70119. Authorization of appropriations.*

Authorizes \$20 million per year through FY2026 to the Commissioner of the U.S. Customs and Border Protection to carry out enforcement actions of section 307 of the Tariff Act of 1930, which prohibits importing goods produced by forced or indentured child labor.”

**SUBTITLE B – STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING**

*Sec. 70121. Denial of port privileges.*

Expands the authority of the Secretary of Homeland Security to withhold or revoke U.S. port privileges for fishing vessels of a nation that has been identified for IUU fishing in two consecutive biennial reports.

*Sec. 70122. Identification and certification criteria.*

Expands IUU identification criteria to include data from non-governmental stakeholder groups, the public, and SIMP. In addition, this section adds new identification criteria, including how much a country subsidizes increased capacity and overfishing and identification by other Federal agencies as having human trafficking, forced labor, or child labor in any part of its seafood supply chain. It also improves IUU certification criteria to require that a country’s corrective actions lead to measurable improvements in reducing IUU fishing and addressing underlying failings or gaps in its corrective actions.

*Sec. 70123. Illegal, unreported, or unregulated fishing defined.*

Requires NOAA to use the definition of IUU fishing adopted by the Food and Agriculture Organization, which includes fishing conducted in violation of other national and international laws and incorporate internationally recognized labor rights into IUU enforcement.

*Sec. 70124. Equivalent conservation measures.*

Requires the Secretary of Commerce to identify a nation if any fishing vessel of that country engaged in fishing activities that have resulted in bycatch of protected living marine resources or which target sharks, and the nation has not adopted a program that is comparable to the regulatory program of the United States.

*Sec. 70125. Regulations.*

Directs the Secretary of Commerce to promulgate regulations implementing this title within one year.

## **SUBTITLE C – MARITIME AWARENESS**

### *Sec. 70131. Automatic identification system requirements.*

Requires automatic identification systems (AIS) to be used in the U.S. exclusive economic zone by fishing vessels, fish processing vessels, and fish tender vessels greater than 65 feet in length. Authorizes \$5,000,000 to the Secretary of Commerce for FY 2022 to purchase AIS for fishing vessels more than 50 feet in length.

## **TITLE II – DRIFTNET MODERNIZATION AND BYCATCH REDUCTION**

### *Sec. 70201. Definition.*

Amends the definition of large-scale driftnet fishing in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to align it with the Code of Federal Regulations definition.

### *Sec. 70202. Findings and policy.*

Amends the MSA to include findings that large-scale driftnet fishing causes significant entanglement and mortality of living marine resources. Amends the MSA to add a policy that prioritizes the phase-out of large-scale driftnet fishing within the U.S. Exclusive Economic Zone (EEZ) and promotes the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.

### *Sec. 70203. Transition program.*

Phases out large-scale driftnet fishing in the U.S. EEZ within five years by establishing a fishing gear transition program and awards grants to eligible permit holders who participate in the program within the designated five-year phase-out period.

### *Sec. 70204. Exception.*

Amends the MSA to provide an exception for large-scale driftnet fishing deployed within the U.S. EEZ within the five-year transition period or using nets with certain specifications.

### *Sec. 70205. Fees.*

Replicates an existing MSA fee authority to allow the North Pacific Fishery Management Council to recommend, and the Secretary of Commerce to approve, regulations to collect fees from halibut charter vessel operators.

## **TITLE III – MARINE MAMMAL RESEARCH AND RESPONSE**

### *Sec. 70301. Data collection and dissemination.*

Amends the Marine Mammal Protection Act of 1972 (MMPA) to require the collection of marine mammal stranding and entanglements data, including data on unusual mortality events. Requires stranding network participants to submit all pertinent information, as defined by this section, to the Administrator of NOAA within 30 days of a stranding or entanglement event. Directs the Secretary of Commerce to establish a program to publicly disseminate data collected under this title, including through the Health MAP and Observation System established below. Establishes timelines for data dissemination based on the means of collection and provides exceptions to expedite dissemination following written release or withhold data dissemination related to certain

legal or law enforcement actions. Directs the Secretary to publicize data collection standards and data management policies.

*Sec. 70302. Stranding or entanglement response agreements.*

Amends the MMPA to include “entanglement” events alongside marine mammal strandings and authorizes the Secretary to enter into agreements to allow designated persons to take marine mammals in response to such events.

*Sec. 70303. Unusual mortality event activity funding.*

Amends the MMPA to specify uses for unusual mortality event activity funds by the Secretary, in consultation with the Secretary of the Interior, and dispersal of funds according to the budgets approved by the Secretary. Amends MMPA language to include admissible funding sources.

*Sec. 70304. Liability.*

Amends the MMPA to extend liability for a person authorized to respond to “entanglement” in addition to stranding events. Makes technical changes to the MMPA as written.

*Sec. 70305. National Marine Mammal Tissue Bank and tissue analysis.*

Amends the MMPA to expand intended database contents to include marine mammal mortality data. Amends the MMPA to specify the Secretary’s directives to establish criteria for public access to the marine mammal database and Tissue Bank.

*Sec. 70306. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.*

Directs the Secretary to carry out the John H. Prescott Marine Mammal Rescue and Response Grant Program and establish the Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund (Rapid Response Fund). Authorizes \$7,000,000 to be appropriated for each fiscal year 2021–2026 for programs under this section, including \$500,000 to the Rapid Response Fund for fiscal years 2022–2026.

*Sec. 70307. Health MAP.*

Amends the MMPA to establish the “Marine Mammal Health Monitoring and Analysis Platform” (Health MAP) to collect and report data about the death of marine mammals, promotes interdisciplinary research, facilitates communication, and improves collaboration among scientists and observation networks. Requires the Health MAP to integrate interdisciplinary data from Federal, State, Tribal governments, NGOs, and academic sources. The Health MAP will provide for rapid dissemination of marine mammal mortality event patterns and improve forecasting of more significant ecosystem health events such as harmful algal blooms.

*Sec. 70308. Reports to Congress.*

Requires the Administrator of NOAA to submit a report describing the status of the Health MAP within two years of enactment of this Act. Directs the Administrator of NOAA to publish a data gap analysis and brief appropriate Congressional committees on the data gap analysis within five years of submitting the required Health MAP report and every ten years after that. Requires the Administrator of NOAA, the Director of the U.S. FWS, and the Director of USGS to publicize a report on response capabilities for marine mammals in Arctic regions and brief appropriate congressional committees on the report.

*Sec. 70309. Authorization of appropriations.*

Amends the MMPA to authorize appropriations for fiscal years 2022–2026.

*Sec. 70310. Definitions.*

*Sec. 70311. Study on marine mammal mortality.*

Directs the Undersecretary of Commerce for Oceans and Atmosphere to, in consultation with the Secretary of the Interior and the Marine Mammal Commission, conduct a study on the connections among marine heatwaves, harmful algal blooms, prey availability, and habitat degradation; and the impact these conditions have on marine mammal mortality. Requires the report be publicized and presented to appropriate Congressional committees during a briefing. Directs the report to identify priority research areas and knowledge gaps to address the interconnection between climate change impacts, marine habitats and resources, and marine mammal mortality; while recommending policies to mitigate these effects on marine mammal mortality.

**TITLE IV – REAUTHORIZATION OF CORAL REEF CONSERVATION ACT OF 2000**

*Sec. 70401. Reauthorization of Coral Reef Conservation Act of 2000.*

Strikes sections 202 and 203 of the Coral Reef Conservation Act of 2000 (CRCA) and inserts new sections 202 through 218:

*Sec. 202. Purposes* – Updates the purposes of the CRCA.

*Sec. 203. Federal Coral Reef Management and Restoration Activities* – Authorizes federal agencies to conduct conservation, mapping, monitoring, and restoration activities in federally managed coral reef units. It also authorizes cooperative agreements between federal agencies, states, and territories.

*Sec. 204A. National Coral Reef Resilience Strategy* – Requires NOAA, in consultation with the Coral Reef Task Force, DOI, covered states, and tribal organizations to draft and publish a national coral reef resilience strategy at least once every 15 years. This section allows the current plan, written in 2018 under the Coral Reef Conservation Act of 2000, to fulfill the requirements of this section until September 30, 2033, or until the Administrator develops a national coral reef resilience strategy.

*Sec. 205. Coral Reef Action Plans* – Establishes guidelines for developing unit-specific action plans for coral reef restoration and conservation, and sets requirements for the contents of those plans. Requirements include goals and objectives for the unit consistent with the national strategy and a review of past efforts and successes in restoring and managing the unit. The review includes the status of the unit, adaptive management strategies, emergency plans, addressing pollution arising from within the unit, and the status of cooperative efforts with federal, state, tribal, and local jurisdictions. These plans are subject to public review and must be updated every 5 years.

*Sec. 206. Coral Reef Stewardship Partnerships* – Directs NOAA to establish standards for the formation of federal and non-federal coral reef stewardship partnerships focused on conserving and restoring local reefs.

*Sec. 207. Block Grants and Cooperative Agreements* – Authorizes NOAA to distribute block grants to states to implement state plans and strategies developed under Section 205. The block grants include a base award of \$100,000 and, if eligible, a matching amount equal to non-Federal expenditures in coral conservation during the previous fiscal year on a 1:1 basis up to \$3,000,000.

*Sec. 208. Coral Reef Stewardship Fund* – Establishes a fund through the National Fish and Wildlife Foundation to support Coral Reef Stewardship Partnership activities.

*Section 209. Coral Reef Emergency Plans* – Directs the development of Coral Reef Emergency Plans by individual management units of applicable federal agencies, covered States, and certified Coral Reef Stewardship Partnerships to support a rapid response to circumstances presenting urgent and immediate threats to coral reef ecosystems, such as outbreaks of disease, invasive species, coral bleaching events, natural disasters, vessel groundings or chemical spills, coastal construction accidents, and other exigent circumstances.

*Section 210. Coral Reef Emergency Fund* – Establishes an emergency fund through the Treasury to support emergency response activities.

*Section 211. Emergency Assistance* – Authorizes grants for implementing coral reef emergency plans under Section 209 if the Administrator declares a coral reef emergency.

*Section 212. Vessel Grounding Inventory* – Authorizes NOAA to track vessel grounding incidents to inform future responses and improve aids to navigation as necessary.

*Section 213. Ruth D. Gates Coral Reef Conservation Grant Program* – Establishes a grant program to fund conservation and restoration projects in coral reef habitats.

*Section 214. Reports on Administration* – Requires a bi-annual report on the implementation of this title to the relevant committees of Congress.

*Section 215. Authority to Enter into Agreements* – Authorizes NOAA to enter and perform such contracts, leases, grants, or cooperative agreements as necessary to carry out the purposes of this title. Establishes an Atlantic Coral Reef Institute and a Pacific Coral Reef Institute to conduct ecological research and assist in developing and implementing required strategies, action plans, emergency plans, and building capacity within governmental resource management agencies.

*Section 216. Coral Reef Prize Competitions* – Authorizes the head of any federal agency serving on the U.S. Coral Reef Task Force to carry out a program to award prizes competitively under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980.

*Section 217. Authorization of Appropriations* – Authorizes \$38,000,000 for each fiscal year 2022–2026 to carry out the Act and authorizes an additional \$15,000,000 for each fiscal year 2022–2026 for block grants and cooperative agreements.

*Section 218. Definitions* – Updates definitions in the Coral Reef Conservation Act.

*Sec. 70402. Modification to Section 204 of the Coral Reef Conservation Act of 2000.*

Amends section 204 of the Coral Reef Conservation Act of 2000 to ensure equity for the territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands. These amendments allow block grant funds to qualify as the non-federal share of project costs and allow for cost-share waivers for the territories for Section 213 conservation grants.

## **TITLE V – UNITED STATES CORAL REEF TASK FORCE**

*Sec. 70501. Establishment.*

Establishes a U.S. Coral Reef Task Force.

*Sec. 70502. Duties.*

Defines the duties of the Task Force to include coordination, cooperation, monitoring, assessment, and technical assistance in the implementation and performance of coral reef management and restoration activities under Title IV.

*Sec. 70503. Membership.*

Defines the membership of the Task Force to include representatives of several federal agencies as well as non-voting members appointed by the President of the Federated States of Micronesia, the President of the Republic of the Marshall Islands, and the President of the Republic of Palau.

*Sec. 70504. Responsibilities of Federal agency members.*

Establishes responsibilities of federal members, including examining impacts of agency action on coral reefs.

*Sec. 70505. Working groups.*

Directs the establishment of working groups to carry out the work of the Task Force.

*Sec. 70506. Definitions.*

## **TITLE VI – DEPARTMENT OF THE INTERIOR CORAL REEF AUTHORITIES**

*Sec. 70601. Coral reef conservation and restoration assistance.*

Authorizes the Secretary of the Interior to provide scientific expertise, technical assistance, and financial assistance for management and restoration activities consistent with Title IV. Authorizes the Secretary to establish a Coral Reef Initiative Program within the Office of Insular Affairs and provide financial, technical, or scientific assistance for U.S. territories and Freely Associated States. Authorizes a total of \$4,000,000 to be appropriated to the Secretary of the Interior for each of fiscal years 2022–2026 to carry out these authorities.



## **TITLE VII – SUSAN L. WILLIAMS NATIONAL CORAL REEF MANAGEMENT FELLOWSHIP**

*Sec. 70701. Definitions.*

*Sec. 70702. Establishment of fellowship program.*

Establishes a fellowship program for early-career scientists and ecosystem managers to provide management agencies of State, Tribal organizations, and the Freely Associated States with highly qualified candidates to strengthen domestic coral reef management while providing fellows with professional management experience and resources.

*Sec. 70703. Fellowship awards.*

This section establishes the terms and qualifications for fellowship awards under this title.

*Sec. 70704. Authorization of appropriations.*

Authorizes a total of \$1,500,000 for each fiscal years 2022–2026, to be appropriated to the Administrator of NOAA for the fellowship.

## **TITLE VIII – BUY AMERICAN SEAFOOD**

*Sec. 70801. Sense of Congress.*

Expresses the sense of Congress that U.S. government agencies that purchase seafood should prioritize buying seafood caught or harvested in the United States.

*Sec. 70802. Caught in the USA.*

Provides authority to the Secretary of Commerce to make grants from the Saltonstall-Kennedy fund to promote the consumption of seafood products that are local or domestic, climate-friendly, or from well-managed but less known species.

## **TITLE IX – INSULAR AFFAIRS**

*Sec. 70901. Ocean and Coastal Mapping Integration Act.*

Adds an assessment of progress in the study of Insular Areas and the effects of climate change as an element of the biennial report to Congress required by the Ocean and Coastal Mapping Integration Act. Such inclusion would monitor and ensure progress toward innovation and science in U.S. Insular Areas.

## **TITLE X – STUDIES AND REPORTS**

*Sec. 71001. Deep-sea mining.*

Deposits on the deep seafloor contain minerals and rare earth elements (REEs) used in modern technology. All mining comes at an environmental cost, but very little is known about the environmental impacts of deep-sea mining. A comprehensive cost-benefit analysis is needed to identify alternatives to foreign dependence on REEs and precious minerals. China controls 30–37% of known REE deposits and 70–77% of global processing and production. By contrast, the U.S. has 1% of known REE deposits with no processing power and is considered 100% import reliant (80% of which is from China). Given China’s expansion of claim to the high seas and its

planned exploitation of deep-sea resources, the U.S. should take proactive steps to address and understand uncertainties associated with deep seabed mining and the impacts of such activities on deep-sea carbon storage.

This section authorizes a National Academies study of the environmental impacts associated with deep seabed mining, including characterization of deep seabed ecosystems, assessment of species impacts, sediment plume impacts, and potentially related emissions.

*Sec. 71002. National Academies assessment of oceanic and blue carbon.*

Authorizes a National Academies study of the global carbon sequestration potential of protecting or restoring oceanic blue carbon, including natural carbon storage in the deep seafloor environment and marine mammals, and the impacts of ocean activities like mining on such carbon storage.

## **TITLE XI – MISCELLANEOUS**

*Sec. 71101. Law enforcement attaché deployment.*

Expands the U.S. Fish and Wildlife Service law enforcement attaché program to at least 50 attachés, with posts in countries with high levels of wildlife trafficking and illegal wildlife trade. Authorizes \$150,000,000 for each fiscal year 2022–2030.

*Sec. 71102. Lacey Act amendments.*

Addresses threats from wildlife disease and invasive species by amending the Lacey Act to allow for up to a 3-year emergency ban on importation of wildlife that poses imminent threats, including to human health, and to prohibit the transportation of injurious species across state lines in response to a circuit court ruling that limited the scope of the Lacey Act. Bans new species imports until they are found to not be invasive in the United States.

*Sec. 71103. Shark fin sales elimination.*

The U.S. continues to import shark fins from countries that do not have regulations against shark finning. According to DNA tests, fins entering and leaving the U.S. may be from sharks that are threatened with extinction. Of the 14 most common shark species involved in the Hong Kong fin trade, more than 70 percent of the species are at high or very high risk of extinction, such as the scalloped hammerhead and oceanic whitetip. This section prohibits the domestic sale of shark fins and creates a violation penalty under the Magnuson-Stevens Fishery Conservation and Management Act.

## **DIVISION I – COMMITTEE ON THE JUDICIARY**

### **TITLE I – SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND THE INTERNET**

*Sec. 80101. Basic Research.*

This section would prevent the disclosure of the identities of any member of a review panel to applicants by any agency that awards Federal research grants.

*Sec. 80102. Collection of demographic information for patent inventors.*

Subsection (a) would add a new section 124 to title 35:

*New § 124(a)* provides that the Director shall allow for the collection, on a voluntary basis, of information on gender, race, military or veteran status, and any other demographic category that the Director determines is appropriate from patent applicants.

*New § 124(b)* requires the Director to keep the demographic information confidential and separate from the rest of the patent application as it is considered by the patent examiner.

*New § 124(c)* exempts this demographic information from disclosure under the Freedom of Information Act and the Paperwork Reduction Act.

*New § 124(d)* requires annual reporting from the Director on patent applicants and inventors on issued patents broken down by demographics, technology class of the invention, and country and state (if in the United States) of residence and that the Director make an anonymized version of the underlying data available to the public.

*New § 124(e)* requires the Director to provide a biennial report to Congress on the data collection process and recommendations for improvements.

Subsection (b) makes technical and conforming edits.

*Sec. 80103. Stopping harmful offers on platforms by screening against fakes in e-commerce.*

Subsection (a), entitled Contributory Liability for Electronic Commerce Platforms, amends Section 32 of the Trademark Act of 1946 (15 U.S.C. § 1114) to append a new paragraph (§ 1114(4)) that provides expressly for contributory liability for electronic commerce platforms for sales of counterfeit products that pose a risk to consumer health and safety unless certain best practices are followed by the platform. This would replace the liability framework established by case law under the leading case *Tiffany (NJ), Inc. v. eBay*, 600 F.3d 93 (2d Cir. 2010), under which a platform is liable for counterfeiting by a third-party seller if it has specific knowledge of the infringement (usually through a notice provided by a trademark owner) and fails to take action. Under this new paragraph, covered platforms would instead avoid liability by implementing the following best practices:

- Confirming that the seller has a designated agent for service of process in the United States or a verified U.S. address for service of process in the United States under new clause (i);
- Verifying the seller's identity, location, and contact information, including government-issued identification to the extent possible under new clause (ii);
- Requiring the seller to verify and attest that its goods are authentic unless the seller qualifies for an exemption under subparagraph (C) under new clause (iii);
- Conditioning the seller's use of the platform on agreeing not to sell counterfeits, consenting to being sued in U.S. court, and designating an agent or verified address for service of process in the United States under new clause (iv);
- Displaying in listings the seller's identity, location, and contact information, and the country from which the goods were originally shipped, with exceptions for personal information under new clause (v);

- Displaying in listings the country of origin of the goods as identified by the seller unless the seller qualifies for an exemption under subparagraph (C) under new clause (vi);
- Requiring sellers to use images that accurately depict the actual goods offered for sale under new clause (vii);
- Using reasonable proactive measures to screen for counterfeits before a seller's goods appear on the platform, such as the size and resources of the platform, the available technological solutions at the time of screening, and what information the trademark owner may have provided to the platform under new clause (viii);
- Providing an electronic means for registrants and consumers to notify a platform of a suspected use of a counterfeit mark under new clause (ix);
- Expeditiously removing listings selling counterfeit goods with reposting of the listing permitted if an investigation reveals such goods were not counterfeit under new clause (x);
- Terminating sellers following a written, public termination policy that have repeatedly listed or sold counterfeit goods on the platform, with reinstatement allowed if there are reasonable mitigating circumstances, such as the seller's overall activity and efforts the seller has taken to cure supply chain problems under new clause (xi);
- Screening sellers using reasonable measures to prevent terminated sellers from rejoining or remaining on the platform under a different alias or storefront under new clause (xii);
- Providing a means to contact an allegedly infringing seller upon a registrant's request under new clause (xiii);

*New § 1114(4)(B)* describes the two types of e-commerce platforms to which the framework established in the Act would apply: (1) A platform with annual sales of \$500,000 or more; or (2) A platform that has less than \$500,000 in annual sales but that has received ten notices identifying counterfeit goods that implicate health and safety and which contains other information specified in this paragraph;

*New § 1114(4)(C)* would exempt platforms from requiring third-party seller compliance with new sections 1114(4)(A)(iii) and (vi) when a listing is less than \$5,000 and the seller sells or offers for sale 5 or fewer of goods of the same type with the same mark within a one-year period on the platform;

*New § 1114(4)(D)* is a savings clause that would leave undisturbed any theory of liability that is not addressed by this new paragraph;

*New § 1114(4)(E)* indexes the \$500,000 amount in subparagraph (B) and \$5,000 amount in subparagraph (C) to inflation;

*New § 1114(4)(F)* defines the terms “counterfeit mark,” “electronic commerce platform,” “goods that implicate health and safety,” and “third-party seller”;

Subsection (b) would add a new section to the Trademark Act of 1946, new Sec. 32A, entitled “Material Misrepresentations in Take-Down Notices” which would establish that any person who submits a take-down notice for a good implicating health and safety to a platform that contains a

knowingly material misrepresentation can be sued by the third-party seller injured by such misrepresentation, which may elect to recover statutory damages for each such notice of between \$2,500-\$15,000, or if aggravating circumstances exist, between \$15,000 and \$75,000. A platform may bring suit against anyone who makes a material misrepresentation in 10 or more notices under the same circumstances after obtaining written consent from the third-party seller or sellers to which the notices were directed;

Subsection (c) would set the effective date of the Act one year after enactment.

## **TITLE II – SUBCOMMITTEE ON ANTITRUST, COMMERCIAL AND ADMINISTRATIVE LAW**

### *Sec. 80201. Premerger notification filing fees.*

Amends section 18a note of title 15, United States Code. Subsection 1 changes the filing fees from \$45,000 to \$30,000 for transactions valued below \$161,500,000. It changes the filing fees from \$125,000 to \$100,000 for transactions valued between \$161,500,000 and less than \$500,000,000. It adjusts the filing fees from \$280,000 to \$250,000 for transactions valued between \$500,000,000 and less than \$1,000,000,000.

Subsection 1 also adds additional filing fee schedules for certain transactions. A filing fee of \$400,000 is established for transactions valued between \$1,000,000,000 and less than \$2,000,000,000. A filing fee of \$800,000 is established for transactions valued between \$2,000,000,000 and less than \$5,000,000,000. A filing fee of \$2,250,000 is established for transactions valued at \$5,000,000,000 and above.

Finally, subsection 1 adjusts the fee changes to increases in the Consumer Price Index to account for inflation.

### *Sec. 80202. Authorization of appropriations.*

Sets forth that \$252,000,000 is authorized to be appropriated for the Antitrust Division of the Department of Justice and \$418,000,000 is authorized to be appropriated for the Federal Trade Commission for fiscal year 2022.

## **TITLE III – SUBCOMMITTEE ON IMMIGRATION AND CITIZENSHIP**

### *Sec. 80301. W visas.*

This section amends section 101(a)(15) of the Immigration and Nationality Act (INA) to create a new classification of “W” nonimmigrants as follows:

- W-1: Entrepreneurs with an ownership interest in a start-up entity;
- W-2: Essential employees of a start-up entity; and
- W-3: The spouses and children of W-1 or W-2 nonimmigrants.

### *Sec. 80302. Start-up entities; nonimmigrant entrepreneurs and employees.*

This section amends chapter 2 of title II of the INA by adding a new sections 218A, 218B, and 218C:

***New sec. 218A.—Start-Up Entities; Admission of Nonimmigrant Entrepreneurs and Employees.***

*New sec. 218A(a)(1).—Nonimmigrant Entrepreneurs.* Directs the Secretary of Homeland Security (hereinafter “Secretary”) to establish procedures for aliens to self-petition for classification as a W-1 nonimmigrant. Provides the Secretary with discretion to classify an alien as a W-1 nonimmigrant for an initial 3-year period if (1) the alien possesses an ownership interest of not less than 10 percent in a start-up entity; (2) the alien will play a central and active role in the management or operations of the start-up entity; (3) the alien possesses the knowledge, skills, or experience to substantially assist the start-up entity with the growth and success of its business; and (4) during the 18-month period preceding the filing of the petition, the start-up entity received at least \$250,000 in qualifying investments from one or more qualified investors; or at least \$100,000 in qualifying government awards or grants.

*New sec. 218A(a)(2).—3-Year Extension Eligibility Criteria.* Provides the Secretary with discretion to approve a petition to extend W-1 nonimmigrant status for an additional 3-years if (1) the alien possesses an ownership interest of not less than 5 percent in the start-up entity that formed the basis for the initial petition for classification as a W-1 nonimmigrant; (2) the alien will continue to play an active and central role in the management or operations of the start-up entity; and (3) during the alien’s initial period of status as a W-1 nonimmigrant, the start-up entity (a) received not less than \$500,000 in additional qualifying investments from one or more qualified investors, qualifying government awards or grants, or a combination of such funding; (b) created at least 5 qualified jobs; or (c) generated not less than \$500,000 in annual revenue in the United States and averaged 20% in annual revenue growth.

*New sec. 218A(a)(3).—Additional Extensions in 1-Year Increments.* Provides the Secretary with discretion to approve a petition to further extend W-1 nonimmigrant status in 1-year increments, for up to 2 years, if the Secretary determines (1) the alien maintains an ownership interest in the start-up entity; (2) the alien will continue to play an active and central role in the management or operations of the start-up entity; and (3) the start-up entity has made substantial progress in satisfying the job growth requirement and the capital or revenue requirement for an immigrant visa under paragraphs (2) and (3) of new section 218B(c) and is reasonably expected to meet such requirement in not less than 1 year.

*New sec. 218A(a)(4).—Other Comparable Evidence.* Provides the Secretary with discretion to grant an initial 3-year period of W-1 status or a 3-year extension of such status if the start-up entity partially meets the capital requirement, or the revenue or job growth requirement, if applicable, and the Secretary determines, based on other reliable and compelling evidence, that the entity has substantial potential for rapid growth and job creation.

*New sec. 218A(a)(5).—Reporting of Material Changes.* Requires a W-1 nonimmigrant to immediately notify the Secretary in writing if he or she will no longer play a central and active role in the management or operations of the start-up entity or ceases to possess a qualifying ownership interest in the start-up entity. Provides that the W-1 nonimmigrant will cease to possess a qualifying ownership interest in the start-up entity if (1) during the initial 3-year period of W-1 status, the alien’s ownership interest falls below 5 percent; or (2) during any period of extension of such status, the alien ceases to maintain any ownership interest.

*New sec. 218A(a)(6).—Clarification.* Clarifies that with respect to an alien who establishes a qualifying ownership interest in a new start-up entity and is otherwise eligible for classification as a W-1 nonimmigrant, the Secretary shall grant such alien W-1 status in accordance with this subsection, notwithstanding any time previously spent in such status with a different start-up entity.

*New sec. 218A(b)(1).—Nonimmigrant Essential Employees.* Directs the Secretary to establish procedures for a start-up entity that serves as the basis for an approved petition under subsection (a) to petition for W-2 classification for personnel who are essential to the growth and success of the start-up entity. Provides the Secretary with discretion to approve such a petition if the Secretary determines that the alien (1) has an offer of employment from the start-up entity to serve in an executive or managerial capacity; and (2) possesses knowledge, skills, or experience that are essential to the growth and success of the start-up entity.

*New sec. 218A(b)(2).—Numerical Limitations.* Limits the number of aliens that may be employed by a start-up entity in W-2 status at any one time to:

- 2 if such entity has 10 or fewer full-time employees;
- 3 if such entity has at least 11 and not more than 30 full-time employees;
- 4 if such entity has at least 31 and not more than 70 full-time employees; and
- 5 if such entity has more than 70 full-time employees.

*New sec. 218A(b)(3).—3-Year Extension.* Provides the Secretary with discretion to extend the status of a W-2 nonimmigrant for 3 years.

*New sec. 218A(b)(4).—Termination of Eligibility to Petition for W-2 Nonimmigrants.* Specifies that a start-up entity's eligibility to file new petitions for W-2 nonimmigrants terminates on the date that the entity ceases to serve as the basis for W-1 nonimmigrant status for any of its founders.

*New sec. 218A(c).—Spouses and Children.* Provides that the spouses and children accompanying or following to join W-1 and W-2 nonimmigrants shall be entitled to classification as W-3 nonimmigrants. Requires the Secretary to authorize W-3 spouses for employment.

*New sec. 218A(d).—Termination of Nonimmigrant Status.* Requires the Secretary to issue a notice of intent to terminate W-1 or W-2 status if the Secretary has reasonable grounds to believe that (1) the facts or information contained in the petition were not true and accurate; (2) the alien failed to timely file or otherwise comply with the material change reporting requirement, if applicable; or (3) the petition was erroneously granted. Requires the notice of intent to terminate to identify the grounds for termination and provide at least 60 days for the alien to respond.

*New sec. 218A(e).—Dual Intent.* Specifies that W nonimmigrant classification may be conferred upon an alien notwithstanding any intention of the alien to seek lawful permanent residence in the United States.

*New sec. 218A(f).—Definitions.* Defines the terms “full-time employee”, “qualified investor”, “qualified job”, “qualifying employee”, “qualifying government award or grant”, “qualifying investment”. “Secretary”, “Start-Up Entity”, and “United States business entity”.

***New sec. 218B.—Admission of Immigrant Entrepreneurs.***

*New sec. 218B(a).—In General.* Directs the Secretary to establish procedures for an alien to self-petition for classification as an immigrant entrepreneur.

*New sec. 218B(b).—Exclusion from Numerical Limitations.* Provides that an alien classified as an immigrant entrepreneur, and the spouse and children of such alien, are immediately eligible for immigrant visas and that such visas shall not be subject to or counted against the numerical limitations in the INA.

*New sec. 218B(c).—Eligibility Criteria.* Provides the Secretary with discretion to approve a petition for classification as an immigrant entrepreneur if the Secretary determines (1) the alien (A) is present in the United States and has maintained status as a W-1 nonimmigrant or other nonimmigrant status that forms the basis for employment with the start-up entity; (B) has maintained an ownership interest in the start-up entity since its formation; and (C) plays an active and central role in the management or operations of the start-up entity; and (2) the start-up entity has created at least 10 qualified jobs; and (3) the start-up entity has (A) raised not less than a total of \$1,250,000 in qualifying investments; or (B) generated not less than \$1,000,000 in annual revenue in the United States in the 2-year period preceding the filing of the petition.

*New sec. 218B(d).—Immigrant Visa Processing or Adjustment of Status.* Clarifies that an alien classified as an immigrant entrepreneur, and the spouse and children of such alien, may apply for visas at a U.S. consulate or embassy abroad or adjustment of status if they are otherwise eligible for adjustment.

***New sec. 218C.—Inflation Adjustment; Fees.***

*New sec. 218C(a).—Inflation Adjustment.* Allows the Secretary to adjust the monetary amounts for required revenue and capital investment on a biennial basis in accordance with the Consumer Price Index for All Urban Consumers.

*New sec. 218C(b).—Fees.* Provides the Secretary with discretion to charge a reasonable fee that is commensurate with the cost of processing petitions or applications under sections 218A or 218B. Requires the collection of a \$1,000 supplemental fee in connection with petitions for classification as a W-1 nonimmigrant and petitions for classification as an immigrant entrepreneur which will fund STEM scholarships for low-income U.S. students. Requires the Secretary to establish premium processing for petitions and applications filed under sections 218A and 218B, subject to reasonable conditions.

***Sec. 80303. Doctoral STEM Graduates.***

*Sec. 80303(a).—In General.* Amends section 201(b)(1) of the INA to exempt from the numerical limitations on immigrant visas, aliens (and the spouses and children of such aliens) who (1) meet the requirements for classification as an immigrant under the employment-based first preference



category [extraordinary ability aliens, outstanding professors or researchers, multinational executives and managers] or employment-based second preference category [advanced degree professionals or exceptional ability aliens]; (2) have earned a doctoral degree in science, technology, engineering, or mathematics (STEM) from a qualified United States research institution or a foreign institution if the degree is the equivalent to a degree issued by a United States research institution; and (3) are seeking admission to engage in work in the United States in a field related to such a degree.

*Sec. 80303(b).—Procedures.* Requires aliens seeking classification as a doctoral STEM graduate to file a petition with the Secretary of Homeland Security. Requires the collection of an additional \$1,000 fee in connection with petitions for classification as a doctoral STEM graduate which will fund STEM scholarships for low-income U.S. students. Defines the terms “historically Black college or university”, “minority-serving institution”, “program of study involving science, technology, engineering, or mathematics”, and “qualified United States research institution”.

*Sec. 80304.—Conforming Amendments.* Makes conforming amendments to section 414(d)(4) of the American Competitiveness and Workforce Improvement Act of 1998 and to section 204(e) of the Immigration and Nationality Act.

*Sec. 80305.—Rulemaking.* Requires the Secretary to consult with the Secretary of State and the Secretary of Commerce and publish an interim final rule implementing the provisions of this title not later than 180 days after the date of enactment. Requires the Secretary to publish a final rule not later than 1 year after the date of enactment.

Requires the rule to include procedures for investors to request designation as “qualified investors,” and streamlined filing procedures for aliens seeking classification as a W-1 nonimmigrant or immigrant entrepreneur based on investments made by one or more designated qualified investors.

## **DIVISION J – COMMITTEE ON EDUCATION AND LABOR**

### **TITLE I – NATIONAL APPRENTICESHIP ACT OF 2022**

#### *Sec. 90101. Short Title*

This section states that the title of the bill is the *National Apprenticeship Act of 2022* (the Act or this Act).

#### *Sec. 90102. Effective Date*

This section states that the Act and amendments made by it will take effect October 1, 2022.

#### *Sec. 90103. Amendment*

This section amends the *Act of August 16, 1937* (commonly referred to as the *National Apprenticeship Act*), and all contents hereafter in this section contain amendments made to the *Act of August 16, 1937*.

#### *Section 1. Short Title and Table of Contents*

This section specifies that the Act may be cited as the *National Apprenticeship Act of 2022*.

## *Section 2. Definitions*

This section defines key terms, including:

- *Apprentice*. This means an individual who is at least 16 years of age, except where a higher minimum age standard is otherwise required by law, who is employed by an employer that sponsors or participates in an apprenticeship program; and is a participant of an apprenticeship program.
- *National Program Standards of Apprenticeship*. This means a set of apprenticeship program standards developed and adopted by a sponsor that are designed for nontraditional apprenticeship occupations that are demonstrably national or multi-State in their design, suitability, and scope, and that are registered on a nationwide basis by the Office of Apprenticeship.
- *Nontraditional apprenticeship populations*. This means any group of individuals the members of which comprise fewer than 25 percent of the individuals participating in a program under the national apprenticeships system, or comprise a percentage of individuals employed in an occupation suitable for apprenticeship that is lower than the percentage of the total population comprised by such members.
- *Nontraditional apprenticeship occupations*. This means any occupation in an industry or sector that has averaged fewer than 10 percent of program participants for each of the past 5 years.
- *National apprenticeship system*. This means apprenticeships, youth apprenticeships, and pre-apprenticeships that meet the standards of this Act coordinated by the Office of Apprenticeship and State apprenticeship agencies.
- *Program participants*. This mean apprentices, youth apprentices, or pre-apprentices.
- *Recognized postsecondary credentials*. This has the same meaning as such term is defined in the *Workforce Innovation and Opportunity Act* (WIOA), except that the definition in this Act does not include the certificate of completion of an apprenticeship program.
- *Registration agency*. This means the Office of Apprenticeship (OA) or State apprenticeship agency in a state that is responsible for registering programs under the national apprenticeship system and program participants in the State or area, and carrying out the responsibilities of supporting the youth apprenticeship, pre-apprenticeship, or apprenticeship programs registered by such Office or agency.

## *Section 3. Programs Under the National Apprenticeship System*

This section ensures that any funds appropriated under the Act are used only for programs under the national apprenticeship system.

## *Section 4. Transition Provisions*

This section provides for an orderly transition between the existing law and the amendments made by the *National Apprenticeship Act of 2022*.

## *Section 5. Disaggregation of Data*

This section ensures data disaggregation will not occur when such disaggregation would result in the release of personally identifiable information.

### *Section 6. Relation to Other Laws*

This section provides that nothing in this Act invalidates, supersede or limits the remedies, rights, and procedures under any federal, State or local law or the law of any state or political subdivision of any state or jurisdiction establishing minimum labor standards of apprenticeship or minimum requirements for equal employment opportunity under the national apprenticeship system that are more protective than those established under this Act, including laws governing the ratio of apprentices to journey workers, the minimum starting age of an apprentice, the minimum entry wage payable to a program participant, the minimum number of hours of on-the-job learning or related instruction, and the provision of remedies, rights, and procedures that provides greater or equal protection for individuals based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, genetic information, or disability than are afforded by this Act.

### *Section 111. The Office of Apprenticeship*

This section codifies the OA within the Employment and Training Administration of the Department of Labor (DOL), specifies that it is to be headed by an Administrator who will facilitate the requirements of this Act and any subsequent regulations, and that the OA will have final-decision-making authority related to the registration, deregistration and operation of registered programs. This section outlines the responsibilities of the OA, which include:

- Promotional and awareness activities to expand programs under the national apprenticeship system;
- Providing technical assistance to State Apprenticeship Agencies (SAA) and programs for compliance, complaints, program development, grant delivery and execution, and sharing of best practices;
- Cooperating with other Federal agencies for the promotion and adoption of programs under the national apprenticeship system, by providing technical assistance to states, and supporting the stackability and portability of academic credit and credentials;
- Establishing and overseeing a State Office of Apprenticeship (SOA) in states without an SAA;
- Reviewing the standards for the registration process and occupations suitable for apprenticeship for programs under the national apprenticeship system. This includes the establishment and oversight of national standards for occupations suitable for apprenticeship that could be used by any sponsors across the country. The Act requires that, within one year and after consultation with industry and expert stakeholders, the Secretary issue regulations regarding standards and requirements for occupations suitable for apprenticeship;
- Promoting diversity of apprenticeship programs and ensuring equal opportunity for participation in programs under the national apprenticeship system, including through supporting the recruitment of nontraditional apprenticeship populations like women, people of color, and individuals with barriers to employment; and
- Consulting with the National Advisory Committee on Apprenticeships.

This section also requires the OA to establish a single data collection system to support the collection of performance data, and to provide a publicly accessible website with information

on programs under the national apprenticeship system, including available program offerings, program performance, and program credentials.

*Section 112. National Advisory Committee on Apprenticeships*

This section codifies the National Advisory Committee on Apprenticeships (Advisory Committee) within the DOL to advise the Secretary on policies, regulations, improving efficiencies, and the establishment of nontraditional occupations suitable for apprenticeship. The Advisory Committee has 27 members appointed by the Secretary and designates as *ex officio* representatives from several federal agencies. This section delineates the categories of participants, establishes staggered three-year terms, sets the frequency of meetings, and duties of the Advisory Committee.

*Section 113. State Apprenticeship Agencies and State Offices of Apprenticeship*

This section codifies the requirements to recognize SAAs, authorizes SAAs to approve programs under the national apprenticeship system within their state, and authorizes SAAs to establish and maintain a state apprenticeship council. This section requires SAAs and SOAs to submit a state plan to DOL that describes how the SAA or SOA will:

- Provide technical assistance to sponsors, employers, program participants, and relevant stakeholders;
- Provide reciprocity for programs under the national apprenticeship system registered in other states or with DOL;
- Promote diversity and equal opportunity in programs under the national apprenticeship system within their state;
- Resolve complaints from program participants, employers, sponsors, or other interested parties;
- Establish state apprenticeship hubs to act as regional centers for best practices and program expansion;
- Establish state performance goals, including goals on diversity within apprenticeship programs in the state and the recruitment of nontraditional apprenticeship populations;
- Align state workforce activities with the state's apprenticeship activities as is done in WIOA and the *Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act*; and
- Provide apprenticeship programs with expedited consideration for inclusion on the list of eligible providers of training services under section 122(d) of WIOA.

This section authorizes funding for SAAs and SOAs, beginning with \$75 million for FY 2023 and increasing by \$10 million annually to reach \$115 million in FY 2027. Funding allocation: one-third equally distributed to all states and outlying areas, and two-thirds distributed via formula to SAAs. Allowable uses of funds include: program administration; educational alignment (not less than 10 percent); workforce alignment (not less than 10 percent); and state leadership activities (no more than 15 percent), which includes increasing population and industry diversity, incentives for employer to participate, and state initiatives for developing apprenticeships.

*Sec. 114. Interagency Agreement with Department of Education*

This section requires the Secretaries of Labor and Education to enter into an interagency agreement to promote and support integration and alignment among secondary, postsecondary, and adult education and programs under the national apprenticeship system. The section also sets out the activities this interagency agreement must include:

- Aligning youth apprenticeship programs and high school graduation requirements;
- Creating an apprenticeship college consortium or network of higher education institutions, apprenticeship program instructors, sponsors, qualified intermediaries, and employers to promote stronger connections between programs under the national apprenticeship system and participating 2- and 4-year postsecondary educational institutions;
- Developing and disseminating best practices; and
- Establishing a data sharing agreement.

#### *Section 121. Occupations Suitable for Apprenticeship*

This section codifies the requirements for an occupation to be considered suitable for apprenticeship and stipulates the criteria under which the OA will assess that qualification.

#### *Section 122. Quality Standards of Programs Under the National Apprenticeship System*

This section sets the standards for apprenticeship, pre-apprenticeship, and youth apprenticeship programs. The standards require that all programs under the national apprenticeship system:

- Provide organized and clearly written plans for related instruction, alignment of the program to high-skill, high-wage, or in-demand industry sectors and occupations, mentoring, and recognized postsecondary credentials;
- Meet required safety standards and training, including providing necessary accommodations, free from discrimination, including harassment and retaliation;
- Maintain all necessary records, including for veterans and eligible individuals to use educational benefits for programs under the national apprenticeship system;
- Provide all individuals with equal opportunity to participate in programs under the national apprenticeship system and with program materials that conform with accessibility standards required by the Rehabilitation Act of 1973;
- Provide a certificate of completion and an apprenticeship agreement for each program participant; and
- Provide a ratio of apprentices to supervisors based on the occupation, best practices, supervision, safety, relative hazards of the occupation, and employment continuity, are consistent with previous collective bargaining agreements and does not contravene other Federal or State laws that may establish more protective standards with respect to the establishment of ratios of apprentices to journey workers.

The standards specific to apprenticeship programs include:

- An organized and clearly written plan addressing the on-the-job learning and related instruction the apprentices will receive, including whether the program will be time-based, competency-based, or a hybrid of the two models;
- A schedule of progressively increasing wages to be paid to apprentices and the program's term of apprenticeship;

- Ongoing evaluation of skill and competency development, including an expected timeline for such evaluation;
- An award of advanced standing or credit for eligible individuals, including veterans' service-acquired skills and competencies;
- Minimum qualifications for participants; and
- Any interim credentials awarded.

The standards for pre-apprenticeship programs, which prepare individuals to meet the requirements to enter an apprenticeship program, include:

- A formal agreement with at least one apprenticeship program to inform the training and education needed as part of the pre-apprenticeship program; and
- Career exposure, career planning, and career awareness activities;

The standards for youth apprenticeship programs are intended to prepare students who are currently enrolled in high school for entry into an apprenticeship program, further education, or employment upon completion of the youth apprenticeship program and graduation, and include:

- A clearly defined plan for classroom-based related instruction and on-the-job learning similar to the apprenticeship standards, which can be fulfilled through dual or concurrent enrollment that is, to the extent practicable, aligned to high school diploma requirements;
- A schedule of progressively increasing wages to be paid to youth apprentices and the program's terms of the youth apprenticeship;
- Awarding advanced standing or credit for eligible individuals;
- Minimum qualifications for participants; and
- Any interim credentials awarded.

### *Section 123. Apprenticeship Agreement*

This section codifies the requirements for the apprenticeship agreement between the program sponsor and the apprentice, pre-apprentice or youth apprentice. These agreements contain the program standards under section 122, including:

- A description of the time-based, competency-based, or hybrid model;
- A description of the related instruction, including the hours and related costs such as equipment and related instruction, and the recognized postsecondary credentials the program participants would receive;
- A schedule of the work processes;
- the graduated wage scale, benefits, and how such wages and benefits compare to the State, local or regional wages for apprentices or youth apprentices; and
- A demonstrated commitment to ensuring equal opportunity for participation in programs under the national apprenticeship system, including through supporting the recruitment of nontraditional apprenticeship populations like women, people of color, and individuals with barriers to employment.

### *Section 124. Registration of Programs Under the National Apprenticeship System*

This section codifies the process for registering programs under the national apprenticeship system, including the information that is required of the registration agency, the registration approval process, and the process for modifications or changes to programs once registered.

#### *Sec. 131. Apprenticeship Program Evaluations*

This section requires that the registration agencies collect data on performance indicators, which include the core performance accountability indicators required under WIOA and program completion rates. Each SAA or SOA must annually submit a performance report to the Administrator, which contains the following information, disaggregated by program type (apprenticeship, pre-apprenticeship, youth apprenticeship), including:

- The levels of performance for programs in the state as compared to the state performance goals;
- The diversity of program participants in the state as compared to the working age population in the recruitment area of the program;
- The percentage of program participants that obtain unsubsidized employment in a field related to the occupation suitable for apprenticeship;
- The average time to completion;
- The average cost per participant;
- The percentage of program participants that received supportive services; and
- Information on state uses of funds.

This section codifies the existing requirement that registration agencies conduct reviews of each program they have registered at least once every five years. Registration agencies can provide technical assistance to program sponsors that need assistance in:

- Meeting the state goals for diversity and equal opportunity;
- Developing a program improvement plan if the program is not in operation or complying with the requirements of the Act; or
- Achieving the state goals for levels of performance.

The registration agency can take corrective action and may deregister a program if:

- The sponsor consistently fails to register at least one apprentice, pre-apprentice or youth apprentice;
- The program shows a pattern of poor results on indicators over a period of three years;
- The program does not improve in the areas set out by the registration agency in a performance plan; or
- The sponsor does not administer the program in a manner that complies with the program's registration or with this Act's requirements.

#### *Sec. 132. National Apprenticeship System Research*

This section establishes requirements for the Secretary, with guidance from the National Advisory Committee, to conduct research on the programs and activities related to programs under the national apprenticeship system through an independent entity. The research must address:

- Programs' general effectiveness related to their costs, including through the improvement of skills and competencies, employment, recognized postsecondary credentials, and responsiveness to the labor market;

- The impact of the policy changes made by the *National Apprenticeship Act of 2022*;
- Best practices for increasing nontraditional apprenticeship populations' participation; and
- Opportunities to scale effective program models.

*Sec. 141. Authorization of Appropriations*

This section authorizes appropriations for the OA at \$50 million in Fiscal Year (FY) 2023 , increasing by \$10 million annually to reach \$90 million in FY 2027. It also authorizes appropriations for the Interagency Agreement at \$10 million in FY 2023, increasing \$2 million annually to reach \$18 million in FY 2027.

*Sec. 201. Grant Requirements*

This section authorizes DOL to award “Modernizing Apprenticeship Programs for the 21<sup>st</sup> Century” grants to eligible entities for the purpose of:

- Creating new apprenticeships in nontraditional apprenticeship industries or occupations or expanding existing programs for apprenticeships, pre-apprenticeships, and youth apprenticeship;
- Encouraging employer participation in the national apprenticeship system, including:
  - Targeting individuals with barriers to employment for participation, prioritizing nontraditional apprenticeship populations such as women, minorities, long-term unemployed, individuals with disabilities, individuals with substance abuse issues, veterans, military spouses, individuals experiencing homelessness; individuals impacted by the criminal or juvenile justice system, and foster and former foster youth;
  - Providing opportunities in high-need social service-related industries, sectors, or occupations, such as direct care workers and early childhood educators; or
  - Targeting individuals currently or recently incarcerated;
- Supporting small- and medium-sized employers;
- Supporting intermediaries, including:
  - National industry intermediaries to expand programs under the national apprenticeship system in key sectors such as manufacturing, information technology, cyber security, health care, insurance and finance, energy, hospitality, retail, construction, and other sectors identified by the Secretary and the Advisory Committee;
  - Equity intermediaries to support nontraditional apprenticeship populations, such as women, minorities, individuals with disabilities, and individuals impacted by the criminal or juvenile justice system; or
  - Local or regional intermediaries to promote and expand programs through training or related instruction, engagement with local education providers to align with programs under the national apprenticeship system, providing participants with access to supportive services, and providing technical assistance for sponsors; and
- Strengthening alignment between programs under the national apprenticeship system with education and training providers at the secondary and postsecondary levels.

This section establishes the duration of grants and a requirement for grantees to match no less than 25 percent of the grant funds. The eligible entity may make the matching funds available



directly or through donations from non-Federal, public, or private organizations, in cash or in kind. This requirement may be waived for exceptional circumstances. This section requires prioritization of grant awards for eligible entities proposing to serve a high number or high proportion of nontraditional apprenticeship populations, and, to the extent practicable, geographically diverse distribution of awards. It also requires the demonstration of partnerships with stakeholders to be eligible for a grant, including an industry or sector partnership and labor or joint labor management organizations, to the extent practicable.

This section establishes the grant application requirements, including a description of:

- The ability of the eligible entity to carry out the grant requirements;
- A labor market analysis for the geographic area that is being served by the grant;
- A description of potential program participants and strategies to support recruitment, retention, and completion, including for nontraditional apprenticeship populations and individuals with barriers to employment, and strategies to recruit and support employers;
- A plan to:
  - comply with evaluation requirements;
  - coordinate activities across various federal programs including the *Carl D. Perkins Career and Technical Education Act of 2006*, the *Elementary and Secondary Education Act of 1965*, the *Higher Education Act of 1965*, and WIOA;
  - proposed use funds for this grant and plans to continue the program after the grant period ends; and
  - recruit and retain program participants, including from nontraditional populations, and how this plan will support the eligible entity in meeting the equal opportunity requirements of this Act; and
- Additional requirements based on the activities being carried out by the eligible entity.

#### *Section 202. Uses of Funds*

This section establishes eligible uses of grant funds based on activities being carried out by the eligible entity. It requires that at least five percent be reserved for emergency grants to program participants to support their financial needs to enter, remain enrolled in, and complete such program (e.g., support for the related costs of supplies and equipment, courses, transportation, child care, or housing).

#### *Section 203. Grant Evaluations*

This section establishes that each grant recipient must conduct an annual independent evaluation of the activities conducted under the grant and submit it to the registration agency and Secretary. The annual report requirements mirror the evaluation requirements from Section 131 of the amendments to the *National Apprenticeship Act* and include a description of how grant funds were used and how many program participants were served by the grant.

#### *Section 204. Authorization of Appropriations for Grants*

This section authorizes appropriations for five years to carry out the grant activities beginning at \$400 million in FY 2023 and increasing by \$100 million annually to reach \$800 million in FY 2027.

*Sec. 90104. Conforming Amendments.*

This section modifies a current provision of the *Immigration and Nationality Act* that directs 50 percent of H-1B visa fees collected by the U.S. Government to the DOL for job training programs and designates it for use by the DOL for the Modernizing the National Apprenticeship System for the 21st Century Grants.

## **TITLE II - ELEMENTARY AND SECONDARY EDUCATION**

*Sec. 90201. Postsecondary STEM pathways grants*

This section authorizes a new competitive grant program operated by the U.S. Department of Education to support equitable access to postsecondary STEM pathways that expose students to high-quality STEM coursework, reduce college costs, and improve postsecondary credit transfers. Under this program, an eligible entity (which includes the state educational agency, one or more school districts, and the state's public higher education system) will be eligible to receive a grant to support the development and implementation of postsecondary STEM pathways. Such pathways consist of a sequence of courses focused on STEM education that provide at least 12 credit hours—or the equivalent coursework—toward a recognized postsecondary credential, and may include advanced coursework, a dual or concurrent enrollment program, or an early college high school program. Grantees must ensure that credits earned under such pathways: 1) count as credit towards the State's regular high school diploma; and 2) are included as part of a statewide articulation agreement. Such articulation agreements must guarantee that all credit earned under a postsecondary STEM pathway fully transfers to all public institutions of higher education in the state and ensure such credit counts toward degree or certificate requirements. Grant recipients are required to take steps to ensure that marginalized students have equitable access to such pathways, including students from families with low incomes, students of color, children with disabilities, English learners, migrant students, students experiencing homelessness, children or youth in the foster care system, and first-generation college students.

*Sec. 90202. Improving access to elementary and secondary computer science education.*

This section authorizes a new competitive grant program operated by the U.S. Department of Education to improve the United States' global competitiveness by increasing equitable access to computer science education and computational thinking skills. Under this new program, state educational agencies (SEAs) will be eligible to receive a grant and must subgrant at least 90 percent of grant funds to local educational agencies (LEAs), with priority given to high-poverty LEAs and LEAs that partner with Historically Black Colleges and Universities or Minority Serving Institutions. Grant funds will be used to: 1) develop and implement a data-driven plan to provide equitable access to computer science education and the development of computational thinking skills, particularly for students from groups that are underrepresented in computer science fields; 2) support and diversify the computer science educator workforce; 3) implement evidence-based instructional practices; and 4) expose students to computer science career pathways through the development of extracurricular opportunities, career exploration and advising opportunities, and high-quality work-based learning opportunities.

## **TITLE III – HIGHER EDUCATION**

*Sec. 90301. Reauthorization of International Education Programs Under Title VI of the Higher Education Act of 1965.*

This section reauthorizes the international education programs under title VI of the Higher Education Act of 1965 (HEA) to increase and expand existing foreign language and area studies programs across the country; build international education capacity at minority-serving institutions; and promote opportunities for students and professionals to increase their knowledge of world regions, international business, and over 200 foreign languages at all levels of higher education.

*Sec. 90302. Confucius Institutes.*

This section creates new transparency requirements and protections related to Confucius Institutes. This bill would require the U.S. Department of Education, in collaboration with the National Academies of Science, Engineering, and Medicine, to review Confucius Institutes to ensure they protect academic freedom, and for institutions to post their agreements with Confucius Institutes publicly. Institutions that fail to comply would lose access to federal grants provided under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), except for Federal student aid under title IV of the HEA.

*Sec. 90303. Sustaining the Truman Foundation and the Madison Foundation.*

This section makes changes to the Harry S. Truman Memorial Scholarship and James Madison Memorial Fellowship programs which are federally chartered foundations. The trusts that sustain these two foundations have been declining due to the historically low interest rates on U.S. Treasury securities. This section expands the foundations' investment authorities to other types of securities, to ensure that federal funds that are invested can yield a greater return for taxpayers and, in turn, better enable the Truman and Madison Foundations to support public service and international competitiveness.

*Sec. 90304. Disclosures of Foreign Gifts and Contracts at Institutions of Higher Education.*

This section comprehensively updates requirements of institutional reporting of foreign gifts and contracts. The bill amends Section 117 of the HEA to capture additional foreign gifts and contracts received by institutions of higher education totaling more than \$100,000 in any given year and \$250,000 in three years. This section also adds a new reporting requirement for faculty and staff to disclose to the institution gifts or contracts with a foreign source the value of which is \$50,000 or more. Under this section, both institutions of higher education and the U.S. Department of Education will see new requirements designed to promote compliance and provide clarity and consistency to institutions to ensure appropriate reporting.

## **TITLE IV – WORKFORCE TRAINING**

*Sec. 90401. Telecommunications Workforce Training Grant Program.*

This section authorizes a telecommunications sector workforce training grant program entitled the Improving Minority Participation and Careers Telecommunications Act (IMPACT) administered by the Department of Labor in coordination with the Commerce Department's Director of the Office of Minority Broadband Initiatives and the Secretary of Education. It authorizes \$100 million to be available over 6 years for Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority Serving Institutions (MSIs) to develop job training programs in partnership with industry, Registered Apprenticeships or labor organizations to prepare students for jobs in the telecommunications workforce.

## **DIVISION K – MATTERS RELATING TO TRADE**

*Sec. 100001. Short title.*

This section provides the short title.

### **TITLE IV – TRADE ADJUSTMENT ASSISTANCE**

*Sec. 101001. Short Title.*

This section provides the short title.

*Sec. 101002. Application of Provisions Relating to Trade Adjustment Assistance.*

This section provides that the effective date of this legislation will be the date of enactment and repeals the provision in existing law that drastically cuts benefits in the program's last year. This ensures that periods with lower benefits under the TAA programs do not exist moving forward.

### **SUBTITLE A – TRADE ADJUSTMENT ASSISTANCE FOR WORKERS**

*Sec. 101101. Filing Petitions.*

This section allows one or more trade-impacted workers from the same firm to petition for TAA benefits. Current TAA law requires three or more workers in the same firm to file a petition. This section also clarifies that workforce intermediaries may file petitions on behalf of workers.

*Sec. 101102. Group Eligibility Requirements.*

The current TAA program unnecessarily restricts eligibility for the program to select workers facing import competition. Moreover, those workers facing import competition face an unnecessarily high hurdle to demonstrate eligibility.

This section eases requirements for workers affected by imports by removing the requirement under current law that imports contributed “importantly” to their job loss, which can be difficult to demonstrate. Further, this section ensures that workers can successfully apply for TAA when a layoff has been announced but production has not yet decreased and clarifies that eligible workers include teleworkers and workers employed by other firms under the operational control of the firm subject to the petition.

Finally, this section ensures that TAA is available to all workers who lose their job due to trade by expanding eligibility to workers who lose their job because a firm has decreased exports.

*Sec. 101103. Application of Determinations of Eligibility to Workers Employed by Successors-In-Interest.*

This section clarifies that trade-impacted workers at firms that undergo mergers, acquisitions, or name changes remain eligible for TAA benefits.

*Sec. 101104. Provision of Benefit Information to Workers.*

This section expands outreach regarding benefits available from the U.S. Department of Labor (DOL). It also requires DOL to make every effort to reach out to workers in their native languages.

Additionally, this section modernizes TAA outreach and provides states with new tools to reach TAA-certified workers. Specifically, states may utilize TAA funding to collect email addresses and telephone numbers of workers from employers, partner with union representatives, hire peer support workers within a certified group to perform outreach, and use advertising methods and public information campaigns.

*Sec. 101105. Qualifying Requirements for Workers.*

This section removes the requirement that a worker be employed for one year prior to losing the worker's job to receive income support under TAA.

Further, this section restores previous flexibility in the program for workers that are unable to enroll in training because the worker is recalled to the worker's previous employment and the worker is within two years of retirement and expects to receive retirement benefits.

*Sec. 101106. Modification to Trade Readjustment Allowances.*

This section would enhance Trade Readjustment Allowances (TRA) by providing workers with up to 130 weeks of income support if they are enrolled in a qualified training program. Workers enrolled in prerequisite education or remedial education, such as English language courses, may receive an additional 26 weeks of TRA benefits. This section also removes the restriction on workers receiving TRA during work-based learning or training.

*Sec. 101107. Automatic Extension of Trade Readjustment Allowances.*

This section automatically extends income support for six months to workers who complete training but are unable to find suitable employment because of poor economic conditions. Specifically, this provision provides that the period during which trade readjustment allowances are payable to an adversely affected worker can be automatically extended for 26 weeks if the worker has completed training and cannot find a job during a period of heightened unemployment.

*Sec. 101108. Employment and Case Management Services.*

This section requires DOL, through the states, to provide workers with information about registered apprenticeships, on-the-job training, and information related to direct job placement. It also requires DOL to conduct sustained outreach to groups of workers that are potentially eligible for TAA.

*Sec. 101109. Training.*

This section places a new emphasis on ensuring that training providers which DOL approves have a demonstrated ability to place workers into jobs upon the completion of training. Further, this section adds pre-apprenticeships to the category of authorized training programs for workers and requires DOL to reimburse workers for out-of-pocket expenses related to an approved training program.

*Sec. 101110. Job Search, Relocation, and Child Care Allowances.*

This section updates the funding levels for the existing job search and relocation allowances provided to workers. This change increases the limit to \$2,000 per worker from \$1,250 and ensures that 100% (instead of just 90%) of these costs can be covered under the limit.

Additionally, this section establishes a childcare allowance of up to \$2,000 for workers in TAA. Childcare accessibility and costs are often highlighted as a key barrier to workers being able to successfully take advantage of the training benefits under TAA.

Finally, this section requires states to provide these allowances. States currently have the discretion to do so. It also ties the limit of each allowance to inflation, so that the allowance automatically rises, and new legislation is not required every time an adjustment is warranted.

*Sec. 101111. Agreements with States.*

This section requires that when approving a training program, each state shall consider whether training providers have a proven track record in placing workers into good jobs after completing training. It also calls for states to work with training providers that have a proven track record in serving underserved communities.

This section also requires states to adopt an aggressive outreach model to workers who are potentially eligible for TAA. It requires states to complete proactive searches for potential eligible workers and to then conduct outreach to such workers. This provision is based on an existing model developed in several states that have demonstrated a record of higher participation rates and successful outcomes in TAA.

This section requires states to perform outreach to workers from underserved communities and develop plans to address common barriers those diverse communities face in accessing services.

Lastly, this section rescinds a Trump Administration regulation which removed a decades-old requirement that TAA be administered by merit-based staff at the state level. This provision reinstates this requirement.

*Sec. 101112. Reemployment Trade Adjustment Assistance Program.*

This section provides increased access to Reemployment Trade Adjustment Assistance (RTAA), which is a wage insurance program available to workers over 50 who obtain a new job but at a lower wage. Current TAA law limits this program to workers making less than \$50,000 and limits the benefit to a maximum of \$10,000. This section makes the program available to workers making \$70,000 and increases the maximum benefit to \$20,000. To ensure that these figures do not become stagnant, this section also requires these figures to rise with inflation.

*Sec. 101113. Extension of Trade Adjustment Assistance to Public Agency Workers.*

This section ensures that public sector workers are also eligible for TAA. This provision would apply when public sector services have been outsourced by a state or the federal government to an offshore service provider (e.g., a call center).

*Sec. 101114. Definitions.*

This section extends eligibility to TAA for Workers to territories including Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

This section also defines an ‘underserved community’ as a group of people who have been systematically denied the full opportunity to participate in aspects of economic, social, and civic life. Underserved communities include Black, Latino, Indigenous and Native American persons, Asian American and Pacific Islanders, other persons of color, members of other minority communities, persons with disabilities, person who live in rural areas, and other populations affected by persistent poverty or inequality.

*Sec. 101115. Subpoena Power.*

The current TAA statute provides DOL with explicit authority to subpoena firms to produce evidence necessary to certify a group of workers for TAA benefits. This section confers this authority to states and allows states to seek compliance with a subpoena under state law and by petitioning a federal court.

**SUBTITLE B – TRADE ADJUSTMENT ASSISTANCE FOR FIRMS**

*Sec. 101201. Petitions and Determinations.*

Similar to the TAA for Workers program, TAA for Firms also has unnecessarily restrictive eligibility requirements. This section removes the requirement that imports contributed “importantly” to lost sales or employment at a firm and expands eligibility to firms that have suffered because of a decrease in exports. Further, this section provides that a firm is eligible for the program if it has seen a decrease in employment or sales (either of which must be caused by trade), instead of requiring both. This change will ensure that firms can get into the program before they have to fire workers.

Further, this section also tightens the U.S. Department of Commerce’s (DOC) timeline for approving petitions. In FY 2019, firms had to wait 110 days on average between filing the petition and being certified, even though the statute requires certifications to be made within 40 days. To avoid non-compliance with the statute, DOC waits on average almost three months before accepting a petition. This lengthy certification process is particularly difficult for firms that are already struggling and need assistance as soon as possible to keep the business operating.

This section rectifies the problem by requiring that DOC accept a petition within 15 days of receipt and deems a petition approved if DOC has not approved or denied it within 55-days. This will ensure that all petitions are approved or denied within 70 days.

*Sec. 101202. Approval of Adjustment Proposals.*

This section requires firms to assess the potential employment outcomes of their adjustment proposal to ensure that a proposal does not lead to decreased employment at the firm. This section also clarifies that a firm may receive up to \$300,000 in support under the program, subject to the firm matching the funds contributed by DOC. This funding level will automatically rise with inflation to ensure it does not remain stagnant.

*Sec. 101203. Technical Assistance.*

This section clarifies that assistance provided to a firm may be used to provide skills training programs to employees of the firm.

*Sec. 101204. Definitions.*

This section provides the definition for the term underserved community.

*Sec. 101205. Plan for Sustained Outreach to Potentially-Eligible Firms.*

This section requires DOC to develop a plan and submit it Congress regarding outreach to potentially eligible firms, including:

- Outreach to the U.S. International Trade Commission (ITC) and firms in the industries with increased imports identified in an annual ITC report;
- Outreach to firms in the service sector and small businesses;
- Outreach to firms that are minority or women-owned; and
- Outreach to firms that employ a majority or substantial percentage of workers from underserved communities.

**SUBTITLE C – TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES AND COMMUNITY COLLEGES**

*Sec. 101301. Trade Adjustment Assistance for Communities.*

This section establishes the TAA for Communities program. This section will describe the program based on the sections of the program as established in the legislation.

*Sec. 271. Definitions.*

This section provides the definitions for agricultural commodity producer, community, eligible community, eligible entity, Secretary, and underserved community.

*Section 272. Establishment of Trade Adjustment Assistance for Communities Program.*

This section provides DOC, acting through the Economic Development Administration, with 180 days to establish the TAA for Communities program.

*Sec. 273. Eligibility; Notification of Eligibility.*

This section provides that communities impacted by trade are eligible for the program. It further defines “impacted by trade” as a community (1) in which a certification has been made under the TAA for Workers, Firms, or Farmers programs, and (2) a community that (a) has a per capita income of 80% or less of the national average, (b) is historically economically distressed, or (c) is significantly affected by the threat or the loss of jobs associated with a TAA certification. This section also requires the federal government to proactively reach out to a potentially eligible community to notify it of benefits potentially available under the program.

*Sec. 274. Grants to Eligible Communities.*

This section requires DOC to provide grant funding to eligible communities that apply for assistance (described in the next section). This section requires that entities that receive assistance under the TAA for Community Colleges program coordinate with eligible communities in section, if applicable.

This section provides DOC with flexibility to administer revolving loan fund grants and construction grants, similar to flexibilities provided in other programs the agency administers.



This section limits the maximum award to a community to \$25,000,000. It also requires DOC to prioritize historically distressed communities and ensure that grants are provided to geographically diverse communities.

*Sec. 275. Strategic Plans.*

This section requires communities to develop a strategic plan to adjust to the impact that trade has had on it. In developing this plan, the community is required to consult with local officials, labor organizations, and organizations representing underserved communities, among others.

A community's strategic plan is required to describe the capacity of the community to adjust to trade, evaluate economic opportunities, including for young workers, describe economic adjustment projects, assess the impact on underserved communities, and training programs available to workers, among other things. This section also requires DOC to provide individualized technical assistance to communities in developing its strategic plan.

*Sec. 276. Coordination of Federal Response and Other Additional Technical Assistance.*

This section requires DOC to coordinate the federal response for an eligible community, including identifying other funding opportunities available through other federal agencies and assisting the community in accessing such assistance. It also provides DOC with flexibility to transfer funds to and from agencies to carry out the provisions of the TAA for Communities program.

*Sec. 277. General Provisions.*

This section provides DOC with the authority to issue regulations to carry out the program and to consult with the Committee on Ways and Means and the Senate Finance Committee regarding such regulations. It also requires DOC to rely on existing regulations to the maximum extent possible to carry out this program and to use expertise from its existing work.

*Sec. 101302. Trade Adjustment Assistance for Community Colleges and Career Training.*

This section makes key improvements to the Trade Adjustment Assistance for Community Colleges program. It updates the funding levels for grants distributed to community colleges and requires DOL to develop a plan to ensure that the program effectively serves populations from underserved communities. Finally, this section ensures that a portion of grant funding can be used to support the needs of students taking courses at community colleges.

**SUBTITLE D – TRADE ADJUSTMENT ASSISTANCE FOR FARMERS**

*Sec. 101401. Definitions.*

This section provides the definition for the term underserved community.

*Sec. 101402. Group Eligibility Requirements.*

Similar to the TAA for Workers and Firms programs, TAA for Farmers includes unnecessarily strict eligibility criteria in order for a farmer to be eligible to receive benefits under the program. Farmers have described how difficult it was to demonstrate eligibility under this program.

In response to these concerns, this section removes the requirement that imports contribute “importantly” to decreased sales. This section requires only a decrease in sales and production, instead of requiring a 15% decrease, and expands eligibility to farmers who lost export sales.

*Sec. 101403. Benefit Information to Agricultural Commodity Producers.*

This section requires USDA to develop an outreach plan to producers from underserved communities that could benefit under the program.

*Sec. 101404. Qualifying Requirements and Benefits for Agricultural Commodity Producers.*

This section increases the benefits available to farmers under the program, responding to criticism that the program has not provided enough benefit support to justify the time and resources required to demonstrate eligibility for the program. Further, these funding levels have not been increased since the program’s inception more than a decade ago. Thus, this section increases maximum available funding to a farmer from \$12,000 to \$36,000. Funding levels will automatically rise with inflation to ensure they do not remain stagnant.

**SUBTITLE E – AUTHORIZATION OF APPROPRIATIONS AND OTHER MATTERS**

*Sec. 101501. Extension of Trade Adjustment Assistance Programs.*

This section program extends the TAA for Workers, Firms, and Farmers programs for seven years. This section authorizes \$1,000,000,00 for TAA for Workers per year for training funds and authorizes \$50,000,000 per year to both the Firms and Farmers programs.

It also authorizes \$1,000,000,000 per year for the TAA for Communities program for five years. Finally, it authorizes \$1,300,000,000 per year for the TAA for Communities Colleges program for seven years.

*Sec. 101502. Applicability of Trade Adjustment Assistance Provisions.*

This section streamlines the TAA for Workers program. Currently, DOL and the states are required to administer five different versions of the program depending on when a worker was certified as eligible for the program. This also means that workers under older versions of the program would be unable to benefit from the improvements made in this legislation.

To satisfy these administrative and equity issues, this provision provides that all TAA workers will be moved into the current version of TAA (including the changes made in this legislation). This would remove the incredible administrative and paperwork burdens on DOL and the states, as well as ensure that all workers receive the modern benefits provided in this legislation.

Lastly, this section requires DOL and DOC to review petitions for eligibility to the TAA for Workers and Firms programs, respectively, that have been denied since January 1, 2021. This will ensure that any petitions denied because of the limited eligibility provisions under reversion have another opportunity to become eligible for the TAA programs. It also provides a window for recently denied petitions to be certified under the expanded eligibility criteria in this legislation.

Lastly, this section makes numerous conforming amendments to the underlying TAA legislation.

## **SUBTITLE F – HEALTH CARE TAX CREDIT**

### *Sec. 101601. Permanent Credit for Health Insurance Costs.*

This section makes the health coverage tax credit permanent, removing the uncertainty of annual extensions, and increases the amount of the qualified health insurance premium covered by the credit from 72.5% to 80%.

## **TITLE II – IMPROVEMENT TO TRADE REMEDIES LAWS**

### **SUBTITLE A – SUCCESSIVE INVESTIGATIONS**

#### *Sec. 102001. Establishment of Special Rules for Determination of Material Injury in the Case of Successive Antidumping and Countervailing Duty Investigations.*

This section establishes the concept of successive investigations under antidumping and countervailing duty laws. A successive investigation refers to two types of AD/CVD investigations. The first type is the concurrent investigation, or antidumping or countervailing duty trade cases that cover the same class or kind of merchandise imports and are being investigated at the same time (but involve two or more separately filed cases). The second type of successive investigation is the recently completed investigation, which is defined as a completed investigation in which the U.S. International Trade Commission (ITC) made an affirmative definition in a case involving the same class or kind of merchandise imports within the last two years.

This section instructs the ITC to consider certain criteria when making a determination in a successive investigation, including: 1) whether the volume of imports considered in the successive investigation will replace the volume of imports covered in an earlier investigation, disregarding whether the total volume of imports will increase; 2) whether the imports in the successive investigation are being sold at price levels that will prevent the domestic industry from restoring prices to a level that will provide relief to the industry; 3) whether the domestic industry will continue to face material injury or the threat of material injury or see their financial performance affected due to imports covered by the concurrent investigation, or recently completed investigation; 4) whether the remedial effect of a countervailing duty or antidumping order will be undermined given the existence of a concurrent or recently completed investigation.

#### *Sec. 102002. Initiation of Successive Antidumping and Countervailing Duty Investigations.*

This section establishes the concept of a successive antidumping or countervailing duty investigation at DOC. By establishing successive investigations, antidumping and countervailing duty laws will be more effective in tackling repeat offenders.

#### *Sec. 102003. Issuance of Determinations with Respect to Successive Antidumping and Countervailing Duty Investigations.*

This section requires DOC to issue a preliminary determination in a successive antidumping or countervailing duty investigation within 85 days. That deadline may be extended only if an extension is requested by the petitioner. In addition, final determinations in successive investigations must be issued within 75 days of the preliminary determination, and that deadline may be extended only if the petitioner requests an extension. These timelines for successive investigations are the same as the timelines for non-successive investigations, which are routinely extended by months. By establishing deadlines and limiting both the circumstances and the length of extensions, this section will help U.S. producers more quickly receive relief as the result of

preliminary and final determinations in successive antidumping and countervailing duty investigations.

## **SUBTITLE B – RESPONDING TO MARKET DISTORTIONS**

### *Sec. 102101. Addressing Cross-Border Subsidies in Countervailing Duty Investigations.*

Under current law, in a countervailing duty proceeding, DOC only investigates and countervails subsidies being offered in the country under investigation by the government(s) of that same country. This section authorizes DOC to consider and address subsidies offered to producers in the country under investigation by a government located elsewhere. This would allow the agency to ensure that the countervailing duty law applies where a government supports overseas production by companies organized or based within its territory. For example, it would allow DOC to ensure that the countervailing duty laws apply to China's Belt and Road Initiative subsidies, which benefit China-based or China-operated companies operating in countries outside of China.

### *Sec. 102102. Modification of Definition of Ordinary Course of Trade to Specify That an Insufficient Quantity of Foreign Like Products Constitutes a Situation Outside the Ordinary Course of Trade.*

In antidumping investigations, DOC must calculate the normal value of a sale of the foreign product to determine whether the same class or kind of good is being dumped in the United States. Normal value should be calculated by using sales that are made in the ordinary course of trade, i.e., not distorted in any way. This section further clarifies that sales of low quantities of product at unusually high prices shall be considered outside the ordinary course of trade and should not be used in the calculation of normal value for the purpose of the antidumping investigation. By clarifying that sales of insufficient quantities are outside the ordinary course of trade, this section will prevent exporters from making unrepresentative sales in small quantities to boost the normal value and reduce the likelihood their products will be found to be dumped.

### *Sec. 102103. Modification of Adjustments to Export Price and Constructed Export Price with Respect to Duty Drawback.*

In an antidumping investigation, DOC must determine the export price and the constructed export price. Under current U.S. law, DOC is required to increase the export price by any amount of duties that have been rebated or not collected by the exporting country, known as a duty drawback. This section ensures that any price used by DOC considers differences between the cost of production and the export price created solely by the imposition of import duties, which could increase the cost of raw materials needed to make the product in the home market. In some instances, however, the imports in question have used inputs from both domestic and foreign sources, which means the duty has not been factored into the cost of production in all cases. This section instructs DOC to calculate the duty drawback amount only when the duty is included in the cost of production and constructed value. This will ensure duty drawback amounts are calculated accurately and do not improperly affect antidumping margins.

### *Sec. 102104. Modification of Determination of Constructed Value to Include Distortion of Costs That Occur in Other Foreign Countries.*

In antidumping investigations, DOC may determine that there is a "particular market situation" if the conditions in the foreign market mean the cost of materials and fabrication or processing of

any kind do not accurately reflect the cost of production in the ordinary course of trade. When DOC finds that a “particular market situation” exists, the agency can use another calculation methodology to establish the normal value. This section allows DOC to find that there is a “particular market situation” when subsidies in another country are distorting the costs of production in the export country. For example, DOC may determine whether there is a “particular market situation” if a Turkish pipe and tube sector is using subsidized Chinese steel slab to manufacture pipe and tube products that are dumped in the U.S. market. This section allows DOC to ensure that repeat offenders do not continue to undermine U.S. producers simply by shipping products through a third country instead of to the United States directly.

*Sec. 102105. Special Rules for Calculation of Cost of Production and Constructed Value to Address Distorted Costs.*

Currently, U.S. law authorizes DOC to disregard costs that do not reasonably reflect the cost of producing the merchandise under consideration over a reasonable period of time, when calculating production costs and constructed value. However, the statute gives little guidance as to what types of costs should be considered not reasonably reflective of market costs of production. This section amends the law to specify that DOC is authorized to disregard costs for inputs obtained from non-market economies, subsidized input costs, costs for inputs that have themselves been found dumped, or that are purchased from government sellers.

## **SUBTITLE C – PREVENTING CIRCUMVENTION**

*Sec. 102201. Modification of Requirements in Circumvention Inquiries.*

This section amends the statute to address the process by which DOC should initiate a circumvention inquiry. In addition, this section requires DOC to respond to any circumvention inquiry request within 30 days. Preliminary determinations of circumvention must be made within 90 days, and DOC may extend that deadline by 45 days. Final determinations of circumvention are required within 120 days, and the agency may extend that deadline by not more than 60 days. Currently there are no statutory process or timelines for circumvention inquiries. This section also requires DOC to determine within 335 days whether a circumvention inquiry request should be addressed by clarifying that the imported good falls within the scope of an existing antidumping or countervailing duty order. Importantly, this section instructs DOC to order the suspension of liquidation and the posting of a cash deposit for all merchandise subject to a circumvention inquiry. The section also clarifies that DOC shall apply a circumvention determination on a country-wide basis, unless it is more appropriate to apply the determination to particular producers or exporters. By codifying and expediting relief provided through circumvention inquiries, this section strengthens enforcement against repeat offenders.

*Sec. 102202. Requirement of Provision by Importer of Certification by Importer or Other Party.*

This section allows DOC to require importers to provide a certification upon entry of an article into the United States that states that the imported article is not subject to an antidumping or countervailing duty order. Importers must be able to provide the certification upon request of Commerce or Customs and Border Protection (CBP). If the importer does not provide the certification or if the certification contains any false, misleading, or fraudulent statements, this section gives DOC the authority to order CBP to suspend liquidation of the entry or require the importer to post a cash deposit equal to the antidumping or countervailing duty or duties applicable to the merchandise. In addition, this section clarifies that any importer that does not provide the

certification upon request or makes a false, misleading, or fraudulent statement in the certification, may be subject to other penalties.

*Sec. 102203. Clarification of Authority for Department of Commerce Regarding Determinations of Class or Kind Merchandise.*

DOC often must determine whether imported merchandise is covered by an antidumping or countervailing duty order. This section codifies DOC's current practice. Specifically, this section states that DOC may use any reasonable method to determine whether an imported article falls within the scope of an antidumping or countervailing duty order and clarifies that DOC's determination is not bound by rulings on the matter made by any other agency, including CBP. The section provides a list of criteria DOC may take into consideration when making a scope determination, including whether upstream and downstream products are within the same class or kind of merchandise, whether the merchandise is substantially transformed in the country of exportation, the extent to which the merchandise is processed, and any other factors it deems appropriate.

*Sec. 102204. Asset Requirements Applicable to Nonresident Importers.*

Currently, non-resident importers are not required to maintain any U.S. assets, which complicates CBP's ability to collect when an importer is found, after importation, to have entered goods subject to a higher duty rate than that which is claimed at entry. Such importers often default entirely on their obligations, and they often also have bonds in place that are insufficient to cover their liabilities. This section amends current law to provide that nonresident importers must have sufficient U.S.-based assets to cover their liabilities to CBP, as well as customs bonds in place to make the agency whole in the case of the importer's default.

**SUBTITLE D – COUNTERING CURRENCY UNDERVALUATION**

*Sec. 102301. Investigation or Review of Currency Undervaluation Under Countervailing Duty Law.*

This section requires DOC to investigate allegations of currency undervaluation as a countervailable subsidy if those allegations meet the requirements required under existing law. This section eliminates DOC's ability to avoid investigating currency undervaluation allegations when those allegations meet the criteria for investigation.

*Sec. 102302. Determination of Benefit with Respect to Currency Undervaluation.*

This section instructs DOC to determine whether currency undervaluation is providing a benefit to the recipient and to measure that benefit by using established methodologies that allow for the comparison of the exchange rate to the relevant actual exchange rate. Calculations of currency undervaluation can vary dramatically, and this section ensures DOC will use appropriate methodologies to calculate any subsidy conferred as a result of currency undervaluation.

**SUBTITLE E – PREVENTING DUTY EVASION**

*Sec. 102401. Limitation on Protest Against Decisions of U.S. Customs and Border Protection of Claims of Evasion of Antidumping and Countervailing Duty Orders.*

This section provides that determinations made by CBP regarding the liquidation of claims of evasion are not subject to protests by an importer. This section will ensure that CBP is not subject to unnecessary additional processes in evasion cases.

*Sec. 102402. Procedures for Investigating Claims of Evasion of Safeguard Actions.*

This section establishes a statutory basis for CBP to investigate claims of evasion of a safeguard action. Statutory provisions currently only exist for claims of evasion of antidumping and countervailing duty laws.

*Sec. 102403. Application of Provisions Relating to Certain Proprietary Information.*

This section provides CBP with authority to establish an Administrative Protective Order (APO) process for evasion proceedings. APO processes currently exist for antidumping and countervailing duty litigation, making it significantly easier for all parties to discuss confidential information regarding the case. This section will extend that authority to evasion proceedings.

## **SUBTITLE F – GENERAL PROVISIONS**

*Sec. 102501. Application to Canada and Mexico.*

This section makes clear that these provisions will be applied in a manner consistent with U.S. obligations under the USMCA.

*Sec. 102502. Repeal of Softwood Lumber Act of 2008.*

This section repeals outdated reporting requirements related to softwood lumber remedies.

*Sec. 102503. Repeal of Enforcement Actions Relating to Cheese Subject to an In-Quota Rate of Duty.*

This section repeals outdated reporting requirements and statutory provisions related to cheese.

*Sec. 102504. Effective Date.*

This section establishes the effective dates for the provisions in this legislation. Specifically, this section provides that the legislation will apply to cases that have already been initiated in which a preliminary determination was not made more than 45 days earlier than the effective date. It also clarifies that the legislation will apply to all investigations, reviews, and inquiries initiated after the date of enactment.

## **TITLE III – IMPORT SECURITY AND FAIRNESS ACT**

*Sec. 103001. Short Title.*

This section provides the short title.

*Sec. 103002. Additional Exceptions to Exemptions for De Minimis Treatment under the Tariff Act of 1930.*

This section would prohibit imports from countries that are both (1) identified as non-market economies and (2) included on the United States Trade Representative's (USTR) Priority Watch List of countries that violate intellectual property standards from receiving de minimis treatment upon importation.

*Sec. 103003. Additional Administrative Provisions relating to De Minimis Treatment under the Tariff Act of 1930.*

This section would provide CBP with statutory authority to collect additional information regarding all imports that receive de minimis treatment upon importation. This section would also prohibit importers that are suspended or debarred from receiving de minimis treatment. Finally, this section simplifies CBP's requirements for processing goods that receive de minimis treatment upon importation but have been detained by CBP.

*Sec. 103004. Effective Date.*

This section provides that these provisions will go into effect 15 days after the date of enactment.

## **TITLE IV – NATIONAL CRITICAL CAPABILITIES REVIEWS**

*Sec. 104001. National Critical Capabilities Reviews.*

This section establishes a statutory process under the Trade Act of 1974 for the U.S. government to review transactions that may impact national critical capabilities. This section will describe the program based on the sections of the program as established in the legislation.

*Sec. 1001. Definitions.*

This section defines key terms, including:

- National critical capabilities. Means systems and assets so vital to the United States that the inability to develop such systems/assets would have a debilitating impact on national security or crisis preparedness.
- Country of concern. Has the meaning “foreign adversary” in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019. May include a nonmarket economy country of the Tariff Act of 1930 identified by the Committee.
- Covered transaction. Any transaction by a United States business that shifts or relocates to a country of concern or transfers any essential element involving one or more national critical capabilities to a country of concern. Any transaction that could result in an unacceptable risk to a national critical capability. Any other transaction which is intended to evade the application of this title, subject to regulations prescribed by the Committee.

*Sec. 1002. Committee on National Critical Capabilities.*

This section establishes the Committee on National Critical Capabilities to carry out this title, comprised of the listed department and federal agency heads in this section.

*Sec. 1003. Review of Covered Transactions.*

This section directs the Committee to review written notifications submitted by U.S. businesses engaged in a covered transaction, no later than 60 days after receipt of written notification. The Committee shall make recommendations to the President and Congress if transactions are determined to pose a risk, taking into consideration factors specified in section 1005.

*Sec. 1004. Action by the President.*



This section authorizes the President to take action to address or mitigate any unacceptable risk posed by a covered transaction, including suspending or prohibiting the covered transaction. It also requires the President to announce a decision on whether to act no later than 15 days after the date on which the transaction review under section 1003 is completed.

*Sec. 1005. Factors to be Considered.*

This section specifies factors to be considered by the Committee in reviewing covered transactions under section 1003 and the President in determining action with respect to a covered transaction under section 1004. Factors to be considered include the long-term strategic economic interests of the United States, the history of trade practices in each country in which a foreign person that is a party to the transaction is domiciled, the control and beneficial ownership of each foreign person that is a party to the transaction, and the impact on the domestic industry.

*Sec. 1006. Supply Chain Sensitivities.*

This section requires the Committee to determine sensitivities and risks for sourcing of articles described in section 1001. Determination of sensitivities and risk shall be in accordance with the levels of concern described in this section.

*Sec. 1007. Identification of Additional National Critical Capabilities.*

This section directs the Committee to prescribe regulations to identify additional articles, supply chains, and services to recommend for inclusion in the definition of “national critical capabilities” under section 1001. In identifying additional recommendations for inclusion, the Committee should conduct a review of industries identified by Federal Emergency Management Agency as carrying out emergency support functions. In conducting a review, the Committee should specify quantity of articles, supply chains, and services, and specific examples of transactions, from each industry to maintain national critical capabilities.

*Sec. 1008. Reporting Requirements.*

This section requires the Committee to submit an annual report to the appropriate congressional committees. The report shall include the following: (1) the determination under section 1006 with respect to sensitivities and risks for sourcing of articles, (2) an assessment on whether identification of additional critical capabilities under section 1007 is necessary, (3) a description, for the year preceding submission of the report, of the notifications received under section 1003 and reviews conducted pursuant to such notifications, the reviews initiated under section 1003, the actions recommended by the Committee under section 1003, and the reviews resulting in the determination of no required action, and (4) an assessment of the overall impact of such reviews on national critical capabilities.

*Sec. 1009. Requirement for Regulations.*

This section requires the Committee to prescribe regulations to carry out this title. Regulations prescribed shall provide for the imposition of civil penalties and include specific examples of the types of transactions that will be considered covered transactions

and the articles, supply chains, and services that will be considered national critical capabilities. The Committee shall coordinate with USTR, the Under Secretary of Commerce for Industry and Security, and the Committee on foreign Investment in the United States to avoid duplication of effort in prescribing regulations.

*Sec. 1010. Requirements Related to Government Procurement.*

This section revises the Federal Acquisition Regulation no later than 90 days after enactment to require each prospective contractor for an executive agency to disclose the supply chains they would use to carry out the contract, and the extent on which they would depend on imported articles and services. Revisions apply to contracts for which solicitations are issued on or after the date that is 90 days after enactment.

*Sec. 1011. Multilateral Engagement and Coordination.*

This section directs USTR to conduct multilateral engagement with governments of countries that are allies to the United States to secure coordination of protocols and procedures with respect to covered transactions. Upon adoption of protocols and procedures, USTR is directed to work with governments to establish information sharing regimes.

*Sec. 1012. Authorization of Appropriations.*

This section authorizes such sums as may be necessary to carry out this title.

*Sec. 1013. Rule of Construction with Respect to Free and Fair Commerce.*

This section clarifies that nothing in this title may be construed as prohibiting or limiting the free and fair flow of commerce outside of the United States that does not pose an unacceptable risk to a national critical capability.

## **TITLE V – GENERALIZED SYSTEM OF PREFERENCES**

*Sec. 105001. Modification and Extension of Generalized System of Preferences.*

Subsection (a) of this section amends the country eligibility criteria of the Generalized System of Preferences (GSP) program. With respect to the mandatory criteria, which beneficiary developing countries must meet to receive GSP tariff benefits, this subsection updates the existing labor criterion and adds new criteria on human rights and the environment.

Subsection (a) also amends the GSP program's discretionary criteria, which the President takes into consideration when designating a country as a GSP beneficiary developing country. Specifically, subsection (a) updates the existing discretionary labor criterion, adds a new discretionary criterion on the environment, and adds discretionary criteria relating to the rule of law, poverty reduction, and corruption. Further, it adds to the definition of "internationally recognized worker rights", which is the basis of both mandatory and discretionary labor criteria, the right to non-discrimination and to address violence and harassment at work.

In addition to updating the GSP program's country eligibility criteria, subsection (a) requires the President to assess, on a triennial basis, whether all GSP beneficiary developing countries are meeting the GSP program's eligibility criteria. Subsection (a) also brings greater transparency to the GSP program by requiring the President to provide a report to Congress on the triennial

assessments process. Further, subsection (a) increases the public’s engagement with the GSP program by allowing an interested person to file a petition, at any time, asking USTR to review a beneficiary developing country’s compliance with the eligibility criteria.

Subsection (b) of this section provides that it is the policy of the United States to support equitable and inclusive economic development in countries designated as GSP beneficiary developing countries. In addition, subsection (b) directs the USTR and DOL to submit a report to Congress on the laws relating to worker and equal rights of each beneficiary developing country. Further, to support the measurement of women’s economic empowerment, subsection (b) directs the USTR to encourage the reporting by GSP beneficiary developing countries of sex-disaggregated economic and business data.

Subsection (c) of this section extends the GSP program until December 31, 2024. In addition, it includes a retroactive application provision that allows importers to seek refunds on duties paid since the GSP program expired on December 31, 2020.

Subsection (d) of this section updates the definition of “internationally recognized worker rights” to include the elimination of discrimination in occupation and employment, and the elimination of violence against workers, including gender-based violence and harassment. The updated definition would cover egregious labor violations and practices that create unfair trade advantages for countries that fail to address such practices. This update aligns the GSP definition with provisions from the USMCA and from International Labor Organization conventions.

*Sec. 105002. United States International Trade Commission Study.*

This section directs the ITC to submit a report to Congress on rules of origin and utilization rates under the GSP program.

## **TITLE VI – REAUTHORIZATION OF THE AMERICAN MANUFACTURING COMPETITIVENESS ACT OF 2016 AND OTHER MATTERS**

*Sec. 106001. Reauthorization of American Manufacturing Competitiveness Act of 2016.*

This section reauthorizes the American Manufacturing Competitiveness Act of 2016 (AMCA), which gives the ITC authority to conduct the miscellaneous tariff bill (MTB) petition, review, and recommendation process. This section reauthorizes the AMCA for two more MTB cycles, the first beginning in 2022 and the second beginning in 2025.

*Sec. 106002. Limitation on Duty Suspensions or Reductions for Finished Goods.*

This section amends the AMCA to limit duty suspensions and reductions for finished goods.

*Sec. 106003. Sense of Congress on United States commitment to the World Trade Organization.*

This section provides that the United States should continue to lead reform efforts at the World Trade Organization, including efforts related to dispute settlement, notifications, and ensuring that there are platforms to discuss matters related to labor, the environment, and women’s economic empowerment.

*Sec. 106004. Authority of U.S. Customs and Border Protection to consolidate, modify, or reorganize Customs revenue functions.*

This section provides the CBP with authority to consolidate, modify or reorganize customs revenue functions, including regarding relevant personnel and associated support staff. It also provides CBP with authority to request that the Office of Personnel Management Director establish new position classification standards for any new positions established.

## **TITLE VII – TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS**

*Sec. 107001. Reference.*

This section clarifies that specific amendments in the title amend chapters, subheadings, notes, or other provisions of the Harmonized Tariff Schedule of the United States.

### **SUBTITLE A – NEW DUTY SUSPENSIONS AND REDUCTIONS**

*Sec. 107101-108459.*

These sections temporarily suspend or reduce duties on certain imports recommended by the ITC for inclusion in a miscellaneous tariff bill. The authorized duty suspensions and reductions expire after December 31, 2023.

### **SUBTITLE B – EXISTING DUTY SUSPENSIONS AND REDUCTIONS**

*Sec. 108460. Extension of Certain Existing Duty Suspensions and Reductions and Other Modifications.*

This section extends existing duty suspensions and reductions for certain imports through December 31, 2023. This section also makes modifications to article descriptions and/or duty rates for specific imports as recommended by the ITC.

### **SUBTITLE C – EFFECTIVE DATE AND TECHNICAL CORRECTIONS AUTHORITY**

*Sec. 108461. Effective Date.*

This section authorizes retroactive application of duty suspensions and reductions for certain imports beginning 120 days before the date of enactment.

*Sec. 108462. Authority to Make Technical and Conforming Changes.*

This section authorizes USTR to make technical and conforming changes to the article descriptions of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States, as added or amended by this title to conform to modifications to the Harmonized Tariff Schedule proclaimed by the President pursuant to Presidential Proclamation 10326.

## **DIVISION L – TRANSPORTATION & INFRASTRUCTURE**

*Sec. 110001. RECOMPETE Pilot Program.*

Establishes a grant program at the Economic Development Administration to provide predevelopment and planning grants and 10-year place-based economic development grants to persistently distressed local labor markets, local communities, and Tribes to develop comprehensive economic development plans and carry out programs and activities to alleviate persistent economic distress, support long-term economic growth, create lasting, quality jobs, and

increase prime-age employment rates and per capita earnings. The program is funded at \$4 billion in FY22-25, and funds will remain available until expended.