

## RE: HSGAC China package items

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**From:** "Menard, Barbara A. EOP/OMB" <[REDACTED]>  
**To:** "Michelson-Horowitz, Daniel J. EOP/OMB" <[REDACTED]>  
**Date:** Wed, 31 Mar 2021 10:18:19 -0400

Correct.

-----  
Barbara A. Menard  
Branch Chief  
Health, Education, VA, and Social Programs (HEVS) Branch  
Legislative Review Division

[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Michelson-Horowitz, Daniel J. EOP/OMB  
**Sent:** Wednesday, March 31, 2021 9:24 AM  
**To:** Menard, Barbara A. EOP/OMB <[REDACTED]>  
**Subject:** Re: HSGAC China package items

Got it, sure. I'm sure you checked already, but neither of these bills were previously reported or circulated.

Daniel

On Mar 30, 2021, at 1:31 PM, Menard, Barbara A. EOP/OMB  
<[REDACTED]> wrote:  
[REDACTED]

DMH – will need to chat with you about this tomorrow.

Thank you

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Barbara A. Menard  
Branch Chief  
Health, Education, VA, and Social Programs (HEVS) Branch  
Legislative Review Division

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Tuesday, March 30, 2021 12:14 PM  
**To:** Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: HSGAC China package items

Thank you Barb. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process I've spent the past hour or so going through this more closely.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

In addition, there are Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process in the 116<sup>th</sup>  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process so it is available on congress.gov. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process the 116<sup>th</sup> Congress. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



We will discuss this with Ben this afternoon. I will want to clarify: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks.

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**From:** Menard, Barbara A. EOP/OMB

**Sent:** Tuesday, March 30, 2021 11:57 AM

**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

**Cc:** Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

**Subject:** Re: HSGAC China package items

Does anyone know Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

On Mar 30, 2021, at 11:34 AM, Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) > wrote:

Thanks very much Bryan.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We will discuss more this afternoon.

Thanks.

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**From:** Leon, Bryan P. EOP/OMB

**Sent:** Tuesday, March 30, 2021 11:28 AM

**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

<Ex 6 - (5 U.S.C. Ex 6 - (5)>

**Subject:** RE: HSGAC China package items

4PM works for me.

---

**From:** Vaeth, Matt J. EOP/OMB

**Sent:** Tuesday, March 30, 2021 11:11 AM

**To:** Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>

**Subject:** RE: HSGAC China package items

We're gonna do 4PM. I'm sorry, I read the calendar wrong and thought a 3PM meeting that a few of us have was a 2PM meeting. Thanks all.

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**From:** Vaeth, Matt J. EOP/OMB

**Sent:** Tuesday, March 30, 2021 11:01 AM

**To:** Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>

**Subject:** RE: HSGAC China package items

You're not being dense. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP (5) It looks like 3:30 will work for most of us so I am going to suggest that.

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**From:** Menard, Barbara A. EOP/OMB

**Sent:** Tuesday, March 30, 2021 11:00 AM

**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>

**Subject:** RE: HSGAC China package items

Thank you and I apologize for being dense.

This is Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks

Barb

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Barbara A. Menard  
Branch Chief  
Health, Education, VA, and Social Programs (HEVS) Branch  
Legislative Review Division

Ex 6 - (5 U.S.C. Sec 552(b)(6))  
Ex 6 - (5 U.S.C. Sec 552(b)(6))  
Ex 6 - (5 U.S.C. Sec 552(b)(6))

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**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Tuesday, March 30, 2021 10:58 AM  
**To:** Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)); Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)); Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>>  
**Subject:** RE: HSGAC China package items

I am happy to set up a discussion with him. Will keep you posted.

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**From:** Menard, Barbara A. EOP/OMB  
**Sent:** Tuesday, March 30, 2021 10:23 AM  
**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)); Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)); Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>>  
**Subject:** RE: HSGAC China package items

Hi. I have looked at this more closely now. Would it be possible to do a call w OMB LA to get specifically from them what is needed in what form by when? I cannot tell that by this request, and apparently Shab is Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Forgive me if others are more clear on this ask than I am.

Barb

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Barbara A. Menard  
Branch Chief  
Health, Education, VA, and Social Programs (HEVS) Branch  
Legislative Review Division

Ex 6 - (5 U.S.C. Sec 552(b)(6))  
Ex 6 - (5 U.S.C. Sec 552(b)(6))  
Ex 6 - (5 U.S.C. Sec 552(b)(6))

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**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Monday, March 29, 2021 6:11 PM  
**To:** Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>  
**Subject:** FW: HSGAC China package items

Per our discussion this morning. Sharing two documents: 1) a Word doc provided by HSGAC and 2) a little spreadsheet I put together to help organize this.

Ben spoke with HSGAC a bit more about this and other items today. Will fill you in on that and discuss next steps on this with you tomorrow.

Thanks -- Matt

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**From:** Ward, Benjamin A. EOP/OMB  
**Sent:** Saturday, March 27, 2021 9:24 AM  
**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>  
**Subject:** FW: HSGAC China package items

Hoo boy

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**From:** Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>, senate <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>  
**Sent:** Saturday, March 27, 2021 7:29 AM  
**To:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>  
**Cc:** Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>, senate <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Chang, Lena (HSGAC) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>, senate <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>, senate <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Benecke, Michelle (HSGAC) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>, senate <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>  
**Subject:** HSGAC China package items

Hey here's our list. I realize there's a lot and some of it doesn't fully exist yet. We'll be in close touch as this stuff comes together. Copying our leads here.

Thanks for reaching out!

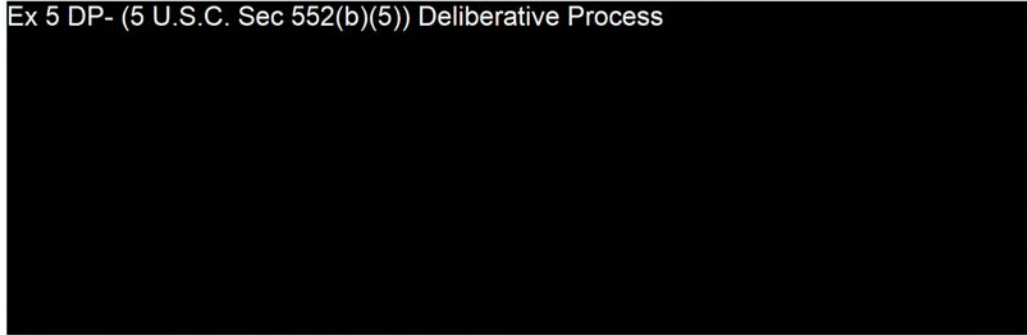
**David Weinberg**  
Staff Director  
Chairman Gary C. Peters



**HSGAC Bipartisan Competiveness Legislation Needing OMB TA**

*IP Theft*

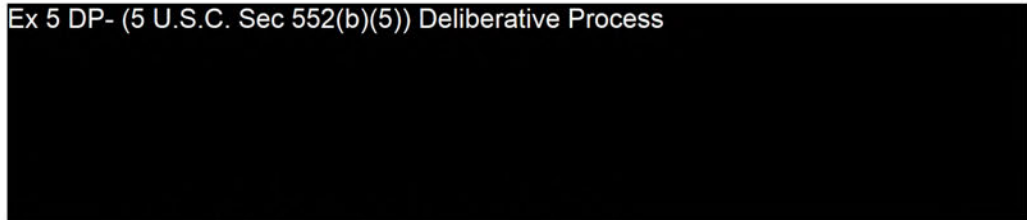
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



- o Text is being developed.

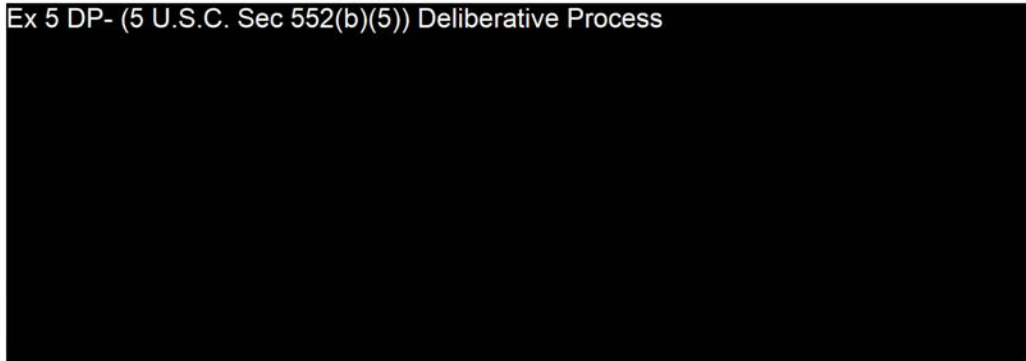
*Ransomware/Cybersecurity Package*

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



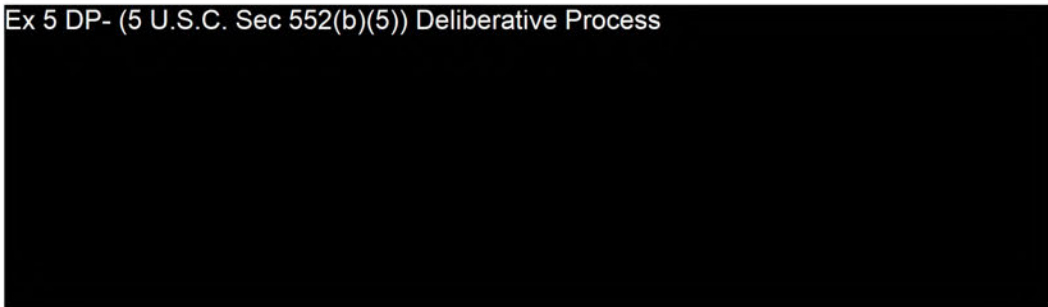
- o Text is being evaluated and developed.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



- o Text is being evaluated and developed.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process





- Text is being evaluated and developed. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
- Text drafted and submitted to OMB for TA on January 28, 2021. TA is still pending.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

*Artificial Intelligence (AI) and Related Provisions*

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- Text is being developed.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- Text finalized. TA pending from OMB.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Text is being developed and vetted. TA pending from OMB.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Leg text finalized.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Leg text is being drafted.

*Supply-chain/Manufacturing*

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Leg text is ready. Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Introduced as standalone bill in the 116<sup>th</sup> Congress. Need OMB TA.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Revised leg text Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Introduced as a standalone bill in the 116<sup>th</sup> Congress.  
U.S.C. Sec 552(b)(5)

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Leg text ready. Bipartisan – Chairman Peters is the lead D sponsor. Introduced as a standalone bill in the 116<sup>th</sup> Congress.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Leg text ready. Bipartisan. Introduced as a standalone in the 116<sup>th</sup> with Senators Murphy, Graham, and Brown.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Leg text ready. Bipartisan. Introduced as a standalone in the 116<sup>th</sup> by Senator Brown, with Senators Portman, Braun, and Peters as original cosponsors.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Baldwin-led bill. Leg text ready.


Ex 5 DP- (5

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- o Stabenow-led bill. Leg text ready. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
U.S.C. Sec 552(b)(5) Deliberative Process  
Senators Peters and Portman are cosponsors.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



<HSGAC Bipartisan Competitiveness Legislation Needing TA.docx>

## FW: DUE 2PM MAY 4 - Seeking NSC Views on Safeguarding Innovation Act

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**From:** "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**To:** "Rodgers, Marshall J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Mon, 03 May 2021 16:16:55 -0400  
**Attachments:** Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

fyi

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**From:** Leon, Bryan P. EOP/OMB  
**Sent:** Monday, May 3, 2021 4:16 PM  
**To:** Chhabra, Tarun EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL NSC TechNatSec <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL NSC Defense <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL NSC INTEL <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL NSC Legislative <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL NSC Legal <Ex 6 - (5 U.S.C. [REDACTED])>; DL NSC Asia <Ex 6 - (5 U.S.C. [REDACTED])>  
**Cc:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**Subject:** DUE 2PM MAY 4 - Seeking NSC Views on Safeguarding Innovation Act

OMB/LRD is requesting NSC's views on the Safeguarding Innovation Act sponsored by Sen. Portman, which we understand will be re-introduced for the 117<sup>th</sup> Congress as part of the Endless Frontiers bills. OMB consolidated agency views on the bill that we had from the 116<sup>th</sup> Congress and that is attached for your reference.

We would greatly benefit from having NSC views on this bill too. We understand that if OMB is to send additional views to Sen. Portman's staff, we would need to do so ASAP this week.

By 2PM May 4, we are asking NSC to provide any comments on the attached bill. You are welcome Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. Specifically, OMB is Ex 5 DP- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please contact me if you'd like to discuss or have any questions. Thanks much!

Bryan P. Leon, SES

Chief, Resources, Defense, and International Branch  
Legislative Reference Division  
Office of Management and Budget

Ex 6 - (5 U.S.C. Sec [REDACTED])  
Ex 6 - (5 U.S.C. Sec [REDACTED])



**Interagency Views on S. \_\_\_\_\_**  
**The Safeguarding American Innovation Act**  
**April 2021**

S. \_\_\_\_\_

To strengthen the security and integrity of the United States  
scientific and research enterprise.

Viz:

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

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

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Safeguarding American Innovation Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Federal Research Security Council.
- Sec. 4. Federal grant application fraud.
- Sec. 5. Restricting the acquisition of goods, technologies, and sensitive information to certain aliens.
- Sec. 6. Limitations on educational and cultural exchange programs.
- Sec. 7. Amendments to disclosures of foreign gifts.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) FEDERAL SCIENCE AGENCY.—The term  
4 “Federal science agency” means any Federal depart-  
5 ment or agency to which more than \$100,000,000 in  
6 research and development funds were appropriated  
7 for the previous fiscal year.

8 (2) RESEARCH AND DEVELOPMENT.—

9 (A) IN GENERAL.—The term “research  
10 and development” means all research activities,  
11 both basic and applied, and all development ac-  
12 tivities.

13 (B) DEVELOPMENT.—The term “develop-  
14 ment” means experimental development.

15 (C) EXPERIMENTAL DEVELOPMENT.—The  
16 term “experimental development” means cre-  
17 ative and systematic work, drawing upon knowl-  
18 edge gained from research and practical experi-  
19 ence, which—

20 (i) is directed toward the production  
21 of new products or processes or improving  
22 existing products or processes; and

23 (ii) like research, will result in gaining  
24 additional knowledge.

25 (D) RESEARCH.—The term “research”—

## 3

1 (i) means a systematic study directed  
 2 toward fuller scientific knowledge or under-  
 3 standing of the subject studied; and

4 (ii) includes activities involving the  
 5 training of individuals in research tech-  
 6 niques if such activities—

7 (I) utilize the same facilities as  
 8 other research and development activi-  
 9 ties; and

10 (II) are not included in the in-  
 11 struction function.

**12 SEC. 3. FEDERAL RESEARCH SECURITY COUNCIL.**

13 (a) IN GENERAL.—Subtitle V of title 31, United  
 14 States Code, is amended by adding at the end the fol-  
 15 lowing:

**16 “CHAPTER 79—FEDERAL RESEARCH  
 17 SECURITY COUNCIL**

“Sec.

“7901. Definitions.

“7902. Federal Research Security Council establishment and membership.

“7903. Functions and authorities.

“7904. Strategic plan.

“7905. Annual report.

“7906. Requirements for Executive agencies.

**18 “§ 7901. Definitions**

19 “In this chapter:

20 “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
 21 TEES.—The term ‘appropriate congressional com-  
 22 mittees’ means—

1           “(A) the Committee on Homeland Security  
2 and Governmental Affairs of the Senate;

3           “(B) the Committee on Commerce,  
4 Science, and Transportation of the Senate;

5           “(C) the Select Committee on Intelligence  
6 of the Senate;

7           “(D) the Committee on Foreign Relations  
8 of the Senate;

9           “(E) the Committee on Armed Services of  
10 the Senate;

11           “(F) the Committee on Health, Education,  
12 Labor, and Pensions of the Senate;

13           “(G) the Committee on Oversight and Re-  
14 form of the House of Representatives;

15           “(H) the Committee on Homeland Security  
16 of the House of Representatives;

17           “(I) the Committee on Energy and Com-  
18 merce of the House of Representatives;

19           “(J) the Permanent Select Committee on  
20 Intelligence of the House of Representatives;

21           “(K) the Committee on Foreign Affairs of  
22 the House of Representatives;

23           “(L) the Committee on Armed Services of  
24 the House of Representatives; and


1                   “(M) the Committee on Education and  
2                   Labor of the House of Representatives.

3                   “(2) COUNCIL.—The term ‘Council’ means the  
4                   Federal Research Security Council established under  
5                   section 7902(a).

6                   “(3) EXECUTIVE AGENCY.—The term ‘Execu-  
7                   tive agency’ has the meaning given that term in sec-  
8                   tion 105 of title 5.

9                   “(4) FEDERAL RESEARCH SECURITY RISK.—  
10                  The term ‘Federal research security risk’ means the  
11                  risk posed by malign state actors and other persons  
12                  to the security and integrity of research and develop-  
13                  ment conducted using grants awarded by Executive  
14                  agencies.<sup>1</sup>

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process





6

15           “(5) INSIDER.—The term ‘insider’ means any  
16           person with authorized access to any United States  
17           Government resource, including personnel, facilities,  
18           information, research, equipment, networks, or sys-  
19           tems.

20           “(6) INSIDER THREAT.—The term ‘insider  
21           threat’ means the threat that an insider will use his  
22           or her authorized access (wittingly or unwittingly) to  
23           harm the national and economic security of the  
24           United States or negatively affect the integrity of a  
25           Federal agency’s normal processes, including dam-

1       aging the United States through espionage, sabo-  
2       tage, unauthorized disclosure of national security in-  
3       formation or non-public information, or through the  
4       loss or degradation of departmental resources, capa-  
5       bilities, and functions.

6           “(7) RESEARCH AND DEVELOPMENT.—

7           “(A) IN GENERAL.—The term ‘research  
8       and development’ means all research activities,  
9       both basic and applied, and all development ac-  
10      tivities.

11          “(B) DEVELOPMENT.—The term ‘develop-  
12      ment’ means experimental development.

13          “(C) EXPERIMENTAL DEVELOPMENT.—  
14      The term ‘experimental development’ means  
15      creative and systematic work, drawing upon  
16      knowledge gained from research and practical  
17      experience, which—

18           “(i) is directed toward the production  
19           of new products or processes or improving  
20           existing products or processes; and

21           “(ii) like research, will result in gain-  
22           ing additional knowledge.

23          “(D) RESEARCH.—The term ‘research’—

## 8

1                   “(i) means a systematic study directed  
2                   toward fuller scientific knowledge or under-  
3                   standing of the subject studied; and

4                   “(ii) includes activities involving the  
5                   training of individuals in research tech-  
6                   niques if such activities—

7                   “(I) utilize the same facilities as  
8                   other research and development activi-  
9                   ties; and

10                   “(II) are not included in the in-  
11                   struction function.

12                   “(8) UNITED STATES RESEARCH COMMU-  
13                   NITY.—The term ‘United States research commu-  
14                   nity’ means—

15                   “(A) research and development centers of  
16                   Executive agencies;

17                   “(B) private research and development  
18                   centers in the United States, including for-prof-  
19                   it and nonprofit research institutes;

20                   “(C) research and development centers at  
21                   institutions of higher education (as defined in  
22                   section 101(a) of the Higher Education Act of  
23                   1965 (20 U.S.C. 1001(a)));


1                   “(D) research and development centers of  
2                   States, United States territories, Indian tribes,  
3                   and municipalities;

4                   “(E) government-owned, contractor-oper-  
5                   ated United States Government research and  
6                   development centers; and

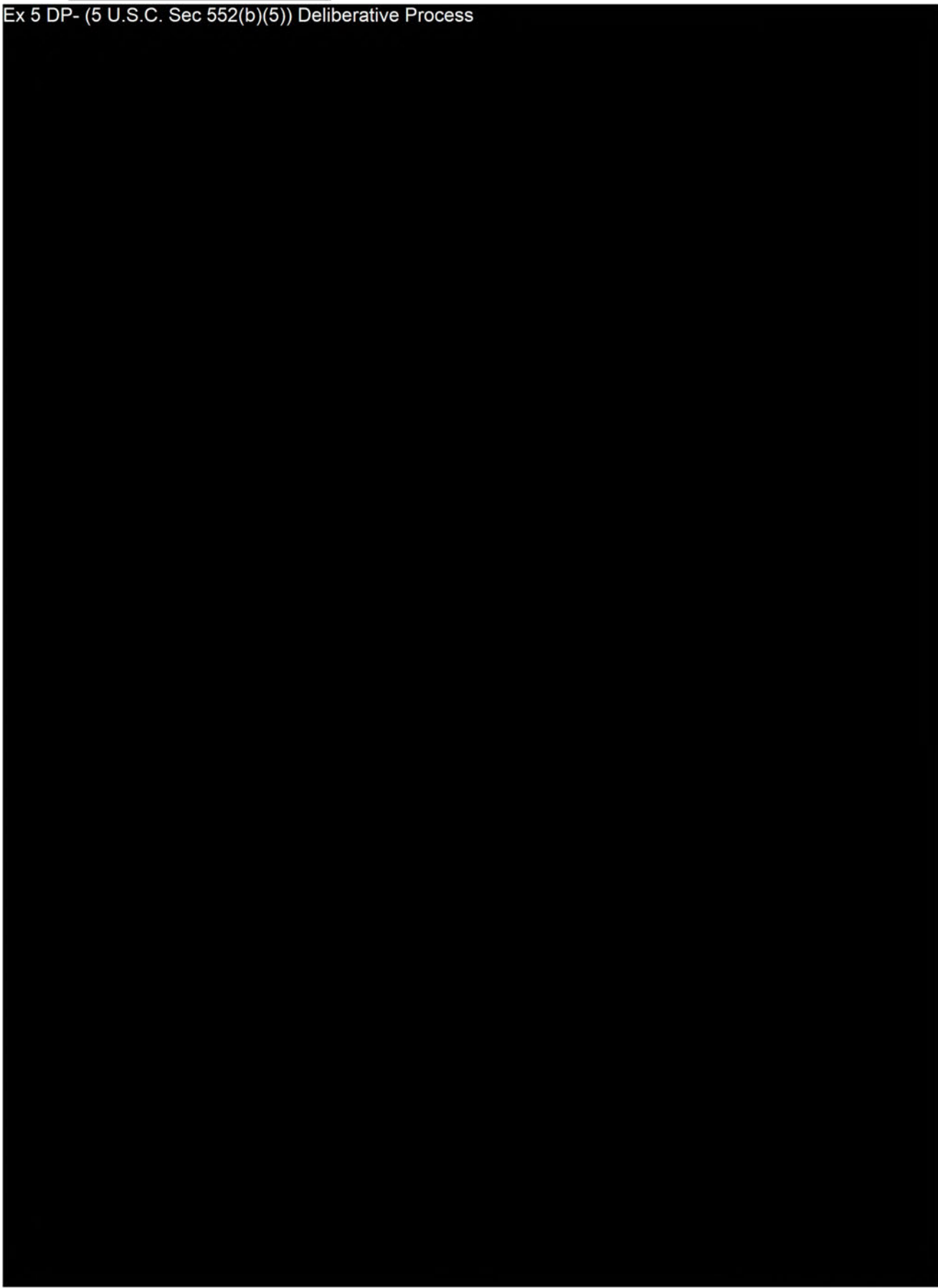
7                   “(F) any person (regardless of position or role)  
                          conducting federally fund-  
8                   ed research or receiving Federal research grant  
9                   funding.

10   “§ 7902. Federal Research Security Council establish-

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

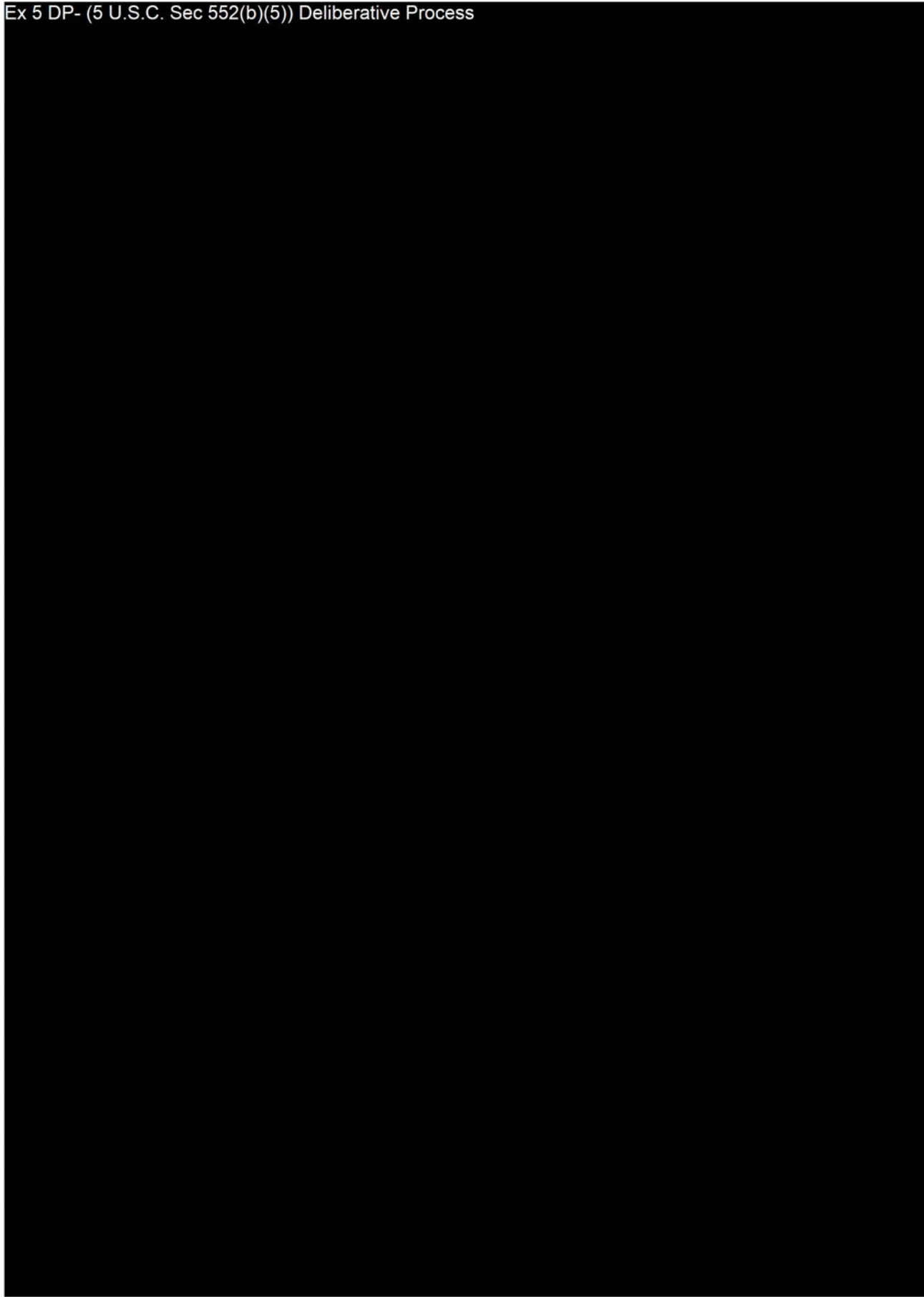


Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

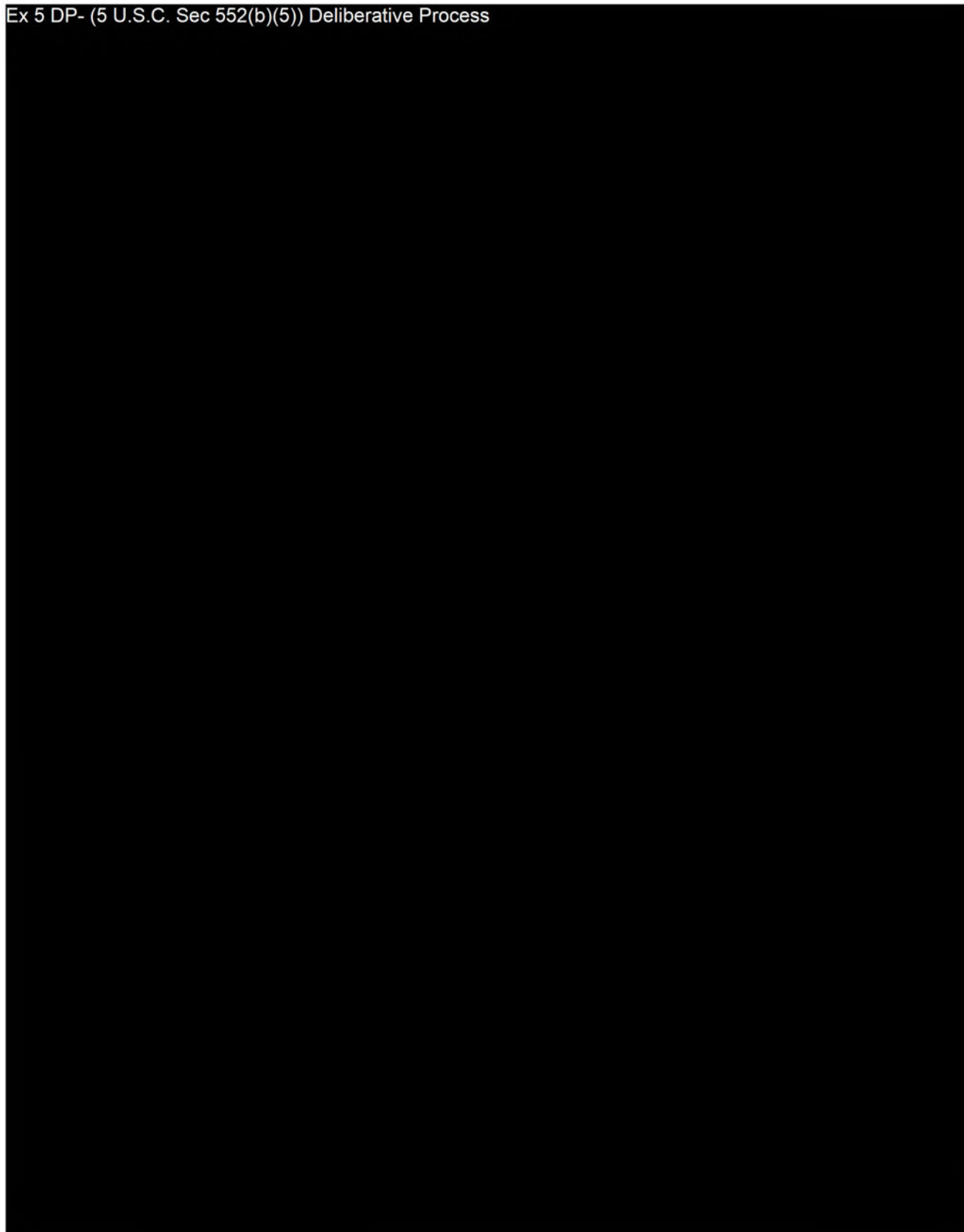




Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process





14

1           “(D) The Department of Homeland Secu-  
2 rity.

3           “(E) The Office of the Director of Na-  
4 tional Intelligence, including the National Coun-  
5 terintelligence and Security Center.

6           “(F) The Department of Justice, including  
7 the Federal Bureau of Investigation.

8           “(G) The Department of Energy.

9           “(H) The Department of Commerce, in-  
10 cluding the National Institute of Standards and  
11 Technology.

12           “(I) The Department of Health and  
13 Human Services, including the National Insti-  
14 tutes of Health.

15           “(J) The Department of State.

16           “(K) The Department of Transportation.

17           “(L) The National Aeronautics and Space  
18 Administration.

19           “(M) The National Science Foundation.

20           “(N) The Department of Education.

21           “(O) The Small Business Administration.

22           “(P) The Council of Inspectors General on  
23 Integrity and Efficiency.

24           “(Q) Other Executive agencies, as deter-  
25 mined by the Chairperson of the Council.

## 15

1           “(2) LEAD REPRESENTATIVES.—

2                   “(A) DESIGNATION.—Not later than 45  
3           days after the date of the enactment of this  
4           chapter, the head of each agency represented on  
5           the Council shall designate a representative of  
6           that agency as the lead representative of the  
7           agency on the Council.

8                   “(B) FUNCTIONS.—The lead representa-  
9           tive of an agency designated under subpara-  
10          graph (A) shall ensure that appropriate per-  
11          sonnel, including leadership and subject matter  
12          experts of the agency, are aware of the business  
13          of the Council.

14          “(c) CHAIRPERSON.—

15                   “(1) DESIGNATION.—Not later than 45 days  
16          after the date of the enactment of this chapter, the  
17          Director of the Office of Management and Budget  
18          shall designate a senior-level official from the Office  
19          of Management and Budget to serve as the Chair-  
20          person of the Council.

21                   “(2) FUNCTIONS.—The Chairperson shall per-  
22          form functions that include—

23                           “(A) subject to subsection (d), developing  
24                   a schedule for meetings of the Council;

1           “(B) designating Executive agencies to be  
2           represented on the Council under subsection  
3           (b)(1)(Q);

4           “(C) in consultation with the lead rep-  
5           resentative of each agency represented on the  
6           Council, developing a charter for the Council;  
7           and

8           “(D) not later than 7 days after comple-  
9           tion of the charter, submitting the charter to  
10          the appropriate congressional committees.

11          “(3) LEAD SCIENCE ADVISOR.—The Director of  
12          the Office of Science and Technology Policy shall be  
13          the lead science advisor to the Chairperson for pur-  
14          poses of this chapter.

15          “(4) LEAD SECURITY ADVISOR.—The Director  
16          of the National Counterintelligence and Security  
17          Center shall be the lead security advisor to the  
18          Chairperson for purposes of this chapter.

19          “(d) MEETINGS.—The Council shall meet not later  
20          than 60 days after the date of the enactment of this chap-  
21          ter and not less frequently than quarterly thereafter.


**22   “§ 7903. Functions and authorities**

23          “(a) <sup>3</sup> IN GENERAL.—The Chairperson of the Council



24 shall consider the missions and responsibilities of Council  
25 members in determining the lead agencies for Council

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



1 functions. The Council shall perform the following func-  
2 tions:

3           “(1) Developing and implementing, across all  
4 Executive agencies that award research and develop-  
5 ment grants, a uniform application process for  
6 grants in accordance with subsection (b). In this section, the  
term “implementing” means “working with the relevant federal  
agencies, through existing processes and procedures, to enable those  
agencies to put in place and enforce the measures described in this  
section.” The term “uniform application process” means a process  
employed by federal science agencies to maximize the collection of  
information regarding applicants and applications as determined by the  
Council.

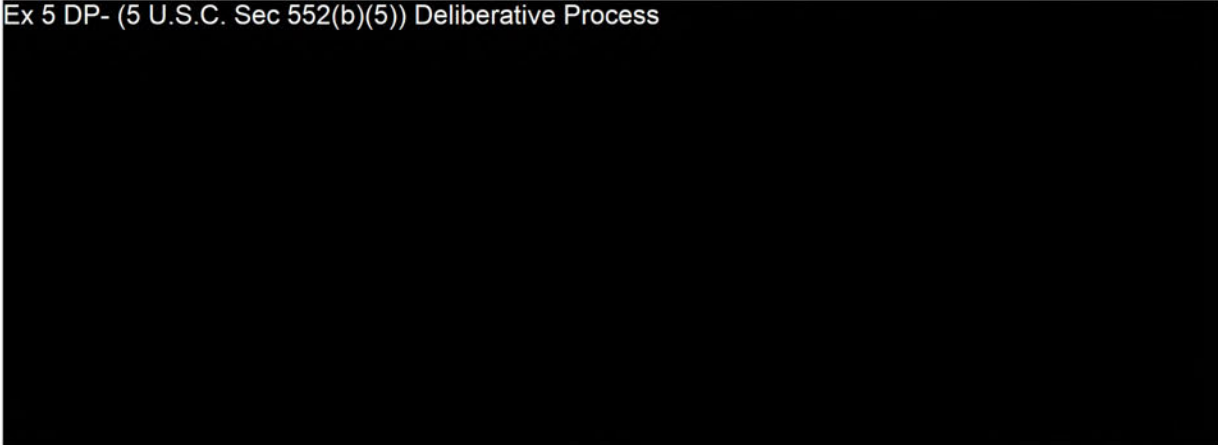
7           “(2) <sup>5</sup>Developing and implementing a uniform  
8 and regular reporting process for identifying persons  
9 participating in federally funded research and devel-  
10 opment .

11           “(3) Identifying or developing criteria, in ac-  
12 cordance with subsection (c), for sharing and receiv-  
13 ing information with respect to Federal research se-  
14 curity risks in order to mitigate such risks with—

15                   “(A) members of the United States re-  
16 search community; and

17                   “(B) other persons participating in feder-

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



18 ally funded research and development.

19 “(4) Identifying an appropriate Executive agen-

20 cy—

21 “(A) to accept and protect information

22 submitted by Executive agencies and non-Fed-

1           eral entities based on the processes established  
2           under paragraphs (1) and (2)<sup>6</sup>; and

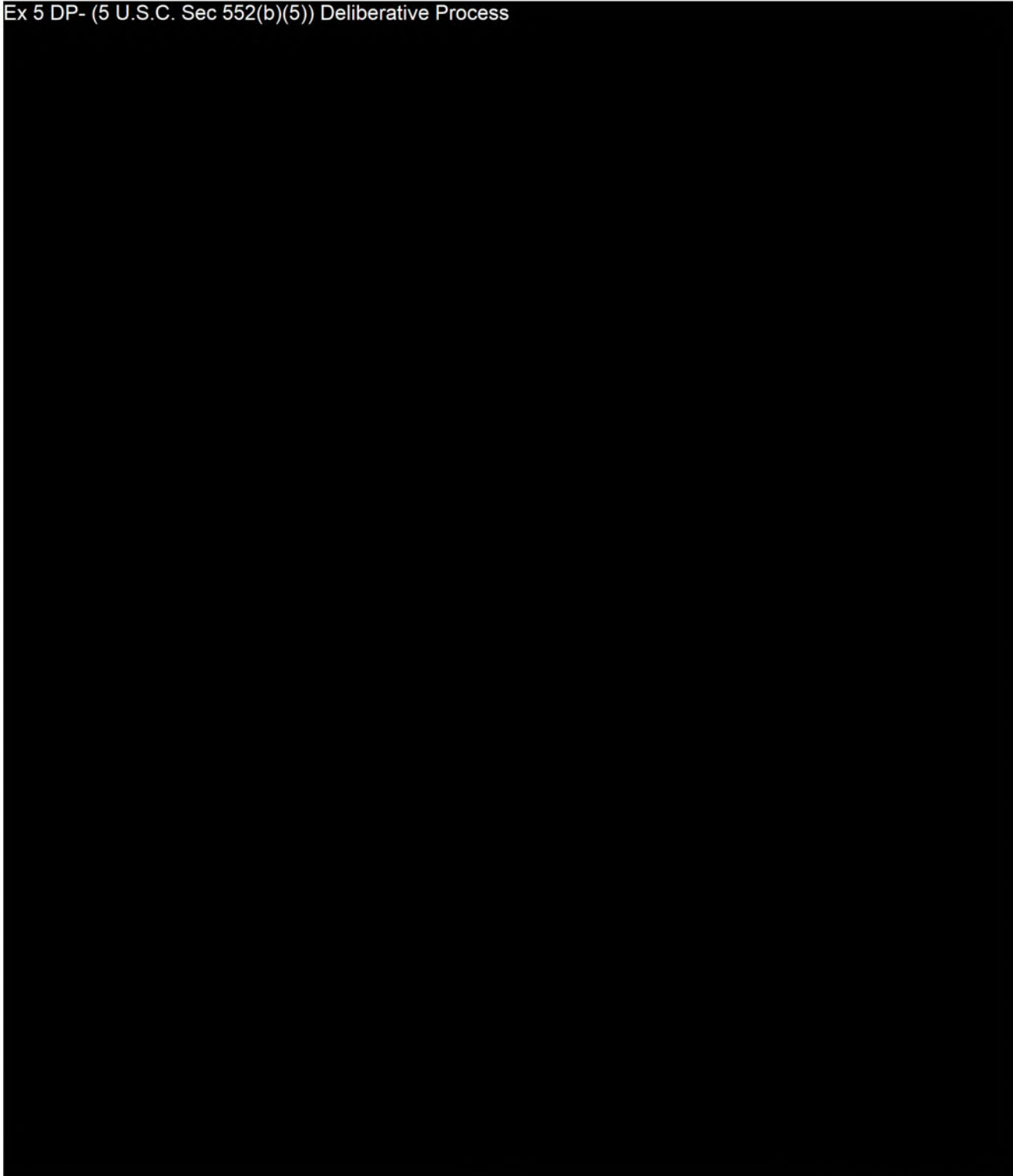
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



3                   “(B) to facilitate the sharing of informa-  
4                   tion received under subparagraph (A) to sup-  
5                   port, as necessary and appropriate—

6                   “(i) oversight of federally funded re-

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



22

7 search and development;

8 “(ii) criminal and civil investigations  
9 of misappropriated Federal funds, re-  
10 sources, and information; and

11 “(iii) counterintelligence investiga-  
12 tions.

13 “(5) Identifying, as appropriate, Executive  
14 agencies to provide—

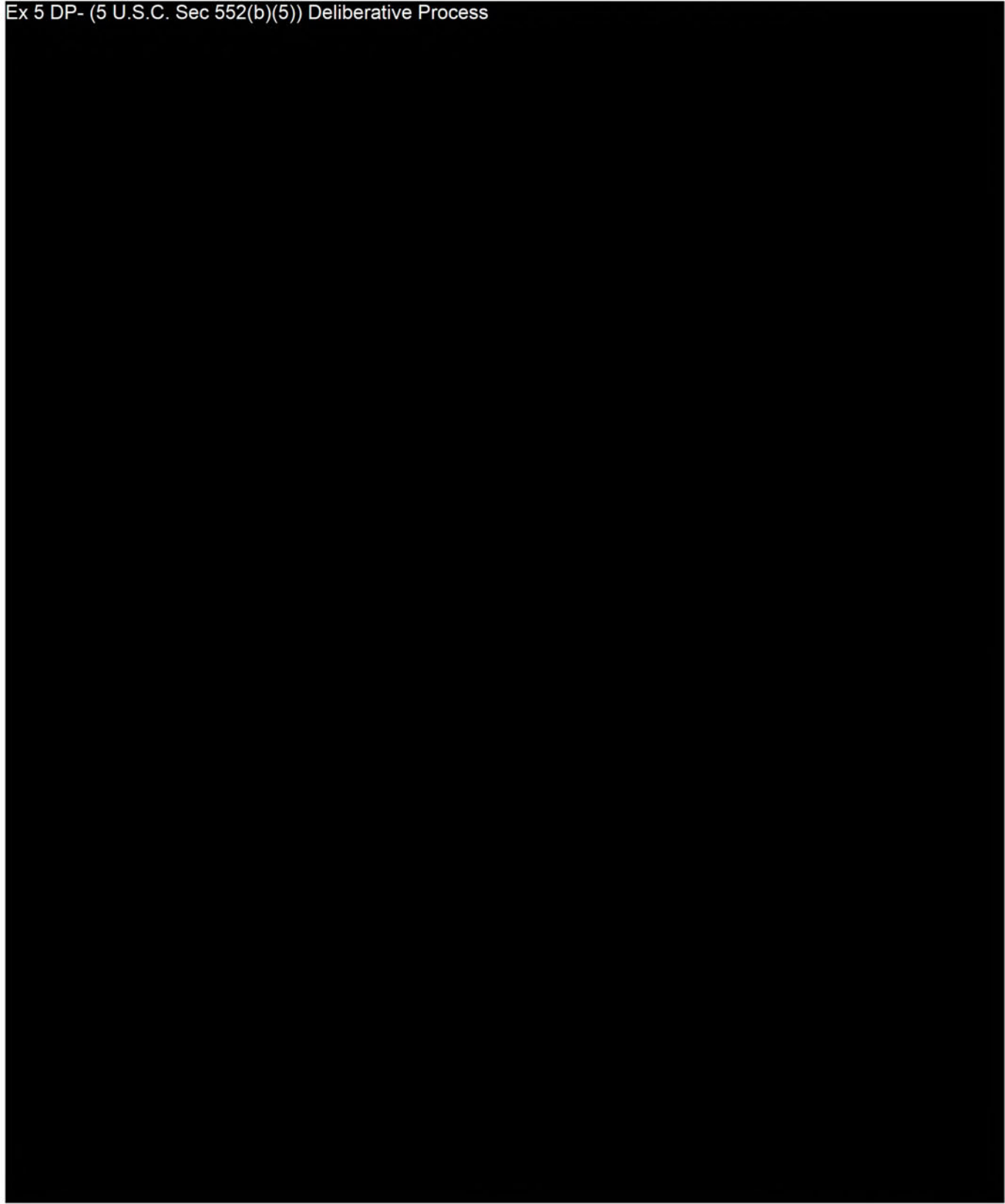
15 “(A) shared services, such as support for  
16 conducting Federal research security risk as-  
17 sessments, activities to mitigate such risks, and  
18 oversight and investigations with respect to  
19 grants awarded by Executive agencies; and

20 “(B) common contract solutions to support  
21 enhanced information collection and sharing  
22 and the verification of the identities of persons  
23 participating in federally funded research and  
24 development.



1           “(6) Identifying<sup>7</sup> and issuing guidance, in ac-  
2           cordance with subsection (d) and in coordination  
3           with the National Insider Threat<sup>8</sup> Task Force estab-

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



24

4 lished by Executive Order 13587 (50 U.S.C. 3161  
5 note) for expanding the scope of Executive agency  
insider threat  
6 programs for to include the safe-  
7 guarding of sensitive information from exploitation,  
8 compromise, or other unauthorized disclosure, taking  
9 into account risk levels and the distinct needs, mis-  
10 sions, and systems of each such agency.

25

11           “(7) Identifying and issuing guidance for devel-  
12           oping compliance and oversight programs for Execu-  
13           tive agencies to ensure that research and develop-  
14           ment grant recipients accurately report conflicts of  
15           interest and conflicts of commitment in accordance  
16           with subsection (b)(1). Such programs shall include  
17           an assessment of—

26

18           “(A) a grantee’s support from foreign  
19 sources and affiliations with foreign funding in-  
20 stitutions or laboratories; and

21           “(B) the impact of such support and affili-  
22 ations on United States national security and  
23 economic interests.

1           “(8) Assessing and making recommendations  
2           with respect to whether openly sharing certain types  
3           of federally funded research and development has an  
4           impact on  
5           the economic and national security interests of the  
6           United States.

6           “(9) Identifying and issuing guidance to the  
7           United States research community, and other recipi-  
8           ents of Federal research and development funding,  
9           to ensure that such institutions and recipients adopt  
10          existing best practices to reduce the risk of mis-  
11          appropriation of research data.

12          “(10) Identifying and issuing guidance on addi-  
13          tional steps that may be necessary to address Fed-  
14          eral research security risks arising in the course of  
15          Executive agencies providing shared services and  
16          common contract solutions under paragraph (5)(B) to  
include the creation of insider threat programs to detect,  
deter, and mitigate insider threats, including the  
safeguarding of sensitive and classified information from  
exploitation, compromise, or other unauthorized disclosure.,.

17           “(11) Engaging with the United States re-  
18           search community in performing the functions de-  
19           scribed in paragraphs (1), (2), and (3) and with re-  
20           spect to issues relating to Federal research security  
21           risks.

22           “(12) Carrying out such other functions, as de-  
23           termined by the Council, that are necessary to re-  
24           duce Federal research security risks.




1           “(b)<sup>9</sup> REQUIREMENTS FOR UNIFORM GRANT APPLI-  
2   CATION PROCESS.—In developing the uniform application  
3   process for Federal research and development grants re-  
4   quired under subsection (a)(1), the Council shall—

5           “(1) ensure that the process—

6                   “(A) requires principal investigators, co-  
7                   principal investigators, and senior personnel as-  
8                   sociated with the proposed Federal research or  
9                   development grant project—

10                           “(i) to disclose biographical informa-  
11                           tion, all affiliations, including any foreign  
12                           military, foreign government-related orga-  
13                           nizations, and foreign-funded institutions,  
14                           and all current and pending support, in-

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



15 cluding from foreign institutions, foreign  
16 governments, or foreign laboratories, and  
17 all support received from foreign sources;  
18 and

19 “(ii) to certify the accuracy of the re-  
20 quired disclosures under penalty of per-  
21 jury; and

22 “(B) uses a machine-readable application  
23 form to assist in identifying fraud and ensuring  
24 the eligibility of applicants;

25 “(2) design the process—

1           “(A) to reduce the administrative burden  
2           on persons applying for Federal research and  
3           development funding; and

4           “(B) to promote information sharing  
5           across the United States research community,  
6           while safeguarding sensitive information; and

7           “(3) complete the process not later than 1 year  
8           after the date of the enactment of the Safeguarding  
9           American Innovation Act.

10       “(C) REQUIREMENTS FOR INFORMATION SHARING

11       CRITERIA.—In identifying or developing criteria and pro-  
12       cedures for sharing information with respect to Federal  
13       research security risks under subsection (a)(3), the Coun-  
14       cil shall ensure that such criteria address, at a min-  
15       imum—

16           “(1) the information to be shared;

17           “(2) the circumstances under which sharing is  
18           mandated or voluntary;

19           “(3) the circumstances under which it is appro-  
20           priate for an Executive agency to rely on informa-  
21           tion made available through such sharing in exer-  
22           cising the responsibilities and authorities of the  
23           agency under applicable laws relating to the award  
24           of grants;

1           “(4) the procedures for protecting intellectual  
2 capital that may be present in such information; and

3           “(5) appropriate privacy protections for persons  
4 involved in Federal research and development.

5           “(d) REQUIREMENTS FOR INSIDER THREAT PRO-  
6 GRAM GUIDANCE.—In identifying or developing guidance  
7 with respect to insider threat programs under subsection  
8 (a)(6), the Council shall ensure that such guidance pro-  
9 vides for, at a minimum—

10           “(1) such programs—

11           “(A) to deter, detect, and mitigate insider  
12 threats; and

13           “(B) to leverage counterintelligence, secu-  
14 rity, information assurance, and other relevant  
15 functions and resources to identify and counter  
16 insider threats; and

17           “(2) the development of an integrated capability  
18 to monitor and audit information for the detection  
19 and mitigation of insider threats, including  
20 through—

21           “(A) monitoring user activity on computer  
22 networks controlled by recipients of Federal research  
and development funding;

23           “(B) providing employees of these agencies  
with awareness training with respect

1 to insider threats and the responsibilities of em-  
2 ployees to report such threats;

3 “(C) gathering information for a central-  
4 ized analysis, reporting, and response capa-  
5 bility; and

6 “(D) information sharing to aid in track-  
7 ing the risk individuals may pose while moving  
8 across programs and affiliations;

9 “(3) the development and implementation of  
10 policies and procedures under which the insider  
11 threat program of recipients of Federal research and  
development funding accesses,  
12 shares, and integrates information and data derived  
13 from offices within the entity and shares insider threat  
information with the Executive Agency research sponsors;

14 “(4) the designation of senior officials with au-  
15 thority to provide management, accountability, and  
16 oversight of the insider threat program of the recipients  
of Federal research and development funding and to make  
resource recommendations  
17 to the appropriate officials; and

18 “(5) such additional guidance as is necessary to  
19 reflect the distinct needs, missions, and systems of  
20 each recipient of Federal research and development funding.

21 “(e) ISSUANCE OF WARNINGS RELATING TO RISKS  
22 AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC  
23 COOPERATION.—



1           “(1) IN GENERAL.—The Council, in conjunction  
2           with the lead security advisor under section  
3           7902(c)(4), shall establish a process for informing  
4           members of the United States research community  
5           and the public, through the issuance of warnings de-  
6           scribed in paragraph (2), of potential risks and  
7           vulnerabilities in international scientific cooperation  
8           that may undermine the integrity and security of the  
9           United States research community or place at risk  
10          any federally funded research and development.

11          “(2) CONTENT.—A warning described in this  
12          paragraph shall include, to the extent the Council  
13          considers appropriate, a description of—

14                 “(A) activities by the national government,  
15                 local governments, research institutions, or uni-  
16                 versities of a foreign country—

17                         “(i) to exploit, interfere, or undermine  
18                         research and development by the United  
19                         States research community; or

20                         “(ii) to misappropriate scientific  
21                         knowledge resulting from federally funded  
22                         research and development;

23                 “(B) efforts by strategic competitors to ex-  
24                 ploit the research enterprise of a foreign coun-  
25                 try that may place at risk—



1                   “(i) the science and technology of that  
2                   foreign country; or

3                   “(ii) federally funded research and de-  
4                   velopment; and

5                   “(C) practices within the research enter-  
6                   prise of a foreign country that do not adhere to  
7                   the United States scientific values of openness,  
8                   transparency, reciprocity, integrity, and merit-  
9                   based competition.

10           “(f) PROGRAM OFFICE AND COMMITTEES.—The  
11 interagency working group established under section 1746  
12 of the National Defense Authorization Act for Fiscal Year  
13 2020 (Public Law 116-92) shall be a working group under  
14 the Council performing duties authorized under such sec-  
15 tion and as directed by the Council. The Council shall use  
16 any findings or work product, existing or forthcoming, by  
17 such working group. The Council may also establish a pro-  
18 gram office and any committees, working groups, or other  
19 constituent bodies the Council deems appropriate, in its  
20 sole and unreviewable discretion, to carry out its func-  
21 tions.

22           “(g) EXCLUSION ORDERS.—To reduce Federal re-  
23 search security risk, the Interagency Suspension and De-  
24 barment Committee shall provide quarterly reports to the  
25 Council that detail—

1           “(1) the number of ongoing investigations by  
2           Council Members related to Federal research secu-  
3           rity that may result, or have resulted, in agency pre-  
4           notice letters, suspensions, proposed debarments,  
5           and debarments;

6           “(2) Federal agencies’ performance and compli-  
7           ance with interagency suspensions and debarments;

8           “(3) efforts by the Interagency Suspension and  
9           Debarment Committee to mitigate Federal research  
10          security risk;

11          “(4) proposals for developing a unified Federal  
12          policy on suspensions and debarments; and

13          “(5) other current suspension and debarment  
related issues.

(h) Nothing in this section shall be construed to alter or diminish the authority of any federal agency or to alter any procedural requirements or remedies that were in place prior to the date of enactment of this Act.

14

15

**16 “§ 7904. Strategic plan**

17          “(a) IN GENERAL.—Not later than 270 days after  
18          the date of the enactment of this chapter, the Council shall  
19          develop a strategic plan for addressing Federal research  
20          security risks and for managing such risks, that in-  
21          cludes—

22          “(1) the criteria and processes required under  
23          section 7903(a), including a threshold and require-  
24          ments for sharing relevant information about such

25 risks with all Executive agencies and, as appro-

1        puate, with other Federal entities, foreign govern-  
2        ments, and non-Federal entities;

3            “(2) an identification of existing authorities for  
4        addressing such risks;

5            “(3) an identification and promulgation of best  
6        practices and procedures, and an identification of  
7        available resources, for Executive agencies to assess  
8        and mitigate such risks;

9            “(4) recommendations for any legislative, regu-  
10       latory, or other policy changes to improve efforts to  
11       address such risks;

12           “(5) recommendations for any legislative, regu-  
13       latory, or other policy changes to incentivize the  
14       adoption of best practices for avoiding and miti-  
15       gating Federal research security risks by the United  
16       States research community and key United States  
17       foreign research partners;

18           “(6) an evaluation of the effect of implementing  
19       new policies or procedures on existing Federal grant  
20       processes, regulations, and disclosures of conflicts of  
21       interest and conflicts of commitment;

22           “(7) a plan for engaging with Executive agen-  
23       cies, the private sector, and other nongovernmental  
24       stakeholders to address such risks and share infor-

1       mation between Executive agencies, the private sec-  
2       tor, and nongovernmental stakeholders; and

3             “(8) a plan for identification, assessment, miti-  
4       gation, and vetting of Federal research security  
5       risks.

6       “(b) SUBMISSION TO CONGRESS.—Not later than 7  
7       calendar days after completion of the strategic plan re-  
8       quired by subsection (a), the Chairperson of the Council  
9       shall submit the plan to the appropriate congressional  
10       committees.

**11   “§ 7905. Annual report**

12       “Not later than November 15 of each year, the Chair-  
13       person of the Council shall submit a report to the appro-  
14       priate congressional committees that describes—

15             “(1) the activities of the Council during the  
16       preceding fiscal year; and

17             “(2) the progress made toward implementing  
18       the strategic plan required under section 7904 after  
19       such plan has been submitted to Congress.

**20   “§ 7906. Requirements for Executive agencies**

21       “(a) IN GENERAL.—The head of each Executive  
22       agency on the Council shall be responsible for—

23             “(1) assessing Federal research security risks  
24       posed by persons participating in federally funded  
25       research and development;



1           “(2) avoiding or mitigating such risks, as ap-  
2           propriate and consistent with the standards, guide-  
3           lines, requirements, and practices identified by the  
4           Council under section 7903(a);

5           “(3) prioritizing Federal research security risk  
6           assessments conducted under paragraph (1) based  
7           on the applicability and relevance of the research  
8           and development to the national security and eco-  
9           nomic competitiveness of the United States; and

10           “(4) ensuring that all agency initiatives impact-  
11           ing Federally funded research grant making policy  
12           and management to protect the national and eco-  
13           nomic security interests of the United States are in-  
14           tegrated with the activities of the Council.

15           “(b) INCLUSIONS.—The responsibility of the head of  
16           an Executive agency for assessing Federal research secu-  
17           rity risk described in subsection (a) includes—

18           “(1) developing an overall Federal research se-  
19           curity risk management strategy and implementation  
20           plan and policies and processes to guide and govern  
21           Federal research security risk management activities  
22           by the Executive agency;

23           “(2) integrating Federal research security risk  
24           management practices throughout the lifecycle of the  
25           grant programs of the Executive agency;

1           “(3) sharing relevant information with other  
2           Executive agencies, as determined appropriate by  
3           the Council in a manner consistent with section  
4           7903; and

5           “(4) reporting on the effectiveness of the Fed-  
6           eral research security risk management strategy of  
7           the Executive agency consistent with guidance issued  
8           by the Office of Management and Budget and the  
9           Council.”.

10          (b) CLERICAL AMENDMENT.—The table of chapters  
11          at the beginning of title 31, United States Code, is amend-  
12          ed by inserting after the item relating to chapter 77 the  
13          following new item:

          “79. Federal Research Security Council.....7901.”.

**14          SEC. 4. FEDERAL GRANT APPLICATION FRAUD.**

15          (a) IN GENERAL.—Chapter 47 of title 18, United  
16          States Code, is amended by adding at the end the fol-  
17          lowing:

**18          “§ 1041. Federal grant application fraud**

19          “(a) DEFINITIONS.—In this section:

20                 “(1) FEDERAL AGENCY.—The term ‘Federal  
21                 agency’ has the meaning given the term ‘agency’ in  
22                 section 551 of title 5, United States Code.

23                 “(2) FEDERAL GRANT.—The term ‘Federal  
24                 grant’—



1                   “(A) means a grant or cooperative  
agreement awarded by a Federal

2                   agency;

3                   “(B) includes a subgrant awarded by a  
4                   non-Federal entity to carry out a Federal grant  
5                   program; and

6                   “(C) does not include—

7                   “(i) direct United States Government  
8                   cash assistance to an individual;

9                   “(ii) a subsidy;

10                  “(iii) a loan;

11                  “(iv) a loan guarantee; or

12                  “(v) insurance.

13                  “(3) FEDERAL GRANT APPLICATION.—The  
14                  term ‘Federal grant application’ means an applica-  
15                  tion for a Federal grant.

16                  “(4) FOREIGN COMPENSATION.—The term ‘for-  
17                  eign compensation’ means a title, monetary com-  
18                  pensation, access to a laboratory or other resource,  
19                  or other benefit received from—

20                  “(A) a foreign government;

21                  “(B) a foreign government institution; or

22                  “(C) a foreign public enterprise.

23                  “(5) FOREIGN GOVERNMENT.—The term ‘for-  
24                  eign government’ includes a person acting or pur-  
25                  porting to act on behalf of—

1           “(A) a faction, party, department, agency,  
2           bureau, subnational administrative entity, or  
3           military of a foreign country; or

4           “(B) a foreign government or a person  
5           purporting to act as a foreign government, re-  
6           gardless of whether the United States recog-  
7           nizes the government.

8           “(6) FOREIGN GOVERNMENT INSTITUTION.—  
9           The term ‘foreign government institution’ means a  
10          foreign entity owned by, subject to the control of, or  
11          subject to regulation by a foreign government.

12          “(7) FOREIGN PUBLIC ENTERPRISE.—The term  
13          ‘foreign public enterprise’ means an enterprise over  
14          which a foreign government directly or indirectly ex-  
15          ercises a dominant influence.

16          “(8) LAW ENFORCEMENT AGENCY.—The term  
17          ‘law enforcement agency’—

18                 “(A) means a Federal, State, local, or  
19                 Tribal law enforcement agency; and

20                 “(B) includes—

21                         “(i) the Office of Inspector General of  
22                         an establishment (as defined in section 12  
23                         of the Inspector General Act of 1978 (5  
24                         U.S.C. App.)) or a designated Federal en-  
25                         tity (as defined in section 8G(a) of the In-

1           spectator General Act of 1978 (5 U.S.C.  
2           App.)); and

3                   “(ii) the Office of Inspector General,  
4                   or similar office, of a State or unit of local  
5                   government.

6           “(9) OUTSIDE COMPENSATION.—The term ‘out-  
7           side compensation’ means any compensation, re-  
8           source, or support regardless of monetary value  
9           made available to the applicant in support of or re-  
10          lated to any research endeavor, including, but not  
11          limited to, a title, research grant, cooperative agree-  
12          ment, contract, institutional award, access to a lab-  
13          oratory, or other resource, including, but not limited  
14          to, materials, travel compensation, or work incen-  
15          tives.

16          “(b) PROHIBITION.—It shall be unlawful for any in-  
17          dividual to knowingly—

18                   “(1) prepare or submit a Federal grant applica-  
19                   tion that fails to disclose the receipt of any outside  
20                   compensation, including foreign compensation, by  
21                   the individual;

22                   “(2) forge, counterfeit, or otherwise falsify a  
23                   document for the purpose of obtaining a Federal  
24                   grant; or

1           “(3) prepare, submit, or assist in the prepara-  
2           tion or submission of a Federal grant application or  
3           document in connection with a Federal grant appli-  
4           cation that—

5                   “(A) contains a false statement;

6                   “(B) contains a material misrepresenta-  
7           tion;

8                   “(C) has no basis in law or fact; or

9                   “(D) fails to disclose a material fact.

10          “(c) EXCEPTION.—Subsection (b) does not apply to  
11          an activity—

12               “(1) carried out in connection with a lawfully  
13               authorized investigative, protective, or intelligence  
14               activity of—

15                   “(A) a law enforcement agency; or

16                   “(B) a Federal intelligence agency; or

17               “(2) authorized under chapter 224.

18          “(d) PENALTY.—Any individual who violates sub-  
19          section (b)—

20               “(1) shall be fined in accordance with this title,  
21               imprisoned for not more than 5 years, or both; and

22               “(2) shall be prohibited from receiving a Fed-  
23               eral grant during the 5-year period beginning on the  
24               date on which a sentence is imposed on the indi-  
25               vidual under paragraph (1).”.


1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 47 of title 18, United States Code, is amended  
3 by adding at the end the following:

“1041. Federal grant application fraud.”.

4 SEC. 5. RESTRICTING THE ACQUISITION OF GOODS, TECH-  
5 NOLOGIES, AND SENSITIVE INFORMATION TO  
6 CERTAIN ALIENS.<sup>10</sup>

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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



47

7 (a) GROUNDS OF INADMISSIBILITY.—Section  
8 212(a)(3)(A)(i) of the Immigration and Nationality Act  
9 (8 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

10 “(i) any activity—

11 “(I) to violate any law of the  
12 United States relating to espionage or  
13 sabotage;

14 “(II) to violate or evade any law  
15 prohibiting the export from the  
16 United States of goods, technologies,  
17 or sensitive information; or

18 “(III) to acquire export-con-  
19 trolled goods, technologies, or sen-  
20 sitive information (notwithstanding  
21 any exclusions for items not normally  
22 subject to export controls) if the Sec-  
23 retary of State has determined that  
24 the acquisition of those goods, tech-  
25 nologies, or sensitive information by a

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



1 category of aliens that includes such  
2 alien would be contrary to an  
3 articulable national security (including  
4 economic security) interest of the  
5 United States;”.

6 (b) DETERMINING FACTORS.—

7 (1) IN GENERAL.—In  
8 determining whether an alien is included in a cat-  
9 egory of aliens that may be inadmissible under sec-  
10 tion 212(a)(3)(A)(i)(III) of the Immigration and  
11 Nationality Act, as amended by subsection (a), offi-  
12 cials of the Department of State shall—

13 (A) seek advice and assistance from offi-  
14 cials at the Office of the Director of National  
15 Intelligence, the Office of Science and Tech-  
16 nology Policy, the Department of Health and  
17 Human Services, the Department of Defense,  
18 the Department of Homeland Security, the De-  
19 partment of Energy, the Department of Com-  
20 merce, and other appropriate Federal agencies;

21 (B) consider factors such as the alien’s  
22 past or likely employment or cooperation with—

23 (i) foreign military and security re-  
24 lated organizations that are adversarial to  
25 the United States;



1 (ii) foreign institutions involved in the  
2 theft of United States research;

3 (iii) entities involved in export control  
4 violations or the theft of intellectual prop-  
5 erty; and

6 (iv) a government that seeks to under-  
7 mine the integrity and security of the  
8 United States research community; and

9 (C) weigh the proportionality of risk for  
10 the factors listed in subparagraph (B).

11 (2) MACHINE-READABLE DOCUMENTS.—Not  
12 later than 1 year after the date of the enactment of  
13 this Act, the Secretary of State shall—

14 (A) use a machine-readable visa applica-  
15 tion form; and

16 (B) make available documents submitted in  
17 support of a visa application in a machine read-  
18 able format to assist in—

19 (i) identifying fraud;

20 (ii) conducting lawful law enforcement  
21 activities; and

22 (iii) determining the eligibility of ap-  
23 plicants for a visa under the Immigration  
24 and Nationality Act (8 U.S.C. 1101 et  
25 seq.).

1 (c) REPORTING REQUIREMENT.—Not later than  
2 one year after the date of the enactment of this Act, and annu-  
3 ally thereafter, the Secretary of State, in coordination with  
4 the Director of National Intelligence, the Director of the  
5 Office of Science and Technology Policy, the Secretary of  
6 Homeland Security, the Secretary of Defense, the Sec-  
7 retary of Energy, the Secretary of Commerce, and the  
8 heads of other appropriate Federal agencies, shall submit  
9 a report to Congress that identifies—

10 (1) the criteria used to describe the category of  
11 aliens to which such section 212(a)(3)(A)(i)(III)  
12 may apply; and

13 (2) the number of individuals determined to be  
14 inadmissible under such section 212(a)(3)(A)(i)(III),  
15 including the nationality of each such individual.

16 (d) CLASSIFICATION OF ANNUAL REPORT.—Each  
17 annual report required under subsection (c) shall be sub-  
18 mitted, to the extent practicable, in an unclassified form,  
19 but may be accompanied by a classified appendix detailing  
20 the criteria used to describe the category of aliens to which  
21 such section 212(a)(3)(A)(i)(III) applies if the Secretary  
22 of State determines that such action—

23 (1) is in the national security and economic se-  
24 curity interests of the United States; or

1           (2) is necessary to further the purposes of this  
2       Act.

3       (e) REPORT.—Not later than 45 days after date of  
4 the enactment of this Act, the Secretary of State shall sub-  
5 mit a report to the Committee on Homeland Security and  
6 Governmental Affairs of the Senate, the Committee on  
7 Commerce, Science, and Transportation of the Senate, the  
8 Select Committee on Intelligence of the Senate, the Com-  
9 mittee on Foreign Relations of the Senate; the Committee  
10 on Oversight and Reform of the House of Representatives,  
11 the Committee on Homeland Security of the House of  
12 Representatives, the Committee on Energy and Commerce  
13 of the House of Representatives, the Permanent Select  
14 Committee on Intelligence of the House of Representa-  
15 tives, and the Committee on Foreign Affairs of the House  
16 of Representatives that—

17           (1) describes how supplementary documents  
18 provided by a visa applicant in support of a visa ap-  
19 plication are stored and shared by the Department  
20 of State with authorized Federal agencies;

21           (2) identifies the sections of a visa application  
22 that are machine-readable and the sections that are  
23 not machine-readable;

24           (3) provides cost estimates, including personnel  
25 costs and a cost-benefit analysis for adopting dif-





1 part of his or her exchange program, will have  
2 released to them controlled technology or tech-  
3 nical data regulated by export control laws at  
4 sponsor organizations through research activi-  
5 ties, lectures, course work, sponsor employees,  
6 officers, agents, third parties at which the spon-  
7 sor places the exchange visitor, volunteers, or  
8 other individuals or entities associated with a  
9 sponsor's administration of the exchange visitor  
10 program;

11 “(B) to provide a plan to the Department  
12 of State that establishes appropriate program  
13 safeguards to prevent the unauthorized release  
14 of controlled technology or technical data regu-  
15 lated by export control laws at sponsor organi-  
16 zations or through their employees, officers,  
17 agents, third parties, volunteers, or other indi-  
18 viduals or entities associated with a sponsor's  
19 administration of the exchange visitor program;  
20 and

21 “(C) to demonstrate, to the satisfaction of  
22 the Secretary of State, that programs that will  
23 release controlled technology or technical data  
24 to an exchange visitor at the sponsor organiza-  
25 tion through exchange visitor programs have re-

1           ceived appropriate authorization from the De-  
2           partment of State, the Department of Com-  
3           merce, other cognizant Federal agency before  
4           the sponsor releases controlled technology or  
5           technical data;”.

6   **SEC. 7. AMENDMENTS TO DISCLOSURES OF FOREIGN**  
7                                   **GIFTS.<sup>11</sup>**


8           Section 117 of the Higher Education Act of 1965 (20  
9   U.S.C. 1011f) is amended—

10           (1) by amending subsection (a) to read as fol-  
11   lows:

12           “(a) **DISCLOSURE REPORT.**—

13           “(1) **IN GENERAL.**—An institution shall file a  
14   disclosure report with the Secretary of Education not  
  later than

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



55

15 March 31 occurring after—

16 “(A) the calendar year in which a foreign  
17 source gains ownership of, or control over, the  
18 institution; or

19 “(B) the calendar year in which the insti-  
20 tution receives a gift from, or enters into a con-  
21 tract with, a foreign source, the value of which  
22 is \$50,000 or more, considered alone or in com-  
23 bination with all other gifts from or contracts  
24 with that foreign source within a calendar year.



1           “(2) REVISIONS; UPDATES.—The Secretary  
2 shall permit institutions to revise and update disclo-  
3 sure reports previously filed to ensure accuracy,  
4 compliance, and the ability to cure.”;

5           (2) by amending subsection (b) to read as fol-  
6 lows:

7           “(b) CONTENTS OF REPORT.—Each report to the  
8 Secretary required by this section shall contain the fol-  
9 lowing:

10           “(1) For gifts received from or contracts en-  
11 tered into with a foreign source other than a foreign  
12 government, the aggregate dollar amount of such  
13 gifts and contracts attributable to a particular coun-  
14 try and the legal or formal name of the foreign  
15 source. The country to which a gift is attributable  
16 is the country of citizenship, or if unknown, the  
17 principal residence for a foreign source who is a nat-  
18 ural person, and the country of incorporation, or if  
19 unknown, the principal place of business, for a for-  
20 eign source which is a legal entity.

21           “(2) For gifts received from or contracts en-  
22 tered into with a foreign government, the aggregate  
23 amount of such gifts and contracts received from  
24 each foreign government.

1           “(3) In the case of an institution which is  
2           owned or controlled by a foreign source, the identity  
3           of the foreign source, the date on which the foreign  
4           source assumed ownership or control, and any  
5           changes in program or structure resulting from the  
6           change in ownership or control.

7           “(4) An assurance that the institution will  
8           maintain true copies of gift and contract agreements  
9           subject to the disclosure requirements under this  
10          section for at least the duration of the agreement.

11          “(5) An assurance that the institution will  
12          produce true copies of gift and contract agreements  
13          subject to the disclosure requirements under this  
14          section upon request of the Secretary during a com-  
15          pliance audit or other institutional investigation.”;

16          (3) by amending subsection (e) to read as fol-  
17          lows:

18          “(e) PUBLIC INSPECTION.—Not later than 30 days  
19          after receiving a disclosure report under this section, the  
20          Secretary shall make such report electronically available  
21          to the public for downloading on a searchable database  
22          under which institutions can be individually identified and  
23          compared.”;

24          (4) in subsection (f), by adding at the end the  
25          following:

1 “(3) FINES.—

2 “(A) IN GENERAL.—The Secretary may  
3 impose a fine on any institution that repeatedly  
4 fails to file a disclosure report for a receipt of  
5 a gift from or contract with a foreign source in  
6 accordance with subsection (a) in an amount  
7 that is not more than 3 times the amount of  
8 the gift or contract with the foreign source.

9 “(B) DEFINITION OF REPEATEDLY  
10 FAILS.—In this paragraph, the term ‘repeatedly  
11 fails’ means that the institution failed to file a  
12 disclosure report for a receipt of a gift from or  
13 contract with a foreign source in 3 consecutive  
14 years.”;

15 (5) by amending subsection (g) to read as fol-  
16 lows:

17 “(g) RULEMAKING.—

18 “(1) IN GENERAL.—Not later than 1 year after  
19 the date of enactment of the Safeguarding American  
20 Innovation Act, the Secretary shall issue regulations  
21 to carry out this section using the negotiated rule-  
22 making procedure set forth in section 492(b).

23 “(2) ELEMENTS.—Regulations issued pursuant  
24 to paragraph (1) shall—

25 “(A) incorporate instructions for—

1                   “(i) reporting structured gifts and  
2                   contracts; and

3                   “(ii) reporting contracts that balances  
4                   the need for transparency, while protecting  
5                   the proprietary information of institutes of  
6                   higher education; and

7                   “(B) clarify the definition of ‘subunit’, for  
8                   purposes of subsection (i)(4)(C).”;

9                   (6) by redesignating subsection (h) as sub-  
10                  section (i);

11                  (7) by inserting after subsection (g) the fol-  
12                  lowing:

13                  “(h) TREATMENT OF TUITION PAYMENT.—A tuition  
14                  and related fees and expenses payment to an institution  
15                  by, or a scholarship from, a foreign source made on behalf  
16                  of a student enrolled at such institution shall not be con-  
17                  sidered a gift from or contract with a foreign source under  
18                  this section.”; and

19                  (8) in subsection (i), as redesignated—

20                         (A) in paragraph (3), by striking “or prop-  
21                         erty” and inserting “, property, re-  
22                         sources, or staff, including any funds provided to the  
                              institution and used to or designated to pay staff”; and

23                         (B) in paragraph (5)(B), by inserting “in-  
24                         stitutes, instructional programs,” after “cen-  
25                         ters,”.

# SAIA

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**From:** "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >  
**To:** "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >  
**Date:** Wed, 05 May 2021 10:18:30 -0400  
**Attachments:** BILLS-116s3997rs CLEAN.docx (117.7 kB)

Matt,

Attached is the clean version of the SAIA. This is the version that was reported out of committee last Congress. I just converted it to word and took about 40 pages of HSGAC strikeout so that it's a bit cleaner and more digestible.

Let me know if you need anything else.

Bryan



## FW: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

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**From:** "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Wed, 05 May 2021 16:31:59 -0400  
**Attachments:** BILLS-116s3997rs CLEAN - PB EFG CSL.docx (140.72 kB)

Libby –

I moved your comments into the clean draft, which Carmine built upon. Can you confirm I didn't miss anything?

---

**From:** Leggett, Carmine S. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 4:20 PM  
**To:** Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hello Elyse,

Please see the attached. Unfortunately, I'm not savvy enough to change my name to "OIRA".

My apology for the inconvenience.

Thanks, Carmine

---

**From:** Greenwald, Elyse F. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 3:49 PM  
**To:** Leggett, Carmine S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hi Carmine,

Sorry for the 2<sup>nd</sup> email. Perhaps this is better ask. Please put your comments and suggested edits into the attached, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process > This is a clean version of the bill.

Thank you!

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**From:** Greenwald, Elyse F. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 3:46 PM  
**To:** Leggett, Carmine S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hi Carmine,

I'm putting together comments now. Can you clarify whether you put any comments in the attached?

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**From:** Leggett, Carmine S. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 2:58 PM  
**To:** Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hello Elyse,

I took a look at the Safeguarding American Innovation Act. Below are my thoughts and comments.

Internal comment to OIRA: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

General comment: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Page 15 - Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Page 18 - Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Page 26 - Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Page 32 - Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,

Carmine



## RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

**From:** "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5)>  
**To:** "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. 6 - (5)>  
**Cc:** "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Wise, Julie A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Hirsch, Quinn N. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Leggett, Carmine S. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Date:** Thu, 06 May 2021 17:07:14 -0400  
**Attachments:** BILLS-116s3997 5.6.21 Track\_OIRA.docx (145.29 kB)

Good afternoon, Matt:

Thank you for keeping us in the loop. Please see attached for a couple of recommended edits from OIRA on p. 44. They also are noted below:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thank you,  
Libby Hennemuth  
OMB | OIRA | Privacy Branch

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**From:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Sent:** Thursday, May 6, 2021 3:03 PM  
**To:** Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Miller, Jason S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hello all. Just wanted to share what we have as of now as an update. As a high level summary, the comments we've received thus far focus on:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Happy to incorporate any further edits you may have; if more are on the way please let me know by 5PM today if possible.

Thanks very much -- Matt

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**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Thursday, May 6, 2021 10:55 AM  
**To:** Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Thomas, Will III EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Welch, Lily M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Tran, Hai M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Miller, Jason S. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Thanks Candace, appreciate the heads up.

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**From:** Vahlsing, Candace M. EOP/OMB  
**Sent:** Thursday, May 6, 2021 10:50 AM



To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 [REDACTED])>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 [REDACTED])>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Miller, Jason S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>

**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Thanks, Matt. We have additional comments coming.

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**From:** Vaeth, Matt J. EOP/OMB

**Sent:** Thursday, May 6, 2021 10:47 AM

**To:** Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 [REDACTED])>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 [REDACTED])>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 [REDACTED])>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 [REDACTED])>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 [REDACTED])>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Miller, Jason S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>

**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Deidre and OFFM, thank you very much for putting this together, greatly appreciated.

I am compiling the comments that we've received thus far into one document, and plan to put down the pen around 11AM. If there are any more edits coming our way please let us

know! Otherwise will ship around the comments to the group later this morning and tee up any further steps then.

Thanks all -- Matt

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**From:** Harrison, Deidre A. EOP/OMB  
**Sent:** Thursday, May 6, 2021 10:26 AM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Thomas, Will III EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Tran, Hai M. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Miller, Jason S. EOP/OMB <Ex 6 - (5 x 6 - (5 >  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Attached please find OFFM recommended edits. Thank you.

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Deidre A. Harrison <Ex 6 - (5 U.S.C. Ex 6 - (5 >

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**From:** Pasquantino, John C. EOP/OMB  
**Sent:** Thursday, May 6, 2021 9:52 AM  
**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Leon, Bryan P. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Thomas, Will III EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Tran, Hai M. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Miller, Jason S. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >



<Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5)>

**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

+Jason Miller and Deidre Harrison.

Matt, <Ex 5 DP- (5 U.S.C. Sec 552(b)(5))> We are running traplines and will get them to you ASAP but we likely will be a bit late. Thanks for your patience.

**From:** Vaeth, Matt J. EOP/OMB

**Sent:** Wednesday, May 5, 2021 11:53 AM

**To:** Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Thomas, Will III EOP/OMB <Ex 6 - (5 x 6 - (5)>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec: x 6 - (5)>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 x 6 - (5)>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Se Ex 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Ward, Benjamin A. EOP/OMB <Benjamin.A.Ward Ex 6 - (5)>; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Tran, Hai M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>

**Subject:** Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Good morning colleagues. Wanted to provide a couple of updates regarding activity on the Safeguarding American Innovation Act (SAIA) following from our Monday discussion, and make a request as well.

1. Following from our Monday afternoon conversation, we reached out to NSC to get their feedback on SAIA. NSC/Tarun reported back that <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process> the consolidated document (attached).

2. <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process> <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process> <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process> <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process> As of now we still

understand that a markup next week is expected. (Ben please correct me if I'm wrong on this!)

3. **And now for the request:** We are seeking feedback from our OMB colleagues on edits to the current language that

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
A clean copy of the bill is attached to this note; please use that version and send along any redline changes you may recommend no later than 10AM tomorrow, as any further edits would need to be conveyed to the senate this week. Again, we've already submitted the broad comments (also attached) on this bill to the committee. The objective here

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Please send any suggested edits you may have to me by 10AM tomorrow (Thursday). We may reconvene a subset of this group tomorrow to discuss these recommended edits depending on what we receive from you.

Thanks very much for your attention to this. If you have any questions on this, please just let us know.

--Matt



## RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

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**From:** "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. ;x 6 - (5 >  
**To:** "Leggett, Carmine S. EOP/OMB" <Ex 6 - (5 U.S.C. ;x 6 - (5 >  
**Cc:** "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5 ;x 6 - (5 >  
**Date:** Thu, 06 May 2021 10:02:59 -0400  
**Attachments:** BILLS-116s3997rs CLEAN - PB EFG CSL.docx (139.33 kB)

Here's the final then.

---

**From:** Leggett, Carmine S. EOP/OMB  
**Sent:** Thursday, May 6, 2021 8:22 AM  
**To:** Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. ;x 6 - (5 >  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. ;6 - (5 >  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

I say we Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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**From:** Greenwald, Elyse F. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 8:22 PM  
**To:** Leggett, Carmine S. EOP/OMB <Ex 6 - (5 U.S.C. ;x 6 - (5 >  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

The previous TA provided last congress Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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**From:** Leggett, Carmine S. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 4:20 PM  
**To:** Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S. Ex 6 - (5 >  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hello Elyse,

Please see the attached. Unfortunately, I'm not savvy enough to change my name to "OIRA".

My apology for the inconvenience.

Thanks, Carmine

---

**From:** Greenwald, Elyse F. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 3:49 PM  
**To:** Leggett, Carmine S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 x 6 - (5)>  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hi Carmine,

Sorry for the 2<sup>nd</sup> email. Perhaps this is better ask. Please put your comments and suggested edits into the attached, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. This is a clean version of the bill.

Thank you!

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**From:** Greenwald, Elyse F. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 3:46 PM  
**To:** Leggett, Carmine S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 x 6 - (5)>  
**Subject:** RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hi Carmine,

I'm putting together comments now. Can you clarify whether you put any comments in the attached?

---

**From:** Leggett, Carmine S. EOP/OMB  
**Sent:** Wednesday, May 5, 2021 2:58 PM  
**To:** Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>  
**Cc:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. b - (5)>  
**Subject:** Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hello Elyse,

I took a look at the Safeguarding American Innovation Act. Below are my thoughts and comments.

Internal comment to OIRA: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP-  
General comment: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

Page 15 Ex 5 DP- (5 U.S.C. Sec

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Page 18 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Page 26 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec

552(b)(5)) Deliberative Process

Page 32 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,

Carmine

## RE: LRD Requesting IAD Views for NDAA LP 074

**From:** "Pipan, Joseph G. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>  
**To:** "Dalal, Nadir E. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>, "Hill, Amanda M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>, "Pond, Ruxandra I. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>  
**Date:** Fri, 28 May 2021 12:03:44 -0400  
**Attachments:** NSPM 33 Strengthening protections of USG-supported R&D against foreign government interference and exploitation.docx (26.52 kB)

I don't know, as I read it, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5

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**From:** Dalal, Nadir E. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5))>  
**Sent:** Friday, May 28, 2021 11:36 AM  
**To:** Hill, Amanda M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Pipan, Joseph G. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Pond, Ruxandra I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>  
**Subject:** RE: LRD Requesting IAD Views for NDAA LP 074

State Branch only.

Ex 5 DP- (5 U.S.C. Sec but welcome your thoughts. Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Nadir

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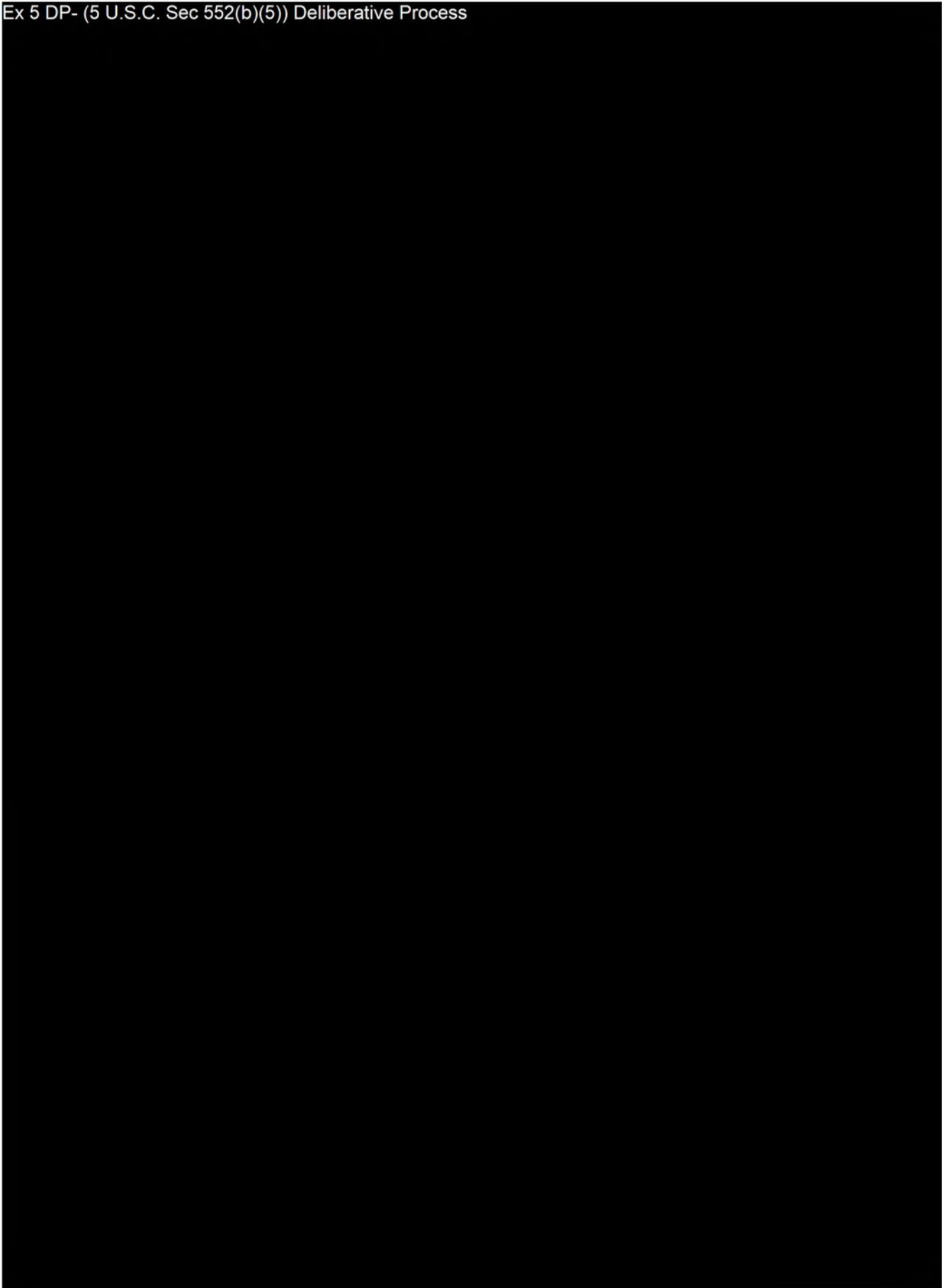
**From:** Kim, Michael B. EOP/OMB  
**Sent:** Friday, May 28, 2021 11:22 AM  
**To:** Dalal, Nadir E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Hill, Amanda M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Pipan, Joseph G. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Pond, Ruxandra I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>  
**Cc:** Diedrick, Rachel M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; O'Kane, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>  
**Subject:** LRD Requesting IAD Views for NDAA LP 074

IAD, LRD requests views for LP 074 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) by 3:00 PM, Tuesday, June 1<sup>st</sup>. Attached is the latest version of the LP. We are currently Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec Here is a synopsis of the exchange between the two agencies (responses are in chronological order going from left to right):









Thank you for your assistance,  
Mike

V/R,  
Michael Kim  
Legislative Reference Division  
Office of Management and Budget

Ex 6 - (5 U.S.C.  
Sec 552(b)(6))

# Presidential Memorandum on United States Government- Supported Research and Development National Security Policy

Issued on: January 14, 2021

NATIONAL SECURITY PRESIDENTIAL MEMORANDUM - 33

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE

THE SECRETARY OF DEFENSE

THE ATTORNEY GENERAL

THE SECRETARY OF THE INTERIOR

THE SECRETARY OF AGRICULTURE

THE SECRETARY OF COMMERCE

THE SECRETARY OF HEALTH AND HUMAN SERVICES

THE SECRETARY OF TRANSPORTATION

THE SECRETARY OF ENERGY

THE SECRETARY OF EDUCATION

THE SECRETARY OF VETERANS AFFAIRS

THE SECRETARY OF HOMELAND SECURITY

THE ASSISTANT TO THE PRESIDENT AND CHIEF OF STAFF

THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

THE DIRECTOR OF NATIONAL INTELLIGENCE

THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

COUNSEL TO THE PRESIDENT

ASSISTANT TO THE PRESIDENT, DEPUTY COUNSEL TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS, AND NATIONAL SECURITY COUNCIL LEGAL ADVISOR

THE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY

THE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

THE SECRETARY OF THE SMITHSONIAN

THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Purpose. This memorandum directs action to strengthen protections of United States Government-supported Research and Development (R&D) against foreign government interference and exploitation. The United States Government provides significant support to R&D across a broad spectrum of research institutions and programs

conducted both within and outside of the United States and its territories. This R&D, including both basic and applied research, is a key contributor to American science and technology (S&T) innovation and is essential to United States economic and national security.

Much of United States Government-supported R&D is broadly shared and includes fundamental research as defined in National Security Decision Directive (NSDD)-189 as well as scientific research using publicly available data. The open and collaborative nature of the United States R&D enterprise underpins America's innovation, S&T leadership, economic competitiveness, and national security.

Unfortunately, some foreign governments, including the People's Republic of China, have not demonstrated a reciprocal dedication to open scientific exchange, and seek to exploit open United States and international research environments to circumvent the costs and risks of conducting research, thereby increasing their economic and military competitiveness at the expense of the United States, its allies, and its partners. While maintaining an open environment to foster research discoveries and innovation that benefit our Nation and the world, the United States will also take steps to protect intellectual capital, discourage research misappropriation, and ensure responsible management of United States taxpayer dollars. This includes steps to ensure that participants with significant influence on the United States R&D enterprise fully disclose information that can reveal potential conflicts of interest and conflicts of commitment.

Sec. 2. Definitions. For the purposes of this memorandum:

(a) the term "participants in the United States R&D enterprise" includes researchers at academic research institutions, independent research institutes, medical centers and institutes, private companies, and Federal Government research centers and laboratories, as well as those who participate in the process of allocating and awarding Federal R&D funding;

(b) the term "United States Government supported R&D" includes R&D projects funded by the United States Government, in whole or in part; projects that use United States Government equipment or facilities for conducting R&D; and R&D projects in which United States Government employee and contractor personnel participate, regardless of the project's funding source;

(c) the term "conflict of interest" or "conflicts of interest" means a situation in which an individual, or the individual's spouse or dependent children, has a financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of research;



(d) the term “conflict of commitment” or “conflicts of commitments” means a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many institutional policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of institutional or funding agency policies or commitments. Other types of conflicting obligations, including obligations to share improperly information with, or to withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment;

(e) the term “foreign government-sponsored talent recruitment program” or “foreign government-sponsored talent recruitment programs” means an effort directly or indirectly organized, managed, or funded by a foreign government or institution to recruit S&T professionals or students (regardless of citizenship or national origin, and whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of Federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation;

(f) the term “Federal personnel” means officers and employees of the Government of the United States and members of the uniformed services (including members of the Reserve Components); and

(g) the term “digital persistent identifier” or “digital persistent identifiers” means a unique digital identifier that permanently and unambiguously identifies a digital object or an individual.

Sec. 3. Roles and Responsibilities. (a) The heads of executive departments and agencies (agencies) that fund R&D activities (funding agencies) shall, consistent with applicable law:

(i) require that participants in the United States R&D enterprise who significantly influence the design, conduct, reporting, reviewing, or funding of Federally-funded research disclose appropriate information, consistent with Sec. 4(b) of this memorandum, that will enable reliable determinations of whether and where conflicts of interest and commitment exist, consistent with applicable Federal laws and regulations;



(ii) cooperate with organizations receiving Federal funds to ensure that the organizations have established and administer policies and processes to identify and manage risks to research security and integrity, including potential conflicts of interest and commitment;

(iii) identify, in cooperation with agency Inspectors General and law enforcement agencies as appropriate and as consistent with applicable law, disclosures that have the potential negatively to impact research funding, security, or integrity;

(iv) cooperate with agency Inspectors General and law enforcement, as appropriate, in investigation of suspected instances of failure to comply with disclosure requirements; and

(v) ensure the availability and application of appropriate and effective consequences for violations of disclosure policies and for engagement in other activities that threaten the security and integrity of the United States R&D enterprise.

(d) The Secretary of Homeland Security is responsible for ensuring that DHS, in conjunction with the Department of State, screens foreign individuals who are nonimmigrant students and exchange visitors seeking to participate or participating in the United States R&D enterprise for national security risks. The Secretary of Homeland Security is also responsible, consistent with applicable law, for ensuring that DHS maintains information regarding foreign students and researchers to protect national security while supporting lawful entry and stay of foreign individuals coming to the United States for educational and cultural exchange programs.

(g) The Director of National Intelligence (DNI) shall coordinate Intelligence Community efforts to identify and assess the capabilities, activities, and intentions of foreign actors as they relate to the security of the United States R&D enterprise.

(h) The Director of the Office of Science and Technology Policy (OSTP), through the National Science and Technology Council (NSTC), shall coordinate activities to protect Federally funded R&D from foreign government interference, and outreach to

the United States scientific and academic communities to enhance awareness of risks to research security and Federal Government actions to address these risks.

Sec. 4. Priorities. It is the policy of the United States to:

(a) Enhance Awareness of Research Security Risks and Protections.

(i) Consistent with applicable law, the Director of OSTP, in coordination with the DNI and heads of other agencies as appropriate, shall engage with the United States R&D enterprise

to enhance awareness of risks to research security and integrity and policies and measures for mitigating these risks. This outreach will seek to:

1. Explain the threats posed by some foreign government-sponsored efforts, including some foreign government-sponsored talent recruitment programs, that seek to exploit the United States R&D enterprise;
2. Explain Federal policies and actions to mitigate risks to research security and integrity;
3. Promulgate guidelines for research institutions to mitigate risks to research security and integrity; and
4. Increase awareness among agencies and research institutions about existing law, regulations, and other mechanisms that can protect against the unauthorized transfer of United States technology and intellectual property (e.g., classification, economic sanctions, export controls, trade enforcement actions), and any relevant limitations of these regulations and mechanisms.

(ii) The DNI shall develop, in coordination with the heads of other agencies, information and intelligence products related to research security that are suitable for dissemination, in accordance with applicable law, to other agencies; to Federal, State, local, and tribal officials; to research institutions; the private sector; and to allies and partners. Where appropriate, the DNI should consider declassifying or reducing the level of classification of relevant information to ensure that decision makers in and out of government have the details they need to understand research security threats and to develop targeted risk mitigation strategies and policies. These materials will seek to:

1. Explain foreign government supported collection methods and means of exploitation;
2. Help identify R&D activities and collaborations with significant risk of exploitation; and
3. Provide counterintelligence awareness training.

(b) Strengthen Disclosure Requirements and Processes. The heads of United States research funding agencies shall require the disclosure of information related to potential conflicts of interest and commitment from participants in the Federally funded R&D enterprise. Participants' disclosures should be provided to the organization applying for or receiving the Federal funding, the funding agency, or both, consistent with the funding agency policies and applicable laws and regulations. The appropriate disclosure requirement varies depending on the individual's role in the United States R&D enterprise. Disclosure requirements outlined in this memorandum should supplement, but do not replace, existing disclosure requirements set forth in law and United States Office of Government Ethics regulations, which apply to some elements of the United States R&D enterprise.



(i) Agencies shall require disclosure, as specified in section 4(b)(iii) below and where consistent with relevant United States law, regulation, contract, agreement and award, from the following segments of the Federally funded R&D enterprise:

1. Principal investigators (PIs) and other senior/key personnel seeking or receiving Federal R&D funding (i.e., extramural funding);
2. Individuals participating in the process of allocating Federal funding: program officers, peer/merit reviewers, and members of advisory panels and committees; and
3. Researchers at Federal agency laboratories and facilities (i.e., intramural researchers, whether or not Federally employed), including government owned, contractor-operated laboratories and facilities.

(ii) Agencies shall require the following disclosures, where consistent with relevant United States law, regulation, contract, agreement and award depending on the role of the individual in the United States R&D enterprise as specified in section 4(b)(iii) below:

1. Organizational affiliations and employment;
2. Other support, contractual or otherwise, direct and indirect, including current and pending private and public sources of funding or income, both foreign and domestic. For researchers, other support includes *all* resources made available to a researcher in support of and/or related to *all* of their professional R&D efforts, including resources provided directly to the individual rather than through the research institution, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to, gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding;
3. Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs. Agencies or their Inspectors General shall require that individuals disclose associated contract(s), upon request of the recipient research institution or the funding agency, in addition to the fact of participation; and
4. Positions and appointments, both domestic and foreign, including affiliations with foreign entities or governments. This includes titled academic, professional, or institutional appointments whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).

(iii) Within 12 months of the date of this memorandum, and consistent with applicable law, the heads of United States research funding agencies shall establish policies requiring

disclosure of the information reflected in the table below. Depending on their particular circumstances, agencies may also require disclosure of additional information, and/or disclosure from a broader range of R&D enterprise participants, either as a matter of course or upon agency request. Disclosures and disclosure requirements may be modified or excluded when so authorized by agencies for national security purposes.

	Affiliations/Employment	Other support	Foreign government sponsored talent recruitment programs	Positions/Appointments
<u>Tier I</u>				
Principal Investigators & other key personnel	Y	Y	Y	Y
Program officers				
Intramural funding recipients				
<u>Tier II</u>				
Peer reviewers				
Advisory Committee/Panel members	Y	N	Y	Y

(iv) Consistent with applicable law, agencies shall require initial disclosures and updates to disclosure reporting. Relevant agency employees and contractor personnel should provide initial disclosure when hired or assigned relevant duties. Funding applicants

should provide initial disclosure as part of the proposal or award process, per agency requirements. Updates should occur annually, or more frequently where appropriate to account for individuals' changing circumstances and for additions to funded research teams. Agencies should ensure that individuals have reasonable recourse to correct or address inaccurate or incomplete information.

(v) Consistent with applicable Federal laws and statutory authorities, within 1 year of the date of this memorandum, funding agencies shall establish policies regarding requirements for individual researchers supported by or working on any Federal research grant to be registered with a service that provides a digital persistent identifier for that individual.

(vi) Agencies shall standardize disclosure processes, definitions, and forms across funding agencies to the extent practicable. The Director of the Office of Management and Budget (OMB) shall work with OSTP, the Office of Government Ethics, and other agencies to coordinate the standardization of policies and forms related to disclosure of conflicts of interest and commitment. Where appropriate and consistent with applicable Federal laws and regulation, agencies should standardize forms for initial disclosures as well as annual updates, integrating digital persistent identifiers wherever appropriate and practicable, and should provide clear instructions to accompany these forms and to minimize any associated administrative burden.

(vii) The Secretary of Education shall continue to support the balance between academic freedom and national security by promoting financial transparency in the relationship between institutions of higher education (IHEs) and foreign sources through enforcement of section 117 of the Higher Education Act. ED shall continue to ensure that it provides, and updates as necessary, clear public guidance to IHEs on compliance with section 117 requirements, and shall continue to ensure that disclosed information is made publicly available in a format that is readily accessible and usable.

(viii) Agencies shall, as appropriate, work with their Inspector General, General Counsel, law enforcement, university program offices and security officers, and the private sector to strengthen mechanisms and capabilities to identify and investigate potential violations of agency disclosure requirements. Where appropriate, funding agencies or their Inspectors General shall cooperate and assist with administrative and law enforcement investigations and analyses aimed at uncovering violations, including sharing information from disclosure statements, to the extent that such sharing is consistent with privacy laws and other legal restrictions and does not interfere with law enforcement activities.

(ix) Agencies shall ensure appropriate and effective consequences for violation of disclosure requirements and engagement in other activities that threaten research security and integrity. Depending on the nature of the violation, agencies may consider a range of consequences including but not limited to the following:



1. Termination of Federal employment or contract;
2. Termination of a grant, cooperative agreement, contract, or award;
3. Preserving a grant, cooperative agreement, contract, or award, but requiring or otherwise ensuring that individual(s) do not perform work under the grant, contract, or award;
4. Ineligibility for participation in United States Government review panels and other activities;
5. Suspension or debarment of eligibility for Federal funding; and
6. Suspension or denial of Title IV funds. In addition to these measures, civil and criminal penalties under United States Federal and State laws may apply in some cases, such as when individuals intentionally provide incomplete or incorrect information in the grant funding process, or misappropriate trade secrets or export controlled information. Federal agencies should consult with their Inspectors General, General Counsel, security officers, and/or law enforcement agencies as appropriate, to avoid compromising ongoing investigative and law enforcement activities when evaluating actions towards those who violate disclosure requirements or otherwise threaten research security and integrity.

(c) Limit Access and Participation.

(i) Heads of agencies shall ensure that their respective agencies have policies and processes to control and track access to and utilization of United States Government research facilities, consistent with applicable law and appropriations. These should include processes for controlling and tracking physical access, vetting and securely hosting foreign visitors, and evaluating research partnerships or contracts with outside entities.

(ii) Within 12 months of the date of this memorandum, and consistent with applicable law, heads of agencies shall establish policies, or clarify existing policies where applicable, that prohibit Federal personnel currently employed by their respective agencies who are also participants in the United States R&D enterprise from participating in foreign government-sponsored talent recruitment programs. Agency heads may consider agency-specific policies that would extend this prohibition to some or all agency contractor personnel to further protect research security and integrity. Agency heads may provide exemptions from this prohibition where they determine appropriate, and shall notify the President through the Assistant to the President for National Security Affairs (APNSA) within 30 days of any establishment of or change in exemption criteria. For any personnel exempted from these prohibitions, disclosure requirements described in section 4(b) of this memorandum shall still apply.

(d) Vetting Foreign Students and Researchers. The Secretary of State, in coordination with the Secretary of Homeland Security, shall ensure that vetting processes for foreign students and researchers reflect the changing nature of the risks to United States R&D.



(i) The Secretary of State shall continue to apply a risk-based process to vet visa applicants seeking to study or conduct research activities in the United States, based on all applicable standards for visa eligibility. The Secretary shall take such steps as are necessary to ensure consular officers may collect and consider the following information pertaining to visa applicants, wherever relevant to the consular officer's adjudication of a visa application based on relevant standards under United States law:

1. Employment and employment history;
2. Sources of financial support;
3. Education history, including academic institutes, degree(s), and research advisor(s);
4. Current and prior R&D affiliations and projects;
5. Current and pending participation in foreign government-sponsored talent recruitment programs;
6. Program of study and/or research; and
7. Facility/facilities and location(s) of expected work.

(ii) The Secretary of Homeland Security shall assess, within 3 months of the date of this memorandum, any regulatory and technical updates necessary to require that relevant institutions:

1. Report the same information specified above in section 4(d)(i) in the Student and Exchange Visitor Information System (SEVIS), for foreign students and researchers subject to reporting in that system; and,
2. Provide updates in SEVIS annually, or more frequently where appropriate.
3. Within 3 months of the completion of this assessment, the Secretary shall provide to the APNSA a plan regarding implementation of such requirements.

(iii) The Secretary of Homeland Security, in coordination with the Secretary of State, shall assess, within 1 year of the date of this memorandum, the feasibility and utility of including the information specified in section 4(d)(i) in a searchable centralized database. This database should provide the capability to flag any disclosed or otherwise identified connections to organizations listed in Department of Commerce's Entity List.

(e) Information Sharing. To strengthen the effectiveness of response measures, heads of agencies shall share information about violators (e.g., those who violate disclosure or other policies promulgated pursuant to this memorandum, participate in foreign government-

sponsored talent recruitment programs contrary to policies issued pursuant to section 4(c)(ii), or whose activities clearly demonstrate an intent to threaten research security and integrity) across Federal funding institutions and with Federal law enforcement agencies, the DHS, and State, to the extent that such sharing is consistent with privacy laws and other legal restrictions, and does not interfere with law enforcement or intelligence activities. Where appropriate and consistent with due process, privacy considerations, and all other applicable law, heads of agencies should consider providing notice to other Federal funding institutions in cases where significant concerns have arisen but a final determination has not yet been made. Where appropriate and consistent with applicable law and appropriations, funding agencies shall include within grant terms and conditions provisions that allow for such information sharing.

(f) The heads of funding agencies shall ensure that Federal agency personnel conducting R&D activities or participating in the process of allocating Federal R&D funding receive research security training. Training shall include, as appropriate, risks to the United States R&D enterprise, individuals' responsibilities related to research security and integrity, and circumstances and behaviors that may indicate risk to research security and integrity. Training programs shall include an initial orientation for new personnel, and annual refresher training.

(g) Risk Identification and Analysis. Within 12 months of the date of this memorandum, heads of funding agencies shall require that research institutions receiving Federal science and engineering support in excess of 50 million dollars per year certify to the funding agency that the institution has established and operates a research security program. Institutional research security programs should include elements of cyber security, foreign travel security, insider threat awareness and identification, and, as appropriate, export control training. Heads of funding agencies shall consider whether additional research security program requirements are appropriate for institutions receiving Federal funding for R&D in critical and emerging technology areas with implications for United States national and economic security.

(h) Promote and Protect International R&D Cooperation. The Secretary of State, in coordination with the Director of OSTP and the heads of other agencies, shall engage with foreign allies and partners with the goal of promoting policies and practices that increase awareness of risks to research security and improve cooperation on international protection and response

efforts. Messaging should be designed to increase awareness and encourage foreign governments to undertake effective practices to assess and mitigate risks to research security and integrity.

Sec. 5. Implementation. The APNSA, in coordination with the Director of OMB and the Director of OSTP, shall coordinate the implementation of this memorandum, and, on an

annual basis, shall prepare and submit a report to the President detailing activities taken by funding agencies to implement this memorandum.

Sec. 6. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) The authority granted by law to an executive department or agency, or the head thereof; or

(ii) The functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and Presidential guidance, and subject to the availability of appropriations. The activities described in this memorandum should be conducted in a manner that is consistent with the Constitution; Executive Order 12333 of December 4, 1981 (United States Intelligence Activities), as amended; other applicable law and Presidential guidance; and policies and procedures pertaining to: (i) the appropriate handling of information about United States Persons (as defined in Executive Order 12333) and other individuals protected by United States law; (ii) the protection of sources, methods, and activities; (iii) privacy, civil rights, and civil liberties; and (iv) the protection of other sensitive information.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



**Fwd: REMINDER: LRM: [KLM-117-33] Due 06/30/2021  
Wednesday at 11:00 AM -- OMB Request for Views on  
S1260 - United States Innovation and Competition Act of  
2021**

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**From:** anthony [Ex 6 - (5)] gonzalez@omb [Ex 6 - (5)]  
**To:** michael [Ex 6 - (5)] clark@omb [Ex 6 - (5)]  
**Bcc:** "Gonzalez, Anthony A. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec [Ex 6 - (5) 552(b)(6)] [Ex 6 - (5)]]>  
**Date:** Wed, 30 Jun 2021 09:18:37 -0400  
**Attachments:** s1260es.pdf (2.92 MB)

Mike,

Did you have anything here? Mike asked me to send Tia a quick note to let her know of any RMO concerns as a status update.

Begin forwarded message:

**From:** "Matsuo, Kimie L. EOP/OMB" <[Ex 6 - (5)] [Ex 6 - (5)]>  
**Date:** June 30, 2021 at 9:06:35 AM EDT  
**To:** ENERGY <Energy.GC33@hq.doe.gov>, Environmental Protection Agency <epalrm@epamail.epa.gov>, Federal Trade Commission <FTC-LRM@ftc.gov>, HEALTH & HUMAN SERVICES <lrn@hhs.gov>, HOMELAND SECURITY <[Ex 6 - (5 U.S.C. Sec 552(b)(6)]>, INTERIOR <ocl@ios.doi.gov>, JUSTICE <[Ex 6 - (5 U.S.C. Sec [Ex 6 - (5)]>, National Science Foundation <olpalrm@nsf.gov>, DL NSC LRM <[Ex 6 - (5 U.S.C. Sec [Ex 6 - (5)]>, Office of Personnel Management <CLA@opm.gov>, DL-OSTP-LRM <[Ex 6 - (5 U.S.C. Sec [Ex 6 - (5)]>, Office of the Director of National Intelligence <[Ex 6 - (5)]>, Peace Corps <[Ex 6 - (5)]@peacecorps.gov>, STATE <[Ex 6 - (5)]@state.gov>, Small Business Administration <cla@sba.gov>, TRANSPORTATION <dot.legislation@dot.gov>, TREASURY <llr@treasury.gov>, DL-USTR-LRM <[Ex 6 - (5 U.S.C. Sec [Ex 6 - (5)]>  
**Cc:** "Vahlsing, Candace M. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec [Ex 6 - (5)]>, "Schory, Daniel K. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Evans, Beatrix C. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Pasquantino, John C. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Shawcross, Paul J. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Pei, Yi EOP/OMB" <[Ex 6 - (5 Ex 6 - (5)]>, "August, Lisa L. EOP/OMB" <[Ex 6 - (5 Ex 6 - (5)]>, "Black, Sam J. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Hu, Grace EOP/OMB" <[Ex 6 - (5 Ex 6 - (5)]>, "Mok, Emily A. EOP/OMB" <[Ex 6 - (5 Ex 6 - (5)]>, "McDonald, Christine A. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec Ex 6 - (5)]>, "Bar-Shalom, Tali EOP/OMB" <[Ex 6 - (5 Ex 6 - (5 Ex 6 - (5)]>, "Dick, John H. EOP/OMB" <[Ex 6 - (5 Ex 6 - (5)]>, "Robinson, Donovan O. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec Ex 6 - (5)]>, "Giarno, Daniel M. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Garcia, Jacob A. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Nafziger, Jephtha E. EOP/OMB" <[Ex 6 - (5 U.S.C. Se Ex 6 - (5)]>, "Lucas, Adrienne E. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec Ex 6 - (5)]>, "Saunders, Ruth D. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Stein, Nora H. EOP/OMB" <[Ex 6 - (5 Ex 6 - (5)]>, "Lachman, Sherry E. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Feldman, Iris T. EOP/OMB" <[Ex 6 - (5 Ex 6 - (5)]>, "Bomberger, Melissa B. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec Ex 6 - (5)]>, "Cassell, Mary I. EOP/OMB" <[Ex 6 - (5 U.S.C. Ex 6 - (5)]>, "Derbes, Catherine A. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec Ex 6 - (5)]>, "Branson, Michael D. EOP/OMB"

<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >, "Weisshaar, David M. EOP/OMB"  
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 <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Ventura, Alexandra EOP/OMB"  
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**Subject: REMINDER: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB  
 Request for Views on S1260 - United States Innovation and Competition Act of 2021**

Good morning,

This is a reminder to please advise of any objectionable provisions in S. 1260, United States Innovation and Competition Act of 2021, by 11:00 AM today.

Thank you,  
Kimie

From: Matsuo, Kimie L. EOP/OMB  
 Sent: Thursday, June 17, 2021 6:17 PM  
 To: 'AGRICULTURE' <usdaleg@obpa.usda.gov>; 'Army Corps of Engineers (DOD)' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'COMMERCE' <Ex 6@doc.gov>; 'DEFENSE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'EDUCATION' <ogc.legislation@ed.gov>; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'Environmental Protection Agency' <epalrm@epamail.epa.gov>; 'Export-Import Bank of the United States' <eximlrm@exim.gov>; 'Federal Trade Commission' <FTC-LRM@ftc.gov>; 'General Services Administration' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'HEALTH & HUMAN SERVICES' <lrms@hhs.gov>; 'HOUSING & URBAN DEVELOPMENT' <HUDLRM@hud.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'LABOR' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'National Aeronautics and Space Administration' <nasa\_lrm@hq.nasa.gov>; 'National Science Foundation' <olpalrm@nsf.gov>; DL NSC LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'National Transportation Safety Board' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'Office of Personnel Management' <CLA@opm.gov>; DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'Office of the Director of National Intelligence' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'Peace Corps' <Ex 6 - (5 U.S.C. Sec 552(b)(6))@peacecorps.gov>; 'STATE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

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 'VETERANS AFFAIRS' <ogcvalrm@va.gov>  
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Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Leon, Bryan P. EOP/OMB  
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<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Matsuo, Kimie L. EOP/OMB  
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Subject: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

DEADLINE: 11:00 AM Wednesday, Jun 30 2021

S. 1260, the "United States Innovation and Competition Act of 2021", passed the Senate on 6/8/21 by a vote of 68-32. Text of the bill as passed by the Senate is available

here<<https://www.congress.gov/bill/117th-congress/senate-bill/1260/text>>. The bill contains a wide range of provisions aimed at strengthening the United States' economic resilience and competitiveness. Please see below for a list of the divisions in the bill.

Please review the bill and advise of any objectionable provisions by the deadline above. Thank you.

DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations  
DIVISION B--Endless Frontier Act  
DIVISION C--Strategic Competition Act of 2021  
DIVISION D--Homeland Security and Governmental Affairs Committee Provisions  
DIVISION E--Meeting the China Challenge Act of 2021  
DIVISION F--Other Matters  
DIVISION G--Trade Act of 2021

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LRM ID: KLM-117-33  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference  
SUBJECT: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

OMB CONTACT: Kimie Matsuo(OMB)  
E-Mail: Ex 6 - (5 [REDACTED]) x 6 - (5 [REDACTED])  
PHONE: Ex 6 - (5 [REDACTED])  
FAX: Ex 6 - (5 U.S.C. [REDACTED])  
See 552(b)(6)

In accordance with OMB Circular No. A-19<<https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-019.pdf>>, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

**FW: [seeking PAD concurrence] recommended next step on [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] Innovation and Competition Act of 2021 [LRM#: KLM-117-33]**

**From:** "McDonald, Christine A. EOP/OMB" <[Ex 6 - (5 U.S.C. Sec [redacted]) x 6 - (5 [redacted])]>  
**To:** "Bar-Shalom, Tali EOP/OMB" <[Ex 6 - (5 U.S.C. [redacted]) x 6 - (5 [redacted])]>  
**Date:** Tue, 13 Jul 2021 15:33:13 -0400  
**Attachments:** s1260es.pdf (2.92 MB)

Tali - [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

[Ex 5 DP- (5 U.S.C. [redacted])]

**From:** McDonald, Christine A. EOP/OMB  
**Sent:** Wednesday, June 30, 2021 5:38 PM  
**To:** Vahlsing, Candace M. EOP/OMB <[Ex 6 - (5 U.S.C. Sec [redacted]) x 6 - (5 [redacted])]>  
**Cc:** Evans, Beatrix C. EOP/OMB <[Ex 6 - (5 U.S.C. [redacted]) x 6 - (5 [redacted])]>; Pasquantino, John C. EOP/OMB <[Ex 6 - (5 U.S.C. [redacted]) x 6 - (5 [redacted])]>; Bar-Shalom, Tali EOP/OMB <[Ex 6 - (5 U.S.C. [redacted]) x 6 - (5 [redacted])]>  
**Subject:** [seeking PAD concurrence] recommended next step on [Ex 5 DP- (5 U.S.C. Sec [redacted]) Innovation and Competition Act of 2021 [LRM#: KLM-117-33]

Candace -

I am seeking your guidance [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

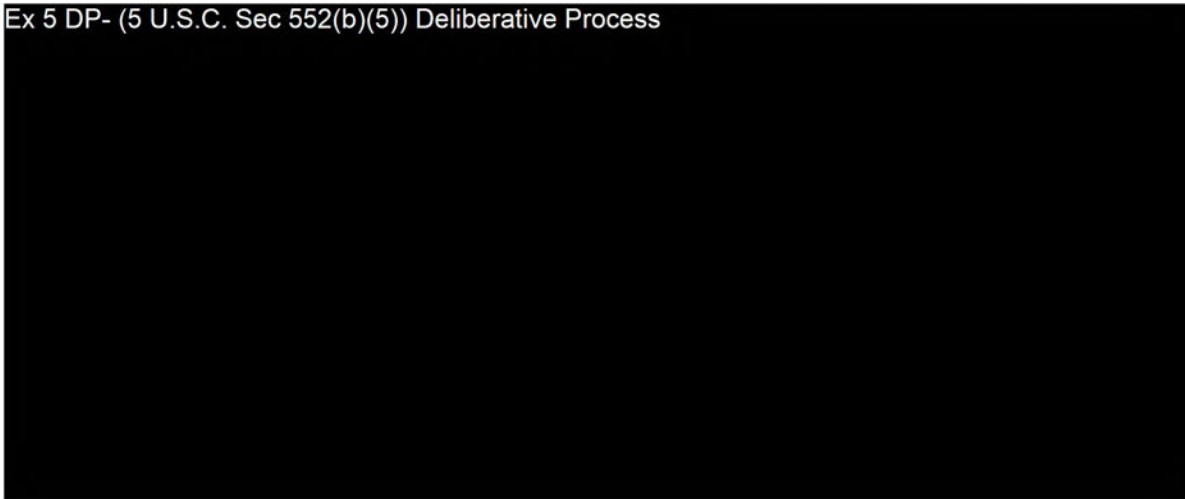
[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] which I've summarized below. [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] Please let us know if you have any thoughts on the provision or concerns about this recommended next step.

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]





Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

FYI, we have Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) we were checking with you on next steps.

Thank you.  
CMcD

**From:** Matsuo, Kimie L. EOP/OMB

**Sent:** Wednesday, June 30, 2021 9:06 AM

**To:** 'ENERGY' <Energy.GC33@hq.doe.gov>; 'Environmental Protection Agency' <epalrm@epamail.epa.gov>; 'Federal Trade Commission' <FTC-LRM@ftc.gov>; 'HEALTH & HUMAN SERVICES' <lrn@hhs.gov>; 'HOMELAND SECURITY' <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec >; 'National Science Foundation' <olpalrm@nsf.gov>; DL NSC LRM <Ex 6 - (5 U.S.C. Sec >; 'Office of Personnel Management' <CLA@opm.gov>; DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec >; 'Office of the Director of National Intelligence' <Ex 6 - (5 U.S.C. >; 'Peace Corps' <congressional@peacecorps.gov>; 'STATE' <state-lrm@state.gov>; 'Small Business Administration' <cla@sba.gov>; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; DL-USTR-LRM <Ex 6 - (5 Ex 6 - (5 U.S.C. Sec >

**Cc:** Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. >; Evans, Beatrix C. EOP/OMB <Ex 6 - (5 U.S.C. >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. >; Pei, Yi EOP/OMB <Ex 6 - (5 >; August, Lisa L. EOP/OMB <Ex 6 - (5 >; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. >; Hu, Grace EOP/OMB <Ex 6 - (5 >; Mok, Emily A. EOP/OMB <Ex 6 - (5 >; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Dick, John H. EOP/OMB <Ex 6 - (5 >; Robinson, Donovan O. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Giamo, Daniel M. EOP/OMB <Ex 6 - (5 U.S.C. >; Garcia, Jacob A. EOP/OMB <Ex 6 - (5 >; Nafziger, Jephtha E. EOP/OMB <Ex 6 - (5 U.S.C. >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. >; Stein, Nora H. EOP/OMB <Ex 6 - (5 >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. >; Feldman, Iris T. EOP/OMB <Ex 6 - (5 >; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. >; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. >; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Spiro, Topher J. EOP/OMB <Ex 6 - (5 U.S.C. >; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. >

DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 )>; De Los Santos, Karen EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 )>; May, Joshua D. EOP/OMB <Ex 6 - (5 ) x 6 - (5 )>;  
Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 )>; Cramer, Drew W. EOP/OMB  
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Adam N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Ghavalyan, Mariam EOP/OMB  
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Pipan, Joseph G. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>; DL OMB NSP IAD STATE  
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Sandy, Mark S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 )>; O'Kane, Matt J. EOP/OMB  
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Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>; DL OMB NSP NSD FSIB  
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Kelly A. EOP/OMB <Ex 6 - (5 ) Ex 6 - (5 )>; O'Brien, Erin L. EOP/OMB  
<Ex 6 - (5 ) Ex 6 - (5 )>; DL OMB BRD PAYGO CREW  
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Yagan, Danny F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Taber, Jamie R. EOP/OMB  
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OMB OFFM <Ex 6 - (5 ) Ex 6 - (5 )>; Blum, Mathew C. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Field, Lesley A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>;  
Wade, James A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Wise, Julie A. EOP/OMB  
<Ex 6 - (5 ) Ex 6 - (5 )>; McCrary, Jeremy P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>; DL  
OMB PPM Personnel Team <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 )>; DL OMB PPM  
Performance Team <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 )>; Greenwald, Elyse F.  
EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 )>; Mancini, Dominic J. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 )>; Moncada, Kirsten J. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 )>; Hill, Jonathan W. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 )>;  
Fraser, Nicholas A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Seehra, Jasmeet K. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Bestani, William E. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 )>; Goodenough, Alex W. EOP/OMB



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Martorana, Clare A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL OMB OFCIO Legislative  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Drake, Celeste E. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL OMB OGC <Ex 6 - (5 Ex 6 - (5 >; DL-CEA-LRM <Ex 6  
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<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Etter, Robert L. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >;  
Healton, Kelly A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Ward, Benjamin A. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL WHO WHCO LRM <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Deeks, Ashley S. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Schwartztol, Larry M. EOP/WHO  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Slevin, Christopher J. EOP/WHO  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Demers, Kaitlyn H. EOP/WHO  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Dodin, Reema B. EOP/WHO <Ex 6 - (5 Ex 6 - (5 >;  
Buetow, Zephrahanie N. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Metzler, Chad M. EOP/WHO  
<Ex 6 - (5 Ex 6 - (5 >; Black, Jonathan Y. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Goff, Shuwanza R. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Vaeth, Matt J. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Ventura, Alexandra EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >

**Subject:** REMINDER: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

Good morning,

This is a reminder to please advise of any objectionable provisions in S. 1260, United States Innovation and Competition Act of 2021, by 11:00 AM today.

Thank you,  
Kimie

---

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Thursday, June 17, 2021 6:17 PM  
**To:** 'AGRICULTURE' <usdaleg@obpa.usda.gov>; 'Army Corps of Engineers (DOD)' <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 'COMMERCE' <Ex 6@doc.gov>; 'DEFENSE' <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 'EDUCATION' <ogc.legislation@ed.gov>; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'Environmental Protection Agency' <epalrm@epamail.epa.gov>; 'Export-Import Bank of the United States' <eximlrm@exim.gov>; 'Federal Trade Commission' <FTC-LRM@ftc.gov>; 'General Services Administration' <ca.legislation@gsa.gov>; 'HEALTH & HUMAN SERVICES' <lrms@hhs.gov>; 'HOMELAND SECURITY' <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 'HOUSING & URBAN DEVELOPMENT' <HUDLRM@hud.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec >; 'LABOR' <dol-sol-leg@dol.gov>; 'National Aeronautics and Space Administration' <nasa\_lrm@hq.nasa.gov>; 'National Science Foundation' <olpalrm@nsf.gov>; DL NSC LRM <Ex 6 - (5 U.S.C. Sec >; 'National Transportation Safety Board' <Ex 6 - (5 U.S.C. Sec >; 'Office of Personnel Management' <CLA@opm.gov>; DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec >; 'Office of the Director of National Intelligence' <Ex 6 - (5 U.S.C. >; 'Peace Corps' <congressional@peacecorps.gov>; 'STATE' <state-lrm@state.gov>; 'Small Business Administration' <cla@sba.gov>; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; 'US Agency for International Development' <gc.omb@usaid.gov>; DL-USTR-LRM

<Ex 6 - (5 U.S.C. Sec [REDACTED])>; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>  
Cc: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED]) Ex 6 - (5 [REDACTED])>; Schory, Daniel K.  
EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED]) Ex 6 - (5 [REDACTED])>; Evans, Beatrix C. EOP/OMB  
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Pei, Yi EOP/OMB <Ex 6 - (5 [REDACTED]) Ex 6 - (5 [REDACTED])>; August, Lisa L. EOP/OMB  
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Donovan O. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) Ex 6 - (5 [REDACTED])>; Giamo, Daniel M. EOP/OMB  
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Nafziger, Jephtha E. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED]) Ex 6 - (5 [REDACTED])>; Lucas, Adrienne E. EOP/OMB  
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Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED]) Ex 6 - (5 [REDACTED])>; Feldman, Iris T. EOP/OMB  
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Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Jones, Lauren H. EOP/OMB  
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Michael C. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED]) Ex 6 - (5 [REDACTED])>; McNeal, Chris G. EOP/OMB  
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Adam N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Ghavalyan, Mariam EOP/OMB  
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Pipan, Joseph G. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED]) x 6 - (5 [REDACTED])>; DL OMB NSP IAD STATE  
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<Ex 6 - (5 U.S.C. [REDACTED]) x 6 - (5 [REDACTED])>; DL OMB NSD INTEL <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Nassif,



Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL OMB NSP NSD FSIB  
 <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Falk Curtin, Edna T. EOP/OMB  
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 Wade, James A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Wise, Julie A. EOP/OMB  
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 Performance Team <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 >; Greenwald, Elyse F.  
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 Fraser, Nicholas A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Seehra, Jasmeet K. EOP/OMB  
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 Martorana, Clare A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL OMB OFCIO Legislative  
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 LRM <Ex 6 - (5 U.S.C. Sec >; DL NSC Legal <Ex 6 - (5 U.S.C. Sec >; DL NSC Legislative  
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 EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Heaton, Kelly A. EOP/OMB  
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 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Schwartzol, Larry M. EOP/WHO  
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Slevin, Christopher J. EOP/WHO  
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Demers, Kaitlyn H. EOP/WHO  
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Dodin, Reema EOP/WHO <Ex 6 - (5 Ex 6 - (5 >;  
 Buetow, Zephranie N. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Metzler, Chad EOP/WHO  
 <Ex 6 - (5 Ex 6 - (5 >; Black, Jonathan Y. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
 Goff, Shuwanza R. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Vaeth, Matt J. EOP/OMB  
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 Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Matsuo, Kimie L. EOP/OMB  
 <Ex 6 - (5 Ex 6 - (5 >

**Subject:** LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

**DEADLINE: 11:00 AM Wednesday, Jun 30 2021**

S. 1260, the "United States Innovation and Competition Act of 2021", passed the Senate on 6/8/21 by

a vote of 68-32. Text of the bill as passed by the Senate is available [here](#). The bill contains a wide range of provisions aimed at strengthening the United States' economic resilience and competitiveness. Please see below for a list of the divisions in the bill.

Please review the bill and advise of any objectionable provisions by the deadline above. Thank you.

DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations  
DIVISION B--Endless Frontier Act  
DIVISION C--Strategic Competition Act of 2021  
DIVISION D--Homeland Security and Governmental Affairs Committee Provisions  
DIVISION E--Meeting the China Challenge Act of 2021  
DIVISION F--Other Matters  
DIVISION G--Trade Act of 2021

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LRM ID: KLM-117-33  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference  
SUBJECT: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

OMB CONTACT: Kimie Matsuo(OMB)  
E-Mail: Ex 6 - (5) x 6 - (5)  
PHONE: Ex 6 - (5)  
FAX: Ex 6 - (5)

In accordance with [OMB Circular No. A-19](#), OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.



# FW: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

**From:** "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
**To:** "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
**Date:** Tue, 13 Jul 2021 20:27:41 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

See [below](#)

This is great timing. Maybe we just [Ex 5 DP- \(5 U.S.C. Sec 552\(b\)\(5\)\) Deliberative](#) on Thursday [Ex 5 DP- \(5 U.S.C. Sec 552\(b\)\(5\)\) Deliberative Process](#)

**From:** Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
**Sent:** Tuesday, July 13, 2021 6:23 PM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Stein, Nora H. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hagan, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Sisaye, Sarah L. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Daumit, Alexander (Jim) J. III EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Vyas, Megha V. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Barrick, Carl W. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Skidmore, Ben J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Donatelli, Angela M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>

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Upadhyaya, Shraddha A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 >;  
**Cc:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Heaton, Kelly A. EOP/OMB  
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Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 >; Sharbatoghlie, Shabnam  
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Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 >; Thomas, Will III EOP/OMB  
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McCrary, Anna C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Matsuo, Kimie L. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >;



**Subject:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

OMB colleagues,

Please see attached the interagency feedback LRD has received on S. 1260, the United States Innovation and Competition Act of 2021 (USICA), which passed the Senate on 6/8/21 by a vote of 68-32. A copy of the bill text as passed by the Senate is also attached for your reference. The bill contains the following seven divisions:

- DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations
- DIVISION B--Endless Frontier Act (including NSF and NASA reauthorizations)
- DIVISION C--Strategic Competition Act of 2021
- DIVISION D--Homeland Security and Governmental Affairs Committee Provisions (Ensuring Domestic Production Capabilities; Cyber and Artificial Intelligence; Facilitating Federal Employee Reskilling; Rotational Cyber Workforce Program; Ensuring Security of UAS; National Risk Management; Safeguarding American Innovation; and Meeting the China Challenge Act)
- DIVISION E--Meeting the China Challenge Act of 2021
- DIVISION F--Other Matters (Competitiveness and Security for Education and Medical Research)
- DIVISION G--Trade Act of 2021

LRD received comments from: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process . We're still expecting to  
receive comments from a Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative . We also received  
feedback from the following Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5

The attached Excel document contains four sheets:

1. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
- 2.
3. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
4. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

In terms of next steps, there are currently a number of related House bills at various stages of the legislative process that will likely make up the House's counterproposal to S. 1260. Our understanding

is that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
We will circle back with any additional information as soon as possible.

Please review the Excel document and let us know whether you concur or have any concerns with the comments provided by COB Tuesday, July 20, if possible. Please also let us know if you have additional concerns with the bill that are not captured in the comment matrix. We defer to individual offices to consult with their PADs as appropriate in providing their responses. We also intend to share the compilation of comments with Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process but wanted to share for internal OMB review first.

Thank you,  
Kimie

**FW: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20**

**From:** "McDonald, Christine A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
**To:** "Bar-Shalom, Tali EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Date:** Tue, 13 Jul 2021 21:02:42 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

Hi Tali. Please let me know if we have Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Thanks.

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Tuesday, July 13, 2021 6:23 PM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Stein, Nora H. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hagan, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Sisaye, Sarah L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Daumit, Alexander (Jim) J. III EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Vyas, Megha V. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Barrick, Carl W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Skidmore, Ben J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Donatelli, Angela M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Crow, Rose C. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Roy, Amanda E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>;



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Young, Rita I. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Bestani, William E. EOP/OMB  
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Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; DL OMB BRD PAYGO CREW  
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Dreher, Megan E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Tran, Hai M. EOP/OMB  
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**Cc:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Heaton, Kelly A. EOP/OMB  
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Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Sharbatoghlie, Shabnam  
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Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Gonzalez, Oscar EOP/OMB  
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McCrary, Anna C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Matsuo, Kimie L. EOP/OMB  
<Ex 6 - (5 Ex 6 - (5)>

**Subject:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20



OMB colleagues,

Please see attached the interagency feedback LRD has received on S. 1260, the United States Innovation and Competition Act of 2021 (USICA), which passed the Senate on 6/8/21 by a vote of 68-32. A copy of the bill text as passed by the Senate is also attached for your reference. The bill contains the following seven divisions:

- DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations
- DIVISION B--Endless Frontier Act (including NSF and NASA reauthorizations)
- DIVISION C--Strategic Competition Act of 2021
- DIVISION D--Homeland Security and Governmental Affairs Committee Provisions (Ensuring Domestic Production Capabilities; Cyber and Artificial Intelligence; Facilitating Federal Employee Reskilling; Rotational Cyber Workforce Program; Ensuring Security of UAS; National Risk Management; Safeguarding American Innovation; and Meeting the China Challenge Act)
- DIVISION E--Meeting the China Challenge Act of 2021
- DIVISION F--Other Matters (Competitiveness and Security for Education and Medical Research)
- DIVISION G--Trade Act of 2021

LRD received comments from [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
[redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We're still expecting to  
receive comments from a [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We also received  
feedback from the following [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
[redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

The attached Excel document contains four sheets:

[redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

In terms of next steps, there are currently a number of related House bills at various stages of the legislative process that will likely make up the House's counterproposal to S. 1260. Our understanding is that [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5  
Deliberative Process Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) We will circle back with any additional information as soon as possible.

Please review the Excel document and let us know whether you concur or have any concerns with the comments provided by COB Tuesday, July 20, if possible. Please also let us know if you have additional concerns with the bill that are not captured in the comment matrix. We defer to individual offices to consult with their PADs as appropriate in providing their responses. We also intend to share the compilation of comments with Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process but wanted to share for internal OMB review first.

Thank you,  
Kimie

**FW: FOR REVIEW: Interagency comments on S. 1260,  
United States Innovation and Competition Act of 2021  
(USICA) -- Response requested by COB Tuesday, July 20**

**From:** "Dalal, Nadir E. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>  
**To:** "Reed, Alex R. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Date:** Wed, 14 Jul 2021 09:20:45 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

Hi, Alex. I'm not fully up to date on all the various examiners that deal with Ex 5 DP- (5 U.S.C. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec

Best,  
Nadir

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Tuesday, July 13, 2021 6:23 PM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Stein, Nora H. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hagan, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Sisaye, Sarah L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Daumit, Alexander (Jim) J. III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>; Was, Meha V. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Barrick, Carl W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5) Ex 6 - (5)>



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Upadhyaya, Shraddha A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
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Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Sharbatoghlie, Shabnam  
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Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Thomas, Will III EOP/OMB  
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Ventura, Alexandra EOP/OMB [Redacted]; Gonzalez, Oscar EOP/OMB [Redacted];  
[Redacted]; Vucic, Nicholas P. EOP/OMB [Redacted];  
McCrary, Anna C. EOP/OMB [Redacted]; Matsuo, Kimie L. EOP/OMB [Redacted]

**Subject:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

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- DIVISION G--Trade Act of 2021

LRD received comments from [Redacted] Deliberative Process  
[Redacted] We're still expecting to  
receive comments from [Redacted] We also received  
feedback from the following [Redacted]  
[Redacted]

The attached Excel document contains four sheets:

1	[Redacted] Deliberative Process
2	[Redacted]
3	[Redacted]

4. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We will circle back with any additional information as soon as possible.

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Thank you,  
Kimie

**FW: FOR REVIEW: Interagency comments on S. 1260,  
United States Innovation and Competition Act of 2021  
(USICA) -- Response requested by COB Tuesday, July 20**

**From:** "Hoskins, Jack A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**To:** DL OMB NSP IAD <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Bcc:** "Hoskins, Jack A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Date:** Wed, 14 Jul 2021 14:39:40 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

Hi All,

If anyone has any concerns with agency comments on the United States Innovation and Competition Act, please let me know by COB Monday, the 19<sup>th</sup>.

My understanding is that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 Division C is the Strategic Competition Act, which you've all seen before and Ex 5 DP- (5 U.S.C.  
Ex 5 DP- (5 U.S.C. Ex 5 DP- (5 U.S.C. Sec Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

Thanks,  
Jack

---

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Tuesday, July 13, 2021 6:23 PM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Shawcross, Paul J.  
EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; August, Lisa L. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hu,  
Grace EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Mok, Emily A. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Schory, Daniel K.  
EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McDonald, Christine A. EOP/OMB  
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Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Stein, Nora H. EOP/OMB  
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Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Cassell, Mary I.  
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Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Branson, Michael D. EOP/OMB  
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Young, Rita I. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Bestani, William E. EOP/OMB  
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Upadhyaya, Shraddha A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >;  
Cc: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Heulton, Kelly A. EOP/OMB



<Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5)>; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5)>;  
Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5)>; Sharbatoghlie, Shabnam  
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McCrary, Anna C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5)>; Matsuo, Kimie L. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5)>

**Subject:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

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- 2.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

3.

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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) We will circle back with any additional information as soon as possible.

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Thank you,  
Kimie

# FW: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

**From:** "Ventura, Alexandra EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Etter, Robert L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Wed, 14 Jul 2021 14:32:03 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

Rob, FYI. Here are the interagency comments we received on USICA. Kimie shared these comments with OMB components yesterday.

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Tuesday, July 13, 2021 6:23 PM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Stein, Nora H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hagan, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Sisave, Sarah L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Daumit, Alexander (Jim) J. III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Vyas, Megha V. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Barrick, Carl W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Skidmore, Ben J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Donatelli, Angela M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Crow, Rose C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Roy, Amanda E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>



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**Cc:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Heaton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sharbatoghlie, Shabnam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Barringer, Jody M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Kim, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Gonzalez, Oscar EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Vucic, Nicholas P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; McCrary, Anna C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

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(USICA) -- Response requested by COB Tuesday, July 20**

**From:** "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 6 - (5)>  
**To:** "Achanta, Chandana L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Thomas, Amanda L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Aguilar, Brenda L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Kymn, Christine J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Fitzpatrick, Mary E. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Seehra, Jasmeet K. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Hill, Jonathan W. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Brammer, Josh J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Kluever, April N. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Cc:** "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Patel, Jagir D. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Minson, Susan M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Sivinski, Robert G. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Kim, Nathaniel L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Date:** Wed, 14 Jul 2021 11:15:42 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

Hi Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Tuesday, July 13, 2021 6:23 PM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Schory, Daniel K.



EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; McDonald, Christine A. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5  
Ex 6 - Ex 6 - (5 >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >;  
Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Stein, Nora H. EOP/OMB  
<Ex 6 - (5 Ex 6 - (5 >; Hagan, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Cassell, Mary I.  
EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Patel, Jagir D. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >;  
Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Branson, Michael D. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Weisshaar, David M. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Reilly, Tom M. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Fischietto, Mary S. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Sisaye, Sarah L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL  
OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Abrams, Andrew D. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Newman, Kim A. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Mergen, Margaret C. EOP/OMB  
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<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Cramer, Drew W. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Daumit, Alexander (Jim) J. III EOP/OMB  
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Vyas, Megha V. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Connolly, David C. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Barrick, Carl W. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >;  
Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Korovesis, Andrea G. EOP/OMB  
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<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Crow, Rose C. EOP/OMB  
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MacMaster, Ryan J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Enger, Michelle A. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Gonzalez, Anthony A. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Miller, Kimberly A. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Curtis, Tyler T. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Ghavalyan, Mariam EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Klein, Robert T. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Salazar,  
Adam N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Stratton, Terry W. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Fairweather, Rob S. EOP/OMB  
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<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; DL OMB NSP IAD ECON  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Sandy, Mark S. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >;  
DL OMB NSD INTEL <Ex 6 - (5 U.S.C. Sec >; DL OMB NSP NSD FSIB  
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB NSP NSD OPS <Ex 6 - (5 U.S.C. Sec >; Field,  
Lesley A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Blum, Mathew C. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; McCrary, Jeremy P. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Wade, James A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Wise, Julie A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Pica, Karen A. EOP/OMB  
<Ex 6 - (5 Ex 6 - (5 >; Smith, Curtina O. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Greenwald, Elyse F. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Moncada, Kirsten J. EOP/OMB



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Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 x 6 - (5 >; Martinez, Shelly W. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Aguilar, Brenda L. EOP/OMB  
<Ex 6 - (5 U.S.C. x 6 - (5 >; Higgins, Cortney J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >;  
Young, Rita I. EOP/OMB <Ex 6 - (5 x 6 - (5 >; Bestani, William E. EOP/OMB  
<Ex 6 - (5 U.S.C. x 6 - (5 >; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >;  
Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >; DL OMB BRD PAYGO CREW  
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; McConnell, Doc P. IV EOP/OMB  
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Grimes, Justin M. EOP/OMB  
<Ex 6 - (5 U.S.C. x 6 - (5 >; Daphnis, Kristy L. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >;  
Dreher, Megan E. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Tran, Hai M. EOP/OMB  
<Ex 6 - (5 x 6 - (5 >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >;  
Upadhyaya, Shraddha A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >;  
**Cc:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Heaton, Kelly A. EOP/OMB  
<Ex 6 - (5 U.S.C. x 6 - (5 >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >;  
Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Sharbatoghlie, Shabnam  
EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Leon, Bryan P. EOP/OMB  
<Ex 6 - (5 x 6 - (5 >; Barringer, Jody M. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >;  
Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Thomas, Will III EOP/OMB  
<Ex 6 - (5 x 6 - (5 >; Kim, Michael B. EOP/OMB <Ex 6 - (5 x 6 - (5 >;  
Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Gonzalez, Oscar EOP/OMB  
<Ex 6 - (5 U.S.C. x 6 - (5 >; Vucic, Nicholas P. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >;  
McCrory, Anna C. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Matsuo, Kimie L. EOP/OMB  
<Ex 6 - (5 U.S.C. x 6 - (5 >

**Subject:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

OMB colleagues,

Please see attached the interagency feedback LRD has received on S. 1260, the United States Innovation and Competition Act of 2021 (USICA), which passed the Senate on 6/8/21 by a vote of 68-32. A copy of the bill text as passed by the Senate is also attached for your reference. The bill contains the following seven divisions:

- DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations
- DIVISION B--Endless Frontier Act (including NSF and NASA reauthorizations)
- DIVISION C--Strategic Competition Act of 2021
- DIVISION D--Homeland Security and Governmental Affairs Committee Provisions (Ensuring Domestic Production Capabilities; Cyber and Artificial Intelligence; Facilitating Federal Employee Reskilling; Rotational Cyber Workforce Program; Ensuring Security of UAS; National Risk Management; Safeguarding American Innovation; and Meeting the China Challenge Act)
- DIVISION E--Meeting the China Challenge Act of 2021
- DIVISION F--Other Matters (Competitiveness and Security for Education and Medical Research)
- DIVISION G--Trade Act of 2021

LRD received comments from [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]  
[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] We're still expecting to  
receive comments from [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] We also received  
feedback from the following [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]  
[Ex 5 DP- (5

The attached Excel document contains four sheets:

1. [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

2.

3.

4.

In terms of next steps, there are currently a number of related House bills at various stages of the legislative process that will likely make up the House's counterproposal to S. 1260. Our understanding is that [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]  
[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] [Ex 5 DP- (5 U.S.C. Sec 552(b)(5))]  
[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] [Ex 5 DP- (5 U.S.C. Sec 552(b)(5))]  
[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] We will circle back with any additional information as soon as possible.

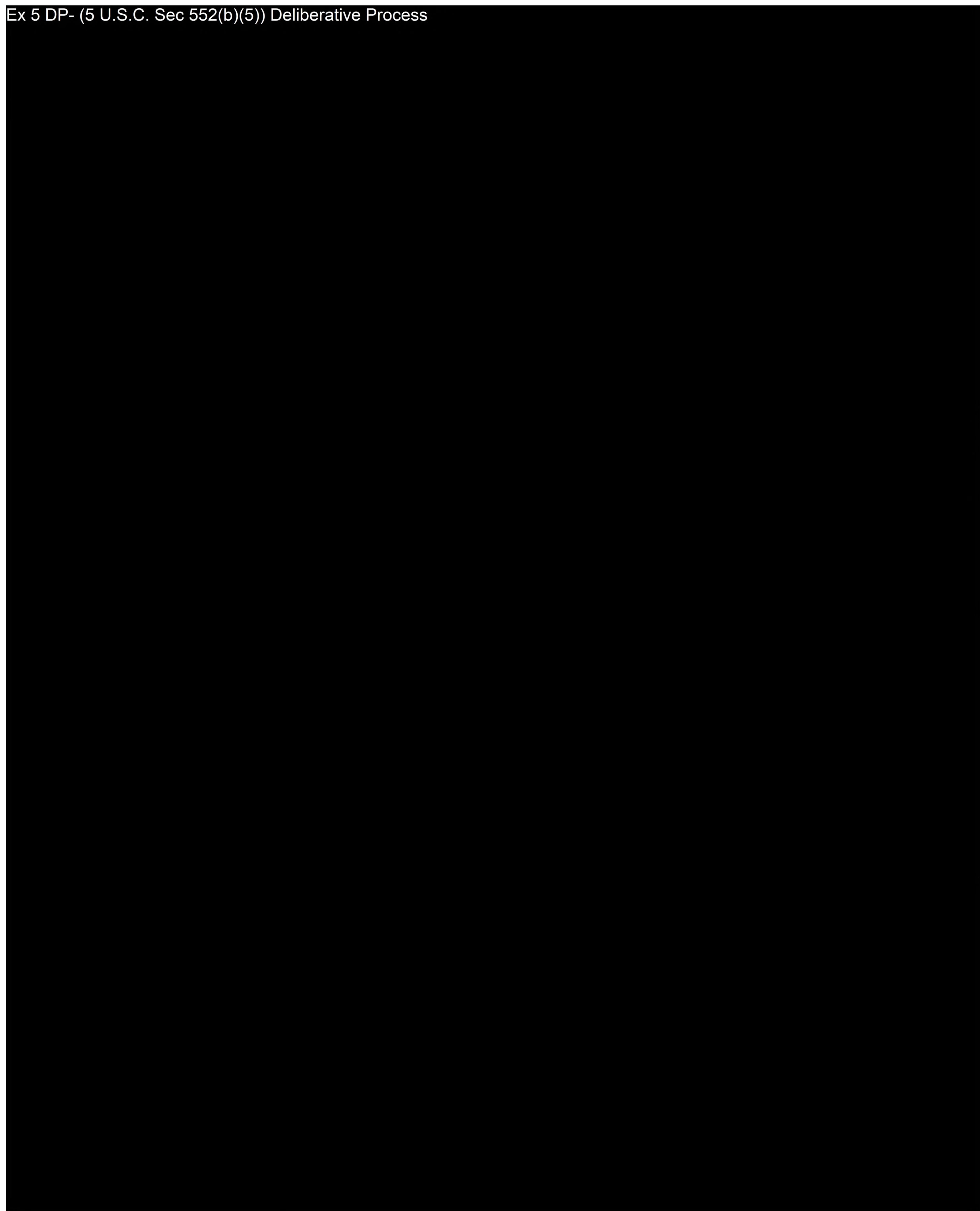
Please review the Excel document and let us know whether you concur or have any concerns with the comments provided by COB Tuesday, July 20, if possible. Please also let us know if you have additional concerns with the bill that are not captured in the comment matrix. We defer to individual offices to consult with their PADs as appropriate in providing their responses. We also intend to share the compilation of comments with [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] but wanted to share for internal OMB review first.

Thank you,  
Kimie

Section #	Section title	Commenting Agency	Issue/Requested Change
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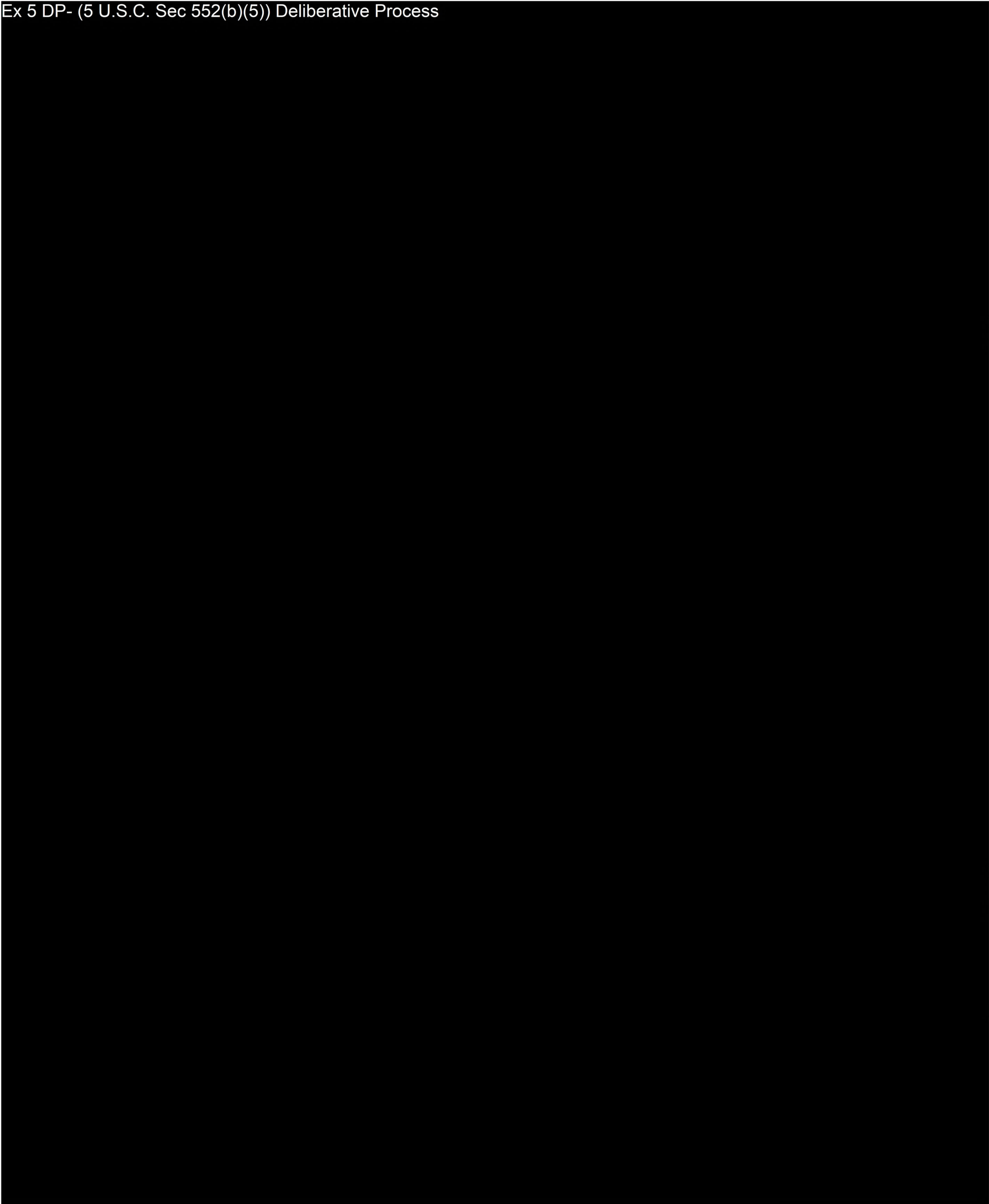
Section #	Section title	Agency	Issue/Requested Change	Conflictin
Ex 5 DP-	(5 U.S.C. Sec 552(b)(5)) Deliberative Process			





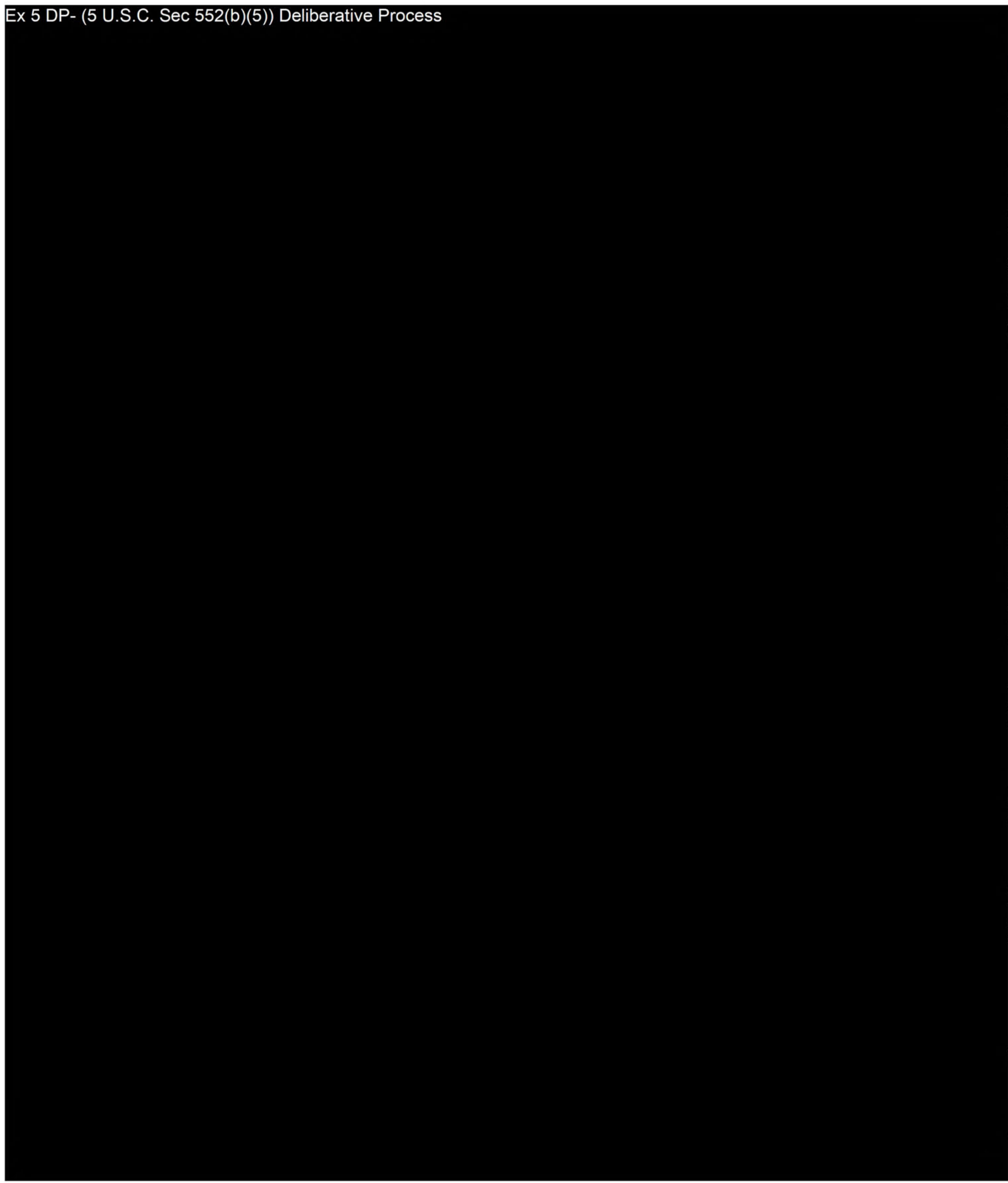


















**RE: FOR REVIEW: Interagency comments on S. 1260,  
United States Innovation and Competition Act of 2021  
(USICA) -- Response requested by COB Tuesday, July 20**

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**From:** "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Mackey, Steven P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Cc:** "Rico, Natalie E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Woods, Terry O. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Mon, 19 Jul 2021 09:35:36 -0400  
**Attachments:** Copy of S. 1260 Agency Comments Matrix.v2\_NR.xlsx (162 kB)

Rhea, thanks.

Natalie and Terry, if you have additional comments, please send them to me by 1:00 pm sop I can forward them to Victoria and Deidre. Thanks.

*Regards,*  
Gil Tran  
Executive Office of the President  
OMB/OEEM  
Cell Ex 6 - (5 U.S.C. Sec 552(b)(6))

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**From:** Hubbard, Rhea A. EOP/OMB  
**Sent:** Friday, July 16, 2021 3:54 PM  
**To:** Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Cc:** Rico, Natalie E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Woods, Terry O. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Subject:** RE: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

Thanks Steve,

Gil – let me know if anything further is needed from the team. I think you have more background to know Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Best,  
Rhea

Rhea Hubbard | OMB | Ex 6 - (5 U.S.C. Sec 552(b)(6))

---

**From:** Mackey, Steven P. EOP/OMB  
**Sent:** Friday, July 16, 2021 3:35 PM  
**To:** Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

**Subject:** RE: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

Hi – per our conversation, I took a first stab at reacting to the comments. Ex 5 DP- (5 U.S.C. Sec. 552(b)(5)) Thanks, Steve

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**From:** Hubbard, Rhea A. EOP/OMB  
**Sent:** Friday, July 16, 2021 10:09 AM  
**To:** Rico, Natalie E. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>; Woods, Terry O. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>  
**Cc:** Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>  
**Subject:** RE: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

Plus Steve, since Ex 6 - (5 U.S.C. Sec. 552(b)(5))

I will take a look at agency comments and give you some feedback Gil. Steve – I know you're slammed with reviewing RFI comments, so only take a look time permitting.

Best,  
Rhea

Rhea Hubbard | OMB | Ex 6 - (5 U.S.C. Sec. 552(b)(5))

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**From:** Rico, Natalie E. EOP/OMB  
**Sent:** Friday, July 16, 2021 9:11 AM  
**To:** Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>; Woods, Terry O. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>  
**Subject:** RE: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20  
**Importance:** High

Minus DH and VC.

Hi Gil,

Most of this seems to fall to Rhea, who I know has been tracking this issue. A few thoughts in red provided in the attached for the pertinent sections.

My concern is Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. Best,

Natalie Rico  
Ex 6 - (5 U.S.C. Sec. 552(b)(5))

---

**From:** Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>  
**Sent:** Thursday, July 15, 2021 4:42 PM  
**To:** Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>; Woods, Terry O. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>; Rico, Natalie E. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>  
**Cc:** Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>; Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(5))>

Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

**Subject:** FW: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

Hi Rhea, Terry and Natalie – this request was sent to Victoria and me but not to others on the team. The ask for us is to

The applicable sections to grant area are  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

I can consolidate MCAB comments on Monday 07/19 before sending them up to Victoria and Deidre.

Thanks.

Regards,  
Gil Tran  
Executive Office of the President  
OMB/OFFM  
Cell Ex 6 - (5 U.S.C. Sec 552(b)(6))

---

**From:** Matsuo, Kimie L. EOP/OMB

**Sent:** Tuesday, July 13, 2021 7:10 PM

**To:** Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

**Subject:** FW: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

Hi Gil,

I just wanted to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process for something like this, but we Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) and I wasn't sure if the distro we use Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) so I wasn't Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) I added you here because Lori Vassar mentioned your name when she reached out to me to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Please feel free to forward my email to other OFFM colleagues who might be interested.

Thank you and please let me know if you have any questions.

Best,  
Kimie

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**From:** Matsuo, Kimie L. EOP/OMB

**Sent:** Tuesday, July 13, 2021 6:23 PM

**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >



Ex 6 - (5 U.S.C. Sec. 552(b)(6)) > Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Stein, Nora H. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Hagan, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Sisave, Sarah L. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Daumit, Alexander (Jim) J. III EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Vyas, Megha V. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Barrick, Carl W. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Skidmore, Ben J. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Donatelli, Angela M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Crow, Rose C. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Roy, Amanda E. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; MacMaster, Ryan J. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Salazar, Adam N. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Stratton, Terry W. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Fairweather, Rob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; DL OMB NSP IAD STATE <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; DL OMB NSP IAD ECON <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Sandy, Mark S. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; DL OMB NSD INTEL <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; DL OMB NSP NSD FSIB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; DL OMB NSP NSD OPS <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Field, Lesley A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Blum, Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; McCrary, Jeremy P. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Wade, James A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Wise, Julie A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Pica, Karen A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Smith, Curtina O. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6)) >



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Dreher, Megan E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Tran, Hai M. EOP/OMB  
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Upadhyaya, Shraddha A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >  
**Cc:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Heaton, Kelly A. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Sharbatoghlie, Shabnam  
EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Leon, Bryan P. EOP/OMB  
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Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Thomas, Will III EOP/OMB  
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McCrary, Anna C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Matsuo, Kimie L. EOP/OMB  
<Ex 6 - (5 Ex 6 - (5 >

**Subject:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

OMB colleagues,

Please see attached the interagency feedback LRD has received on S. 1260, the United States Innovation and Competition Act of 2021 (USICA), which passed the Senate on 6/8/21 by a vote of 68-32. A copy of the bill text as passed by the Senate is also attached for your reference. The bill contains the following seven divisions:

- DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations
- DIVISION B--Endless Frontier Act (including NSF and NASA reauthorizations)
- DIVISION C--Strategic Competition Act of 2021
- DIVISION D--Homeland Security and Governmental Affairs Committee Provisions (Ensuring Domestic Production Capabilities; Cyber and Artificial Intelligence; Facilitating Federal Employee Reskilling; Rotational Cyber Workforce Program; Ensuring Security of UAS; National Risk Management; Safeguarding American Innovation; and Meeting the China Challenge Act)
- DIVISION E--Meeting the China Challenge Act of 2021
- DIVISION F--Other Matters (Competitiveness and Security for Education and Medical Research)
- DIVISION G--Trade Act of 2021

LRD received comments from: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We're still expecting to receive  
comments from a Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative We also received feedback  
from the following Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5

The attached Excel document contains four sheets:

1. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
- 2.
- 3.
- 4.

In terms of next steps, there are currently a number of related House bills at various stages of the legislative process that will likely make up the House's counterproposal to S. 1260. Our understanding is that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) x 5  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We will circle back with any additional information as soon as possible.

Please review the Excel document and let us know whether you concur or have any concerns with the comments provided by COB Tuesday, July 20, if possible. Please also let us know if you have additional concerns with the bill that are not captured in the comment matrix. We defer to individual offices to consult with their PADs as appropriate in providing their responses. We also intend to share the compilation of comments with Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative but wanted to share for internal OMB review first.

Thank you,  
Kimie

**FW: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20**

**From:** "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Cc:** "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Mackey, Steven P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Rico, Natalie E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Mon, 19 Jul 2021 14:12:34 -0400  
**Attachments:** s1260es.pdf (2.92 MB); Copy of S. 1260 Agency Comments Matrix.v2\_OFFM.xlsx (161.7 kB)

Victoria, we Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 Our comments are noted in Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Thanks.

*Regards,*  
*Gil Tran*  
*Executive Office of the President*  
*OMB/OFFM*  
*Cell Ex 6 - (5 U.S.C. Sec 552(b)(6))*

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**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Tuesday, July 13, 2021 7:10 PM  
**To:** Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Subject:** FW: FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

Hi Gil,

I just wanted to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process for something like this, but we Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) and I wasn't sure if the distro we use Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) so I wasn't Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) I added you here because Lori Vassar mentioned your name when she reached out to me to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Please feel free to forward my email to other OFFM Deliberative Process colleagues who might be interested.

Thank you and please let me know if you have any questions.

Best,  
Kimie

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**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Tuesday, July 13, 2021 6:23 PM  
**To:** Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>



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Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Gonzalez, Oscar EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Vucic, Nicholas P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>;  
McCrary, Anna C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Matsuo, Kimie L. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>

**Subject:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20

OMB colleagues,

Please see attached the interagency feedback LRD has received on S. 1260, the United States Innovation and Competition Act of 2021 (USICA), which passed the Senate on 6/8/21 by a vote of 68-32. A copy of the bill text as passed by the Senate is also attached for your reference. The bill contains the following seven divisions:

- DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations
- DIVISION B--Endless Frontier Act (including NSF and NASA reauthorizations)
- DIVISION C--Strategic Competition Act of 2021
- DIVISION D--Homeland Security and Governmental Affairs Committee Provisions (Ensuring Domestic Production Capabilities; Cyber and Artificial Intelligence; Facilitating Federal Employee Reskilling; Rotational Cyber Workforce Program; Ensuring Security of UAS; National Risk Management; Safeguarding American Innovation; and Meeting the China Challenge Act)
- DIVISION E--Meeting the China Challenge Act of 2021

- DIVISION F--Other Matters (Competitiveness and Security for Education and Medical Research)
- DIVISION G--Trade Act of 2021

LRD received comments from [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]  
 [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] We're still expecting to receive  
 comments from a [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] We also received feedback  
 from the following [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]  
 [Ex 5]

The attached Excel document contains four sheets:

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

In terms of next steps, there are currently a number of related House bills at various stages of the legislative process that will likely make up the House's counterproposal to S. 1260. Our understanding is that [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]  
 [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] [Ex 5]  
 [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]  
 [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] We will circle back with any additional information as soon as possible.

Please review the Excel document and let us know whether you concur or have any concerns with the comments provided by COB Tuesday, July 20, if possible. Please also let us know if you have additional concerns with the bill that are not captured in the comment matrix. We defer to individual offices to consult with their PADs as appropriate in providing their responses. We also intend to share the compilation of comments with [Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process] but wanted to share for internal OMB review first.

Thank you,  
 Kimie

## RE: QFRs

---

**From:** "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Wed, 29 Sep 2021 15:46:00 -0400  
**Attachments:** HWM065 - ED QFRs Ed Labor.docx (108.42 kB)

So I had opened the file earlier in SP, which I thought I had closed. But it turns out I did not – and I was able to save it! So it's attached. I have no edits.

---

**From:** Sydor, Katherine M. EOP/OMB  
**Sent:** Wednesday, September 29, 2021 3:32 PM  
**To:** Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Subject:** RE: QFRs

SharePoint is also not working for me....

---

**From:** Cassell, Mary I. EOP/OMB  
**Sent:** Wednesday, September 29, 2021 3:30 PM  
**To:** Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Subject:** QFRs

Yikes! When I tried to get back on to SP, I got a message that said my connection was not private and I couldn't get in. I'd like to get past my 3:30 with Aviva before I turn off my computer and turn it back on, but in the meantime, could you send me the QFRs as an attachment? Ex 5 DP- (5 U.S.C. 552(b)(6)) but I didn't want to wait until too long in the day to finish my review. Thanks!



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COMMITTEE ON  
EDUCATION AND LABOR  
U.S. HOUSE OF REPRESENTATIVES  
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July 2, 2021

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VACANCY

The Honorable Miguel A. Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary Cardona,

I would like to thank you for testifying at the Committee on Education and Labor hearing entitled "*Examining the Policies and Priorities of the U.S. Department of Education*", held on Thursday, June 24, 2021.

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Friday, July 9, 2021, for inclusion in the official hearing record. Your responses should be emailed to Rasheedah Hasan (Rasheedah.Hasan@mail.house.gov), Mariah Mowbray (Mariah.Mowbray@mail.house.gov), and Ben Sinoff (Benjamin.Sinoff@mail.house.gov), of the Committee staff. They can be contacted via email should you have any questions.

I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

ROBERT C. "BOBBY" SCOTT  
Chairman

Enclosure



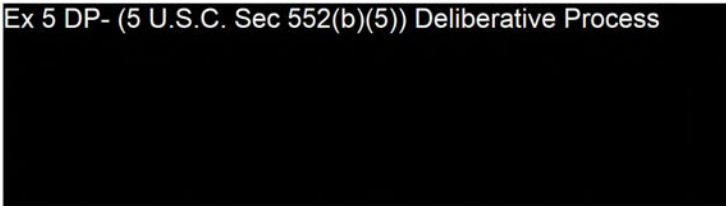
Committee on Education and Labor Hearing  
“Examining the Policies and Priorities of the U.S. Department of Education”  
Thursday, June 24, 2021  
10:15 a.m. (Eastern Time)

**Representative Joe Courtney (D – CT)**

1. Secretary Cardona, many for-profit colleges repeatedly suggest that all institutions, regardless of tax status, should be treated the same for the purposes of participating in federal financial aid. However, this argument obscures the reality that the three sectors of higher education already operate under very different oversight and accountability structures. For example, states have direct governance authority over public institutions, and private non-profit institutions are operated by trustees who are legally committed to the public interest. Only in the for-profit sector can college leaders benefit personally from the operations of their institutions. Thus, as an additional check on these differences in structure and incentives, for-profit colleges must meet additional accountability requirements which ensure the integrity of the federal financial aid program to protect students and taxpayers.

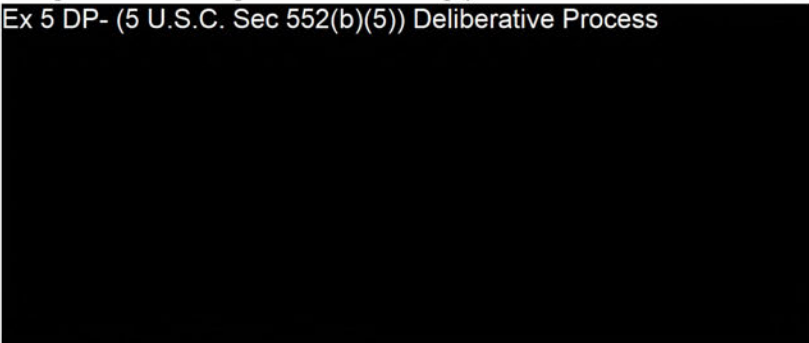
- a. Do you agree that the differentiated accountability structure of the Higher Education Act should be maintained and strengthened?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



- b. What is the Department of Education doing to improve oversight of predatory for-profit institutions to protect students and taxpayers from fraud and abuse?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process




**Representative Frederica S. Wilson (D – FL)**

There is a growing gap in the ratio of students of color to teachers of color. This trend is most

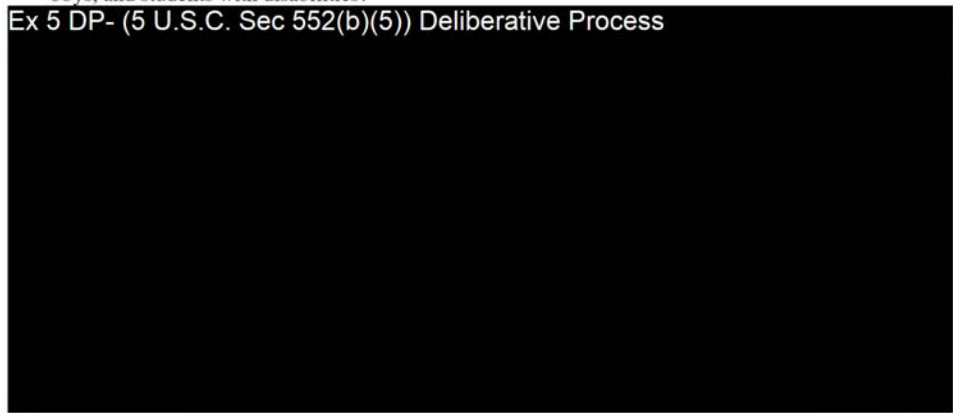
stark for black males, who make up only 2 percent of the teaching workforce. Secretary Cardona, what steps is the department taking to address the black male teacher shortage?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



A 2018 GAO report found that black students are disproportionately suspended, expelled, referred to law enforcement, and subjected to corporal punishment. Despite these findings, Secretary DeVos rescinded Obama-era guidance to reduce racial disparities in school discipline. Secretary Cardona, do you plan to re-instate the Obama Administration's 2014 school discipline guidance? If so, how do you plan to specifically address discipline disparities for black students, boys, and students with disabilities?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

**Representative Susan Wild (D – PA)**

Mr. Secretary, as you know, the Department of Education has begun a process by which you have directed guaranty agencies, State agencies that are charged with working with borrowers who have defaulted Federal Family Education Loan Program (FFELP) loans, to turn those loans over to you rather than allowing the guarantors who now house and service those loans to continue doing so. It appears there are several steps involved to implement this change, including transferring loans already with a State agency to the Department of Education, and then possibly transferring them again to either a collection agency or another loan servicer. With this in mind, my questions are as follows:

1. What analysis did you do prior to suggesting the assignment of these loans to the Department of Education to ascertain the impact on vulnerable borrowers?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2. How long will such transfer take and what are the steps for the movement of these loans? Where will the loans reside once this process is completed?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

3. How will the reimbursement for the work to implement this activity be accommodated?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

4. What agency will be charged with reaching out to those borrowers to fully inform them of the status, location, repayment status, and options for payment pre- and post-assignment?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

5. How will you reach borrowers whose residence has changed during the COVID-19 pandemic?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

6. Will you consider revisiting this approach and allow existing guaranty agencies now servicing those loans to continue to do so?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

**Representative Jamaal Bowman (D – NY)**

**1. Interagency Collaboration – American Rescue Plan**

As schools prepare to reopen in the fall, they'll need a strong plan in place to support students across multiple needs and vulnerabilities that would require a coordinated effort across multiple local agencies. Any one child could need services and support from multiple city agencies, and without enough school-based social workers and school counselors, families could be seeking support on their own. Given the scale at which this is happening, it's important to survey the needs of our students and families. Equipping schools with this information ahead of the first day of school enables them to ensure protective factors are in place to support educators with external and internal resources, supports, and professional development to help them meet the needs of the students in their care. How can schools utilize funding from the American Rescue Plan to do that work right now in collaboration across multiple local agencies and community based organizations?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



## 2. Full-Service Community Schools

The President's Budget Request for Fiscal Year 2022 includes a \$413 million increase for Full-Service Community Schools above the \$30 million enacted in Fiscal Year 2021. The proposed \$443 million could support an estimated 800 additional schools with implementing the community school model. Given the number of schools and communities that could benefit from this competitive grant opportunity but may not know about the program, or further, may have limited staff capacity for grant writing, how would the Department conduct early outreach to communities about this expanded opportunity to become a Full Service Community School and further, what would support look like ahead of and during the application process?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

## 3. Student Loan Servicers

Constituents with federal student loans share with my office that when they try to call their student loan servicer, it's extremely difficult to get someone on the phone, and when they do, they get inconsistent or incomplete information about repayment and forgiveness options. Cancelling student debt would resolve this matter, but in the interim, this lack of clarity and low quality servicing can lead to students being in repayment for much longer, ultimately paying far more. This hardship is especially felt by first-generation college goers and Black and brown student loan borrowers. Student loan servicers are contracted by the Department and their contracts are up at the end of this year. The student loan servicing system is in need of revamping with better protections so that servicers, and ultimately, the Department, are accountable to the millions of student borrowers they serve.

How does the Department plan to hold student loan servicers accountable and overall improve the student borrower experience when it comes to finding clear, comprehensive, accessible answers and resources regarding their student loans?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

## 4. Parent PLUS Loans

Some parents who took out a Parent PLUS loan learned this past year that their loan didn't qualify for the COVID-related student loan pause. Their Parent PLUS Loan is held by a commercial lender. COVID brought on many financial hardships and having to keep up with monthly payments this past year has put many parent borrowers in an impossible financial position. What outreach has the Department done to Parent PLUS Loan servicers about working with borrowers to pause repayment or decrease monthly payments due to the economic impact of COVID-19? What guidance does the Department intend to issue related to Parent PLUS Loans held by a commercial lender?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

**Ranking Member Virginia Foxx (R – NC)**

*K-12*

1. You have talked about your agency's implementation of the American Rescue Plan. I want to ask one question about a relatively minor aspect of that effort that could have major implications. This winter, the Biden administration announced its intention to work with states that needed additional waivers of the testing and accountability provisions under the *Every Student Succeeds Act* for this academic year. The Department followed up that announcement in March by sending states a template to use to request waivers. While Republicans have been supportive of states applying for flexibility where needed, we have criticized you for attaching conditions on that flexibility. That is an approach favored by the last Democratic administration, and it did significant harm. It likely violates prohibitions under ESSA, but it definitely violates the spirit of that law. Mr. Secretary, two questions:

First, had I asked you prior to your nomination how you would feel about the federal government complicating states' responses to the pandemic by attaching conditions to needed flexibility, how would you have responded?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process


Two, will you commit to upholding the letter and intent of ESSA going forward by deferring to state judgments?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2. You continue to tout the American Rescue Plan as being necessary for the reopening of schools. However, the Congressional Budget Office said that 70 percent of the American Rescue Plan's K-12 funding would not be spent until 2023 or later.

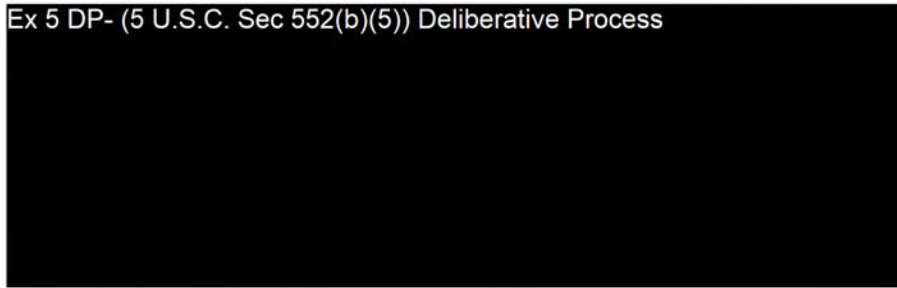
Do you believe that estimate is accurate?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



I am sure that you would argue that these funds are needed for ongoing recovery after the pandemic. But, for the sake of transparency and honesty, will you concede that your rhetoric, and the rhetoric of the president and other Democrats, about the role of the American Rescue Plan in reopening schools, is false?

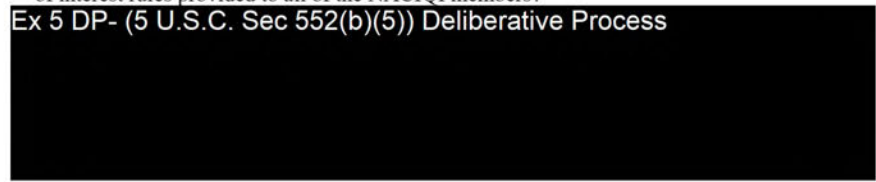
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



*Postsecondary Education*

3. For those who are unfamiliar, the National Advisory Committee on Institutional Quality and Integrity, or NACIQI ("nuh-SEE-key"), advises the Secretary on which accrediting agencies should be federally recognized as reliable authorities for determining the quality of higher education institutions. In turn, federally recognized agencies act as gatekeepers for federal student aid, which we know amounts to trillions in taxpayers' money. In its authorizing language, the *Higher Education Act* requires that members of NACIQI be appointed "on the basis of the individual's expertise, integrity, *impartiality*, and good judgment". Mr. Secretary, it seems to me that judging impartiality is easier when there are clear conflicts because a NACIQI member is a college president or may have paying clients in their day-to-day business. But how do you judge impartiality when it comes to someone that is paid by an advocacy group that has written or spoken extensively on the very issues and accrediting agencies that come before the Committee? Also, can you provide the Committee the conflict of interest rules provided to all of the NACIQI members?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

4. The Committee asked about changes within the Office of Financial Student Aid once Mr. Cordray took over as the agency's Chief Operating Officer.

Before we get to this issue, can you please tell us what, if any, involvement you had in selecting Mr. Cordray as the COO at FSA?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

It is my understanding that Mr. Cordray made significant changes to the staffing structure at FSA upon his arrival. Was that all done under his direction or did you or your staff sign-off on those changes?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

As Mr. Cordray has engaged in his duties as COO, what requirements have you established to ensure you are aware of and in agreement with all decisions he is making? Which staff in the Office of the Undersecretary and Office of the Secretary oversee that for you?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Have you ensured that staff, including Mr. Cordray, receives your approval prior to making any decisions regarding the operation of the loan program, including repayment and servicing operations, as required by Section 141 of the *Higher Education Act*?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

5. I think we are going to hear a lot today about the importance of getting a college degree. But I think too many students are pursuing a college degree and borrowing large amounts of money to do so. I think this is a shame, particularly when employers now tend to hire based on skills rather than the level of credentials obtained. Our nation faced a massive skills gap



prior to the pandemic and it has only grown since then; whole industries have changed drastically overnight. As our economy begins to recover, I think we need a partner in the Executive Branch that will help us reform the *Higher Education Act* in a way that helps students from all walks of life obtain the skills necessary to find a job rather than just pouring more money into a broken system that forces everyone into a degree.

Do you believe that our postsecondary education system should be reformed in such a way that will force our education providers to meet students where they are and provide the skills they need rather than force students to rearrange their lives to attend the traditional, brick and mortar college? Will you commit to working with the members of this Committee to reform the *Higher Education Act* in a way that encourages robust options, including shorter-term programs, for all students?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

6. Returning borrowers back into repayment status for their student loans is critical for both our nation's recovery from the pandemic, as well as for the stability of the loan program. Before President Biden was sworn in, what date were loan payments set to begin?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

And upon executive action the president pushed that date back to what?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Now, knowing the date that repayment was to begin, I'm interested in learning what you have done to ensure the Department was ready for that to happen.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Did you ask for a briefing from staff on what has to happen internally to make sure the servicers were ready to start collecting payments on that first day?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Did you or your staff meet with your external partners to understand what is needed to be

ready to start repayment on that first day?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Did you establish a timeline with key deadlines that must be met by your staff to make it happen?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

How frequently do you meet with Mr. Cordray to discuss how the return to repayment will happen?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

This Committee, along with the Senate HELP Committee, sent a letter to you asking about the return to repayment on June 2 of this year. That letter requested information about this process, focusing on the required communications to borrowers. How many of the six required communications to borrowers have been sent?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

What is the projected timeline for beginning those communications? What effort is being made to help borrowers get ready to begin repayment again? (OUS)

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Some people believe that despite the pandemic coming to an end, the administration is going to try to continue this pause in perpetuity until you can figure how to grant loan forgiveness to all borrowers. I certainly hope this administration is not trying to use the pandemic to get to a policy goal through a side door. Can you confirm for us today that you are actively working to restart repayments for all loans taken out by borrowers by October 1 and that borrowers are aware of the need to repay these loans?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

*Title IX*

7. Your Department has begun a review of the Trump administration's regulations outlining how schools must address accusations of sexual harassment under Title IX. Most of the Trump administration's regulations were based on court precedent. Most notably, in a 2018 decision involving the University of Michigan, the U.S. Court of Appeals for the Sixth Circuit reiterated earlier rulings that, when credibility is at issue, [quote] "the university must give the accused student or his agent an opportunity to cross-examine the accuser and adverse witnesses in the presence of a neutral fact-finder." [unquote] In other words, accused students must have the opportunity to contest claims against them, with appropriate safety protocols for alleged survivors. And so-called single investigator models are inappropriate. What in the Sixth Circuit's ruling do you disagree with?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

8. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The Obama administration made Title IX policy by issuing letters that did not go through any public comment process. Will you commit to keeping the Trump administration regulations in place unless and until the department undertakes a formal regulatory process in which you issue draft regulations, accept public comments, review those comments, and then issue a final regulation?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

9. You have begun a review of the Trump administration's Title IX sexual harassment regulations. One of the strengths of those regulations is that they adhered closely to existing

legal definitions and court precedent. For example, the definition of “sexual harassment” under the regulations was based on a Supreme Court decision that was authored by Sandra Day O’Connor and joined by Ruth Bader Ginsburg, David Souter, John Paul Stevens, and Stephen Breyer. By contrast, the Obama administration created subjective standards that were not grounded in prior legal interpretations, which created confusion for students and schools alike. As a result, more than 600 lawsuits were filed against schools following the Obama administration’s guidance. Will you commit to protecting students by ensuring that any standards your Department creates will be objective and grounded in existing precedent?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

10. You have begun a review of the Trump administration’s Title IX sexual harassment regulations. The regulation requires schools to respond meaningfully to every sexual assault allegation. The regulation gives the victim the power to determine what support and action to pursue. The victim can report the alleged assault but decline the option of filing a formal complaint. Or, if the victim decides to file a formal complaint, the school is required to thoroughly investigate the alleged assault using formal grievance procedures spelled out in the regulations. Under either circumstance, the school is obligated to provide what the regulations call “supportive measures” that protect the student from harm as a result of the alleged assault and ensure that his or her education can continue. Supportive measures are not specifically defined in the regulations, but they refer to non-disciplinary and non-punitive individualized services that serve the purpose of restoring or preserving a victim’s equal access to education. Examples could include academic course adjustments, counseling, non-contact orders, dorm room reassignments, and leaves of absence. Mr. Secretary, are you opposed to requiring schools to support sexual assault survivors as laid out in the Trump administration’s regulations?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

#### *Workforce Development*

11. As you likely know, an important issue before our committee this Congress is the reauthorization of the *Workforce Innovation and Opportunity Act* (WIOA). Given your oversight of programs under the *Adult Education and Family Literacy Act* as authorized by WIOA, what recommendations – beyond simply increasing funding – do you have for strengthening pathways for adults through basic educational services?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

**Representative Joe Wilson (R – SC)**

1. On November 13, 2020, the Department of Education under the Trump administration published in their registrar “the Department has authority to implement a range of corrective measures for an institution that violates its Program Participation Agreement, including termination of the institution’s Title IV participation.” This statement was related to an institution failing to report Section 117 information timely and accurately, which was to address Chinese government sponsored Confucius Institutes strategically located across America.

Given that many institutions are failing to comply with the reporting requirements under Section 117 of the Higher Education Act, can you commit to acting on your authority as Secretary to hold schools accountable who fail to comply with the law? How will you ensure that our higher education system is protected from the influence of adversarial nations?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2. Given the successes of charter schools and the subsequent demand for charter schools that we are seeing at the state level, what are your plans for increasing accessibility to charter schools for students and parents seeking that option?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

With public schools often utilizing services of for-profit entities, including most recently for spending COVID-19 relief funds, why are you proposing this restriction for charter schools only? Is this requirement something you are considering for other programs?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

**Representative Glenn Thompson (R – PA)**

As the co-chair of the bipartisan Career and Technical Education Caucus, passage of the Strengthening Career and Technical Education for the 21st Century Act in July 2018 was one of my proudest moments as a member of Congress.

This legislation, which went into effect in July 2019, bolstered our nation’s CTE system by increasing alignment with in-demand jobs and improving employer engagement so that more students have opportunities to move into in-demand jobs and successful careers.

As I looked over the Department budget ahead of this hearing, I noticed it calls for \$1 billion in new mandatory funding for CTE each year for the next decade for “Expanded Career Pathways for Middle and High School Students” under the American Jobs Plan.

1. What exactly would this funding be used for?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2. How would this new proposed program align, or not, with the state grants authorized by Title I within Perkins V?

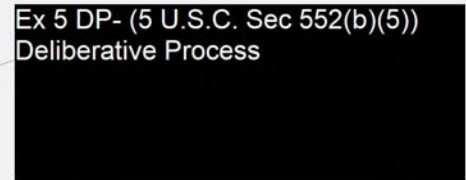
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Deliberative Process

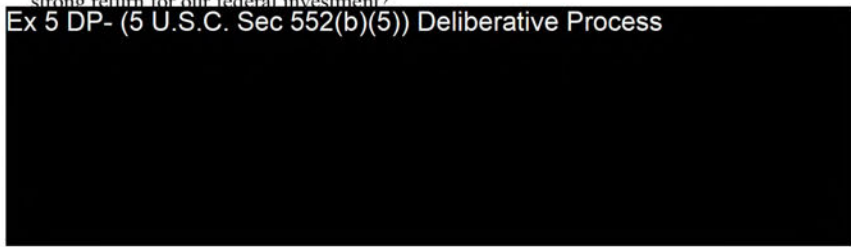


Additionally, I am a strong advocate for the Federal TRIO Programs. These programs provide individual support to help low-income students and students who are first in their family to enter and finish college. In my district, Pennsylvania's 15th congressional district, TRIO serves 1,547 students across 6 projects.

TRIO has return on investment as high as \$13 for every \$1 in federal funding invested. In 2019, your agency found that TRIO students at two-year institutions were 47% more to complete a degree or transfer than comparable students. TRIO students at four-year institutions were 18% more likely to earn their college degree. Because college graduates can expect to earn much more over their lifetimes, when you crunch the numbers, TRIO Student Support Services yields a \$13 increase in lifetime earnings for every \$1 invested.

1. Will you share how your budget request for the Federal TRIO Programs helps bring a strong return for our federal investment?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



**Representative Scott Fitzgerald (R – WI)**

1. Secretary Cardona, in Wisconsin, a large percentage of Federal COVID relief money was distributed through Title 1 allocations which favors the large, urban districts. Those were the same districts most likely to be closed for in-person education (Madison, Milwaukee, etc). With districts that were open to in-person instruction spending more than those that were fully virtual, was the allocation of the COVID relief money responsive to actual needs?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2. Emergency Assistance to Non-Public Schools (EANS) money reverts back to public schools if unused by private schools. Secretary Cardona, what are other states seeing in relation to money reverting to public school because private school use is limited by restrictions on EANS funds?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

**Representative Mary E. Miller (R – IL)**

1. Does the Department plan to investigate and penalize teachers under Title IX who continue to teach the fact that there are only two sexes in the human species, male and female?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2. Will your Department protect the free speech rights of students, teachers, and faculty to state that human beings are biologically determined to be male, or female, regardless of personal identity?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

3. Under the Department's current interpretation, would it be a violation of Title IX for a teacher to say that "Men can't get pregnant"?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

4. Will the Department's interpretation of Title IX require schools to allow students to access the restroom or locker room of their choosing rather than the one that corresponds with their biological sex?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

5. Have you considered, as part of your department's guidance on Title IX, providing consideration of girls' safety in contact sports should biological males be allowed to play on girls' sports teams?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

6. If a female student complains or objects to having to dress and undress in a locker room in the presence of male students, would she have any right to privacy under Title IX?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

7. If the female student objecting to sharing a restroom or locker room with students born male is objecting on the basis of the female student's sincerely held religious belief about not undressing in front of people of the opposite sex, is a school permitted to refuse allowing transgender-identifying biological males to access these spaces?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

8. Will the Department's interpretation of Title IX require schools to assign student lodging on overnight trips based on gender identity rather than sex, potentially requiring biological girls and boys to room together?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

9. Does the Department plan to respect faith-based schools that wish to operate based on sincerely-held religious beliefs about biological sex?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

10. Does the Department intend to issue further guidance for educational institutions on how they are expected to implement this policy, including any guidance similar to the Department's May 13, 2016 Dear Colleague letter?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

**Representative Julia Letlow (R – LA)**

1. In March 2020, the Department of Education paused federal student loan payments at the onset of the pandemic and set the interest rates to 0% during the pause. Federal borrowers are scheduled to resume payments on October 1, 2021. The Department's Federal Student Aid Office (FSA) has stated multiple times that it is working on a plan on how to restart repayment for borrowers. We are within 90 days of this restart date.

As with many other businesses, student loan servicers have had to lay off employees during the Pandemic. These agencies need adequate time to hire enough employees so they can return to the same level of performance and compliance standards that the Department expects from them. Additionally, students need ample time to be informed on guidance and expectations as repayment plans resume. It is important to give both servicers and students enough time to prepare to avoid confusion.

Mr. Secretary, when does FSA plan to share their plan with servicers, including private collection agencies, on informing the 45 million borrowers about their payments and interest restarting?

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

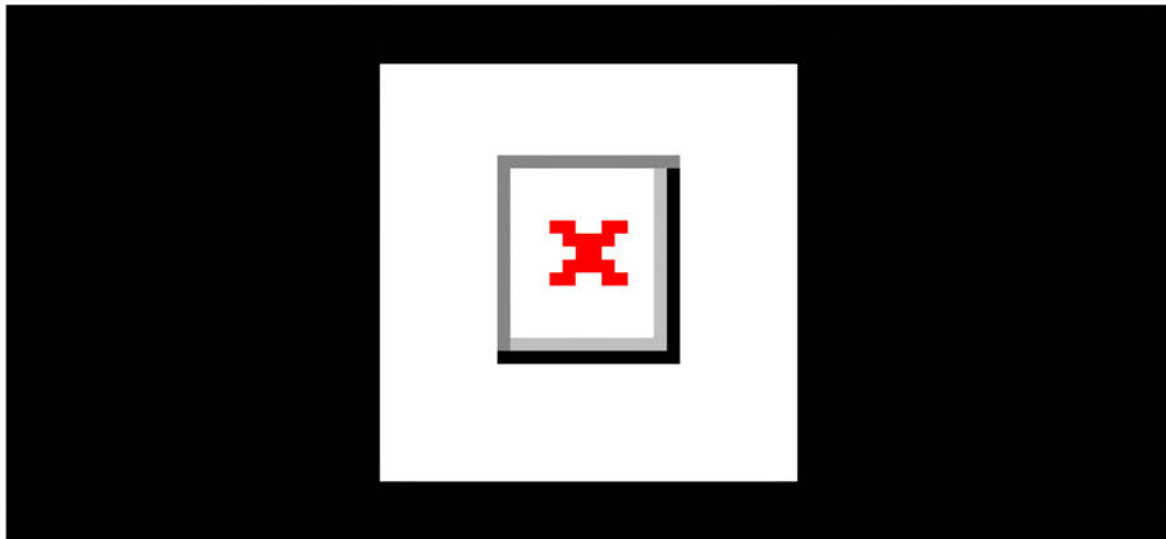
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

## FW: [EXTERNAL] Five takeaways from Marten, Kvaal House appearance on Covid relief spending

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**From:** "Reilly, Tom M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** DL OMB HEALTH BC <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Bcc:** "Ostermiller, Jared L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Wed, 17 Nov 2021 21:20:43 -0500

**From:** POLITICO Pro Education  
**Sent:** Wednesday, November 17, 2021 9:20:37 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** Reilly, Tom M. EOP/OMB  
**Subject:** [EXTERNAL] Five takeaways from Marten, Kvaal House appearance on Covid relief spending



## Five takeaways from Marten, Kvaal House appearance on Covid relief spending

BY LAURINE GENOTA, JUAN PEREZ JR. | 11/17/2021 09:19 PM EST



Several Republican lawmakers asked whether Covid relief funds would be withheld from states that don't allow schools to require mask-wearing. | Rick Bowmer/AP Photo



Deputy Education Secretary Cindy Marten and Undersecretary James Kvaal testified on Wednesday before the House Education and Labor's pre-K-12 and higher education panels on the implementation of Covid-19 education funds.

School districts and colleges have received more than \$160 billion in Covid-related federal aid to address campus and student resources.

"We owe it to our students to create educational experiences that are safe, healthy, inspiring and that they can connect to," Marten said in her opening remarks. "We have more work to do but the progress made is evidenced in the joy and experiences of teachers and students around the country sitting in their classrooms right now."

Marten and Kvaal were grilled for nearly 3.5 hours on learning loss, resources for underserved students, mask mandate requirements and other issues that have affected classrooms since the pandemic started. Here are five takeaways from the hearing:

### **The amount of relief money**

Republican Reps. [Glenn Grothman](#) of Wisconsin and [Bob Good](#) of Virginia raised concerns that only a small percentage of Covid relief funds have been spent so far. Grothman estimated about 22 percent had been spent, but Good said just 2 percent of \$111 billion went to elementary and secondary schools.

"We're seeing a thoughtful, engaged approach to how to spend the dollars," Marten said. "Those dollars will be spent. It's about recovering, but it's about long-term, sustainable investment."

Marten explained that states and districts have until Sept. 30, 2024 to spend the dollars according to the law. She said 81 percent of the first round of Elementary and Secondary School Emergency Relief funds have been spent. The rest of the money is for addressing learning losses, social-emotional and mental health needs, and other disparate impacts that students experienced.

### **Oversight of states' use of relief money**

Multiple lawmakers asked Marten about how the Education Department is monitoring states' use of relief funds. Marten said that besides making sure states' plans include efforts intended by the law before approving them, the department will also continue to monitor the money and provide that information to the public through a transparency portal.

“When we hear an example of a misuse, we will go in and better understand what's happening,” Marten said. “It’s part of why we have the transparency portal so that the dollars are very clear on how they’re being spent.”

Rep. [Lisa McClain](#) (R-Mich.) asked if the department is open to extending the deadline to spend the money because of supply chain and workforce shortages. Marten said her staff has worked and will continue to work with states on any of the issues around implementation and compliance that they’re facing.

### **Mask mandates**

Several Republican lawmakers asked Marten whether Covid relief funds would be withheld from states that don’t allow schools to require mask-wearing.

Marten underscored that following public health experts’ guidance on mitigation strategies is the best way for schools to stay open and for students to keep learning in person.

“Safely reopening schools includes wearing masks — that is proven to help,” Marten said. “We’re following the science so schools can open and stay open.”

When the guidance is not being used, “we will investigate,” Marten said. “It is not about being political. It is about safety for the schools and their communities.”

“Will you share with us the science that backs up what you're saying, since you say you're following the science?” House Education and Labor ranking member [Virginia Foxx](#) said. “We know that you all are selective in following science, so we want to see the science you're following.”

### **Higher ed online learning programs**

Rep. [Suzanne Bonamici](#) (D-Ore.) asked Kvaal how the department will monitor education tech providers and online program managers that help schools manage their digital curriculum — and have seen big business since the pandemic began.

“In my conversations with college presidents, it doesn’t sound like they’re planning to go back to traditional classrooms — at least to the full extent that it was before — but they’re exploring hybrid and other options,” Kvaal said.

“This is a real interest of ours,” Kvaal said of online program managers. “We’re working very hard to highlight the good practices in the areas of online, and trying to make the most out of it. And where online is not serving students well, we’re going to be very aggressive.”

In October, the Biden administration selected the Consumer Financial Protection Bureau’s former enforcement director to oversee [a revamped enforcement unit](#) at the Education Department aimed at combating fraud and other misconduct by colleges and universities. Rich Cordray, the head of the department’s Office of Federal Student Aid, named Kristen Donoghue as the agency’s new chief enforcement officer.

“I imagine that will be an area that [Cordray] is looking at,” Kvaal said. “We’re also starting a new regulatory process in just a couple of months that will look at some related issues.”

### **Trump-era probes of college foreign funding**

Colleges and universities are required to report foreign gifts and contracts valued at more than \$250,000 under Section 117 of the Higher Education Act, and the Education Department [upped its scrutiny](#) on foreign gifts reporting during former President Donald Trump’s administration. During Trump’s presidency, the department launched [at least 10 investigations into universities](#) as part of a broader effort to gather information on schools’ overseas support.

Kvaal addressed colleges accepting money from overseas during the hearing.

“I agree that there is real reason for concern about federal governments seeking to inappropriately or secretly access U.S. research and technology,” Kvaal told Rep. [Jim Banks](#) (R-Ind.).

“When it comes to Section 117, my belief is that most universities want to comply with these requirements. I talk to college presidents who are confused about [what] the requirements are, so we are committed to working with them to make sure that they fully and completely follow the law. And of course, if they willfully refuse to follow the law there will be consequences,” he added.

At the same time, Kvaal said he’s “not familiar” with whether the department has launched new investigations into school compliance with the law. He also said he did not know if the department’s current administration had continued existing probes started under the previous administration.

[View this article online.](#)

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## Bluf for Deidre on MSPM-33 Guidance

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**From:** "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**To:** "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**Date:** Tue, 23 Nov 2021 16:22:07 -0500  
**Attachments:** NSPM-33 Implementation Guidance final\_additional OMB edits.docx (198.39 kB);  
BLUF on OSTP NSPM- 33 Implementation Guidance.docx (17.27 kB)

Rhea, please find the BLUF on the OSTP Report. After your edits, I can send it up to Victoria. Thanks.

*Regards,*  
*Gil Tran, CPA*  
*Executive Office of the President*  
*OMB/OFFM*  
*Cell* Ex 6 - (5 U.S.C. Sec 552(b)(6))

## S. 1260 USICA comment matrix

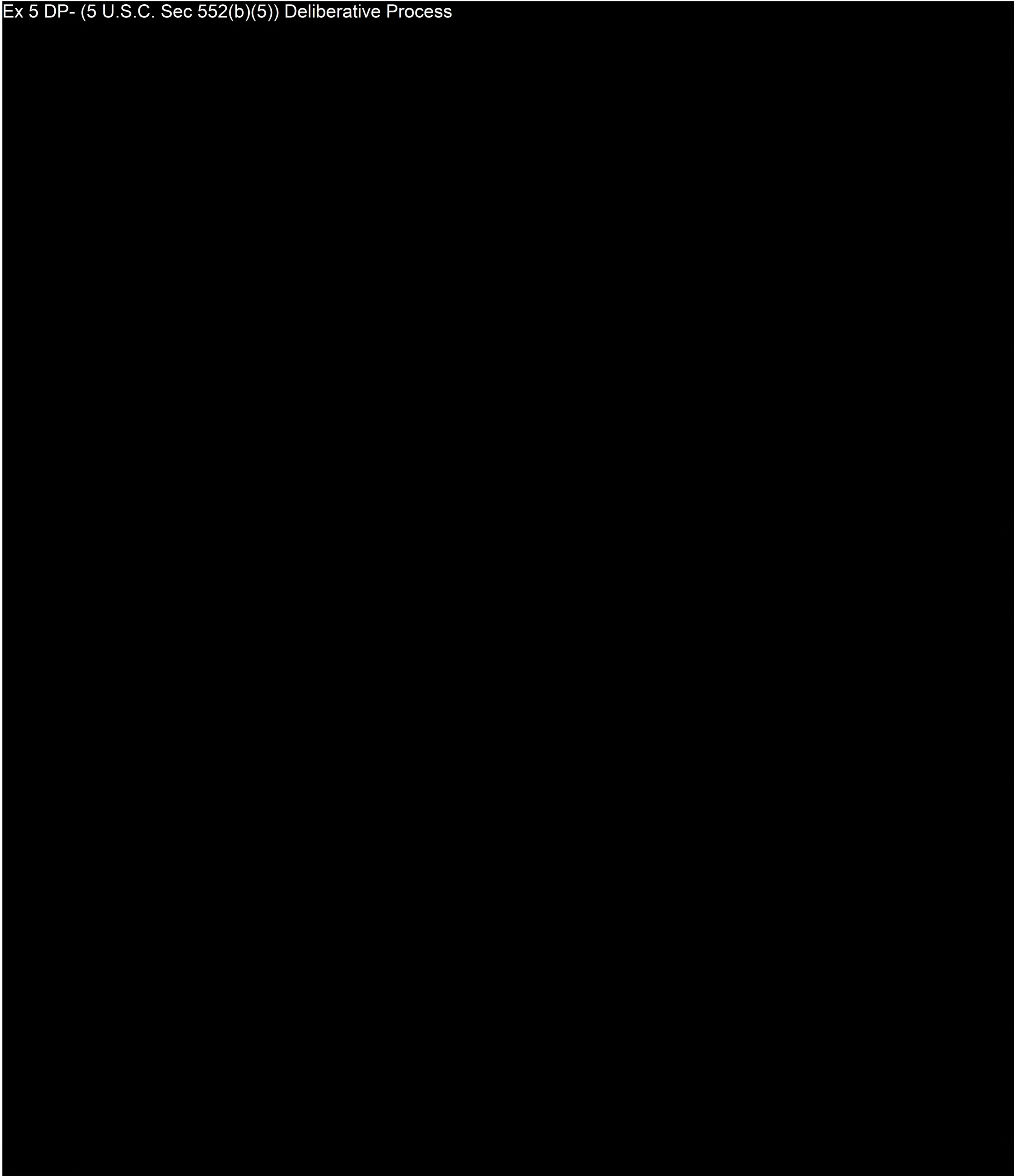
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**From:** "Matsuo, Kimie L. EOP/OMB" Ex 6 - (5 U.S.C. Sec  
**To:** "Ventura, Alexandra EOP/OMB" Ex 6 - (5 U.S.C. Sec 552(b)(6)) >  
**Date:** Wed, 24 Nov 2021 10:08:59 -0500  
**Attachments:** S. 1260 Agency Comments Matrix\_11.24.21.xlsx (183.13 kB)

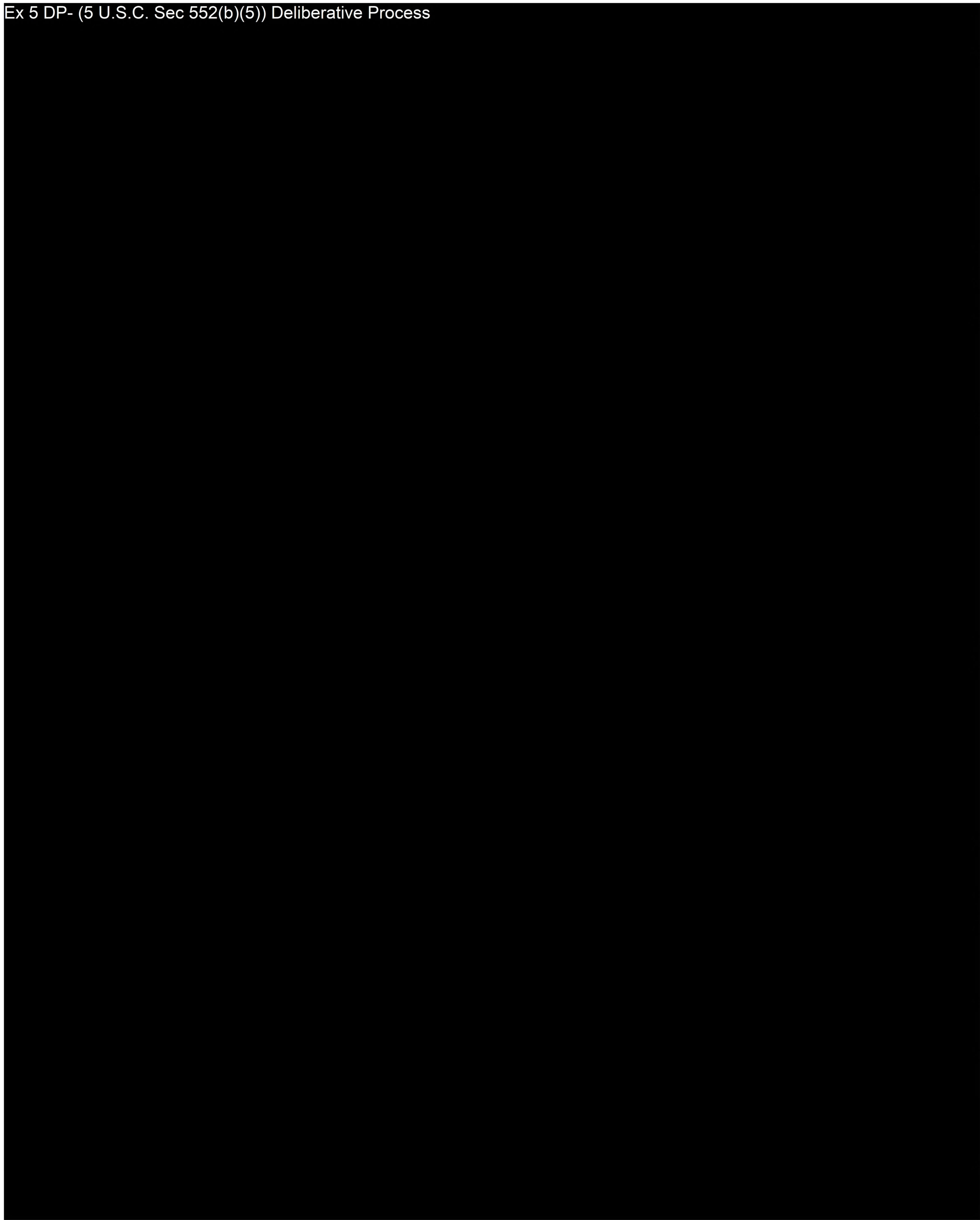
Hi Alex,

Here's the updated USICA comment matrix. Thanks!

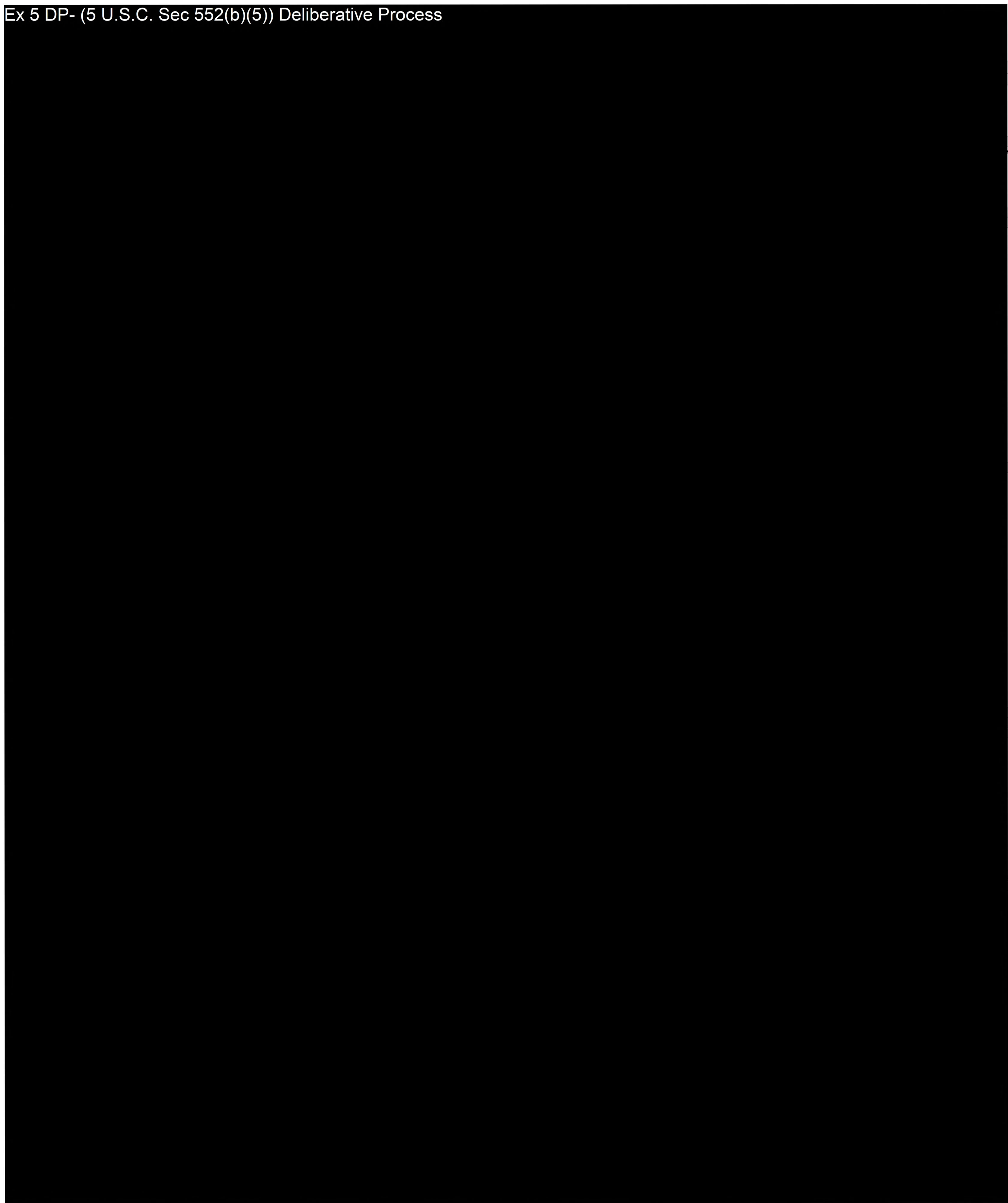
Section #	Section title	Commenting Agency	Issue/Requested Change
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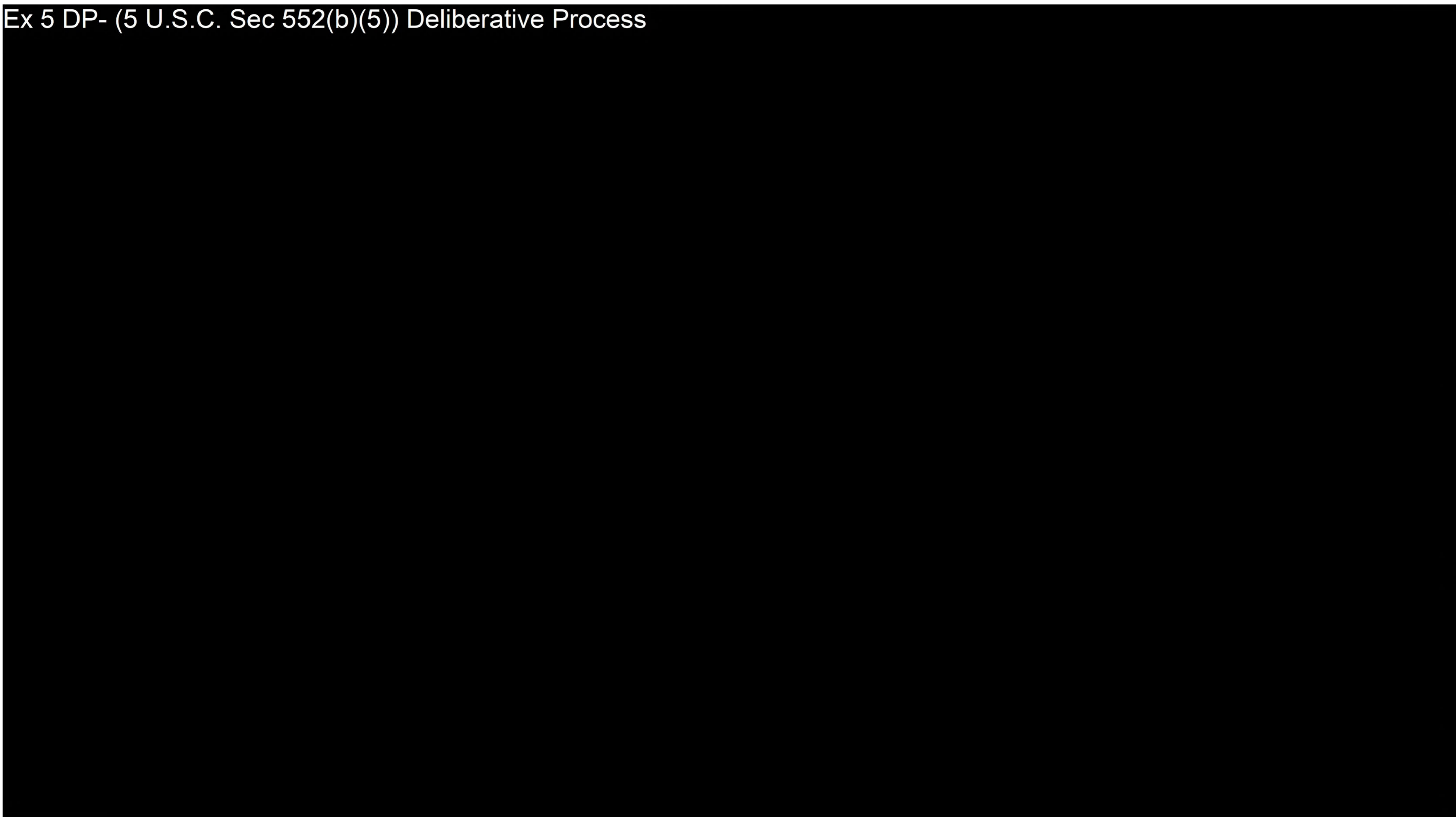




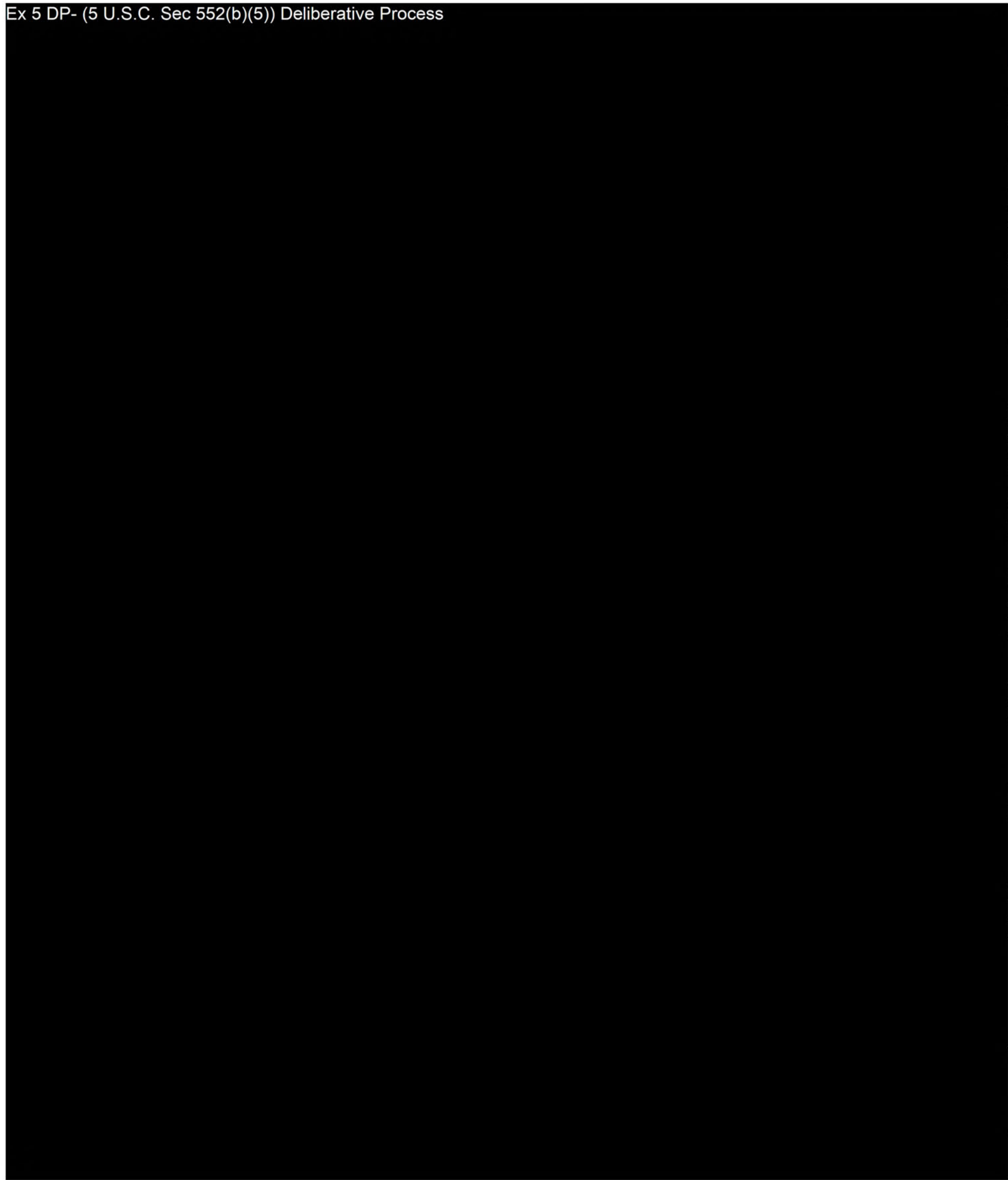




















## LRM Process Question - Implementation Guidance

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**From:** "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**To:** "Menard, Barbara A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
"Sharbatoghlie, Shabnam EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Cc:** "Ventura, Alexandra EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Wed, 24 Nov 2021 10:22:24 -0500  
**Attachments:** NSPM-33 Implementation Guidance final\_additional OMB edits.docx (198.39 kB)

Barb & Shab,

Wanted to check in with you to consult on whether the attached document – implementing guidance --Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5. Alex and I are discussing how to handle.

It was raised to LRD because Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Bryan

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**From:** Leon, Bryan P. EOP/OMB  
**Sent:** Tuesday, November 23, 2021 10:47 AM  
**To:** Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Subject:** FW: LRM Process Question  
**Importance:** High

Would you prefer to handle through ESGG? Or alternatively, RDI can handle.

---

**From:** McNavage, William EOP/OMB  
**Sent:** Tuesday, November 23, 2021 9:58 AM  
**To:** Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**Subject:** LRM Process Question  
**Importance:** High

Hi Bryan –

OSTP is in the process of preparing an implementation guidance document to accompany NSPM-33 on Research Security. We Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process (attached for reference) and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Who is the best person to talk to in LRD to talk through the LRM process and how we might proceed?

I'm happy to discuss more if you want to give me a call. I'm at my desk number below.

Thanks,

Bill

P.S. I just tried to give your office number a call and it says the call cannot be completed. I suspect there is an issue with your auto-forward or concurrent ring settings.

**Bill McNavage, Ph.D.**

Program Examiner | Defense Investments Branch  
Office of Management and Budget

(w) Ex 6 - (5 [REDACTED])

(m) Ex 6 - (5 [REDACTED])

(n) Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED]

(s) Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED]

(t) Ex 6 - (5 U.S.C. Sec [REDACTED])

## Update from Research Security Subcommittee Today

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**From:** "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >  
**To:** "Mok, Emily A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >  
**Date:** Thu, 02 Dec 2021 15:11:53 -0500  
**Attachments:** NSPM-33 Implementation Guidance\_20211201 to Subcmtee.docx (201.68 kB)

Hi Emily –

Today's Research Security Subcommittee was Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. We went through each of the OMB comments as well as a few agency stragglers that are summarized in the attached. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- As I alluded to in my earlier message to Libby and Ryan, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process and I raised to Linda and Ryan on the call that it is Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- last week. That resulted in some of the traffic that you see popping now. It seems the Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process the process rollout piece.

It seems the Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Linda also asked me about the status of the LRM and I gave her sense of where things sit at the moment. Gil has not responded to my email from earlier, I'll ping on him after I send this message. I kept my response during the sub-committee non-committal.

Let me know if you have any other questions at this time.

Thanks,  
Bill

**Bill McNavage, Ph.D.**

Program Examiner | Defense Investments Branch  
Office of Management and Budget

(w) Ex 6 - (5 U.S.C. Sec 552(b)(6))

(m) Ex 6 - (5 U.S.C. Sec 552(b)(6))

(n) Ex 6 - (5 U.S.C. Sec 552(b)(6))

(s) Ex 6 - (5 U.S.C. Sec 552(b)(6))

(t) Ex 6 - (5 U.S.C. Sec 552(b)(6))

## Meeting Request - OSTP Report and Implementation of NSPM-33

---

**From:** "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Venson, Areletha L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Cc:** "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Fri, 03 Dec 2021 16:24:31 -0500  
**Attachments:** NSPM-33 Implementation Guidance final\_additional OMB edits.docx (198.39 kB); nspm-33 Januey 14 2021.pdf (553.26 kB)

Areletha, please schedule for us next week.

Title: OSTP Report to implement NSPM-33 Research security – OFFM Roles  
Attendees: Deidre, Victoria, Rhea, Gil, Lea-Ann (optional)  
Date – week of 12/06/21  
Duration – 30 minutes  
Attachment – see attached

Thanks.

*Regards,*  
*Gil Tran, CPA*  
*Executive Office of the President*  
*OMB/OFFM*  
Cell Ex 6 - (5 U.S.C. 552(b)(6))



## heads up -- Requesting Help from Director's office with Staff Sec Clearance

---

**From:** "Harrison, Deidre A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**To:** "Dorgelo, Cristin A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Date:** Sun, 12 Dec 2021 14:47:47 -0500  
**Attachments:** NSPM-33 Implementation Guidance\_ForClearance.docx (190.74 kB)

Cristin – OSTP is hoping to publish the attached Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. It was developed by the NSTC Subcommittee on Research Security and provides guidance to Federal departments and agencies regarding their implementation of [NSPM-33](#).

This draft guidance was Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process OSTP agreed but Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

I'm going to be reaching out to Amanda tomorrow morning to see if she thinks she could help Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please let me know if you have any questions or concerns.

Thanks,  
Deidre

**Deidre A. Harrison**  
*Office of Management and Budget*  
*Office of Federal Financial Management*

Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process

**FW: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022**

---

**From:** "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Fri, 28 Jan 2022 15:18:48 -0500  
**Attachments:** Bill Summary and EB Views HR 4571 - America COMPETES Act Reauthorization.docx (23.84 kB)

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**From:** Derbes, Catherine A. EOP/OMB  
**Sent:** Friday, January 28, 2022 11:02 AM  
**To:** Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

Hi Mary,

The summary of the education provisions of the bill, as well as our views, are ready for your review. [It's saved on Sharepoint here](#) but I've also attached it in case that's easier for you to review. Ex 5

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Thanks very much to Jagir for putting this together with me!

Thanks!

Cat

---

**From:** Cassell, Mary I. EOP/OMB  
**Sent:** Friday, January 28, 2022 9:46 AM  
**To:** Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Mann, Noah S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5

Since it's a SAP, and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Does that work?

---

**From:** Derbes, Catherine A. EOP/OMB  
**Sent:** Friday, January 28, 2022 9:44 AM

To: Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Mann, Noah S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
Subject: RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

Hi Mary,

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) the SAP. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative  
When everyone's had a chance to review, of course!

Thanks,  
Cat

---

From: Matsuo, Kimie L. EOP/OMB

Sent: Friday, January 28, 2022 9:24 AM

To: 'AGRICULTURE' <usdaleg@obpa.usda.gov>; 'COMMERCE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'DEFENSE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'EDUCATION' <ogc.legislation@ed.gov>; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'Environmental Protection Agency' <epalrm@epamail.epa.gov>; 'General Services Administration' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'HEALTH & HUMAN SERVICES' <Irm@hhs.gov>; 'HOMELAND SECURITY' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'HOUSING & URBAN DEVELOPMENT' <HUDLRM@hud.gov>; 'INTERIOR' <ocli@ios.doi.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'LABOR' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'National Aeronautics and Space Administration' <nasa\_irm@hq.nasa.gov>; 'National Science Foundation' <olpalrm@nsf.gov>; 'Office of Personnel Management' <CLA@opm.gov>; 'Office of the Director of National Intelligence' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'STATE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'Small Business Administration' <cla@sba.gov>; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; 'US Agency for International Development' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>  
Cc: Aron-Dine, Aviva R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Linden, Michael S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hill, Amanda M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Dick, John H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Kraft, Faride F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>;



Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Cassell, Mary I.  
 EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] 6 - (5 [REDACTED])>; Derbes, Catherine A. EOP/OMB  
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 Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Sierra, Leticia EOP/OMB  
 <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Weisshaar, David M. EOP/OMB  
 <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Spiro, Topher J. EOP/OMB  
 <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>; Hill, Frankie F. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Reilly,  
 Tom M. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>; DL OMB HHSB  
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 Los Santos, Karen EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>; Abrams, Andrew D. EOP/OMB  
 <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>; Berger, Joseph J. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] 6 - (5 [REDACTED])>;  
 Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>; Hourigan, Clinton T. EOP/OMB  
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 <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Crow, Rose C. EOP/OMB  
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 Meier, Edward F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Sullivan, Patrick K. EOP/OMB  
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 <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Sandy, Mark S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>;  
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 O'Brien, Erin L. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Jun, Hee K. EOP/OMB  
 <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Blum, Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>;  
 Field, Lesley A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; McCrary, Jeremy P. EOP/OMB  
 <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>; Mancini, Dominic J. EOP/OMB  
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<Ex 6 - (5 >; <Ex 6 - (5 >; Martin, Carmel M. EOP/WHO <Ex 6 - (5 >; <Ex 6 - (5 >;  
Gupta, Pronita EOP/WHO <Ex 6 - (5 >; <Ex 6 - (5 >; Landrieu, Grace G. EOP/WHO  
<Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 >; Smith, Melissa K. EOP/WHO  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Stich, Brittany A. EOP/WHO <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >;  
Blazek, Kelliann M. EOP/WHO <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Kovacs, Tricia S. EOP/WHO  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. >;  
<Ex 6 - (5 >; <Ex 6 - (5 >; Young, Christen Linke L. EOP/WHO <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >;  
Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 >; <Ex 6 - (5 >; Oakar, Catherine R. EOP/WHO  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; DPCImmigration <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; DL-OVP-  
LRM <Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 U.S.C. Sec >; Irby, Ike D. EOP/OVP <Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 U.S.C. Sec >; DL-CEA-LRM  
<Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 U.S.C. Sec >; DL-CEQ-LRM <Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 U.S.C. Sec >; DL IPEC LRM  
<Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 U.S.C. Sec >; Thomas, Maggie M. EOP/WHO <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >;  
Sanchez, Roque T. EOP/WHO <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Hayes, David J. EOP/WHO  
<Ex 6 - (5 >; <Ex 6 - (5 >; Jacquez, Alex S. EOP/WHO <Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 >;  
Fazili, Sameera EOP/WHO <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Reynolds, Liz B. EOP/WHO  
<Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 >; Gamble, Joelle C. EOP/WHO  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; DL WHO NEC LRM <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; DL WHO  
WHCO LRM <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; McDowell, Ephraim A. EOP/WHO  
<Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 >; Ceronsky, Megan M. EOP/WHO  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Staffsec <Ex 6 - (5 >; <Ex 6 - (5 >; Slevin, Christopher J.  
EOP/WHO <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Demers, Kaitlyn H. EOP/WHO  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Goff, Shuwanza R. EOP/WHO  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Etter, Robert L. EOP/OMB <Ex 6 - (5 >; <Ex 6 - (5 >;  
Healton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Friedlander, Rob S. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 >; Hasan, Abdullah EOP/OMB  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Leon,  
Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Menard, Barbara A. EOP/OMB  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Ventura, Alexandra EOP/OMB  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >; Gonzalez, Oscar EOP/OMB <Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >;  
Bronack, Candice M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 >; Woroszylo, Nicholas J.  
EOP/OMB <Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 >; Matsuo, Kimie L. EOP/OMB  
<Ex 6 - (5 U.S.C. >; <Ex 6 - (5 >

**Subject:** LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

**Importance:** High

**DEADLINE:** 10:00 AM Monday, Jan 31 2022

Attached for your review is a draft Statement of Administration Policy (SAP) expressing support for House passage of H.R. 4521, the "America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength Act of 2022" or "America COMPETES Act of 2022." Bill text is available [here](#). The House Rules Committee is expected to meet as soon as Tuesday, 2/1/22, to issue a rule for floor consideration of the bill.

Please review the draft SAP and provide any edits or comments by the **firm** deadline above. Thank you.

-----  
LRM ID: KLM-117-89

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference  
SUBJECT: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of  
Administration Policy on HR4521 - America COMPETES Act of 2022

OMB CONTACT: Kimie Matsuo (OMB)  
E-Mail: Ex 6 - (5 U.S.C. Sec. 552a) x 6 - (5 U.S.C. Sec. 552a)  
PHONE: Ex 6 - (5 U.S.C. Sec. 552a)  
FAX: Ex 6 - (5 U.S.C. Sec. 552a)

In accordance with [OMB Circular No. A-19](#), OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

**RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022**

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**From:** "Derbes, Catherine A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec. x 6 - (5)>  
**To:** "Patel, Jagir D. EOP/OMB" <Ex 6 - (5) x 6 - (5)>  
**Date:** Fri, 28 Jan 2022 10:25:16 -0500

Thank you!

---

**From:** Patel, Jagir D. EOP/OMB  
**Sent:** Friday, January 28, 2022 10:19 AM  
**To:** Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. x 6 - (5)>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Mann, Noah S. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>  
**Subject:** RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

That's me! Yep, I'll add some pieces.

---

**From:** Derbes, Catherine A. EOP/OMB  
**Sent:** Friday, January 28, 2022 9:58 AM  
**To:** Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Mann, Noah S. EOP/OMB <Ex 6 - (5) x 6 - (5)>; Patel, Jagir D. EOP/OMB <Ex 6 - (5) x 6 - (5)>  
**Subject:** RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

Definitely. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Since this is due Monday morning, could folks put in their pieces by early afternoon so that we can Ex 5 DP- (5 U.S.C. Sec with a bit of time before COB today?

Cat

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**From:** Cassell, Mary I. EOP/OMB  
**Sent:** Friday, January 28, 2022 9:46 AM  
**To:** Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. x 6 - (5)>; Mann, Noah S. EOP/OMB <Ex 6 - (5) x 6 - (5)>; Patel, Jagir D. EOP/OMB <Ex 6 - (5) x 6 - (5)>  
**Subject:** RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Since it's a SAP, and [REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
[REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
[REDACTED] Deliberative Process

Does that work?

---

**From:** Derbes, Catherine A. EOP/OMB  
**Sent:** Friday, January 28, 2022 9:44 AM  
**To:** Cassell, Mary I. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Mann, Noah S. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Patel, Jagir D. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

Hi Mary,

[REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) the SAP. [REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
[REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) (When everyone's had a chance to review, of course!)

Thanks,  
Cat

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**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Friday, January 28, 2022 9:24 AM  
**To:** 'AGRICULTURE' <usdaleg@obpa.usda.gov>; 'COMMERCE' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'DEFENSE' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'EDUCATION' <ogc.legislation@ed.gov>; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'Environmental Protection Agency' <epalrm@epamail.epa.gov>; 'General Services Administration' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'HEALTH & HUMAN SERVICES' <lrn@hhs.gov>; 'HOMELAND SECURITY' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'HOUSING & URBAN DEVELOPMENT' <HUDLRM@hud.gov>; 'INTERIOR' <ocli@ios.doi.gov>; 'JUSTICE' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'LABOR' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'National Aeronautics and Space Administration' <nasa\_lrm@hq.nasa.gov>; 'National Science Foundation' <olpalrm@nsf.gov>; 'Office of Personnel Management' <CLA@opm.gov>; 'Office of the Director of National Intelligence' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'STATE' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'Small Business Administration' <cla@sba.gov>; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; 'US Agency for International Development' <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>  
**Cc:** Aron-Dine, Aviva R. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Linden, Michael S. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hill, Amanda M. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Vahlsing, Candace M. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Schory, Daniel K. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pasquantino, John C. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pei, Yi EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hu, Grace EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McDonald, Christine A. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bar-Shalom, Tali EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Dick, John H. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lucas, Adrienne E. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Fischietto, Mary S. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Connors, Kyle F. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Kraft, Faride F. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Glass, Jacob S. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Patterson, Tia B. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Damon J. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Enger, Michelle A. EOP/OMB



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**Subject:** LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

**Importance:** High

**DEADLINE:** 10:00 AM Monday, Jan 31 2022

Attached for your review is a draft Statement of Administration Policy (SAP) expressing support for House passage of H.R. 4521, the "America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength Act of 2022" or "America COMPETES Act of 2022." Bill text is

available [here](#). The House Rules Committee is expected to meet as soon as Tuesday, 2/1/22, to issue a rule for floor consideration of the bill.

Please review the draft SAP and provide any edits or comments by the **firm** deadline above. Thank you.

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LRM ID: KLM-117-89  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference  
SUBJECT: LRM: [KLM-117-89] Due 01/31/2022 Monday at 10:00 AM -- OMB Statement of Administration Policy on HR4521 - America COMPETES Act of 2022

OMB CONTACT: Kimie Matsuo (OMB)  
E-Mail: Ex 6 - (5 U.S.C. Ex 6 - (5  
PHONE: Ex 6 - (5  
FAX: Ex 6 - (5

In accordance with [OMB Circular No. A-19](#), OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.



## LRM comments on American COMPETES 2022

**From:** "Pei, Yi EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Fife, Caitlyn" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Greenwell, Amanda H" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Mon, 14 Mar 2022 18:08:21 -0400  
**Attachments:** H.R. 4521 America COMPETES Act of 2022\_Interagency comments.xlsx (112.77 kB);  
BILLS-117hr4521eh.pdf (5.46 MB)

Amanda and Caitlyn,

In the OMB-coordinated LRM process for the American COMPETES Act of 2022, I made the following edit re: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process please let me know and I'll remove that first edit below.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,  
Yi

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Monday, March 14, 2022 3:15 PM  
**To:** Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >



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<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Matsuo, Kimie L. EOP/OMB

Ex 6 - (5 U.S.C. Sec 552(b)(6))

**Subject:** FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Here's a rundown of agency responses --

Comments

Agencies: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec  
OMB comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5  
Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative  
Ex 5 DP- (5 U.S.C. Sec  
Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec  
Late comments expected: Ex 5 DP- (5 U.S.C. Sec

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,  
Kimie

Kimie Matsuo  
Legislative Analyst  
Legislative Reference Division  
Office of Management and Budget  
Ex 6 - (5 U.S.C. Sec 552(b)(6))