

## FW: Directive Tracker

**From:** "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**To:** "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Date:** Thu, 11 Mar 2021 13:45:04 -0500  
**Attachments:** 2021 Consolidated Appropriations Directives Spreadsheet-3-2-21.xlsx (88.9 kB)

Hi Mary,

Circling back around on this appropriations bill tracker - Do you mind if I flag Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process? My thought 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 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Let me know your thoughts.

Katherine

**From:** Bloom, Lauren <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Sent:** Tuesday, March 2, 2021 12:31 PM  
**To:** Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Lucas, Richard J. <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** Simpson, Daniel <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: Directive Tracker

Katherine,

My recommendation would be 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 so we are just aware. I flagged Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,

### Lauren Bloom

Director of Budget Formulation  
Finance Directorate, Budget Formulation Division  
US Department of Education - Federal Student Aid  
(202) 377-3677

 FEDERAL SPONSOR of the AMERICAN MIND™

**From:** Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Sent:** Tuesday, March 2, 2021 12:26 PM  
**To:** Bloom, Lauren <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Lucas, Richard J. <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: Directive Tracker

Beautiful, thank you!

And do you think if we have questions about any of these or want to have some input, we should work directly with Budget Service?

## FW: TA on Protecting America's Research Advantage Act

**From:** "Rodgers, Marshall J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5) >  
**To:** "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5) >  
**Cc:** "Thomas, Will III EOP/OMB" <Ex 6 - (5) x 6 - (5) >  
**Date:** Mon, 22 Mar 2021 15:46:25 -0400  
**Attachments:** Protecting America's Research Advantage Act 03132020.docx (62.63 kB)


Bryan – per our phone conversation. This is what Natalie provided Portman’s staff on March 13<sup>th</sup>. This bill was eventually introduced as S. 3997.

**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Friday, March 13, 2020 4:21 PM  
**To:** McIntyre, Natalie M. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5) >  
**Cc:** Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5) >  
**Subject:** TA on Protecting America’s Research Advantage Act

Hello Natalie. Without further ado, the attached from Marshall includes 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

Notes that may help you on this:

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



If you need more please just let us know. Or if you have any questions. Many thanks to Marshall for putting this together!

## Fwd: HSGAC China package items

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**From:** "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**To:** "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Date:** Sat, 27 Mar 2021 09:32:22 -0400  
**Attachments:** HSGAC Bipartisan Competitiveness Legislation Needing TA v3.docx (27.72 kB)

Begin forwarded message:

**From:** "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Date:** March 27, 2021 at 9:23:44 AM EDT  
**To:** "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Subject:** FW: HSGAC China package items

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

**From:** Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec senate Ex 6)>  
**Sent:** Saturday, March 27, 2021 7:29 AM  
**To:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Cc:** Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec senate Ex 6)>; Chang, Lena (HSGAC) <Ex 6 - (5 U.S.C. Sec senate Ex 6)>; Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec senate Ex 6)>; Benecke, Michelle (HSGAC) <Ex 6 - (5 U.S.C. Sec senate Ex 6)>  
**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  
Homeland Security and Governmental Affairs Committee

### HSGAC Bipartisan Competitiveness Legislation Needing OMB TA

#### *IP Theft*

- **Development of a National Strategy for Intellectual Property Theft.** Directs the President to establish such a strategy. Would also require multiple agencies to provide recommendations and input for the President to consider. Specific issues



that the President should consider incorporating into the strategy would include the role of the federal government in supporting private sector entities (including development of voluntary best practices and collaborative public-private efforts), international diplomatic efforts, law enforcement operations, and identifying legislative proposals to address authorities gaps.

- Text is being developed.

#### *Ransomware/Cybersecurity Package*

- **Create a National Cybercrime Reporting Center:** Establish a National Cybercrime Reporting Database for local law enforcement to share intelligence on cybercrime-related events. This would serve as a clearinghouse and coordinate with federal agencies and other entities depending on what is reported. The clearinghouse would also identify key cybercrime trends.
  - Text is being evaluated and developed.
- **Federal Support for State and Local Cyber Resilience:** Establish a National Cybersecurity Assistance Fund to help increase the resilience of public and private entities. Administered by FEMA, the grants would assist state and local entities with areas of significant cybersecurity risk and to critical infrastructure. This would also codify the cyber state of distress and establish a cyber recovery fund, which would allow states to have the capability to declare a major cyber incident and authorize DHS to respond with support for response and recovery. This provision would also authorize the federal government to respond to significant cyber incidents under an emergency declaration or disaster declaration.
  - Text is being evaluated and developed.
- **Recruiting and Developing a Strong Cyber Workforce:** This provision would expand the CyberCorps program and expand existing cybersecurity education grants to universities, colleges, and technical institutions. It would also include various reporting requirements to determine the viability of recruiting programs and funding opportunities. It would also include modifications to the Perkins Act and allow CISA to develop an exchange process for rotational programs between the agency and the private sector.
  - Text is being evaluated and developed. There are multiple versions of this provision, including proposals from the Cyberspace Solarium Commission that likely are in HELP's jurisdiction. We will be working with HELP on those pieces.
  - Expect to include Sen. Peters' Federal Rotational Cyber Workforce Program Act (S. 406 in the 116<sup>th</sup> Congress).
    - Text drafted and submitted to OMB for TA on January 28, 2021. TA is still pending.
- **Report on Cybersecurity Standards and Best Practices to Support Local and State Entities:** Require the National Cyber Director to coordinate an interagency

process to develop recommendations, best practices, and resources for state and local partners on investigating and reporting cybercrimes.

### *Artificial Intelligence (AI) and Related Provisions*

- **Deploying and Leveraging AI in Government to Support American Innovation:** Require OMB/GSA, and possibly SBA, to take certain actions to expand the AI entrepreneurial ecosystem in the US by increasing uptake across the federal government – leveraging data held by the federal government – in a safe and trustworthy manner that aligns with American values.
  - Text is being developed.
- **Ensuring Artificial Intelligence Governance and Oversight to Protect Privacy and Civil Rights/Civil Liberties:** Requires the President to appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence and emerging technologies. This includes identifying policy and legal gaps and making recommendations to ensure that uses of artificial intelligence and associated data in U.S. government operations comport with freedom of expression, equal protection, privacy, and due process. For AI uptake to be increased, the American public must be able to trust the federal government’s use of it. Industry also needs guidance and standards to be able to develop products to fulfill government needs. (NSCAI) *Alternative: privacy and civil liberties board review of AI contracts – text for both exists.*
  - Text finalized. TA pending from OMB.
- **Acquisition Innovation Test Programs:** Directs the OMB Director to establish an Acquisition Modernization Test Board to support the continual improvement and agility of federal acquisition; to conduct outreach with the private sector to promote understanding within the acquisition workforce of innovative industry practices that may be suitable for adoption by the Federal Government and awareness by the private sector of ongoing federal acquisition modernization and innovation activities; and other purposes to accelerate federal acquisition of rapidly evolving technologies including AI.
  - Text is being developed and vetted. TA pending from OMB.
- **AI Scholarship for Service Act:** This provides funds to community colleges, colleges, and universities for student scholarships in support of education in areas relevant to artificial intelligence. In return for their scholarships, recipients agree to work after graduation for the Federal, State, Local, Tribal, or Territorial Government, including as a public school teacher in a position related to artificial intelligence.
  - Leg text finalized.



- **Create a Federal Chief Data Officer.** Establishes a Chief Data Officer in the EOP to coordinate the implementation of the Open Government Data Act, and develop new opportunities to make government data available to AI researchers outside of government.
  - Leg text is being drafted.

### *Supply-chain/Manufacturing*

- *U.S. overreliance on foreign countries, such as China, for critical drugs and medical supplies increases supply chain vulnerabilities. This has been exacerbated as a result of the COVID-19 pandemic. These three provisions would help address this challenge.*
  - **HOME Act:** The HOME Act invests in the domestic production of critical drugs and medical supplies through advanced manufacturing and long-term contracts.
    - Leg text is ready. Waiting for feedback from HELP and FDA. Introduced as standalone bill in the 116<sup>th</sup> Congress. **Need OMB TA.**
  - **PART Act:** The PART Act seeks to identify the extent of U.S. reliance on critical drugs/supplies by increasing manufacturer reporting requirements to the FDA. It would also require that FDA share critical manufacturing data with ASPR and DOD to increase preparedness measures.
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*Supply Chain/Manufacturing/Manufacturing: Note: we are evaluating the various Buy America provisions and hope to come up with a proposed package. **Will need OMB TA on final package.***

- **Make PPE in America Act:** This bill requires procurement contracts for personal protective equipment (PPE) to be long-term and the manufacturing of the PPE to be made in the United States.
  - Leg text ready. Bipartisan – Chairman Peters is the lead D sponsor. Introduced as a standalone bill in the 116<sup>th</sup> Congress.
- **BuyAmerican.gov Act:** This bill would increase transparency and limit the use of waivers of Buy American laws. Among other provisions, the bill would require the Department of Commerce to report on implementation and compliance with Buy American laws; require Commerce and the U.S. Trade Representative to assess the impact of trade agreements on Buy American laws; and require the General Services Administration to establish a BuyAmerican.gov website.
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- **Build America, Buy America:** This bill would apply Buy America rules to all taxpayer-funded infrastructure and public works projects.
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- **Made in America Act:** This bill adds materials that would be subject to Buy America requirements and adds Buy America requirements to federal infrastructure programs that don't currently have them. The bill also requires that all of the manufacturing processes used in making the material be completed in the United States in order to qualify as 'American made' and requires the Department of Commerce to consider how many American jobs are created when setting its 'American made' standards.
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*The Safeguarding American Innovation Act: This bipartisan bill was introduced by Senator Portman in the 116<sup>th</sup> Congress. OMB TA is pending.*

- **Creation of Federal Research Security Council within OMB.** Among other things, the Council would be responsible for: coordinating and creating a uniform federal grants application process across agencies; establishing processes to share information about grantees between agencies; implementing additional reporting requirements for grantees; and issuing guidance to ensure compliance with grant award reporting requirements.
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[APG]



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[APG]

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[APG]

## RE: HSGAC China package items

**From:** "Vaeth, Matt J. EOP/OMB" [Redacted]  
**To:** "Ward, Benjamin A. EOP/OMB" [Redacted]  
**Date:** Tue, 30 Mar 2021 11:10:00 -0400

That'll work. I'm sorry, I'm an idiot... I looked at the calendar and read a 3-4PM meeting block as 2-3. Sorry about that. Thanks Ben.

**From:** Ward, Benjamin A. EOP/OMB  
**Sent:** Tuesday, March 30, 2021 11:07 AM  
**To:** Vaeth, Matt J. EOP/OMB [Redacted]  
**Subject:** RE: HSGAC China package items

I could 4pm!

**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Tuesday, March 30, 2021 11:06 AM  
**To:** Ward, Benjamin A. EOP/OMB [Redacted]  
**Subject:** RE: HSGAC China package items

Hi Ben... any chance we can set up a brief discussion on this later today with our branch chiefs on this?

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

so

thought it would be good to connect. Maybe 3:30? I think this would take 10-15 min tops. Thank you!

**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Saturday, March 27, 2021 4:27 PM  
**To:** Ward, Benjamin A. EOP/OMB [Redacted]  
**Subject:** RE: HSGAC China package items

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

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[Redacted] Ex 5 DP- (5

on Monday and then we should

[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))

Thanks Ben.

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**Sent:** Saturday, March 27, 2021 9:24 AM  
**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] 6 - (5 U.S.C. Sec [REDACTED])>  
**Subject:** FW: HSGAC China package items

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Chairman Gary C. Peters  
Homeland Security and Governmental Affairs Committee

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- **Ensuring Artificial Intelligence Governance and Oversight to Protect Privacy and Civil Rights/Civil Liberties:** Requires the President to appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence and emerging technologies. This includes identifying policy and legal gaps and making recommendations to ensure that uses of artificial intelligence and associated data in U.S. government operations comport with freedom of expression, equal protection, privacy, and due process. For AI uptake to be increased, the American public must be able to trust the federal government's use of it. Industry also needs guidance and standards to be able to develop products to fulfill government needs. (NSCAI) *Alternative: privacy and civil liberties board review of AI contracts – text for both exists.*
  - Text finalized. TA pending from OMB.
- **Acquisition Innovation Test Programs:** Directs the OMB Director to establish an Acquisition Modernization Test Board to support the continual improvement and agility of federal acquisition; to conduct outreach with the private sector to promote understanding within the acquisition workforce of innovative industry practices that may be suitable for adoption by the Federal Government and awareness by the private sector of ongoing federal acquisition modernization and innovation activities; and other purposes to accelerate federal acquisition of rapidly evolving technologies including AI.
  - Text is being developed and vetted. TA pending from OMB.
- **AI Scholarship for Service Act:** This provides funds to community colleges, colleges, and universities for student scholarships in support of education in areas relevant to artificial intelligence. In return for their scholarships, recipients agree to work after graduation for the Federal, State, Local, Tribal, or Territorial Government, including as a public school teacher in a position related to artificial intelligence.
  - Leg text finalized.
- **Create a Federal Chief Data Officer.** Establishes a Chief Data Officer in the EOP to coordinate the implementation of the Open Government Data Act, and develop new opportunities to make government data available to AI researchers outside of government.
  - Leg text is being drafted.

#### *Supply-chain/Manufacturing*

- *U.S. overreliance on foreign countries, such as China, for critical drugs and medical supplies increases supply chain vulnerabilities. This has been exacerbated as a result of the COVID-19 pandemic. These three provisions would help address this challenge.*
  - **HOME Act:** The HOME Act invests in the domestic production of critical drugs and medical supplies through advanced manufacturing and long-term contracts.



- o Leg text is ready. Waiting for feedback from HELP and FDA. Introduced as standalone bill in the 116<sup>th</sup> Congress. **Need OMB TA.**

- **PART Act:** The PART Act seeks to identify the extent of U.S. reliance on critical drugs/supplies by increasing manufacturer reporting requirements to the FDA. It would also require that FDA share critical manufacturing data with ASPR and DOD to increase preparedness measures.

- o Revised leg text with feedback from HELP is ready and HELP is supportive. Introduced as a standalone bill in the 116<sup>th</sup> Congress.

*Supply Chain/Manufacturing/Manufacturing: Note: we are evaluating the various Buy America provisions and hope to come up with a proposed package. **Will need OMB TA on final package.***

- **Make PPE in America Act:** This bill requires procurement contracts for personal protective equipment (PPE) to be long-term and the manufacturing of the PPE to be made in the United States.

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

- **BuyAmerican.gov Act:** This bill would increase transparency and limit the use of waivers of Buy American laws. Among other provisions, the bill would require the Department of Commerce to report on implementation and compliance with Buy American laws; require Commerce and the U.S. Trade Representative to assess the impact of trade agreements on Buy American laws; and require the General Services Administration to establish a BuyAmerican.gov website.

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

- **Build America, Buy America:** This bill would apply Buy America rules to all taxpayer-funded infrastructure and public works projects.

- 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.

- **Made in America Act:** This bill adds materials that would be subject to Buy America requirements and adds Buy America requirements to federal infrastructure programs that don't currently have them. The bill also requires that all of the manufacturing processes used in making the material be completed in the United States in order to qualify as 'American made' and requires the Department of Commerce to consider how many American jobs are created when setting its 'American made' standards.

- o Baldwin-led bill. Leg text ready. Would be within HSGAC jurisdiction.



- **Make It In America Act:** This bill ensures federal procurement funds benefit domestic industry and its workforce by adding new conditions to the use of waivers and exceptions to the Buy American Act. The bill also codifies the Made-in-America Office, which was established in President Biden's [executive order](#) to review and approve all waivers to domestic content laws (e.g. Buy American Act, Berry Amendment etc.).
  - Stabenow-led bill. Leg text ready. Would be within HSGAC jurisdiction. Senators Peters and Portman are cosponsors.

*The Safeguarding American Innovation Act: This bipartisan bill was introduced by Senator Portman in the 116<sup>th</sup> Congress. OMB TA is pending.*

- **Creation of Federal Research Security Council within OMB.** Among other things, the Council would be responsible for: coordinating and creating a uniform federal grants application process across agencies; establishing processes to share information about grantees between agencies; implementing additional reporting requirements for grantees; and issuing guidance to ensure compliance with grant award reporting requirements.
- **Expanding State's Authority to Deny Visa Applications.** This bill would expand State's authority to deny visas to individuals who might access export-controlled technology and information. The bill creates certain guardrails for State on how they can make these determinations.
- **Limiting Ability of Foreign Students to Participate in Fundamental Research.** This provision adds additional requirements for academic institutions if a J-1 visitor would have access to export controlled technology or information to ensure security.
- **Lowering Reporting Threshold for Foreign Gifts.** Universities would be required to report any foreign gift above \$50,000 under Section 117 of the Higher Education Act (currently, they have to report gifts above \$250,000).

## FW: HSGAC China package items

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**From:** "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Tue, 30 Mar 2021 16:45:01 -0400  
**Attachments:** HSGAC TA March 2021.xlsx (11.82 kB); HSGAC Bipartisan Competitiveness Legislation Needing TA.docx (28.1 kB)

Will -

When you get a chance, could you call me to talk about this? We just wrapped up a meeting with Ben Ward to talk about what we need to do. I think Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Bryan

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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 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process and 2) a little spreadsheet I put together to help organize this. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

---

**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

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

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**From:** Weinberg, David (HSGAC) <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. x 6 - (5 >  
Cc: Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec senateEx 6>; Chang, Lena (HSGAC)  
<Ex 6 - (5 U.S.C. senateEx 6>; Mulkins, Christopher (HSGAC)  
<Ex 6 - (5 U.S.C. Sec senateEx 6>; Benecke, Michelle (HSGAC)  
<Ex 6 - (5 U.S.C. Sec senateEx >  
**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  
Homeland Security and Governmental Affairs Committee

## **HSGAC Bipartisan Competiveness Legislation Needing OMB TA**

### *IP Theft*

- **Development of a National Strategy for Intellectual Property Theft.** Directs the President to establish such a strategy. Would also require multiple agencies to provide recommendations and input for the President to consider. Specific issues that the President should consider incorporating into the strategy would include the role of the federal government in supporting private sector entities (including development of voluntary best practices and collaborative public-private efforts), international diplomatic efforts, law enforcement operations, and identifying legislative proposals to address authorities gaps.
  - Text is being developed.

### *Ransomware/Cybersecurity Package*

- **Create a National Cybercrime Reporting Center:** Establish a National Cybercrime Reporting Database for local law enforcement to share intelligence on cybercrime-related events. This would serve as a clearinghouse and coordinate with federal agencies and other entities depending on what is reported. The clearinghouse would also identify key cybercrime trends.
  - Text is being evaluated and developed.
- **Federal Support for State and Local Cyber Resilience:** Establish a National Cybersecurity Assistance Fund to help increase the resilience of public and private entities. Administered by FEMA, the grants would assist state and local entities with areas of significant cybersecurity risk and to critical infrastructure. This would also codify the cyber state of distress and establish a cyber recovery fund, which would allow states to have the capability to declare a major cyber incident and authorize DHS to respond with support for response and recovery. This provision would also



- authorize the federal government to respond to significant cyber incidents under an emergency declaration or disaster declaration.
- Text is being evaluated and developed.
- **Recruiting and Developing a Strong Cyber Workforce:** This provision would expand the CyberCorps program and expand existing cybersecurity education grants to universities, colleges, and technical institutions. It would also include various reporting requirements to determine the viability of recruiting programs and funding opportunities. It would also include modifications to the Perkins Act and allow CISA to develop an exchange process for rotational programs between the agency and the private sector.
    - Text is being evaluated and developed. There are multiple versions of this provision, including proposals from the Cyberspace Solarium Commission that likely are in HELP's jurisdiction. We will be working with HELP on those pieces.
    - Expect to include Sen. Peters' Federal Rotational Cyber Workforce Program Act (S. 406 in the 116<sup>th</sup> Congress).
      - Text drafted and submitted to OMB for TA on January 28, 2021. TA is still pending.
  - **Report on Cybersecurity Standards and Best Practices to Support Local and State Entities:** Require the National Cyber Director to coordinate an interagency process to develop recommendations, best practices, and resources for state and local partners on investigating and reporting cybercrimes.

### *Artificial Intelligence (AI) and Related Provisions*

- **Deploying and Leveraging AI in Government to Support American Innovation:** Require OMB/GSA, and possibly SBA, to take certain actions to expand the AI entrepreneurial ecosystem in the US by increasing uptake across the federal government – leveraging data held by the federal government – in a safe and trustworthy manner that aligns with American values.
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## Fwd: HSGAC China package items

**From:** "Menard, Barbara A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Sharbatoghlie, Shabnam EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Michelson-Horowitz, Daniel J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Myers, Hayley W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Moss, Savannah M. EOP/OMB (Intern)" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Messenger, Thad T. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Tue, 30 Mar 2021 12:41:20 -0400  
**Attachments:** HSGAC Bipartisan Competitiveness Legislation Needing TA.docx (28.1 kB)

Begin forwarded message:

**From:** "Menard, Barbara A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** March 30, 2021 at 12:37:33 PM EDT  
**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

Yes to all. We need Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

On Mar 30, 2021, at 12:13 PM, Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))> wrote:

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)) 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

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> Congress, so it is available on congress.gov. Ex 5 DP- (5 U.S.C. Sec 552(b)(6))

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

Thanks.

---

**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. x 6 - (5)>

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

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

Does anyone know [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

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

Thanks very much Bryan.

[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  
[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 will  
discuss more this afternoon.

Thanks.

---

**From:** Leon, Bryan P. EOP/OMB  
**Sent:** Tuesday, March 30, 2021 11:28 AM  
**To:** Vaeth, Matt J. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED]) >; Menard, Barbara A. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED]) >; Ventura, Alexandra EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED]) >  
**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 <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED]) >; Leon, Bryan P. EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED]) >; Ventura, Alexandra EOP/OMB <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED]) >  
**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.

---

**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 U.S.C. x 6 - (5 >; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec x 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.

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

Thanks

Barb

-----  
Barbara A. Menard  
Branch Chief  
Health, Education, VA, and Social Programs (HEVS) Branch  
Legislative Review Division  
Ex 6 - (5 U.S.C. >  
Ex 6 - (5 U.S.C. >  
U.S.C. Sec 552(b)(5) >

**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 x 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. Sec x 6 - (5 >  
**Subject:** RE: HSGAC China package items

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

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

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

**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))>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** FW: HSGAC China package items

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



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.

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---

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

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

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**Sent:** Saturday, March 27, 2021 7:29 AM  
**To:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec. 552(b)(6))>  
**Cc:** Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec. 552(b)(6))>; Chang, Lena (HSGAC) <Ex 6 - (5 U.S.C. Sec. 552(b)(6))>; Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec. 552(b)(6))>; Benecke, Michelle (HSGAC) <Ex 6 - (5 U.S.C. Sec. 552(b)(6))>  
**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  
Homeland Security and Governmental Affairs Committee

### **HSGAC Bipartisan Competiveness Legislation Needing OMB**

#### **TA**

##### *IP Theft*

- **Development of a National Strategy for Intellectual Property Theft.** Directs the President to establish such a strategy. Would also require multiple agencies to provide recommendations and input for the President to consider. Specific issues that the President should consider incorporating into the strategy would include the role of the federal government in supporting private sector entities (including development of voluntary best practices and collaborative public-private efforts),

international diplomatic efforts, law enforcement operations, and identifying legislative proposals to address authorities gaps.

- Text is being developed.

#### *Ransomware/Cybersecurity Package*

- **Create a National Cybercrime Reporting Center:** Establish a National Cybercrime Reporting Database for local law enforcement to share intelligence on cybercrime-related events. This would serve as a clearinghouse and coordinate with federal agencies and other entities depending on what is reported. The clearinghouse would also identify key cybercrime trends.
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  - Text is being evaluated and developed. There are multiple versions of this provision, including proposals from the Cyberspace Solarium Commission that likely are in HELP's jurisdiction. We will be working with HELP on those pieces.
  - Expect to include Sen. Peters' Federal Rotational Cyber Workforce Program Act (S. 406 in the 116<sup>th</sup> Congress).
    - Text drafted and submitted to OMB for TA on January 28, 2021. TA is still pending.
- **Report on Cybersecurity Standards and Best Practices to Support Local and State Entities:** Require the National Cyber Director to coordinate an interagency process to develop recommendations, best



practices, and resources for state and local partners on investigating and reporting cybercrimes.

### *Artificial Intelligence (AI) and Related Provisions*

- **Deploying and Leveraging AI in Government to Support American Innovation:** Require OMB/GSA, and possibly SBA, to take certain actions to expand the AI entrepreneurial ecosystem in the US by increasing uptake across the federal government – leveraging data held by the federal government – in a safe and trustworthy manner that aligns with American values.
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  - Text finalized. **TA pending from OMB.**
- **Acquisition Innovation Test Programs:** Directs the OMB Director to establish an Acquisition Modernization Test Board to support the continual improvement and agility of federal acquisition; to conduct outreach with the private sector to promote understanding within the acquisition workforce of innovative industry practices that may be suitable for adoption by the Federal Government and awareness by the private sector of ongoing federal acquisition modernization and innovation activities; and other purposes to accelerate federal acquisition of rapidly evolving technologies including AI.
  - Text is being developed and vetted. **TA pending from OMB.**
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*Supply-chain/Manufacturing*

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## FW: HSGAC China package items

**From:** "Menard, Barbara A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Michelson-Horowitz, Daniel J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Cc:** "Myers, Hayley W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Tue, 30 Mar 2021 16:31:37 -0400  
**Attachments:** HSGAC Bipartisan Competitiveness Legislation Needing TA.docx (28.1 kB)

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

Thank you

-----  
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))

**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)(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

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

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> Congress, 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  
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.

**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. Ex 6 - (5)>

**Cc:** 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

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. Ex 6 - (5 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

We will discuss more this afternoon.

Thanks.

---

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

---

**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. SeEx 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 U.S.C.) It looks like 3:30 will work for most of us so I am going to suggest that.

---

**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. Ex 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

-----  
Barbara A. Menard  
Branch Chief  
Health, Education, VA, and Social Programs (HEVS) Branch  
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Ex 6 - (5 U.S.C. Sec 552(b)(6))  
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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.

---

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

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

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

---

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

Per our discussion this morning. Sharing two documents: 1) a Word doc provided by HSGAC [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process and 2) a little spreadsheet I put together to help organize this. [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

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

---

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

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



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

**From:** "Menard, Barbara A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>  
**To:** "Michelson-Horowitz, Daniel J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec  
Ex 6 - (5 U.S.C. Sec x 6 - (5)>, "Myers, Hayley W. EOP/OMB"  
<Ex 6 - (5 U.S.C. x 6 - (5)>, "Messenger, Thad T. 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)>, "Moss, Savannah M. EOP/OMB (Intern)"  
<Ex 6 - (5 U.S.C. x 6 - (5)>  
**Date:** Tue, 30 Mar 2021 10:26:28 -0400  
**Attachments:** HSGAC Bipartisan Competitiveness Legislation Needing TA.docx (28.1 kB); HSGAC  
TA March 2021.xlsx (11.82 kB)

FYI. You will see 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

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

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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. x 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. x 6 - (5)>  
**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  
Ex 5 DP- (5  
U.S.C. Sec

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))  
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)(6))>; Ventura, Alexandra 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))>  
**Subject:** FW: HSGAC China package items

Per our discussion this morning. Sharing two documents: 1) a Word doc provided by HSGAC Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process and 2) a little spreadsheet I put together to help organize this. 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

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)(6))>  
**Subject:** FW: HSGAC China package items

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

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

## **HSGAC Bipartisan Competiveness Legislation Needing OMB TA**

### *IP Theft*

- **Development of a National Strategy for Intellectual Property Theft.** Directs the President to establish such a strategy. Would also require multiple agencies to provide recommendations and input for the President to consider. Specific issues that the President should consider incorporating into the strategy would include the role of the federal government in supporting private sector entities (including development of voluntary best practices and collaborative public-private efforts), international diplomatic efforts, law enforcement operations, and identifying legislative proposals to address authorities gaps.
  - Text is being developed.

### *Ransomware/Cybersecurity Package*

- **Create a National Cybercrime Reporting Center:** Establish a National Cybercrime Reporting Database for local law enforcement to share intelligence on cybercrime-related events. This would serve as a clearinghouse and coordinate with federal agencies and other entities depending on what is reported. The clearinghouse would also identify key cybercrime trends.
  - Text is being evaluated and developed.
- **Federal Support for State and Local Cyber Resilience:** Establish a National Cybersecurity Assistance Fund to help increase the resilience of public and private entities. Administered by FEMA, the grants would assist state and local entities with areas of significant cybersecurity risk and to critical infrastructure. This would also codify the cyber state of distress and establish a cyber recovery fund, which would allow states to have the capability to declare a major cyber incident and authorize DHS to respond with support for response and recovery. This provision would also authorize the federal government to respond to significant cyber incidents under an emergency declaration or disaster declaration.
  - Text is being evaluated and developed.
- **Recruiting and Developing a Strong Cyber Workforce:** This provision would expand the CyberCorps program and expand existing cybersecurity education grants to universities, colleges, and technical institutions. It would also include various reporting requirements to determine the viability of recruiting programs and funding opportunities. It would also include modifications to the Perkins Act and allow CISA to develop an exchange process for rotational programs between the agency and the private sector.

- Text is being evaluated and developed. There are multiple versions of this provision, including proposals from the Cyberspace Solarium Commission that likely are in HELP's jurisdiction. We will be working with HELP on those pieces.
  - Expect to include Sen. Peters' Federal Rotational Cyber Workforce Program Act (S. 406 in the 116<sup>th</sup> Congress).
    - Text drafted and submitted to OMB for TA on January 28, 2021. TA is still pending.
- **Report on Cybersecurity Standards and Best Practices to Support Local and State Entities:** Require the National Cyber Director to coordinate an interagency process to develop recommendations, best practices, and resources for state and local partners on investigating and reporting cybercrimes.

#### *Artificial Intelligence (AI) and Related Provisions*

- **Deploying and Leveraging AI in Government to Support American Innovation:** Require OMB/GSA, and possibly SBA, to take certain actions to expand the AI entrepreneurial ecosystem in the US by increasing uptake across the federal government – leveraging data held by the federal government – in a safe and trustworthy manner that aligns with American values.
  - Text is being developed.
- **Ensuring Artificial Intelligence Governance and Oversight to Protect Privacy and Civil Rights/Civil Liberties:** Requires the President to appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence and emerging technologies. This includes identifying policy and legal gaps and making recommendations to ensure that uses of artificial intelligence and associated data in U.S. government operations comport with freedom of expression, equal protection, privacy, and due process. For AI uptake to be increased, the American public must be able to trust the federal government's use of it. Industry also needs guidance and standards to be able to develop products to fulfill government needs. (NSCAI) *Alternative: privacy and civil liberties board review of AI contracts – text for both exists.*
  - Text finalized. TA pending from OMB.
- **Acquisition Innovation Test Programs:** Directs the OMB Director to establish an Acquisition Modernization Test Board to support the continual improvement and agility of federal acquisition; to conduct outreach with the private sector to promote understanding within the acquisition workforce of innovative industry practices that may be suitable for adoption by the Federal Government and awareness by the private sector of ongoing federal acquisition modernization and innovation activities; and



other purposes to accelerate federal acquisition of rapidly evolving technologies including AI.

- Text is being developed and vetted. TA pending from OMB.
- **AI Scholarship for Service Act:** This provides funds to community colleges, colleges, and universities for student scholarships in support of education in areas relevant to artificial intelligence. In return for their scholarships, recipients agree to work after graduation for the Federal, State, Local, Tribal, or Territorial Government, including as a public school teacher in a position related to artificial intelligence.
  - Leg text finalized.
- **Create a Federal Chief Data Officer.** Establishes a Chief Data Officer in the EOP to coordinate the implementation of the Open Government Data Act, and develop new opportunities to make government data available to AI researchers outside of government.
  - Leg text is being drafted.

#### *Supply-chain/Manufacturing*

- *U.S. overreliance on foreign countries, such as China, for critical drugs and medical supplies increases supply chain vulnerabilities. This has been exacerbated as a result of the COVID-19 pandemic. These three provisions would help address this challenge.*
  - **HOME Act:** The HOME Act invests in the domestic production of critical drugs and medical supplies through advanced manufacturing and long-term contracts.
    - Leg text is ready. Waiting for feedback from HELP and FDA. Introduced as standalone bill in the 116<sup>th</sup> Congress. Need OMB TA.
  - **PART Act:** The PART Act seeks to identify the extent of U.S. reliance on critical drugs/supplies by increasing manufacturer reporting requirements to the FDA. It would also require that FDA share critical manufacturing data with ASPR and DOD to increase preparedness measures.
    - Revised leg text with feedback from HELP is ready and HELP is supportive. Introduced as a standalone bill in the 116<sup>th</sup> Congress.

*Supply Chain/Manufacturing/Manufacturing: Note: we are evaluating the various Buy America provisions and hope to come up with a proposed package. Will need OMB TA on final package.*

- **Make PPE in America Act:** This bill requires procurement contracts for personal protective equipment (PPE) to be long-term and the manufacturing of the PPE to be made in the United States.
  - Leg text ready. Bipartisan – Chairman Peters is the lead D sponsor. Introduced as a standalone bill in the 116<sup>th</sup> Congress.

- **BuyAmerican.gov Act:** This bill would increase transparency and limit the use of waivers of Buy American laws. Among other provisions, the bill would require the Department of Commerce to report on implementation and compliance with Buy American laws; require Commerce and the U.S. Trade Representative to assess the impact of trade agreements on Buy American laws; and require the General Services Administration to establish a BuyAmerican.gov website.
  - Leg text ready. Bipartisan. Introduced as a standalone in the 116<sup>th</sup> with Senators Murphy, Graham, and Brown.
- **Build America, Buy America:** This bill would apply Buy America rules to all taxpayer-funded infrastructure and public works projects.
  - 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.
- **Made in America Act:** This bill adds materials that would be subject to Buy America requirements and adds Buy America requirements to federal infrastructure programs that don't currently have them. The bill also requires that all of the manufacturing processes used in making the material be completed in the United States in order to qualify as 'American made' and requires the Department of Commerce to consider how many American jobs are created when setting its 'American made' standards.
  - Baldwin-led bill. Leg text ready. Would be within HSGAC jurisdiction.
- **Make It In America Act:** This bill ensures federal procurement funds benefit domestic industry and its workforce by adding new conditions to the use of waivers and exceptions to the Buy American Act. The bill also codifies the Made-in-America Office, which was established in President Biden's [executive order](#) to review and approve all waivers to domestic content laws (e.g. Buy American Act, Berry Amendment etc.).
  - Stabenow-led bill. Leg text ready. Would be within HSGAC jurisdiction. Senators Peters and Portman are cosponsors.

*The Safeguarding American Innovation Act: This bipartisan bill was introduced by Senator Portman in the 116<sup>th</sup> Congress. OMB TA is pending.*

- **Creation of Federal Research Security Council within OMB.** Among other things, the Council would be responsible for: coordinating and creating a uniform federal grants application process across agencies; establishing processes to share information about grantees between agencies; implementing additional reporting requirements for grantees; and issuing guidance to ensure compliance with grant award reporting requirements.
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technology and information. The bill creates certain guardrails for State on how they can make these determinations.

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[APG]



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[APG]



additional reporting requirements for grantees; and issuing guidance to ensure compliance with grant award reporting requirements.

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- **Limiting Ability of Foreign Students to Participate in Fundamental Research.** This provision adds additional requirements for academic institutions if a J-1 visitor would have access to export controlled technology or information to ensure security.
- **Lowering Reporting Threshold for Foreign Gifts.** Universities would be required to report any foreign gift above \$50,000 under Section 117 of the Higher Education Act (currently, they have to report gifts above \$250,000).

[APG]

# RE: OIRA meeting with DPC

**From:** "Ahmed, Shagufta I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**To:** "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>, "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Date:** Wed, 31 Mar 2021 19:26:48 -0400  
**Attachments:** Original ED Agenda Entries (Unreviewed) - OIRA+ DPC+COVID team + Ed branch 3.30.21 5pm.docx (79.25 kB)

Hi Mary,

Our meeting with DPC 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 discussion focused 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

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

We do think 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, we think 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 find these attached. You can see 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

Thank you,

Shagufta

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**From:** Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Sent:** Wednesday, March 31, 2021 1:57 PM  
**To:** Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** OIRA meeting with DPC

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 (Or maybe it was just 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 Could get a read-out from that? I wanted to see if I should 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

want to have the latest info Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Thanks, Mary

Mary Cassell  
Education Branch Chief  
OMB  
Ex 6 - (5 U.S.C. Sec 552(b)(5))

## RE: HSGAC China package items

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**From:** "Vaeth, Matt J. EOP/OMB" [Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process] >  
**To:** "Michelson-Horowitz, Daniel J. EOP/OMB" [Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process] >  
**Cc:** "Myers, Hayley W. EOP/OMB" [Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process] >  
**Date:** Thu, 01 Apr 2021 14:57:29 -0400

Thanks Daniel. I was quite literally on the phone with Ben when you e-mailed asking him about this, and he had not gotten a reply from HSGAC yet but is going to call them back to try and get an answer today.

For the two health items, [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]

Thank you for your patience, will let you know when I hear back from him. They 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] That seems like a complicated situation.

Thanks -- Matt

---

**From:** Michelson-Horowitz, Daniel J. EOP/OMB  
**Sent:** Thursday, April 1, 2021 2:52 PM  
**To:** Vaeth, Matt J. EOP/OMB [Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process] >  
**Subject:** Re: HSGAC China package items

Hi Matt,

Any update on my items? I am on standby.

Thanks,  
Daniel

On Mar 31, 2021, at 2:13 PM, Vaeth, Matt J. EOP/OMB [Ex 6 - (5 U.S.C. Sec 552(b)(6)) Deliberative Process] > wrote:



Thanks Barb. You are correct on all counts. I'm going to check with Ben tomorrow am to see if he has any updates from HSGAC and will keep the team posted. But your understanding of the current status is accurate.

Thanks very much. Enjoy [Redacted]

**From:** Menard, Barbara A. EOP/OMB  
**Sent:** Wednesday, March 31, 2021 5:00 PM  
**To:** Vaeth, Matt J. EOP/OMB [Redacted]  
**Cc:** Leon, Bryan P. EOP/OMB [Redacted]; Ventura, Alexandra EOP/OMB [Redacted]; Michelson-Horowitz, Daniel J. EOP/OMB [Redacted]; Myers, Hayley W. EOP/OMB [Redacted]; Sharbatoghlie, Shabnam EOP/OMB [Redacted]  
**Subject:** FW: HSGAC China package items

Matt-

I am just touching base on this again as [Redacted]

My understanding is that in this four page request, there are [Redacted] Ex 5 DP- (5 U.S.C. Sec [Redacted])  
[Redacted] Ex 5 DP- (5 [Redacted]) I have noted those below and put status in red. Please let me know if you have questions/concerns.

- **Recruiting and Developing a Strong Cyber Workforce:** This provision would expand the CyberCorps program and expand existing cybersecurity education grants to universities, colleges, and technical institutions. It would also include various reporting requirements to determine the viability of recruiting programs and funding opportunities. It would also include modifications to the Perkins Act and allow CISA to develop an exchange process for rotational programs between the agency and the private sector.
  - Text is being evaluated and developed. There are multiple versions of this provision, including proposals from the Cyberspace Solarium Commission that likely are in HELP's jurisdiction. We will be working with HELP on those pieces.
  - Expect to include Sen. Peters' Federal Rotational Cyber Workforce Program Act (S. 406 in the 116<sup>th</sup> Congress).
    - Text drafted and submitted to OMB for TA on January 28, 2021. TA is still pending.

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

- **AI Scholarship for Service Act:** This provides funds to community colleges, colleges, and universities for student scholarships in support of education in areas relevant to artificial intelligence. In return for their scholarships, recipients agree to work after graduation for the Federal, State, Local, Tribal, or Territorial Government, including as a public school teacher in a position related to artificial intelligence.

- Leg text finalized.

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

- **Create a Federal Chief Data Officer.** Establishes a Chief Data Officer in the EOP to coordinate the implementation of the Open Government Data Act, and develop new opportunities to make government data available to AI researchers outside of government.

- Leg text is being drafted.

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

### *Supply-chain/Manufacturing*

- *U.S. overreliance on foreign countries, such as China, for critical drugs and medical supplies increases supply chain vulnerabilities. This has been exacerbated as a result of the COVID-19 pandemic. These three provisions would help address this challenge.*

- **HOME Act:** The HOME Act invests in the domestic production of critical drugs and medical supplies through advanced manufacturing and long-term contracts.

- Leg text is ready. Waiting for feedback from HELP and FDA.

- Introduced as standalone bill in the 116<sup>th</sup> Congress. **Need OMB TA.**

- **PART Act:** The PART Act seeks to identify the extent of U.S. reliance on critical drugs/supplies by increasing manufacturer reporting requirements to the FDA. It would also require that FDA share critical manufacturing data with ASPR and DOD to increase preparedness measures.

- Revised leg text with feedback from HELP is ready and HELP is supportive. 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



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

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

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





In addition, there are [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

in the 116<sup>th</sup>

Congress, so it is available on congress.gov.

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

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

the 116<sup>th</sup>

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

[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 will discuss this with Ben this afternoon. I will want to clarify:

[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

Thanks.

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

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

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

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

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

**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)(5)) Deliberative Process 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)(5)) Deliberative Process; Menard, Barbara A. 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

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 552(b)(5)) Deliberative Process; 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

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.

**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. Sec. x 6 - (5)>; Leon, Bryan P. 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:** 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- It looks like 3:30 will work for most of us so I am going to suggest that.

**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 Ex 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

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

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

**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. Ex 6 - (5)>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
**Subject:** RE: HSGAC China package items



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

---

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

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

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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))>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** FW: HSGAC China package items

Per our discussion this morning. Sharing two documents: 1) a Word doc provided by HSGAC Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) and 2) a little spreadsheet Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) I put together to help organize this. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

---

**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 [REDACTED]) >  
**Subject:** FW: HSGAC China package items

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

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**From:** Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED]) senate Ex 6 (5) >  
**Sent:** Saturday, March 27, 2021 7:29 AM  
**To:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >  
**Cc:** Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED]) senate Ex 6 >; Chang, Lena (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED]) senate Ex 6 >; Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED]) senate Ex >; Benecke, Michelle (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED]) senate Ex >  
**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  
Homeland Security and Governmental Affairs Committee

### **HSGAC Bipartisan Competiveness Legislation Needing OMB TA**

#### *IP Theft*

- **Development of a National Strategy for Intellectual Property Theft.** Directs the President to establish such a strategy. Would also require multiple agencies to provide recommendations and input for the President to consider. Specific issues that the President should consider incorporating into the strategy would include the role of the federal government in supporting private sector entities (including development of voluntary best practices and collaborative public-private efforts), international diplomatic efforts, law

enforcement operations, and identifying legislative proposals to address authorities gaps.

- Text is being developed.

### *Ransomware/Cybersecurity Package*

- **Create a National Cybercrime Reporting Center:** Establish a National Cybercrime Reporting Database for local law enforcement to share intelligence on cybercrime-related events. This would serve as a clearinghouse and coordinate with federal agencies and other entities depending on what is reported. The clearinghouse would also identify key cybercrime trends.
  - Text is being evaluated and developed.
- **Federal Support for State and Local Cyber Resilience:** Establish a National Cybersecurity Assistance Fund to help increase the resilience of public and private entities. Administered by FEMA, the grants would assist state and local entities with areas of significant cybersecurity risk and to critical infrastructure. This would also codify the cyber state of distress and establish a cyber recovery fund, which would allow states to have the capability to declare a major cyber incident and authorize DHS to respond with support for response and recovery. This provision would also authorize the federal government to respond to significant cyber incidents under an emergency declaration or disaster declaration.
  - Text is being evaluated and developed.
- **Recruiting and Developing a Strong Cyber Workforce:** This provision would expand the CyberCorps program and expand existing cybersecurity education grants to universities, colleges, and technical institutions. It would also include various reporting requirements to determine the viability of recruiting programs and funding opportunities. It would also include modifications to the Perkins Act and allow CISA to develop an exchange process for rotational programs between the agency and the private sector.
  - Text is being evaluated and developed. There are multiple versions of this provision, including proposals from the Cyberspace Solarium Commission that likely are in HELP's jurisdiction. We will be working with HELP on those pieces.
  - Expect to include Sen. Peters' Federal Rotational Cyber Workforce Program Act (S. 406 in the 116<sup>th</sup> Congress).
    - Text drafted and submitted to OMB for TA on January 28, 2021. TA is still pending.
- **Report on Cybersecurity Standards and Best Practices to Support Local and State Entities:** Require the National Cyber Director to coordinate an interagency process to develop recommendations, best practices, and



resources for state and local partners on investigating and reporting cybercrimes.

### *Artificial Intelligence (AI) and Related Provisions*

- **Deploying and Leveraging AI in Government to Support American Innovation:** Require OMB/GSA, and possibly SBA, to take certain actions to expand the AI entrepreneurial ecosystem in the US by increasing uptake across the federal government – leveraging data held by the federal government – in a safe and trustworthy manner that aligns with American values.
  - Text is being developed.
- **Ensuring Artificial Intelligence Governance and Oversight to Protect Privacy and Civil Rights/Civil Liberties:** Requires the President to appoint a task force to assess the privacy, civil rights, and civil liberties implications of artificial intelligence and emerging technologies. This includes identifying policy and legal gaps and making recommendations to ensure that uses of artificial intelligence and associated data in U.S. government operations comport with freedom of expression, equal protection, privacy, and due process. For AI uptake to be increased, the American public must be able to trust the federal government’s use of it. Industry also needs guidance and standards to be able to develop products to fulfill government needs. (NSCAI) *Alternative: privacy and civil liberties board review of AI contracts – text for both exists.*
  - Text finalized. TA pending from OMB.
- **Acquisition Innovation Test Programs:** Directs the OMB Director to establish an Acquisition Modernization Test Board to support the continual improvement and agility of federal acquisition; to conduct outreach with the private sector to promote understanding within the acquisition workforce of innovative industry practices that may be suitable for adoption by the Federal Government and awareness by the private sector of ongoing federal acquisition modernization and innovation activities; and other purposes to accelerate federal acquisition of rapidly evolving technologies including AI.
  - Text is being developed and vetted. TA pending from OMB.
- **AI Scholarship for Service Act:** This provides funds to community colleges, colleges, and universities for student scholarships in support of education in areas relevant to artificial intelligence. In return for their scholarships, recipients agree to work after graduation for the Federal, State, Local, Tribal, or Territorial Government, including as a public school teacher in a position related to artificial intelligence.
  - Leg text finalized.

- **Create a Federal Chief Data Officer.** Establishes a Chief Data Officer in the EOP to coordinate the implementation of the Open Government Data Act, and develop new opportunities to make government data available to AI researchers outside of government.
  - Leg text is being drafted.

### *Supply-chain/Manufacturing*

- *U.S. overreliance on foreign countries, such as China, for critical drugs and medical supplies increases supply chain vulnerabilities. This has been exacerbated as a result of the COVID-19 pandemic. These three provisions would help address this challenge.*
  - **HOME Act:** The HOME Act invests in the domestic production of critical drugs and medical supplies through advanced manufacturing and long-term contracts.
    - Leg text is ready. Waiting for feedback from HELP and FDA. Introduced as standalone bill in the 116<sup>th</sup> Congress. **Need OMB TA.**
  - **PART Act:** The PART Act seeks to identify the extent of U.S. reliance on critical drugs/supplies by increasing manufacturer reporting requirements to the FDA. It would also require that FDA share critical manufacturing data with ASPR and DOD to increase preparedness measures.
    - Revised leg text with feedback from HELP is ready and HELP is supportive. Introduced as a standalone bill in the 116<sup>th</sup> Congress.

*Supply Chain/Manufacturing/Manufacturing: Note: we are evaluating the various Buy America provisions and hope to come up with a proposed package. **Will need OMB TA on final package.***

- **Make PPE in America Act:** This bill requires procurement contracts for personal protective equipment (PPE) to be long-term and the manufacturing of the PPE to be made in the United States.
  - Leg text ready. Bipartisan – Chairman Peters is the lead D sponsor. Introduced as a standalone bill in the 116<sup>th</sup> Congress.
- **BuyAmerican.gov Act:** This bill would increase transparency and limit the use of waivers of Buy American laws. Among other provisions, the bill would require the Department of Commerce to report on implementation and compliance with Buy American laws; require Commerce and the U.S. Trade Representative to assess the impact of trade agreements on Buy American laws; and require the General Services Administration to establish a BuyAmerican.gov website.



- o Leg text ready. Bipartisan. Introduced as a standalone in the 116<sup>th</sup> with Senators Murphy, Graham, and Brown.
- **Build America, Buy America:** This bill would apply Buy America rules to all taxpayer-funded infrastructure and public works projects.
  - 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.
- **Made in America Act:** This bill adds materials that would be subject to Buy America requirements and adds Buy America requirements to federal infrastructure programs that don't currently have them. The bill also requires that all of the manufacturing processes used in making the material be completed in the United States in order to qualify as 'American made' and requires the Department of Commerce to consider how many American jobs are created when settings its 'American made' standards.
  - o Baldwin-led bill. Leg text ready. Would be within HSGAC jurisdiction.
- **Make It In America Act:** This bill ensures federal procurement funds benefit domestic industry and its workforce by adding new conditions to the use of waivers and exceptions to the Buy American Act. The bill also codifies the Made-in-America Office, which was established in President Biden's [executive order](#) to review and approve all waivers to domestic content laws (e.g. Buy American Act, Berry Amendment etc.).
  - o Stabenow-led bill. Leg text ready. Would be within HSGAC jurisdiction. Senators Peters and Portman are cosponsors.

*The Safeguarding American Innovation Act: This bipartisan bill was introduced by Senator Portman in the 116<sup>th</sup> Congress. OMB TA is pending.*

- **Creation of Federal Research Security Council within OMB.** Among other things, the Council would be responsible for: coordinating and creating a uniform federal grants application process across agencies; establishing processes to share information about grantees between agencies; implementing additional reporting requirements for grantees; and issuing guidance to ensure compliance with grant award reporting requirements.
- **Expanding State's Authority to Deny Visa Applications.** This bill would expand State's authority to deny visas to individuals who might access export-controlled technology and information. The bill creates certain guardrails for State on how they can make these determinations.
- **Limiting Ability of Foreign Students to Participate in Fundamental Research.** This provision adds additional requirements for academic



institutions if a J-1 visitor would have access to export controlled technology or information to ensure security.

- **Lowering Reporting Threshold for Foreign Gifts.** Universities would be required to report any foreign gift above \$50,000 under Section 117 of the Higher Education Act (currently, they have to report gifts above \$250,000).

**LRM: [WT-117-10] Due 04/05/2021 Monday at 11:00 AM --  
OMB Request for Views on S.\_\_\_\_\_ Safeguarding American  
Innovation Act**

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**From:** "Thomas, Will III EOP/OMB" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=567b131cd2b448d5b4fd61f5a2a3c845-th">  
**To:** AGRICULTURE <usdaleg@obpa.usda.gov>, COMMERCE <Ex 6 - (5 U.S.C. Sec 552(b)(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>, HEALTH & HUMAN SERVICES <irm@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 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>, DL-NSS-LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, Nuclear Regulatory Commission <llo@nrc.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))@state.gov>, TRANSPORTATION <dot.legislation@dot.gov>, TREASURY <llr@treasury.gov>  
**Date:** Thu, 01 Apr 2021 14:52:22 -0400  
**Attachments:** Safeguarding American Innovation Act.docx (94.3 kB)

**DEADLINE: 11:00 AM Monday, Apr 05 2021**

Please find attached for your review 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, the bill would Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process By the deadline above, please provide your agency's views on the draft bill. Thanks.

**NOTE:** This bill was introduced during the 116th Congress as S. 3997, 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 The attached discussion draft bill may be considered by HSGAC later this month, and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

LRM ID: WT-117-10  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: León, Bryan (for) Assistant Director for Legislative Reference  
SUBJECT: LRM: [WT-117-10] Due 04/05/2021 Monday at 11:00 AM -- OMB Request for Views on S.\_\_\_\_\_ Safeguarding American Innovation Act

OMB CONTACT: Will Thomas(OMB)  
E-Mail: Ex 6 - (5 U.S.C. Sec 552(b)(5)) Ex 6 - (5 U.S.C. Sec 552(b)(5))  
PHONE: Ex 6 - (5 U.S.C. Sec 552(b)(5))  
FAX: Ex 6 - (5 U.S.C. Sec 552(b)(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.



**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.

[A

**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 fiscal year 2020.**

**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”—

[A

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—



[A

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

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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.

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-

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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’—



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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)));

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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 conducting federally fund-  
8           ed research or receiving Federal research grant  
9           funding.

10   **“§ 7902. Federal Research Security Council establish-**  
11           **ment and membership**

12           “(a) ESTABLISHMENT.—There is established, in the  
13           Office of Management and Budget, a Federal Research  
14           Security Council, which shall develop federally funded re-  
15           search and development grant making policy and manage-  
16           ment guidance to protect the national and economic secu-  
17           rity interests of the United States.

18           “(b) MEMBERSHIP.—

19           “(1) IN GENERAL.—The following agencies  
20           shall be represented on the Council:

21           “(A) The Office of Management and  
22           Budget.

23           “(B) The Office of Science and Technology  
24           Policy.

25           “(C) The Department of Defense.

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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

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Integrity and Efficiency.

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“(Q) Other Executive agencies, as deter-

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mined by the Chairperson of the Council.



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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;

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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) 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

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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).

7 “(2) Developing and implementing a uniform  
8 and regular reporting process for identifying persons  
9 participating in federally funded research and devel-  
10 opment or that have access to nonpublic federally  
11 funded information, data, research findings, and re-  
12 search and development grant proposals.

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

17 “(A) members of the United States re-  
18 search community; and

19 “(B) other persons participating in feder-  
20 ally funded research and development.

21 “(4) Identifying an appropriate Executive agen-  
22 cy—

23 “(A) to accept and protect information  
24 submitted by Executive agencies and non-Fed-



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1 eral entities based on the processes established  
2 under paragraphs (1) and (2); and

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-  
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.

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1           “(6) Identifying and issuing guidance, in ac-  
2           cordance with subsection (d) and in coordination  
3           with the National Insider Threat Task Force estab-  
4           lished by Executive Order 13587 (50 U.S.C. 3161  
5           note) for developing and implementing insider threat  
6           programs for Executive agencies to deter, detect,  
7           and mitigate insider threats, including the safe-  
8           guarding of sensitive information from exploitation,  
9           compromise, or other unauthorized disclosure, taking  
10          into account risk levels and the distinct needs, mis-  
11          sions, and systems of each such agency.

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

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

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

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1           “(8) Assessing and making recommendations  
2           with respect to whether openly sharing certain types  
3           of federally funded research and development is in  
4           the economic and national security interests of the  
5           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).

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.



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1       “(b) 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-  
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—

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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;

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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 Executive agencies;

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



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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 an Executive agency accesses,  
12 shares, and integrates information and data derived  
13 from offices within the agency;

14 “(4) the designation of senior officials with au-  
15 thority to provide management, accountability, and  
16 oversight of the insider threat program of an Execu-  
17 tive agency and to make resource recommendations  
18 to the appropriate officials; and

19 “(5) such additional guidance as is necessary to  
20 reflect the distinct needs, missions, and systems of  
21 each Executive agency.

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

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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—

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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—

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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  
14          related issues.

15   **“§ 7904. Strategic plan**

16          “(a) IN GENERAL.—Not later than 180 days after  
17          the date of the enactment of this chapter, the Council shall  
18          develop a strategic plan for addressing Federal research  
19          security risks and for managing such risks, that in-  
20          cludes—

21                 “(1) the criteria and processes required under  
22                 section 7903(a), including a threshold and require-  
23                 ments for sharing relevant information about such  
24                 risks with all Executive agencies and, as appro-



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1        appropriate, 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-

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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 December 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;

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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;

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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’—



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1           “(A) means a grant 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—

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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-

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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

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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).”.



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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.

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

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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 establishing criteria for  
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;

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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.).

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1 (c) REPORTING REQUIREMENT.—Not later than 180  
2 days 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



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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-

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1       ferent technologies, including optical character rec-  
2       ognition, for—

3               (A) making every element of a visa appli-  
4       cation, and documents submitted in support of  
5       a visa application, machine-readable; and

6               (B) ensuring that such system—

7                     (i) protects personally-identifiable in-  
8       formation; and

9                     (ii) permits the sharing of visa infor-  
10      mation with Federal agencies in accord-  
11      ance with existing law; and

12           (4) includes an estimated timeline for com-  
13      pleting the implementation of subsection (b)(2).

14   **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**  
15                           **CHANGE PROGRAMS.**

16       Section 102(b)(5) of the Mutual Educational and  
17   Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5))  
18   is amended by striking the semicolon at the end and in-  
19   serting the following: “by developing exchange programs  
20   for foreign researchers and scientists, while protecting  
21   technologies regulated by export control laws important to  
22   the national security and economic interests of the United  
23   States, including requiring sponsors—

24                     “(A) to disclose to the Department of  
25      State whether an exchange visitor, as a primary

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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-





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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.

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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:

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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—

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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, human re-  
22                 sources, or staff, including staff salaries”; and

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



## **Fwd: Safeguarding American Innovation Act —link to SAP?**

**From:** "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** Vipin Arora <varora@nsf.gov>, Emilda Rivers <erivers@nsf.gov>, John Finamore <jfinamor@nsf.gov>  
**Date:** Tue, 06 Apr 2021 18:04:57 -0400  
**Attachments:** Safeguarding American Innovation Act.docx (100.56 kB)

NCSES colleagues,

I wanted to see if you knew about this bill, and if not, put it on your radar.

Barry mentions 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

Barry also mentions 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

Shelly

Sent from my iPhone

Begin forwarded message:

**From:** Johnson Barry W <Barry.W.Johnson@irs.gov>  
**Date:** April 5, 2021 at 9:49:26 AM EDT  
**Subject:** Safeguarding American Innovation Act

Hi Shelly,

This came my way and I wondered if you'd seen it? In particular I  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

Barry

## RE: Dept. of Education Draft 2021 Spring Agenda - Final Comments due Wednesday (4/21) at 2:00 PM

**From:** "Valle, Katherine EOP/WHO" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**To:** "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Date:** Tue, 20 Apr 2021 13:50:42 -0400  
**Attachments:** 2021-04-20 Original ED Agenda Entries (Unreviewed) - EOP 4.7.21\_ED Responses.docx (92.9 kB)

Hi Lindsay, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process If you know, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Kathy

**From:** Abate, Lindsay M. EOP/OMB  
**Sent:** Tuesday, April 20, 2021 9:43 AM  
**To:** DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Martin, Carmel EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Yudelson, Alex R. EOP/WHO <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))>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Garufi, Marc A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Johnson, Carole A. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Delery, Stuart F. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shah, Reema B. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Morse, Jodie T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Millison, Deanne B. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lawver, Daniel A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Cc:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Block, Sharon I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Barron, Alexander R. 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))>; Kymn, Christine J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

**Subject:** RE: Dept. of Education Draft 2021 Spring Agenda - Final Comments due Wednesday (4/21) at 2:00 PM

Colleagues,

Attached for your final review please find the Department of Education's response to EOP comments on the Spring Unified Agenda.



Please provide any final comments by **Wednesday (4/21) at 2:00 PM**. Please label your new comments/edits **EOP 4/21** to assist us in highlighting outstanding concerns.

Thanks,  
Lindsay

**From:** Abate, Lindsay M. EOP/OMB  
**Sent:** Monday, March 22, 2021 12:17 PM  
**To:** DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Carmel Martin <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Yudelson, Alex R. EOP/WHO <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)) >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Garufi, Marc A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Johnson, Carole A. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Delery, Stuart F. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shah, Reema B. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Morse, Jodie T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Garg, Arpit K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Millison, Deanne B. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Lawver, Daniel A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >  
**Cc:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Block, Sharon I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Barron, Alexander R. 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)) >; Christine J. EOP/OMB Kymn <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >  
**Subject:** Dept. of Education Draft 2021 Spring Agenda - Comments due Monday (3/29) at 12:00 PM

Greetings,

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

Description of the attachments:

1. The Draft Unified Agenda – The Agenda 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  
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

2. The Agenda Index – This excel document 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
3. Change Report – This report 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 me know if you would like a meeting with the agency to discuss their agenda entries. These meetings can help answer any questions or concerns you may have to ensure the Spring 2021 Agenda is published in a timely fashion.

We ask that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process and keep in mind that: Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- Please do not worry about typographical errors, formatting, or duplicate entries.

Please reach out to me and Shagufta if you have any questions. Thank you for your efforts.

Best,  
Lindsay

**Lindsay Abate**  
Policy Analyst  
Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget (OMB)

Ex 6 - (5 U.S.C. Ex 6 - (5  
Cell: Ex 6 - (5



## FW: SAIA Comments

**From:** "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**To:** "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**Date:** Tue, 20 Apr 2021 21:00:03 -0400  
**Attachments:** Safeguarding American Innovation Act Interagency Comments.docx (132.8 kB)

FYI, Ben called me tonight, will loop you in tomorrow AM. Shared this document at his request with him

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

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

**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Tuesday, April 20, 2021 8:59 PM  
**To:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>  
**Subject:** SAIA Comments

Ben, per our discussion, please see the attached.

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

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

The

attached includes

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

But if nothing else it

gives

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

Ultimately this 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

I'm about to Ex 6 - (5 U.S.C. Sec 552(b)(6)) but will stay online. Let me know if you want to discuss later this evening. Thanks Ben.

## RE: Consolidated Interagency Comments on SAIA

**From:** "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**To:** "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>, "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Date:** Wed, 21 Apr 2021 14:35:41 -0400  
**Attachments:** Consolidated Interagency Comments Safeguarding American Innovation Act 4.21.2021 MJV Track.docx (159.09 kB)

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've highlighted in yellow  
Only four instances of it.

Happy to discuss if you have any questions. Thank you  
Bryan. Appreciate you on your end as well.

**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Wednesday, April 21, 2021 1:54 PM  
**To:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: Consolidated Interagency Comments on SAIA

Bryan I am doing a quick review right now, and will have a few suggestions of comments to drop but

Thank you.

**From:** Ward, Benjamin A. EOP/OMB  
**Sent:** Wednesday, April 21, 2021 1:51 PM  
**To:** Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: Consolidated Interagency Comments on SAIA

Thanks, Bryan. This doc will need to go to the hill as soon as we can get it ready. Really appreciate everyone's hard work.

**From:** Leon, Bryan P. EOP/OMB  
**Sent:** Wednesday, April 21, 2021 1:48 PM  
**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>

**Subject:** Consolidated Interagency Comments on SAIA

Attached are the consolidated interagency comments for Safeguarding American Innovation Act. LRD is sharing this with you now so that you have a document you can use for internal EOP discussions.

If this document is to be shared with the Hill, I recommend 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 wanted to get you what we have available now.

Bryan

**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’—

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.

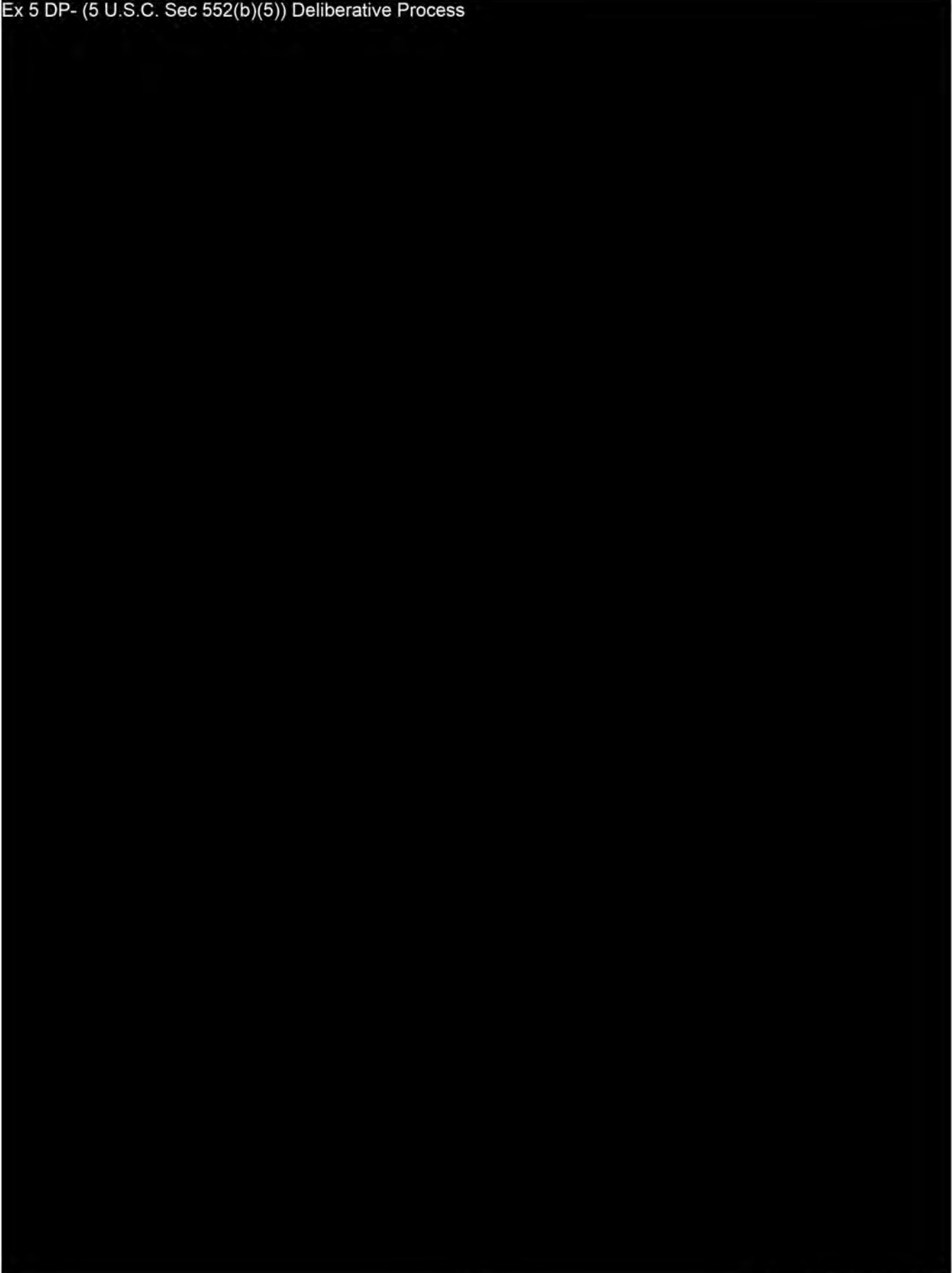
10 ~~“§ 7902. Federal Research Security Council establish-~~

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

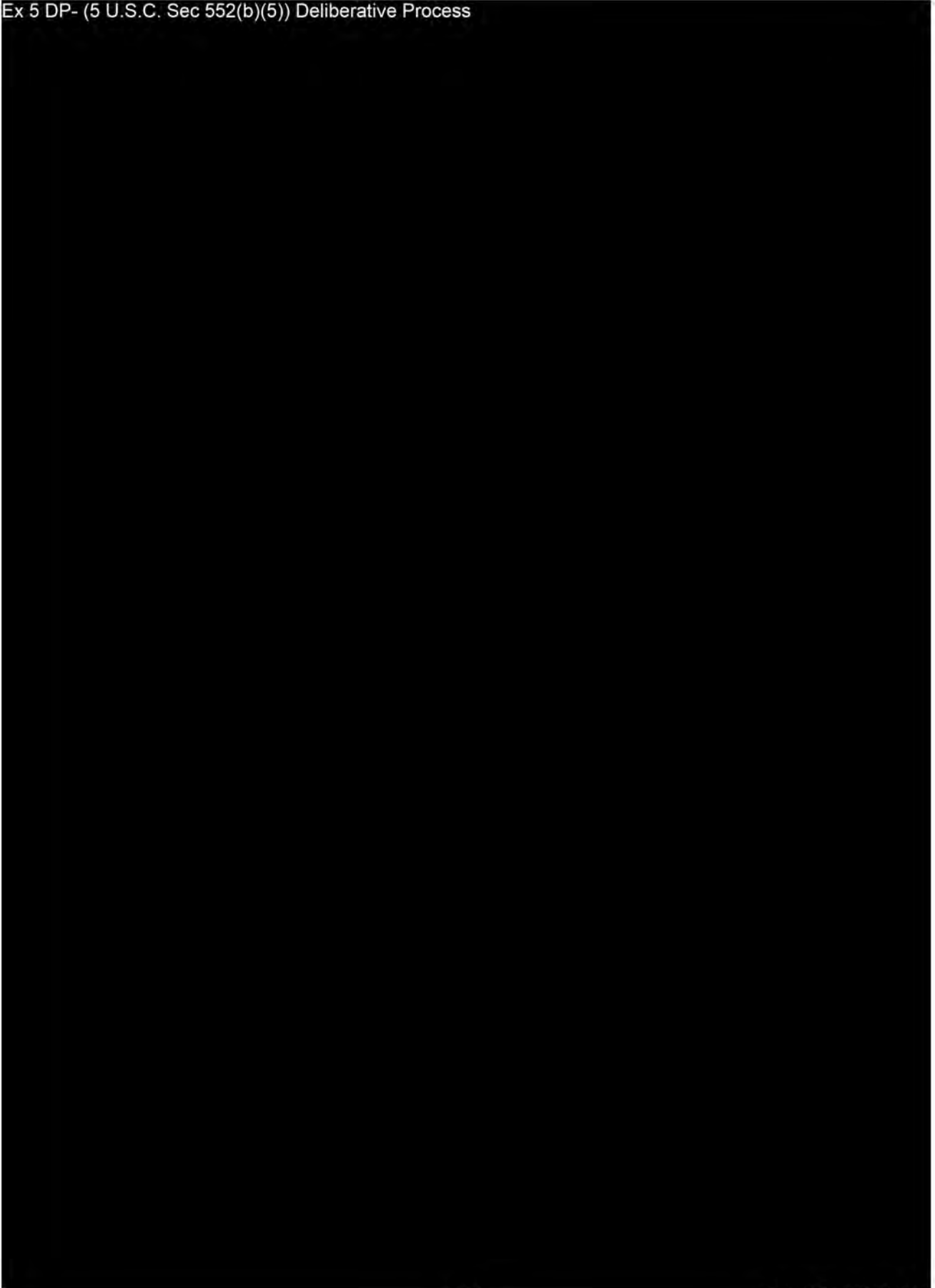




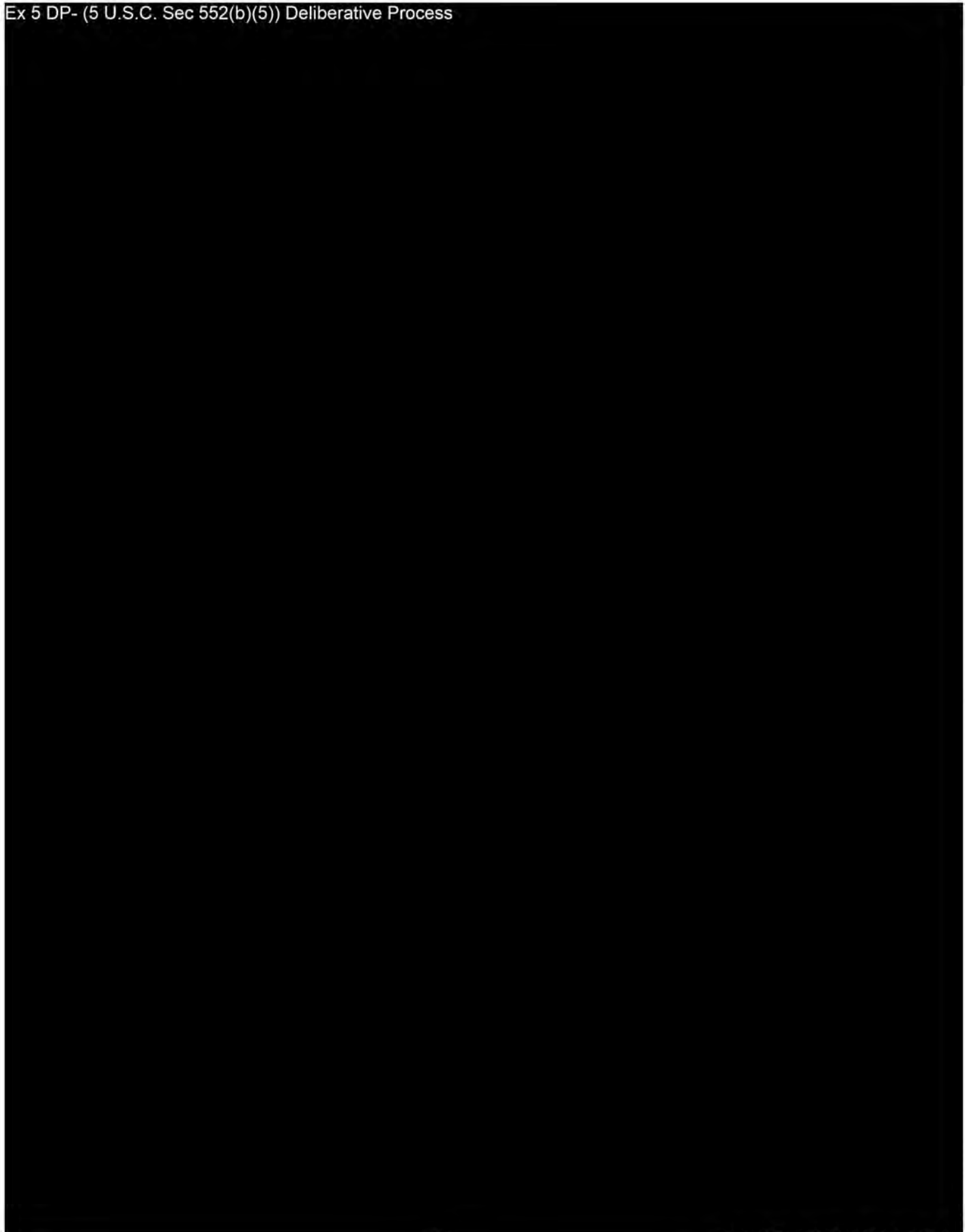
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



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.

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); and

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-  
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.

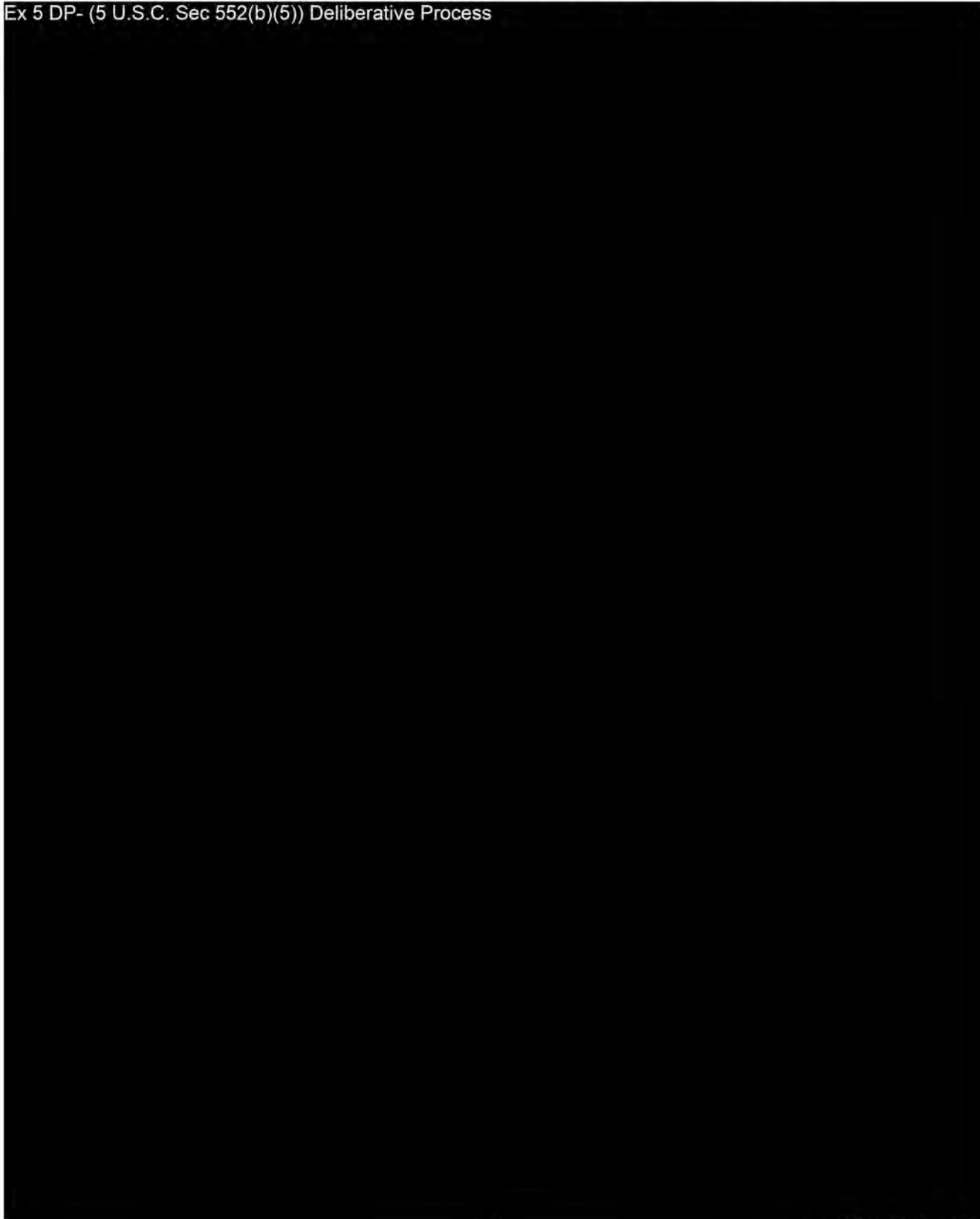
13 “(5) Identifying, as appropriate, Executive  
14 agencies to provide—

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

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





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.

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—

24

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.

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

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



26

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) 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-  
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  
23                   and development funding;

                 “(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  
12 development funding accesses,  
13 shares, and integrates information and data derived  
14 from offices within the entity and shares insider threat  
15 information with the Executive Agency research sponsors;

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

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

25 “(e) ISSUANCE OF WARNINGS RELATING TO RISKS  
26 AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC  
27 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        appropriate, 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

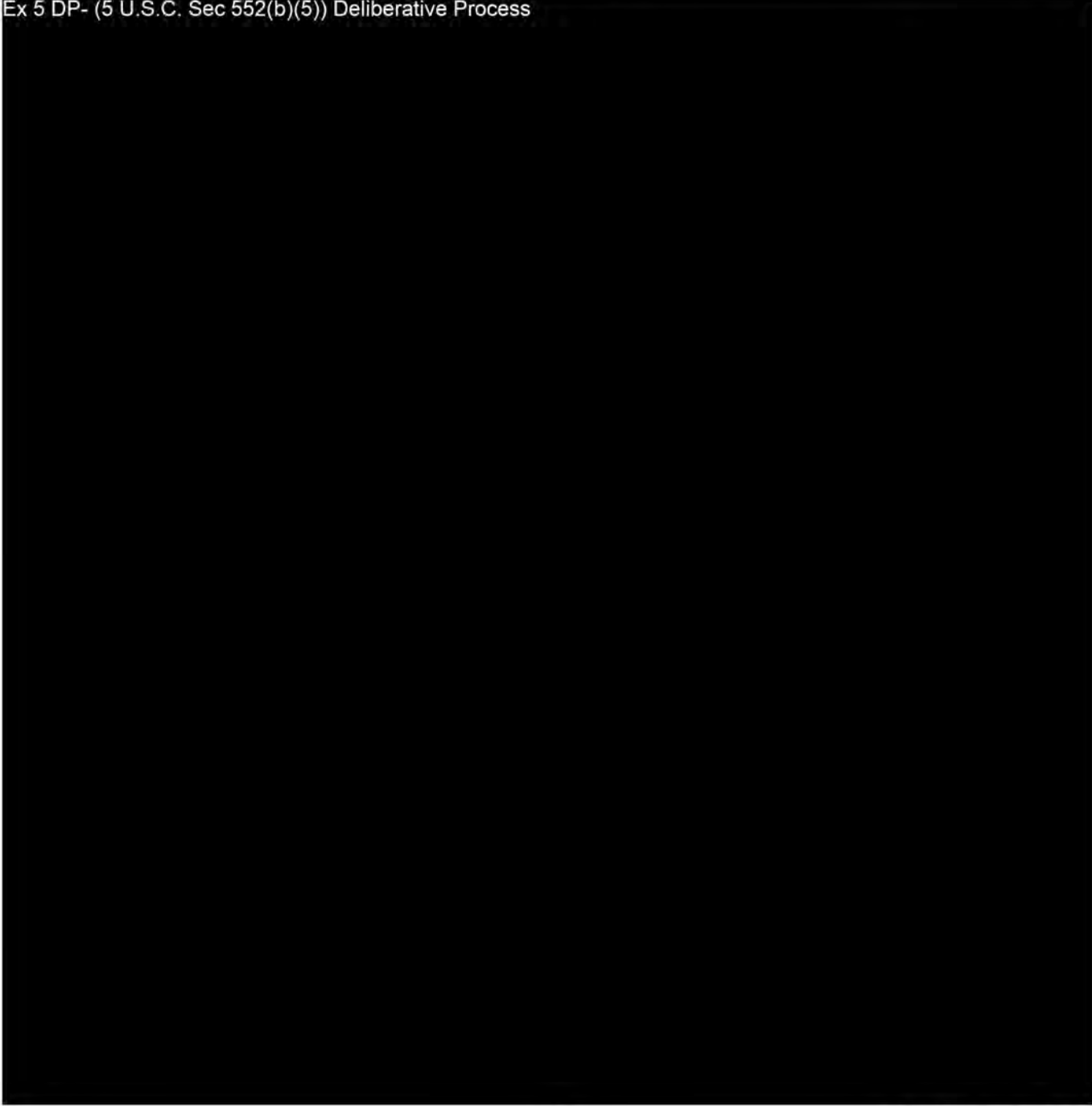
22               “(2) shall be prohibited from receiving a Fed-  
23               eral grant during the 5-year period beginning on the  
24               date on which a sentence is imposed on the indi-  
25               vidual under paragraph (1).”.

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>8</sup>

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



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       ferent technologies, including optical character rec-  
2       ognition, for—

3               (A) making every element of a visa appli-  
4       cation, and documents submitted in support of  
5       a visa application, machine-readable; and

6               (B) ensuring that such system—

7                       (i) protects personally-identifiable in-  
8       formation; and

9                       (ii) permits the sharing of visa infor-  
10      mation with Federal agencies in accord-  
11      ance with existing law; and

12               (4) includes an estimated timeline for com-  
13      pleting the implementation of subsection (b)(2).

14   **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**  
15               **CHANGE PROGRAMS.**

16       Section 102(b)(5) of the Mutual Educational and  
17      Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5))  
18      is amended by striking the semicolon at the end and in-  
19      serting the following: “by developing exchange programs  
20      for foreign researchers and scientists, while protecting  
21      technologies regulated by export control laws important to  
22      the national security and economic interests of the United  
23      States, including requiring sponsors—

24                       “(A) to disclose to the Department of  
25      State whether an exchange visitor, as a primary



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-



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,”.

**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’—

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

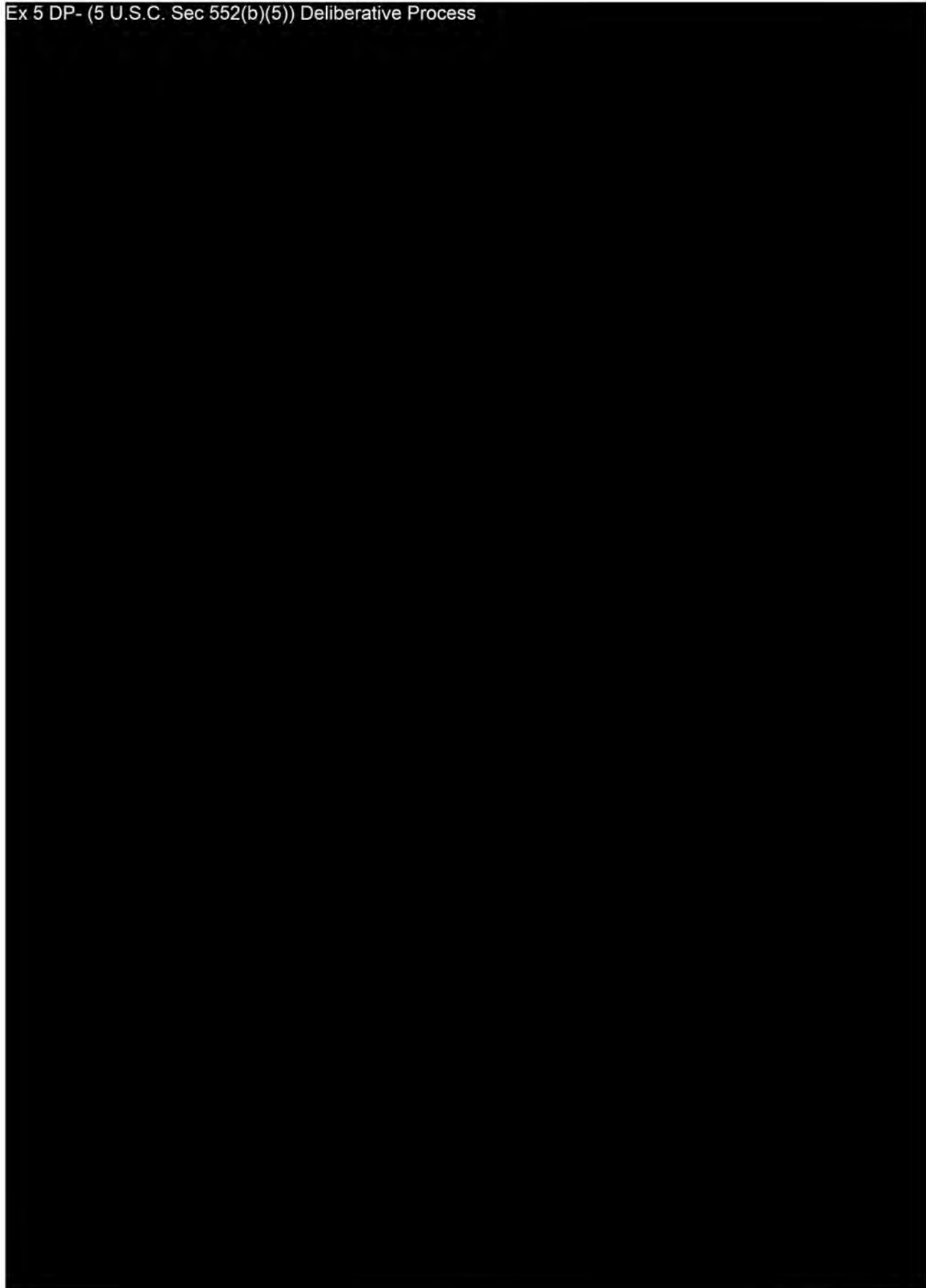
7           “(F) any person (regardless of position or role)  
              conducting federally fund-  
8           ed research or receiving Federal research grant  
9           funding.

10   “§ 7902. Federal Research Security Council establish-

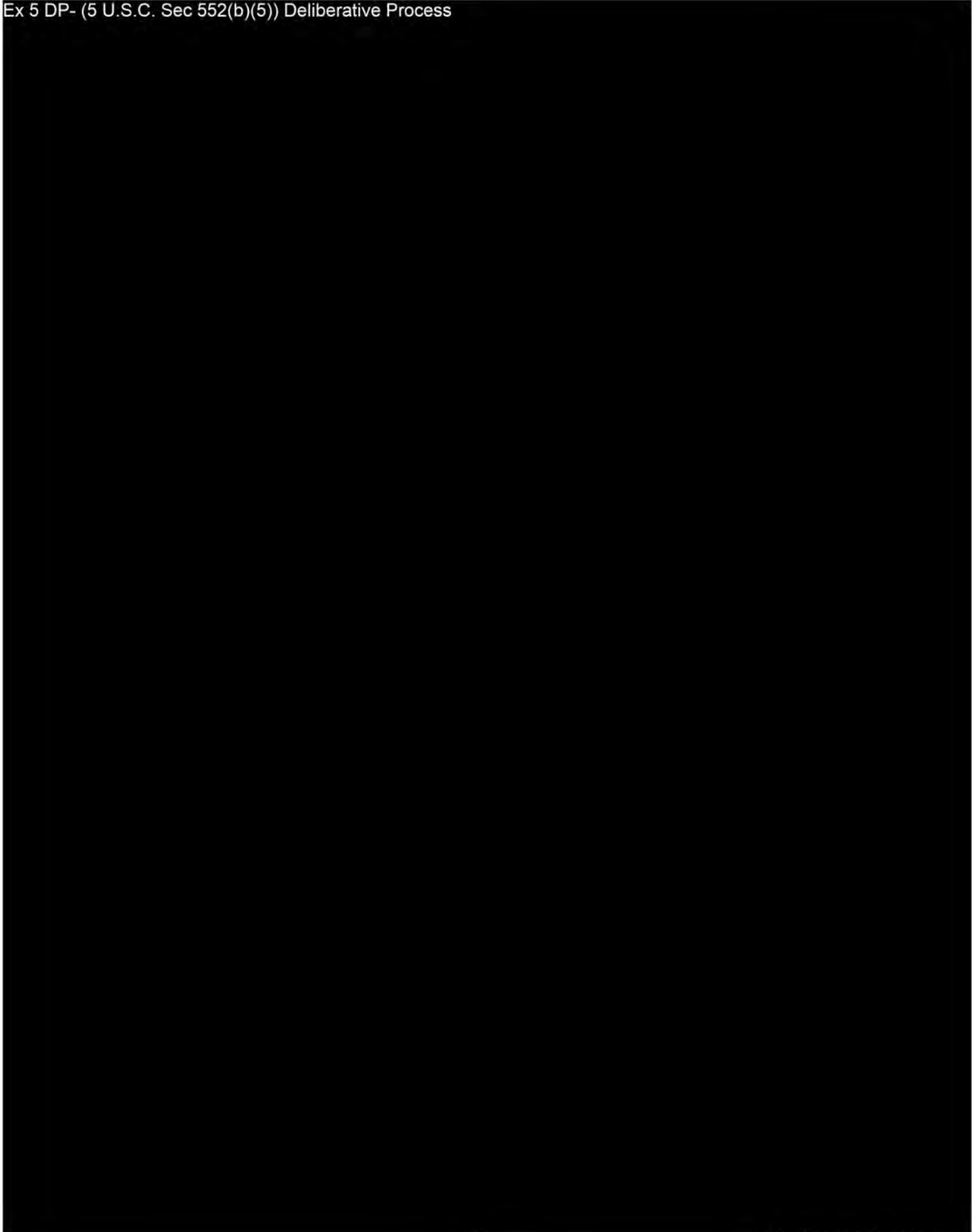
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



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



**11                                   ment and membership**

12           “(a) ESTABLISHMENT.—There is established, in the  
13 Office of Management and Budget, a Federal Research  
14 Security Council, which shall develop federally funded re-  
15 search and development grant making policy and manage-  
16 ment guidance to protect the national and economic secu-  
17 rity interests of the United States.

18           “(b) MEMBERSHIP.—


19                   “(1) IN GENERAL.—The following agencies  
20 shall be represented on the Council:

21                           “(A) The Office of Management and  
22 Budget.

23                           “(B) The Office of Science and Technology  
24 Policy.

25                           “(C) The Department of Defense.

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.

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.

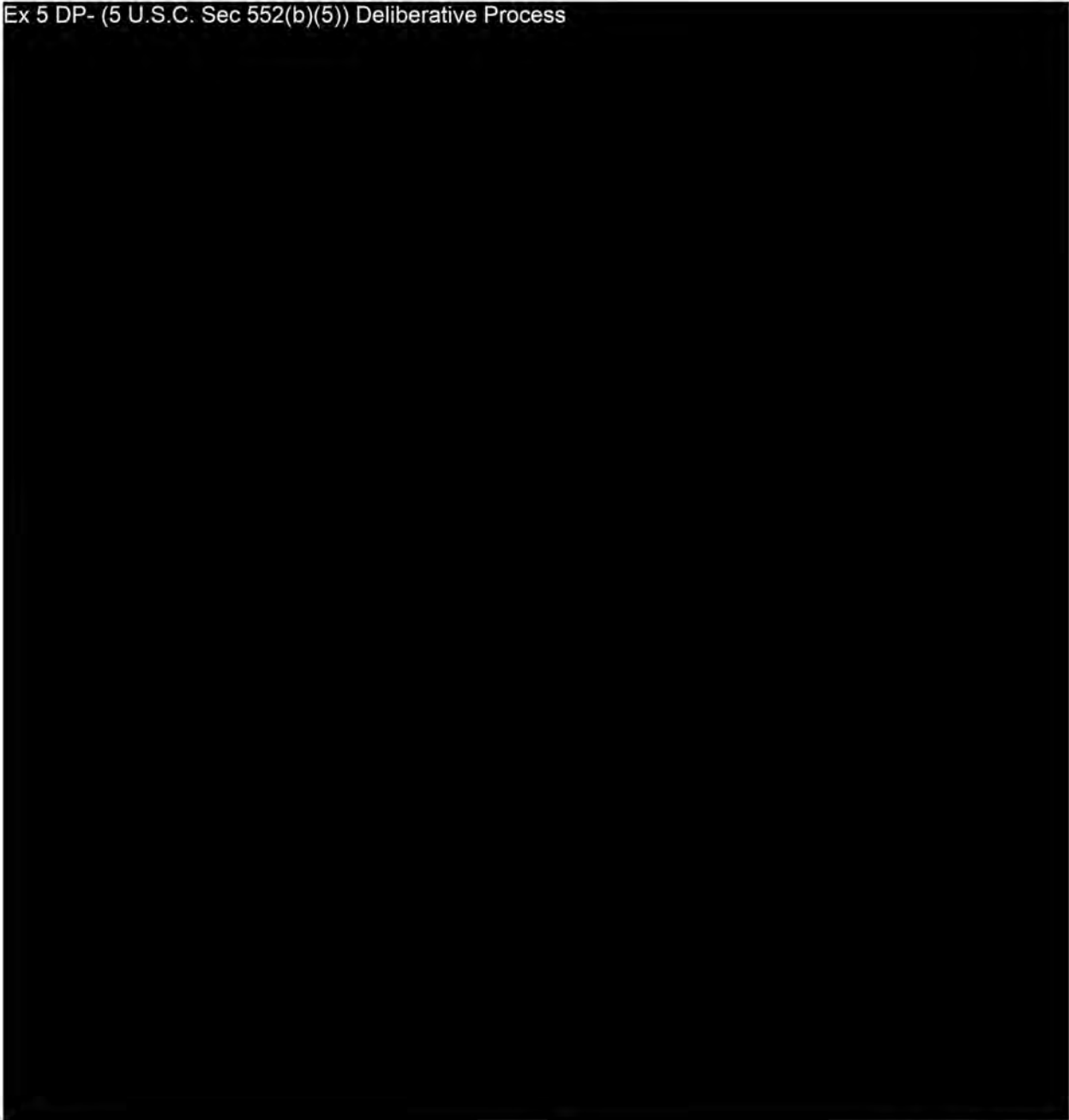
19          “(d) MEETINGS.—The Council shall meet not later  
20          than 60 days after the date of the enactment of this chap-  
21          ter and not less frequently than quarterly thereafter.

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.

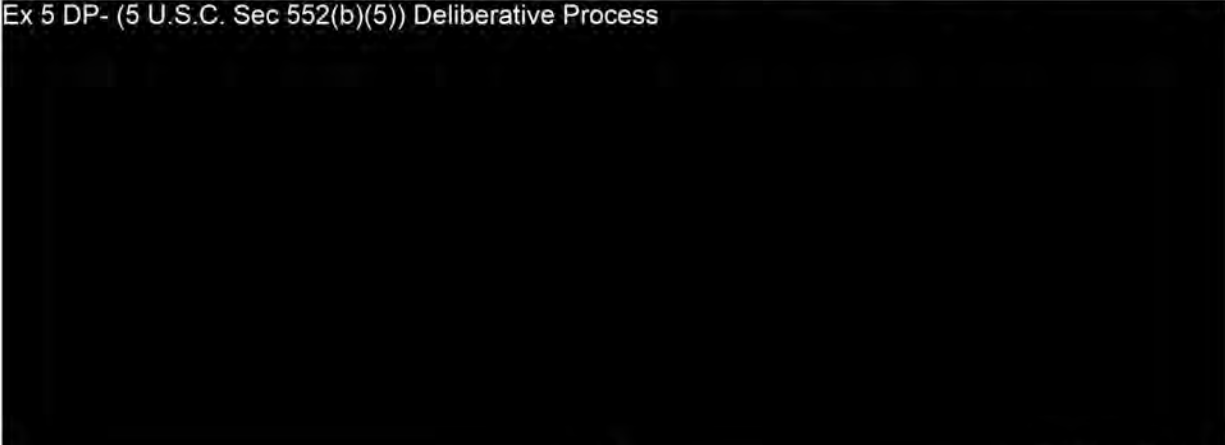
7           “(2) <sup>5</sup>Developing and implementing a uniform  
8 and regular reporting process for identifying persons  
9 participating in federally funded research and devel-  
10 opment .

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); and

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-  
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.

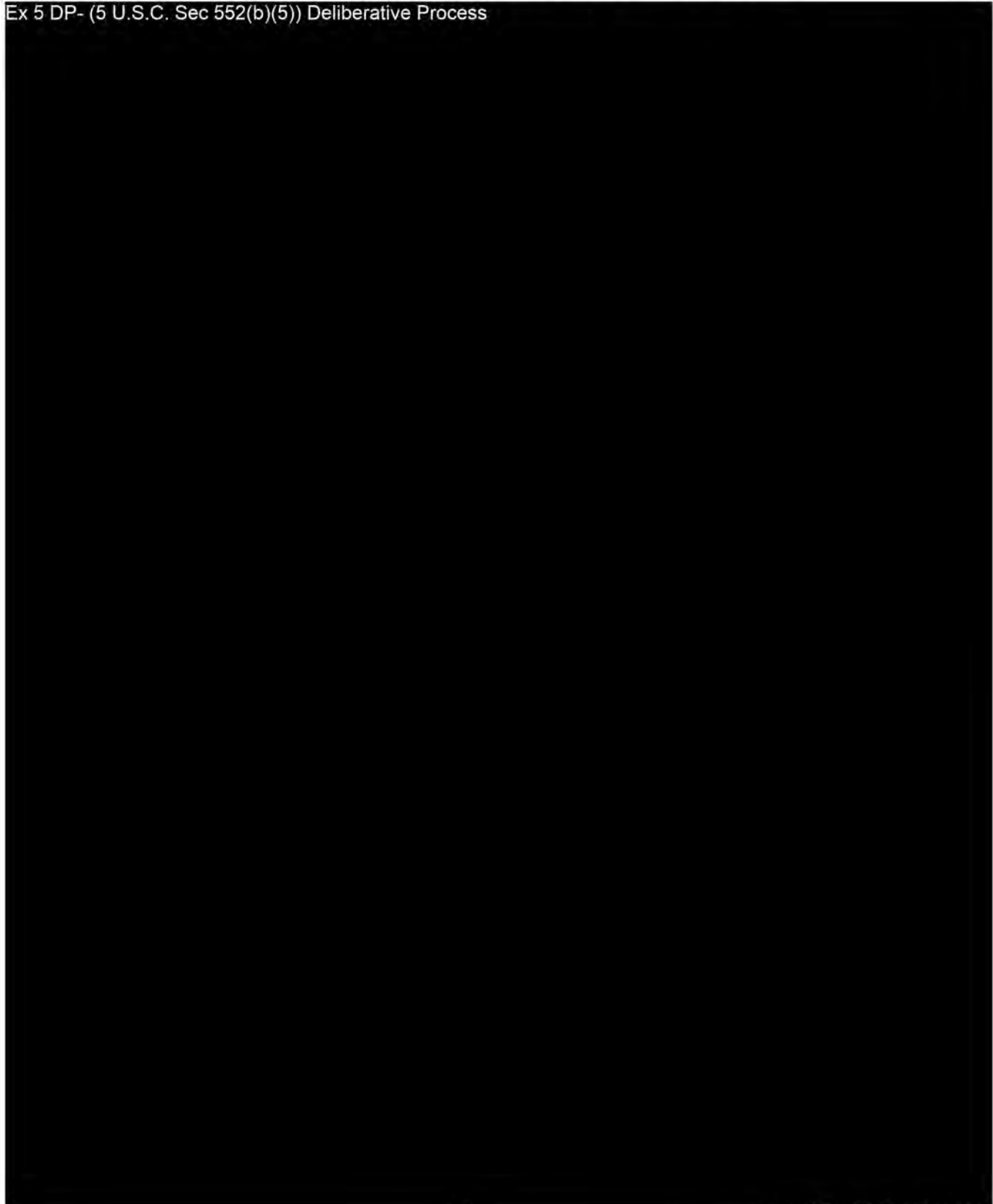
13 “(5) Identifying, as appropriate, Executive  
14 agencies to provide—

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

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



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.

## 23

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—



24

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.

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

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

26

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) 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-  
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  
23                   and development funding;

                 “(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        appropriate, 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           spector 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>8</sup>

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





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       ferent technologies, including optical character rec-  
2       ognition, for—

3               (A) making every element of a visa appli-  
4       cation, and documents submitted in support of  
5       a visa application, machine-readable; and

6               (B) ensuring that such system—

7                       (i) protects personally-identifiable in-  
8       formation; and

9                       (ii) permits the sharing of visa infor-  
10      mation with Federal agencies in accord-  
11      ance with existing law; and

12               (4) includes an estimated timeline for com-  
13      pleting the implementation of subsection (b)(2).

14   **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**  
15   **CHANGE PROGRAMS.**

16       Section 102(b)(5) of the Mutual Educational and  
17   Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5))  
18   is amended by striking the semicolon at the end and in-  
19   serting the following: “by developing exchange programs  
20   for foreign researchers and scientists, while protecting  
21   technologies regulated by export control laws important to  
22   the national security and economic interests of the United  
23   States, including requiring sponsors—

24               “(A) to disclose to the Department of  
25      State whether an exchange visitor, as a primary

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>9</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



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,”.

## RE: Dept. of Education Draft 2021 Spring Agenda - Final Comments due Wednesday (4/21) at 2:00 PM

**From:** "Tracey-Mooney, Maureen EOP/WHO" <Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>  
**To:** "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>  
**Date:** Wed, 21 Apr 2021 17:54:33 -0400  
**Attachments:** Original ED Agenda Entries (Unreviewed) - EOP 4.7.21\_ED Responses mtm.docx (93.17 kB)

Sorry this is late. A few comments attached.

**From:** Abate, Lindsay M. EOP/OMB  
**Sent:** Tuesday, April 20, 2021 9:43 AM  
**To:** DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Martin, Carmel EOP/WHO <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Yudelson, Alex R. EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Garufi, Marc A. EOP/OMB <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Wall, Mary C. EOP/WHO <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Johnson, Carole A. EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Delery, Stuart F. EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Shah, Reema B. EOP/WHO <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Morse, Jodie T. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Adiga, Mala EOP/WHO <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>; Millison, Deanne B. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] x 6 - (5 [REDACTED])>; Lawver, Daniel A. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>  
**Cc:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>; Block, Sharon I. EOP/OMB <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Barron, Alexander R. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>; Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>; Kymn, Christine J. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>  
**Subject:** RE: Dept. of Education Draft 2021 Spring Agenda - Final Comments due Wednesday (4/21) at 2:00 PM

Colleagues,

Attached for your final review please find the Department of Education's response to EOP comments on the Spring Unified Agenda.

Please provide any final comments by **Wednesday (4/21) at 2:00 PM**. Please label your new comments/edits **EOP 4/21** to assist us in highlighting outstanding concerns.



Thanks,  
Lindsay

**From:** Abate, Lindsay M. EOP/OMB  
**Sent:** Monday, March 22, 2021 12:17 PM  
**To:** DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Carmel Martin <Ex 6 - (5 U.S.C. : 6 - (5)>  
<Ex 6 - (5 Ex 6 - (5)>; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. : 6 - (5)>; Yudelson, Alex R. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Garufi, Marc A. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. : x 6 - (5)>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Wall, Mary C. EOP/WHO <Ex 6 - (5 Ex 6 - (5)>; Johnson, Carole A. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Delery, Stuart F. EOP/WHO <Ex 6 - (5 U.S. Ex 6 - (5)>; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 Ex 6 - (5)>; Shah, Reema B. EOP/WHO <Ex 6 - (5 Ex 6 - (5)>; Morse, Jodie T. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 : x 6 - (5)>; Adiga, Mala EOP/WHO <Ex 6 - (5 Ex 6 - (5)>; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec >; Millison, Deanne B. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6)>; Lawver, Daniel A. EOP/OMB <Ex 6 - (5 U.S.C. : x 6 - (5)>  
**Cc:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. : x 6 - (5)>; Block, Sharon I. EOP/OMB <Ex 6 - (5 : x 6 - (5)>; Barron, Alexander R. EOP/OMB <Ex 6 - (5 U.S.C. Sec : 6 - (5)>; Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec : 6 - (5)>; Christine J. EOP/OMB Kymn <Ex 6 - (5 U.S.C. : x 6 - (5)>  
<Ex 6 - (5 U.S.C. : x 6 - (5)>

**Subject:** Dept. of Education Draft 2021 Spring Agenda - Comments due Monday (3/29) at 12:00 PM

Greetings,

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

Description of the attachments:

1. The Draft Unified Agenda – The Agenda Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2. The Agenda Index – This excel document Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



3. Change Report – This report 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 would like a meeting with the agency to discuss their agenda entries. These meetings can help answer any questions or concerns you may have to ensure the Spring 2021 Agenda is published in a timely fashion.

We ask that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative and keep in mind that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Ex 5 DP- Please do not worry about typographical errors, formatting, or duplicate entries.

Please reach out to me and Shagufta if you have any questions. Thank you for your efforts.

Best,  
Lindsay

**Lindsay Abate**  
Policy Analyst  
Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget (OMB)  
Ex 6 - (5 U.S.C. Sec 5 - (5  
Cell: Ex 6 - (5

## RE: Consolidated Interagency Comments on SAIA

**From:** "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Wed, 21 Apr 2021 14:42:51 -0400  
**Attachments:** Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

The attached version Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process This version should be good to send.

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

**From:** Vaeth, Matt J. EOP/OMB  
**Sent:** Wednesday, April 21, 2021 2:37 PM  
**To:** Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Consolidated Interagency Comments on SAIA

Thanks very much, Will. Ben, we're reaching 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

**From:** Thomas, Will III EOP/OMB  
**Sent:** Wednesday, April 21, 2021 2:14 PM  
**To:** Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Consolidated Interagency Comments on SAIA

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

**From:** Ward, Benjamin A. EOP/OMB  
**Sent:** Wednesday, April 21, 2021 1:52 PM  
**To:** Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Consolidated Interagency Comments on SAIA

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

**From:** Leon, Bryan P. EOP/OMB  
**Sent:** Wednesday, April 21, 2021 1:48 PM

**To:** Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Ward, Benjamin A. EOP/OMB  
<Ex 6 - (5 U.S.C. x 6 - (5 >  
**Cc:** Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >  
**Subject:** Consolidated Interagency Comments on SAIA

Attached are the consolidated interagency comments for Safeguarding American Innovation Act. LRD is sharing this with you now so that you have a document you can use for internal EOP discussions.

If this document is to be shared with the Hill, I recommend that it 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 I wanted to get  
you what we have available now.

Bryan

## RE: IP's Agenda Meeting "Do-outs"

**From:** "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>  
**To:** "Barron, Alexander R. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Block, Sharon I. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>  
**Cc:** "Rahman, Sabeel A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5)>, "McManus, Michael J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5)>, "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Kymn, Christine J. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Lindsay M. EOP/OMB Abate" <Ex 6 - (5 U.S.C. x 6 - (5))> <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Date:** Thu, 22 Apr 2021 18:19:46 -0400

Alex – Yes, Lindsay (copied) and I just Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

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

Ex 5 DP- 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

### 2021

- 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

[Redacted]

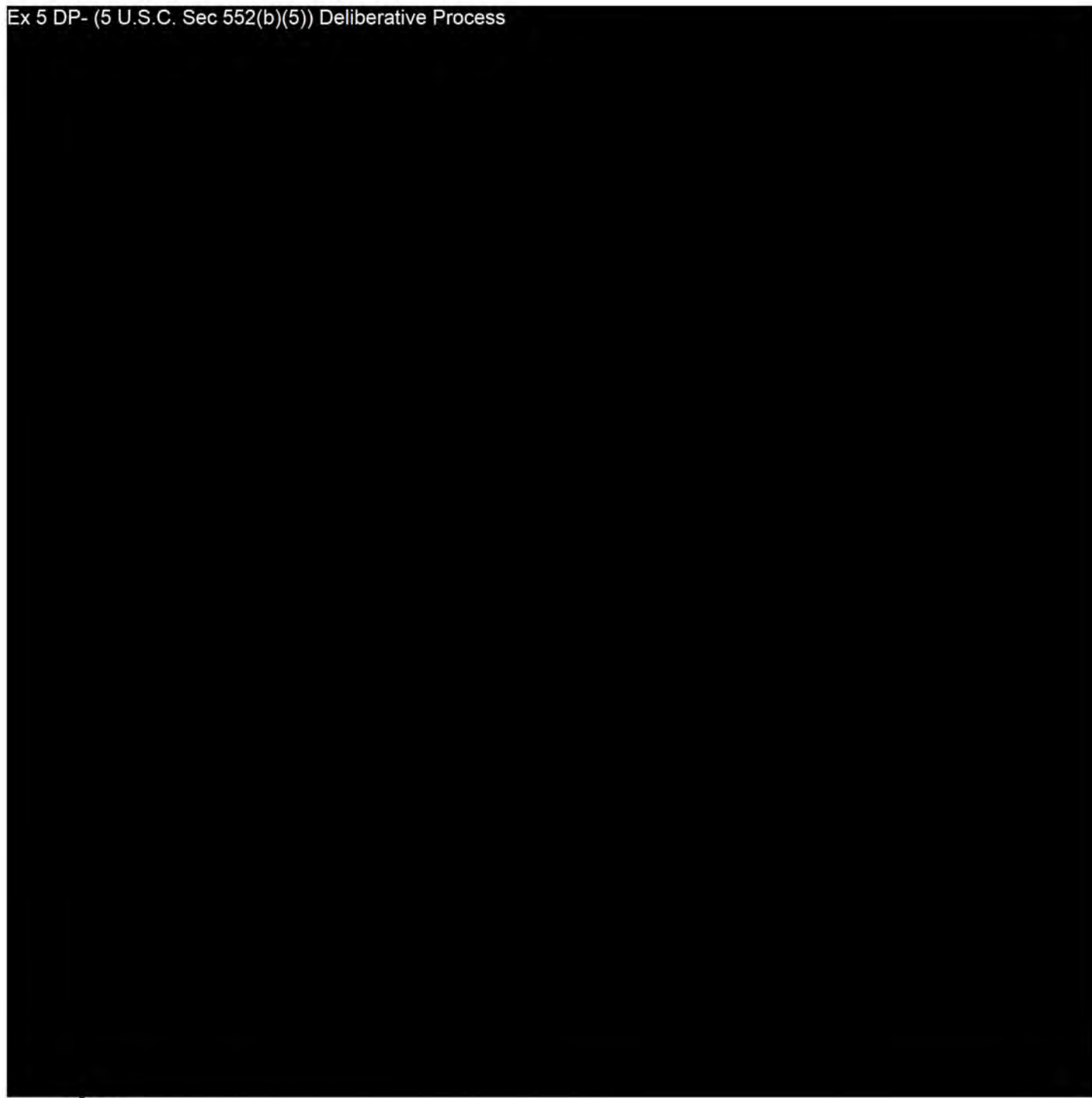
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

[Redacted]

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


[Redacted]

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



2022

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









**From:** Barron, Alexander R. EOP/OMB  
**Sent:** Thursday, April 22, 2021 12:41 PM  
**To:** Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Block, Sharon I. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>  
**Cc:** Rahman, Sabeel A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; McManus, Michael J. 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)>; Kymn, Christine J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Subject:** RE: IP's Agenda Meeting "Do-outs"

Hi Alex – I believe [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  
[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  
[redacted] It should [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  
[redacted] That paper can [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  
[redacted] We'd like to [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

(Not listed here but I [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  
[redacted]

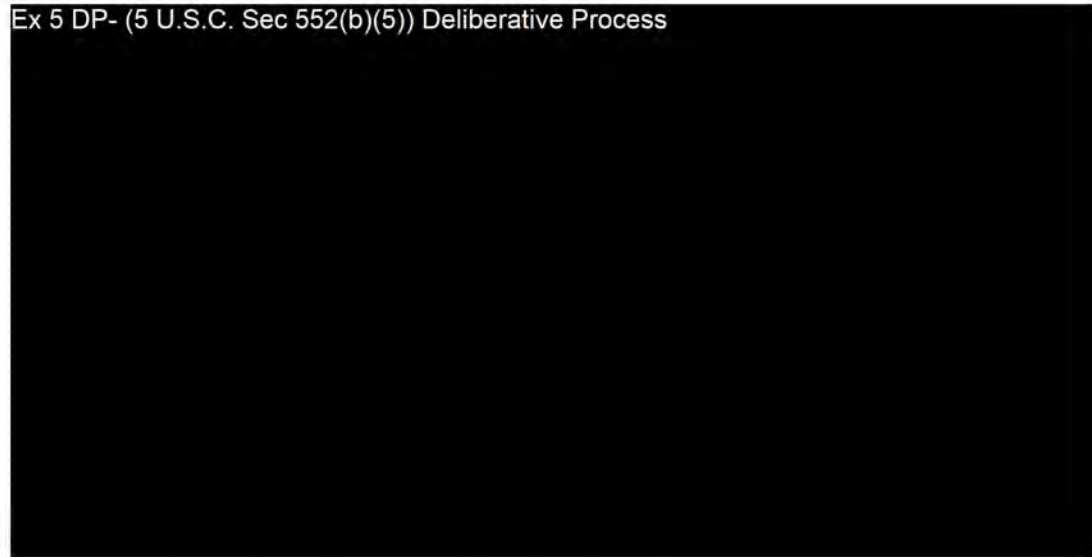
**From:** Hunt, Alex T. EOP/OMB  
**Sent:** Thursday, April 22, 2021 12:04 PM  
**To:** Block, Sharon I. EOP/OMB [redacted] Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Rahman, Sabeel A. EOP/OMB [redacted] Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Barron, Alexander R. EOP/OMB [redacted] Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; McManus, Michael J. EOP/OMB [redacted] Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Mancini, Dominic J. EOP/OMB [redacted] Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Kymn, Christine J. EOP/OMB [redacted] Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** IP's Agenda Meeting "Do-outs"

Hi Sharon – Below is an overview of the do-outs for IP. Thanks.

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

**Education**  
[redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
• As you know, [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  
[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  
[redacted]


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



SBA

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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Alex Hunt

Branch Chief | Information Policy  
Office of Management and Budget | Office of Information and Regulatory Affairs  
Desk: Ex 6 - (5) | Mobile: Ex 6 - (5)  
Ex 6 - (5 U.S.C.) | Ex 6 - (5)



## FYI - Consolidated Interagency Comments on the SAIA

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**From:** "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**To:** "Koizumi, Kei EOP/OSTP" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Jones, Narda M. EOP/OSTP" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Miles, Aaron R. EOP/OSTP" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**Date:** Thu, 22 Apr 2021 11:49:19 -0400  
**Attachments:** Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

Kei, Narda, and Aaron,

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [REDACTED] our office quickly consolidated all the interagency concerns we had received on the SAIA.

Attached is 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 [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 [REDACTED]

Happy to discuss if you'd like.

Bryan

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

**FW: LRM: [MJR-116-169] Due 02/25 Tues - 12:00PM -- Request for Views on "Protecting America's Research Advantage Act"**

**From:** "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 6 - (5)>  
**To:** "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 6 - (5)>  
**Date:** Mon, 03 May 2021 13:59:40 -0400  
**Attachments:** 20200218 Protecting America's Research Advantage Act (draft)\_OIRA.docx (48.11 kB)

Kirsten, for awareness, I'm forwarding 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,  
Libby

**From:** Hennemuth, Elizabeth I. EOP/OMB  
**Sent:** Tuesday, February 25, 2020 12:26 PM  
**To:** Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>  
**Cc:** Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Herms, Kevin W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>  
**Subject:** RE: LRM: [MJR-116-169] Due 02/25 Tues - 12:00PM -- Request for Views on "Protecting America's Research Advantage Act"

Good afternoon, Marshall:

Please see 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)) and would welcome another opportunity to provide input.

Some global comments are below:

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

Thank you,  
Libby Hennemuth  
OMB | OIRA

**From:** Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>  
**Sent:** Thursday, February 20, 2020 2:12 PM  
**To:** DL OMB Branch Chiefs <Ex 6 - (5 U.S.C. Sec 6 - (5)>; DL OMB DADs <Ex 6 - (5)>; Corrigan, Patrick M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Soltis, Timothy F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Rico, Natalie E. EOP/OMB <Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Kelley, Michelle B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Warren, Peter N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; DL OMB PPM Performance Team <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB OGC <Ex 6 - (5)>; Morgan, Hallee K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Paoletta, Mark R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Spooner, Sarah W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Gillis, Brian F. EOP/OMB <Ex 6 - (5)>; White, Ashley M. EOP/OMB <Ex 6 - (5)>; DL OMB NSP IAD <Ex 6 - (5 U.S.C. Sec 6 - (5)>; DL OMB NSD INTEL <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Duffey, Michael P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Sandy, Mark S. EOP/OMB <Ex 6 - (5)>; Fairweather, Rob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Daumit, Alexander (Jim) J. III EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Brant, Alex M. EOP/OMB <Ex 6 - (5)>; Vyas, Megha V. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Stratton, Terry W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Crow, Rose C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; DL OMB NSP NSD FSIB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Holt, Brandon T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Hayes, Bradley F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; McCormack, Brian V. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Walsh, Heather V. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Upadhyaya, Shraddha A. EOP/OMB

Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Kinneen, Kelly A. EOP/OMB  
Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Rowe, David J. EOP/OMB Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Jun, Hee K. 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; Vaeth, Matt J. EOP/OMB Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; McIntyre, Natalie M. EOP/OMB  
Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Yaworske, Jason A. EOP/OMB  
Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Rodgers, Marshall J. EOP/OMB  
Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Forbes, Mitchell L. EOP/OMB  
Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Barringer, Jody M. EOP/OMB  
Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
**Subject:** LRM: [MJR-116-169] Due 02/25 Tues - 12:00PM -- Request for Views on "Protecting America's Research Advantage Act"

**DEADLINE: 12:00PM Tuesday, Feb 25 2020**

Attached for OMB ONLY REVIEW 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

OMB Legislative Affairs 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 Hence the relatively short deadline.

You are welcome to provide "technical" views in the body of the bill text attachment. But we Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process in a format that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks!

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LRM ID: MJR-116-169  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: León, Bryan (for) Assistant Director for Legislative Reference  
SUBJECT: LRM: [MJR-116-169] Due 02/25/2020 Tuesday at 12:00PM -- OMB Request for Views on S\_\_ - Protecting America's Research Advantage Act

OMB CONTACT: Marshall Rodgers(OMB)  
E-Mail: Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
PHONE: Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
FAX: Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process



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: Dept. of Education Draft 2021 Spring Agenda - Final Comments due Wednesday (4/21) at 2:00 PM

**From:** "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**To:** "McManus, Michael J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Date:** Fri, 28 May 2021 12:31:25 -0400  
**Attachments:** Original ED Agenda Entries (Unreviewed) - EOP 4.7.21\_ED Responses.docx (108.31 kB)

Michael – Here is Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec was most involved I think. Deliberative Process

Let me know if you need anything more.

Thanks.

**From:** Abate, Lindsay M. EOP/OMB  
**Sent:** Tuesday, April 20, 2021 9:43 AM  
**To:** DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Martin, Carmel EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Yudelson, Alex R. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Garufi, Marc A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. 6 - (5)>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Johnson, Carole A. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Delery, Stuart F. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Shah, Reema B. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Morse, Jodie T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5)>; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Millison, Deanne B. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lawver, Daniel A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec x 6 - (5)>  
**Cc:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Block, Sharon I. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Barron, Alexander R. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>; Kymn, Christine J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>

**Subject:** RE: Dept. of Education Draft 2021 Spring Agenda - Final Comments due Wednesday (4/21) at 2:00 PM

Colleagues,



Attached for your final review please find the Department of Education's response to EOP comments on the Spring Unified Agenda.

Please provide any final comments by **Wednesday (4/21) at 2:00 PM**. Please label your new comments/edits **EOP 4/21** to assist us in highlighting outstanding concerns.

Thanks,  
Lindsay

**From:** Abate, Lindsay M. EOP/OMB  
**Sent:** Monday, March 22, 2021 12:17 PM  
**To:** DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Carmel Martin <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Yudelson, Alex R. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Garufi, Marc A. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Wall, Mary C. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Johnson, Carole A. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Delery, Stuart F. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Shah, Reema B. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Morse, Jodie T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Adiga, Mala EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Millison, Deanne B. EOP/OVP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lawver, Daniel A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>  
**Cc:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Block, Sharon I. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Barron, Alexander R. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>; Christine J. EOP/OMB Kymn <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED])>  
**Subject:** Dept. of Education Draft 2021 Spring Agenda - Comments due Monday (3/29) at 12:00 PM

Greetings,

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

Description of the attachments:

1. The Draft Unified Agenda – The Agenda 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  
[REDACTED]

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

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

- 2. The Agenda Index – This excel document 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
- 3. Change Report – This report 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 would like a meeting with the agency to discuss their agenda entries. These meetings can help answer any questions or concerns you may have to ensure the Spring 2021 Agenda is published in a timely fashion.

We ask that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative and keep in mind that: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Please do not worry about typographical errors, formatting, or duplicate entries.

Please reach out to me and Shagufta if you have any questions. Thank you for your efforts.

Best,  
Lindsay

**Lindsay Abate**  
Policy Analyst  
Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget (OMB)  
Ex 6 - (5 U.S.C. Ex 6 - (5  
Cell: Ex 6 - (5

# NSTC Subcommittee on Research Security Subcommittee - notes from today

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**From:** "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5) >  
**To:** "Mok, Emily A. EOP/OMB" <Ex 6 - (5 x 6 - (5) >  
**Cc:** "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5) >  
**Date:** Wed, 02 Jun 2021 17:05:51 -0400  
**Attachments:** 20210602\_Research Security Subcommittee - Notes, McNavage.docx (18.57 kB)

Hi Emily –

Hope you are doing well post budget rollout. I wanted to send along my notes from today's Research Security Subcommittee. 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

Looks like Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process the highlighted note for you on Page 2.

Other than that Ex 5 DP- (5 U.S.C. Sec The meeting spent Ex 5 DP- (5 U.S.C. Sec  
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-

If you have any questions, please let me know.

Bill

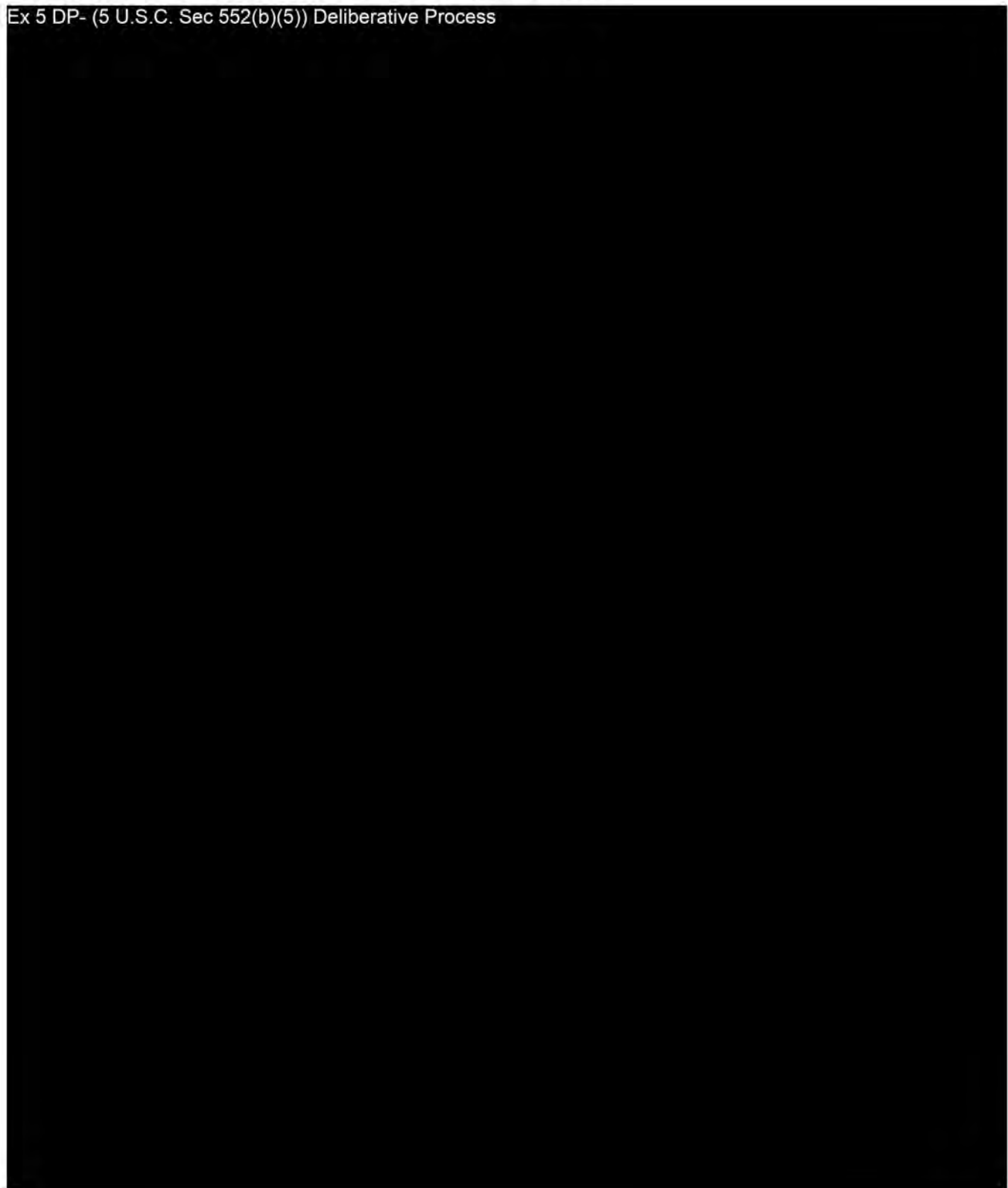
**Bill McNavage, Ph.D.**

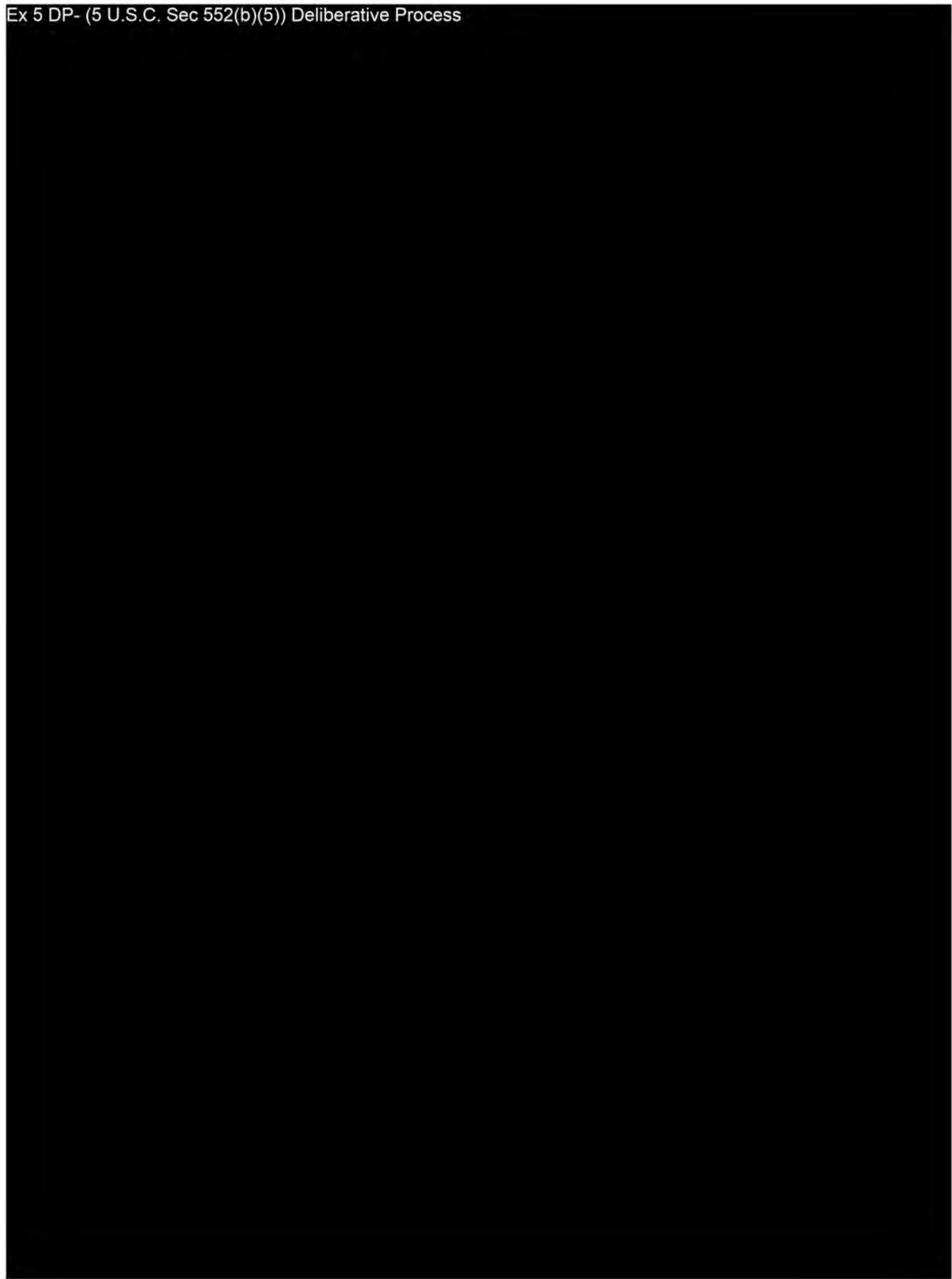
Program Examiner | Defense Investments Branch  
Office of Management and Budget

(w) Ex 6 - (5  
(m) U.S.C. Sec  
(n) Ex 6 - (5 U.S.C. Ex 6 - (5  
(s) Sec 552(b)(6)) Ex 6 - (5  
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552(b)(6))

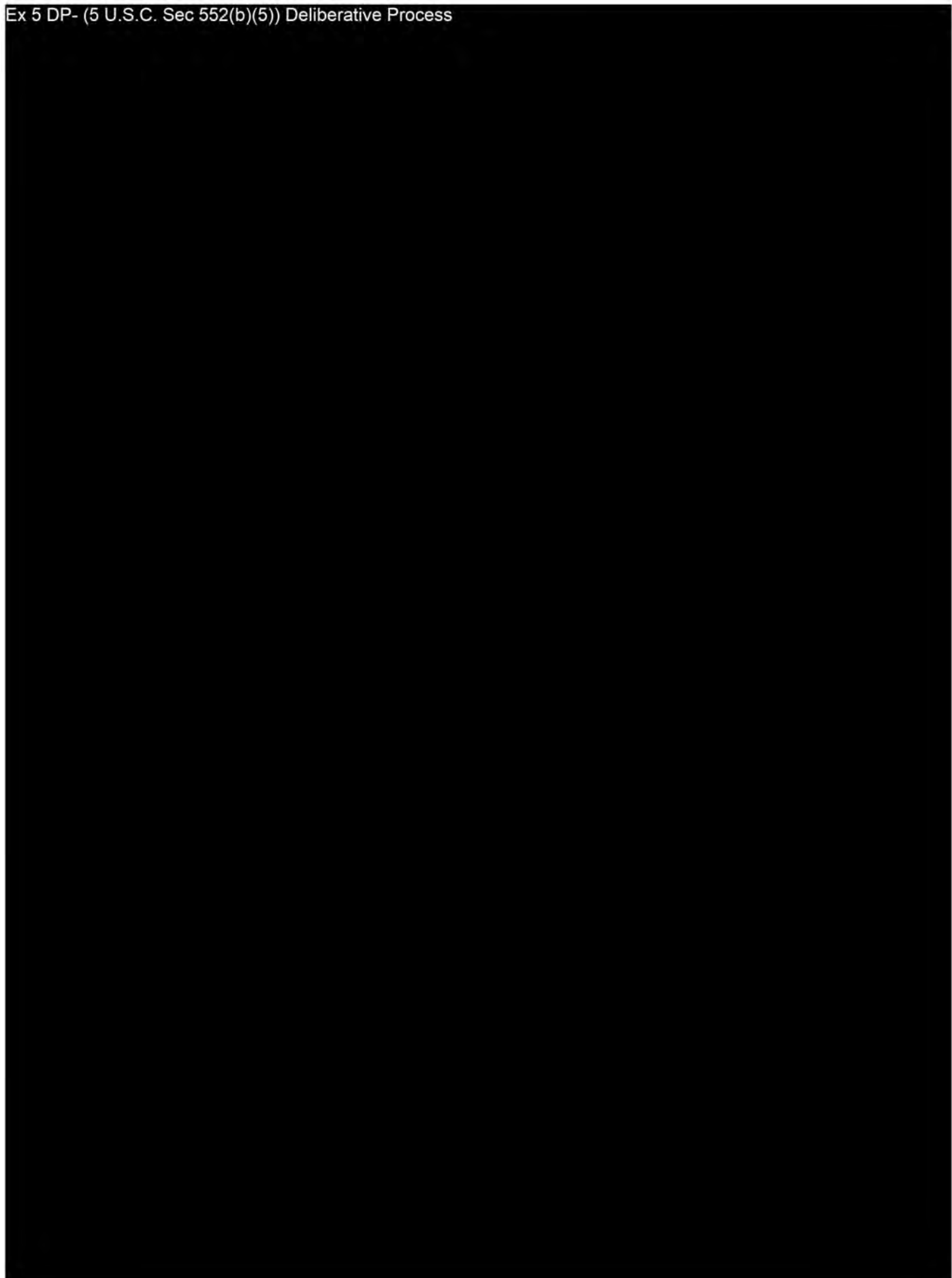
NSTC Subcommittee Research – 2 June 2021 – Notes, McNavage

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











## Final Data Pull

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**From:** "McManus, Michael J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >  
**To:** Julio Baez - MRB-C <julio.baez@gsa.gov>  
**Date:** Wed, 09 Jun 2021 17:15:58 -0400  
**Attachments:** Complete Agenda Template.xlsx (310.36 kB)

Hi Julio,

Can you pull a complete agenda in an excel spreadsheet? 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

I know it will be a big document. If needed, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative  
Ex 5 DP- (5

We've been getting Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) so this will make it easier to quickly pull those on our  
Deliberative Process  
end.

Thanks!  
Michael

**RE: 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:** "Patel, Jagir D. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**To:** "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>, "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Date:** Wed, 30 Jun 2021 12:09:44 -0400  
**Attachments:** S1260 - U.S. Innovation & Competition Act of 2021.docx (23.32 kB)

Hi Kimie,

Attached please find OMB Education Branch views on this bill Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,  
Jagir

---

**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' <eximirm@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' <lrn@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 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))@state.gov>; '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))>; DL-USTR-LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>  
**Cc:** 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))>; Evans, Beatrix C. 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))>; 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))>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

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 Buetow, Zephranie N. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Metzler, Chad EOP/WHO  
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 Goff, Shuwanza R. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 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 U.S.C. x 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 U.S.C.) x 6 - (5 [REDACTED])  
PHONE: Ex 6 - (5 U.S.C.) [REDACTED]  
FAX: Ex 6 - (5 U.S.C.) [REDACTED]  
[REDACTED]

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.

## Interagency feedback on S. 1260, USICA

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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, 07 Jul 2021 13:55:51 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Comment Matrix.xlsx (164.11 kB)

Hi Alex,

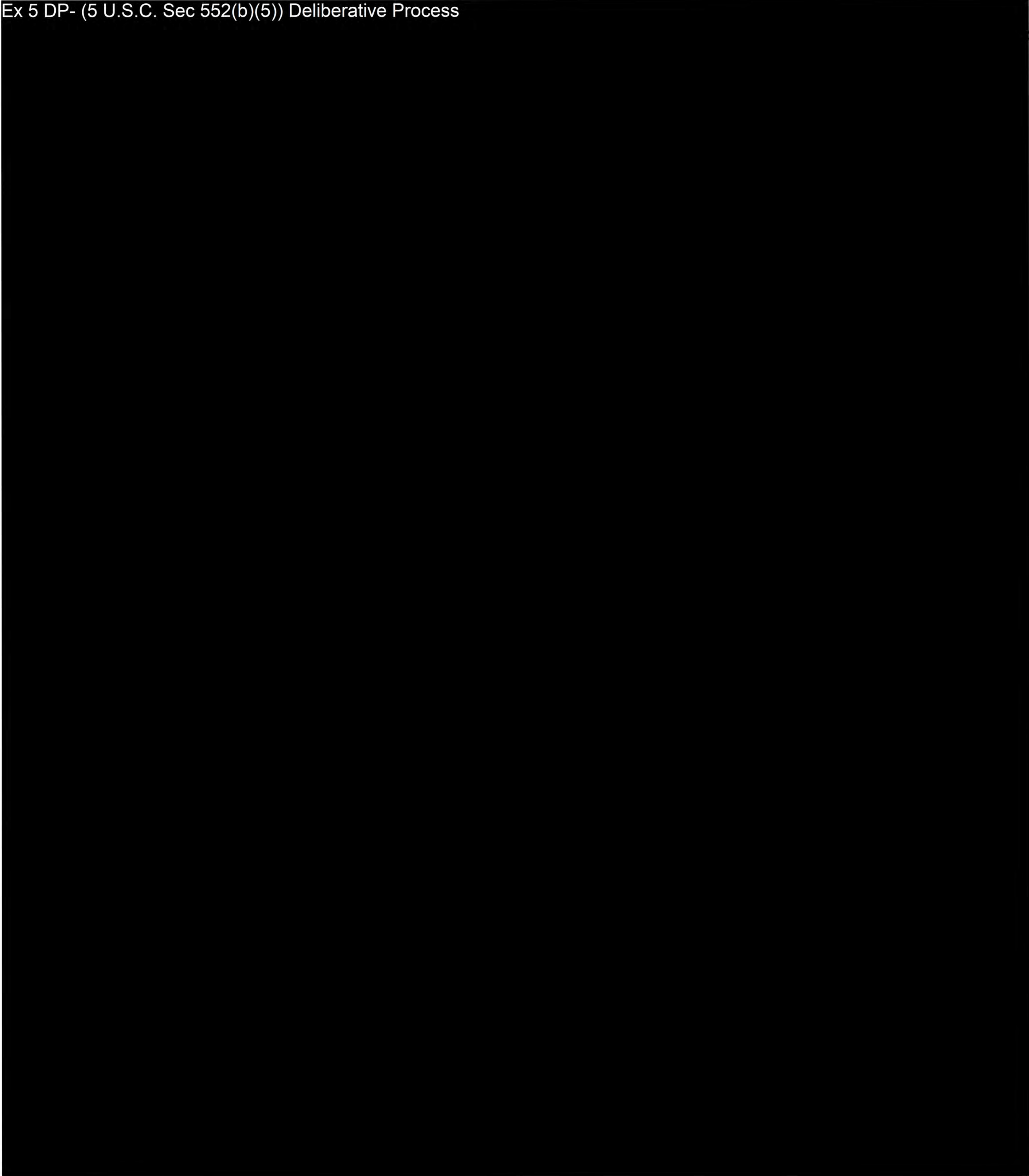
Sharing the interagency feedback I've received so far on S. 1260. The attached spreadsheet contains four tabs:

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

As noted in the response tracker, I am 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

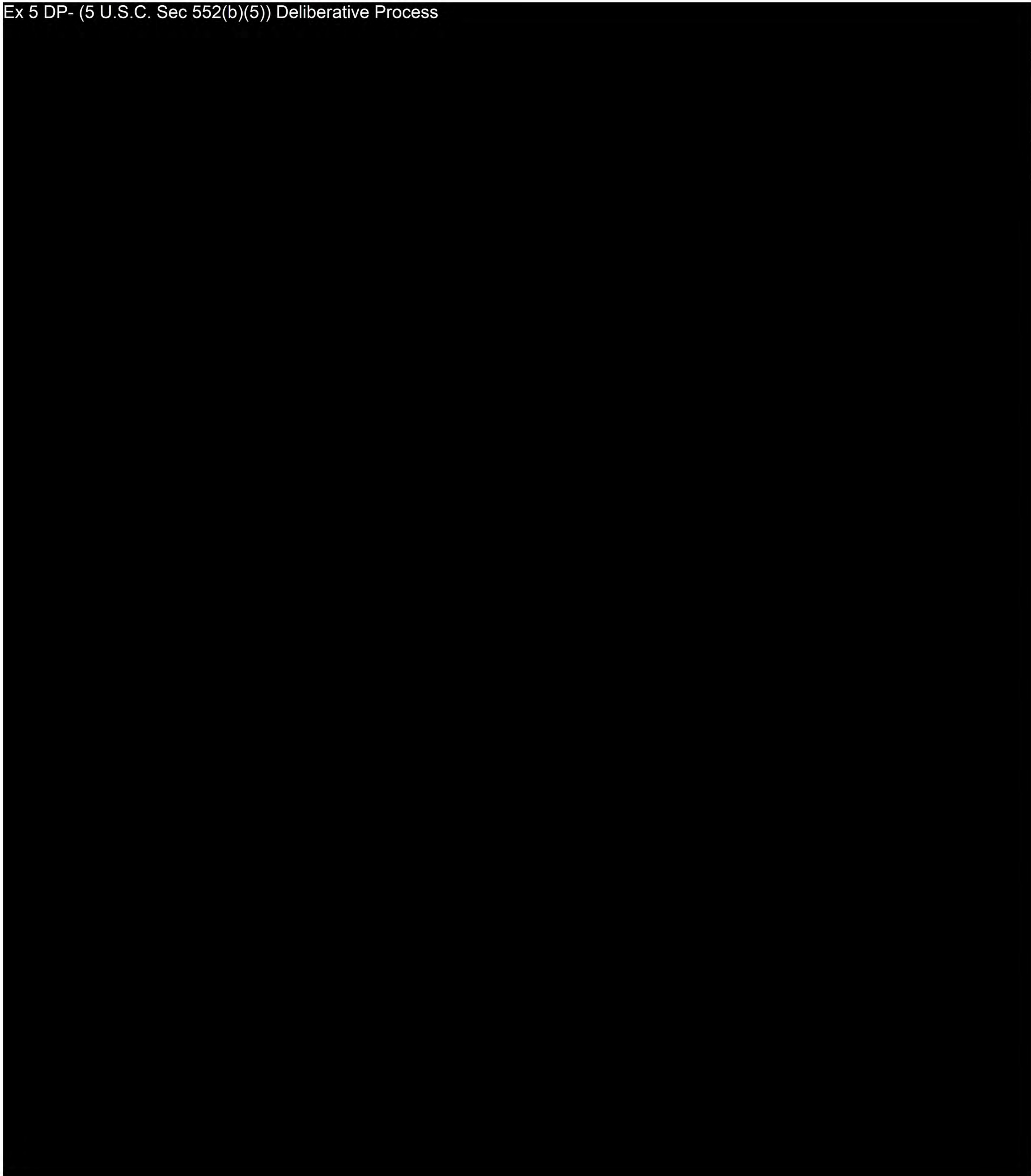
However, I thought it might be helpful for you to get a sense of what we've received so far.

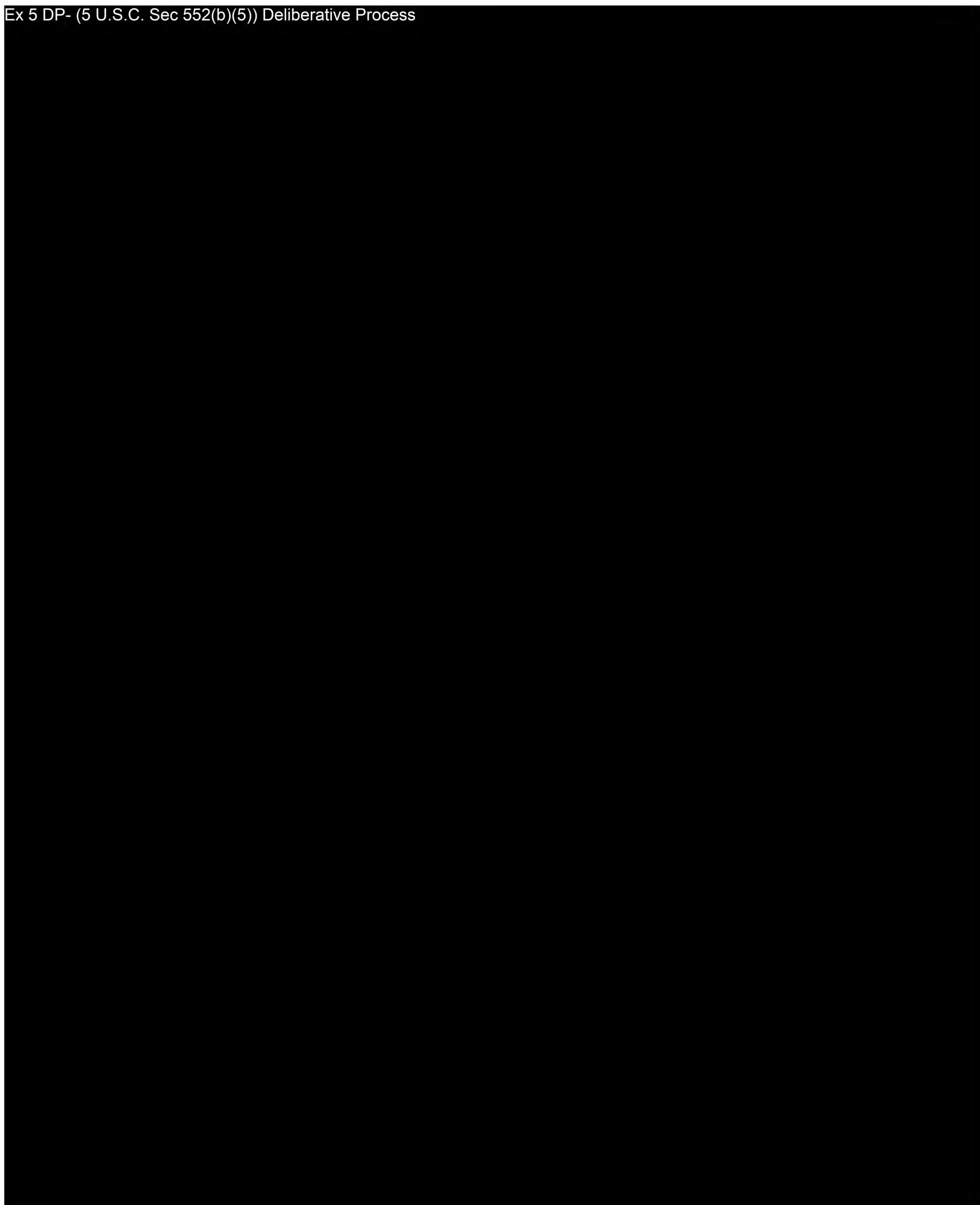
Please let me know if you have any questions or would like to discuss next steps. Thank you!











Section #	Section title	Commenting Agency	Issue/Requested Change
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## Draft note - Interagency feedback on S. 1260

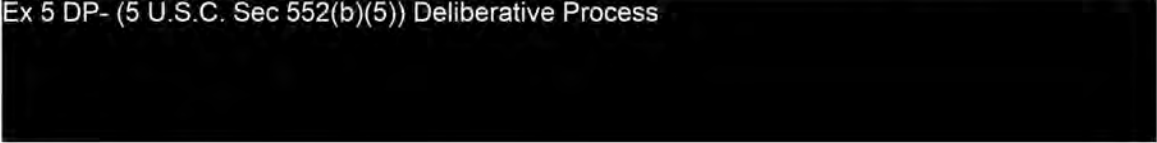
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**From:** "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5 >  
**To:** "Ventura, Alexandra EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >  
**Date:** Mon, 12 Jul 2021 14:27:11 -0400  
**Attachments:** S. 1260 Agency Comments Matrix.v2.xlsx (160.57 kB); s1260es.pdf (2.92 MB)

Hi Alex,


Here's a draft note for the internal circulation of interagency comments on S. 1260. Please let me know if you have any edits and if you would recommend a different deadline. Thanks!

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



OMB colleagues,

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

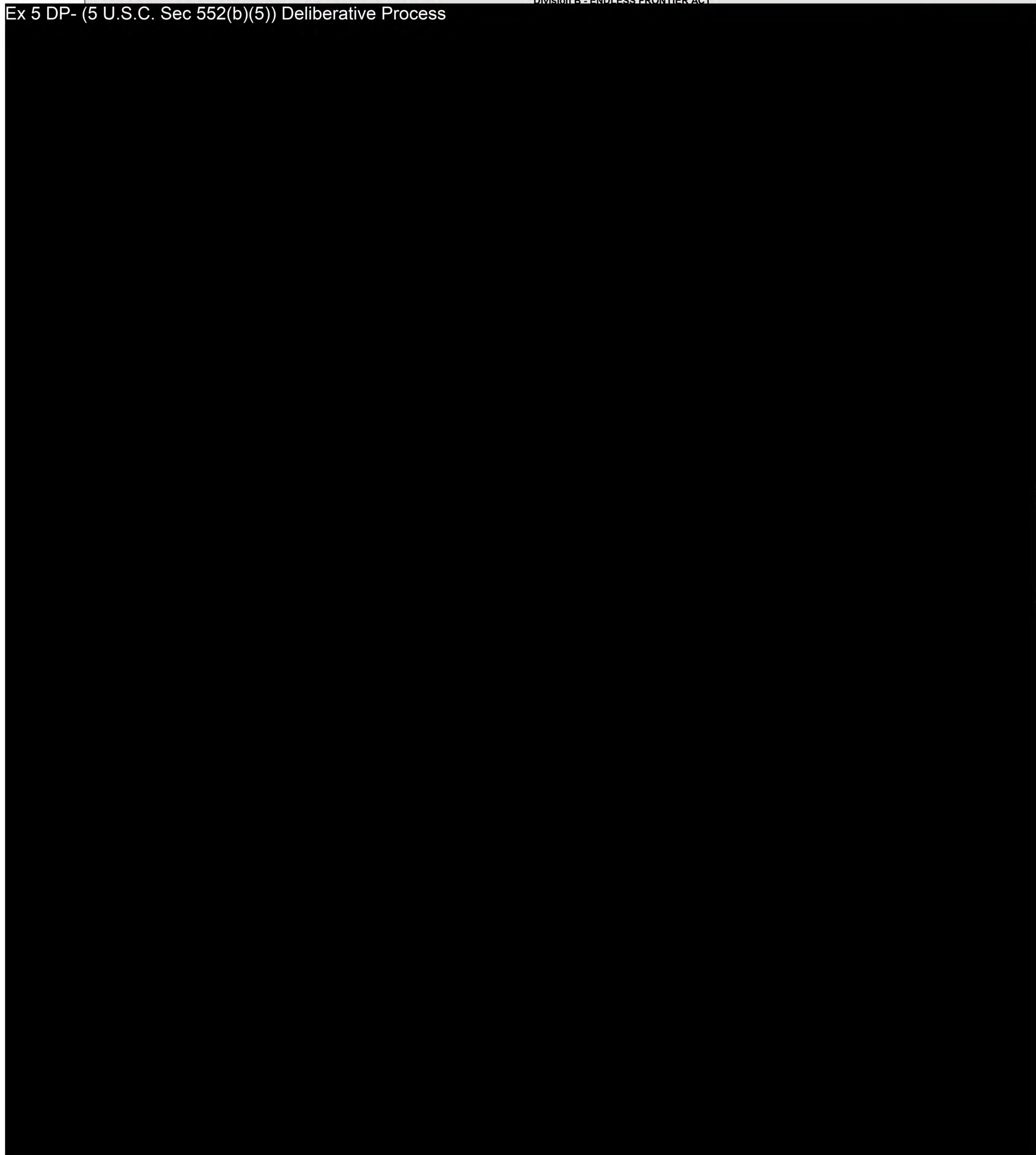
Thank you.

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

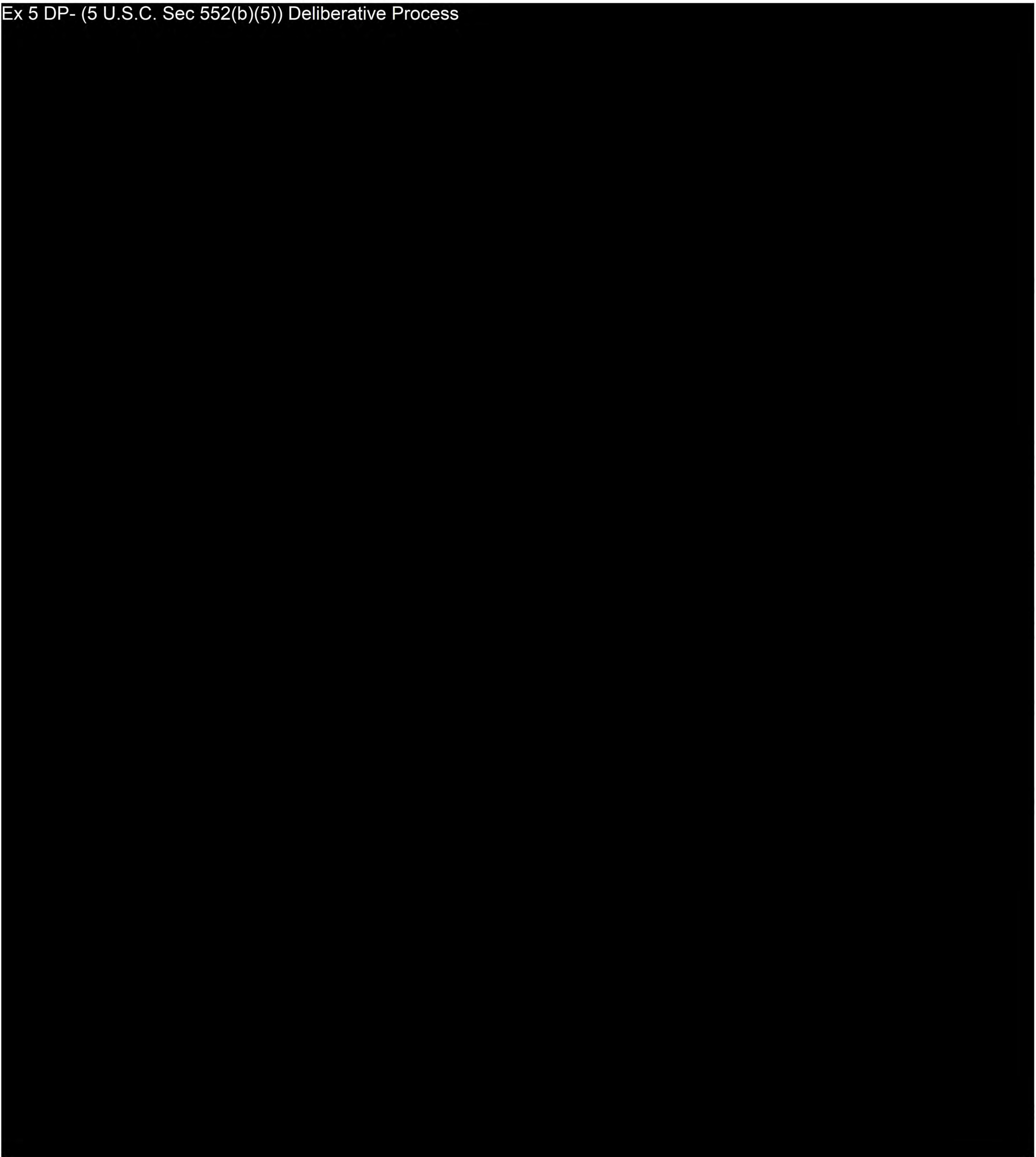
Division B - ENDLESS FRONTIER ACT

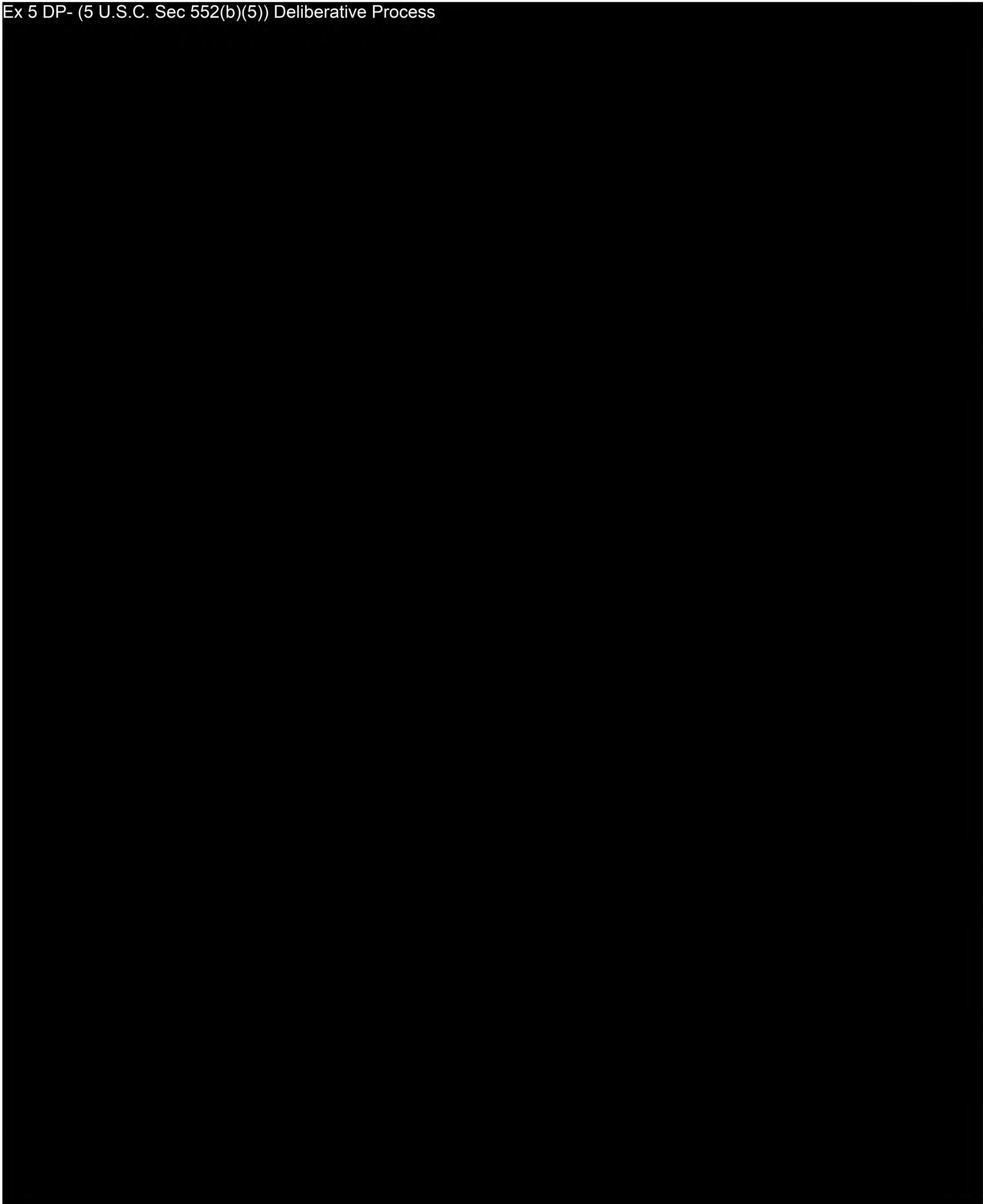




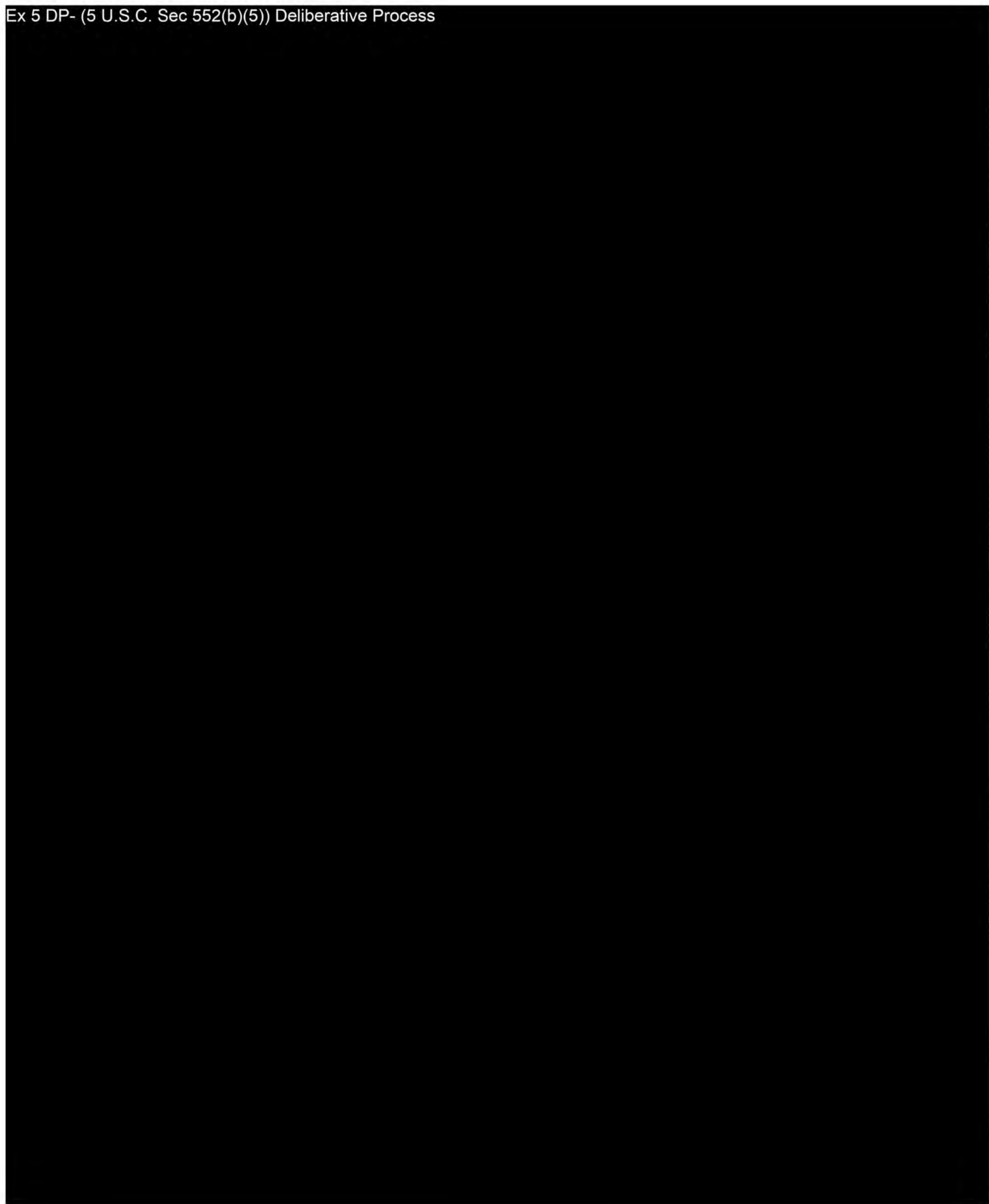


















**FW: FOR REVIEW: Interagency comments on S. 1260,  
United States Innovation and Competition Act of 2021  
(USICA) -- Response requested by COB Tuesday, July 20**

**From:** "Dalal, Nadir E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**To:** "Pipan, Joseph G. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>, "Lilac, Kristina E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Date:** Wed, 14 Jul 2021 09:18:07 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

Still going through these huge files, but I wanted to share 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

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. Sec 552(b)(5))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Saunders, Ruth D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Stein, Nora H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hagan, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Cassell, Mary I. 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))>; Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Sisave, Sarah L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>

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Wise, Julie A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Pica, Karen A. EOP/OMB  
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<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Moncada, Kirsten J. EOP/OMB  
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Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Martinez, Shelly W. 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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Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; DL OMB BRD PAYGO CREW  
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; McConnell, Doc P. IV EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Grimes, Justin M. EOP/OMB  
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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 Ex 6 - (5 >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
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))>

**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 OMB offices: 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 attached Excel document contains four sheets:

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

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

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)) 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




**FW: 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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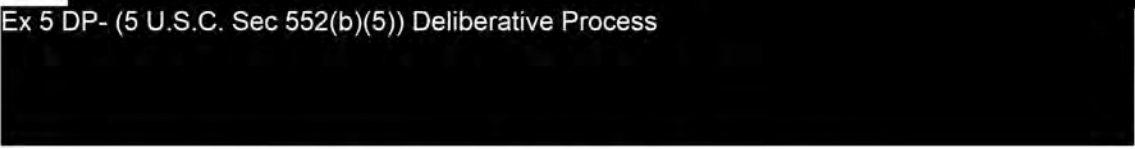
**From:** "Mok, Emily A. EOP/OMB" <Ex 6 - (5) x 6 - (5) >  
**To:** "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Pei, Yi EOP/OMB" <Ex 6 - (5) x 6 - (5) >  
**Cc:** "Hu, Grace EOP/OMB" <Ex 6 - (5) 6 - (5) >, "August, Lisa L. EOP/OMB" <Ex 6 - (5) Ex 6 - (5) >, "Black, Sam J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >  
**Date:** Mon, 19 Jul 2021 16:23:48 -0400  
**Attachments:** s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

Paul, regarding 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 shown in the Excel document).

In terms of other notable items:  
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 <Ex 6 - (5 U.S.C. Ex 6 - (5) >  
**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. x 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. x 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 x 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 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 x 6 - (5)>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 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. 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 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. Sec 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 Ex 6 - (5)>; 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 <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. Ex 6 - (5)>; Roy, Amanda E. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; 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. Sec 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 - 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 <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; DL OMB NSP IAD STATE <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 Ex 6 - (5)>; 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 Ex 6 - (5)>; 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. Ex 6 - (5)>



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 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
 Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >; DL OMB BRD PAYGO CREW  
 <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; McConnell, Doc P. IV EOP/OMB  
 <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Grimes, Justin M. EOP/OMB  
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Daphnis, Kristy L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
 Dreher, Megan E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Tran, Hai M. EOP/OMB  
 <Ex 6 - (5 Ex 6 - (5 >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
 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. SeEx 6 - (5 >; Sharbatoghlie, Shabnam  
 EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Leon, Bryan P. EOP/OMB  
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Barringer, Jody M. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >;  
 Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. SecEx 6 - (5 >; Thomas, Will III EOP/OMB  
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Kim, Michael B. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
 Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Secx 6 - (5 >; Gonzalez, Oscar EOP/OMB  
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Vucic, Nicholas P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
 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 OMB offices: 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)) 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: Agenda comments

---

**From:** "Ahmed, Shagufta I. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5 >  
**To:** "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5 >  
**Date:** Fri, 01 Oct 2021 17:06:28 -0400  
**Attachments:** Lindsay's ED Agency Agenda Index - with OIRA comments 9.30.21\_SA comments\_10.1.21.xlsx (31.79 kB)

Hey Lindsay,


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



Shagufta

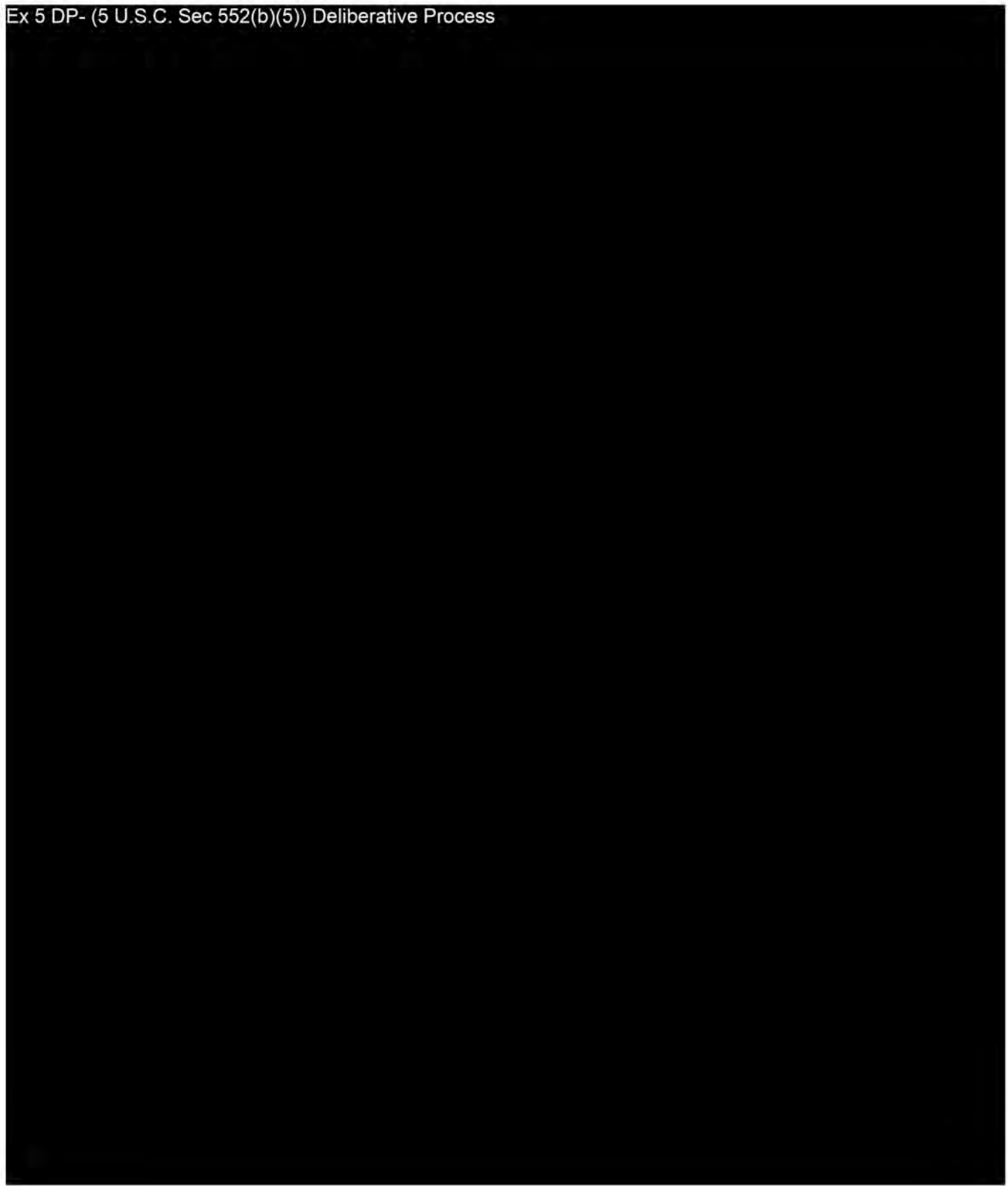
OIRA staff talking points:

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



BACKGROUND INFORMATION

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:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Sent:** Thursday, September 30, 2021 3:45 PM  
**To:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Agenda comments

Hi Shagufta,

Attached is the Agenda index with my very rough notes included Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process since Excel isn't letting me fully sort by date (if you have a filtering/sorting fix, please let me know!). Feel free to add your notes/amend mine and send back to me.

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

Thanks!  
Lindsay

DELIBERATIVE

**From:** Ahmed, Shagufta I. EOP/OMB  
**Sent:** Thursday, September 30, 2021 11:35 AM  
**To:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Agenda comments

Thank you, and sounds good, will give you a call to discuss during our meeting time.

**From:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Sent:** Thursday, September 30, 2021 11:32 AM  
**To:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: Agenda comments

Hi Shagufta,

Attached are combined EOP comments on the FD agenda and reg plan. They include 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

Looking forward to discussing this afternoon. Happy to just discuss by phone if that works for you.

Thanks!  
Lindsay

DELIBERATIVE AND PREDECISIONAL

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**From:** Ahmed, Shagufta I. EOP/OMB  
**Sent:** Wednesday, September 29, 2021 11:23 AM  
**To:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 Sec 552(b)(6)) >  
**Subject:** RE: Agenda comments

Hi Lindsay - Ex 6 - (5 U.S.C. Sec 552(b)(6))  
Ex 6 - (5 Yes, I'd still like to connect tomorrow if that's ok. Thanks!

---

**From:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 Sec 552(b)(6)) >  
**Sent:** Wednesday, September 29, 2021 10:00 AM  
**To:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 Sec 552(b)(6)) >  
**Subject:** RE: Agenda comments

Hey Shagufta,

Just wanted to let you know that I was able Ex 6 - (5 U.S.C. Sec 552(b)(6)) so I'll be able to attend the FO agenda meeting on video.

Still happy to meet briefly tomorrow if you want to.

Thanks!  
Lindsay

---

**From:** Ahmed, Shagufta I. EOP/OMB  
**Sent:** Tuesday, September 28, 2021 11:42 AM  
**To:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 Sec 552(b)(6)) >  
**Subject:** RE: Agenda comments

That sounds like a plan. I will send a hold time.

---

**From:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 Sec 552(b)(6)) >  
**Sent:** Tuesday, September 28, 2021 11:41 AM  
**To:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 Sec 552(b)(6)) >  
**Subject:** RE: Agenda comments

Thank you! There's a chance I'll finish in time to call in, but definitely won't be home soon enough to be on video.



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 perhaps during the cross-branch time since I'm sure that'll be pulled down?

---

**From:** Ahmed, Shagufta I. EOP/OMB

**Sent:** Tuesday, September 28, 2021 11:35 AM

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

**Subject:** RE: Agenda comments

No problem. Happy to take it on. Shall I set up some time on our calendar this week to discuss what we want to cover?

---

**From:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 U.S.C. Sec 552(b)(6))>

**Sent:** Tuesday, September 28, 2021 10:37 AM

**To:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 U.S.C. Sec 552(b)(6))>

**Subject:** RE: Agenda comments

Thanks, Shagufta!

Question – would you mind covering the ED agenda during our agenda review meeting with the FO next Monday (10/4)? I ask because Ex 6 - (5 U.S.C. Sec 552(b)(6))

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

Lindsay

---

**From:** Ahmed, Shagufta I. EOP/OMB

**Sent:** Tuesday, September 28, 2021 10:29 AM

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

**Subject:** Agenda comments

Hi Lindsay,

Hope you are well. Attached please find my comments on the agenda and reg plan.

Thanks!

Shagufta

# RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

**From:** "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5)>  
**To:** "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Date:** Tue, 09 Nov 2021 18:32:41 -0500  
**Attachments:** NSPM-33 Implementation Guidance final\_OIRAPB-11.09.21.docx (195.05 kB)

Kirsten, please let me know by **4:30 p.m. tomorrow (Wed.)** if you have any further edits to the attached. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks!  
Libby

**From:** Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. 6 - (5)>  
**Sent:** Monday, November 8, 2021 10:34 AM  
**To:** Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Nelson, Kimberly P. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Durga, Ryan R. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 x 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 x 6 - (5)>; MacMaster, Ryan J. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Faezi-Marian, Farnoosh EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 x 6 - (5)>; Boles, Cassie L. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Davenport, Joanne Chow C. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Schurr, Ian R. EOP/OMB (Intern) <Ex 6 - (5 U.S.C. - (5)>; Vissa, Kalpana EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. 6 - (5)>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Hoskins, Jack A. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Greene, Brandon H. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Stein, Nora H. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Hazelgren, Mark H. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Jennings, Connor R. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Dick, John H. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Giomo, Daniel M. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Robinson, Donovan O. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Nafziger, Jephtha E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Cheese, Erin M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hettinger, Alex G. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Mann, Noah S. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Paxton, Brian A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hoskins, Jack A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Bain, Ally P. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 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)>; Kluever, April N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Leggett, Carmine S. EOP/OMB



<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Ashley, Elizabeth M. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Hirsch, Quinn 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 >; Tran, Hai M. EOP/OMB  
<Ex 6 - (5 Ex 6 - (5 >; Hubbard, Rhea 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 >; Grimes, Justin M. EOP/OMB  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Burris, Jordan C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >;  
Upadhyaya, Shraddha A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >;  
**Cc:** McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >  
**Subject:** Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

All, just a gentle reminder that edits/comments on the NSTC Implementation Guidance on NSPM-33 are due Weds (Nov. 10) COB. We're requesting your review to inform OMB's clearance on this. Thanks!

---

**From:** Mok, Emily A. EOP/OMB  
**Sent:** Wednesday, November 3, 2021 12:09 PM  
**Subject:** [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

All,

OSTP is requesting OMB review and clearance of the NSTC's *Guidance for Implementing NSPM-33 on National Security Strategy for US Government-supported R&D*.

- According to OSTP: The purpose of this document is to provide guidance to Federal departments and agencies regarding their implementation of National Security Presidential Memorandum 33 on National Security Strategy for U.S. Government-Supported Research and Development. This document was developed by the Subcommittee on Research Security of the NSTC Joint Committee on the Research Environment and has been approved by OSTP leadership.

**If you have any edits/comments on this document, please provide them by next Wednesday (Nov. 10) COB** - via the Word document (titled "**NSPM-33 Implementation Guidance final.docx**") posted at the following link on MAX. (Please make any edits in track changes and share comments via comment bubbles.) If there are any others in your branch/office who should review this document, please share it with them.

**ACCESS DOCUMENT AT THIS LINK:** <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

- Instructions: See steps below in how to access the document. Click "Edit" to access/edit the online document and remember to "Save" your edits and/or comments to the online file.
- **Please ensure that you close the file after saving and/or opening the file, so that the file is not locked up and can be accessed by others.** You can double-check if the report is locked by you by refreshing the webpage to see if the document is still being "edited" by you.

If you have any questions about this document, please reach out to me and Bill McNavage.

Thanks  
Emily Mok  
OMB Science and Space Branch

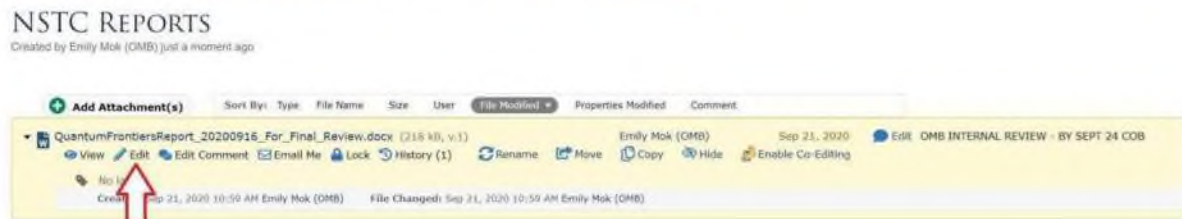
\*\*\*\*

## [JUST AS FYI] STEPS ON HOW TO VIEW AND EDIT DOCUMENTS ON MAX

[STEP 1: IN ORDER TO EDIT THE DOCUMENT, CLICK THE SMALL ARROW NEXT TO THE FILE NAME]



[STEP 2: NEXT, CLICK THE "EDIT" BUTTON UNDER THE FILE NAME. REMEMBER TO "SAVE" & CLOSE THE WORD DOCUMENT WHEN YOU ARE DONE.]



\*\*\*\*\*

## RE: ED UA: CONCLUDED

**From:** "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**To:** "Gould, Jonathan S. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Cc:** "Ahmed, Shagufta I. 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)>, "Dorjets, Vlad 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)>, "McManus, Michael J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Date:** Wed, 10 Nov 2021 18:50:25 -0500  
**Attachments:** OMB Reviewed ED Agenda Entries - 11.10.21 Final.docx (84.69 kB); OMB Reviewed ED Regulatory Plan Entries - 11.10.21 Final.docx (60.63 kB)

All,

I'm happy to report 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. The final redline documents, which have been uploaded into MAX, are attached for your records. 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

Many thanks for helping us get this package across the finish line today.

Best,  
Lindsay

---

**From:** Abate, Lindsay M. EOP/OMB  
**Sent:** Wednesday, November 10, 2021 3:54 PM  
**To:** Gould, Jonathan S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Cc:** Shagufta I. EOP/OMB Ahmed <Ex 6 - (5 U.S.C. x 6 - (5)>, Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>, Dorjets, Vlad EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>, Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>, McManus, Michael J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>  
**Subject:** FW: ED UA

Jon,



Per our discussion, attached is the revised ED agenda, Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process I will conclude  
review of both documents in MAX. I will also Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative  
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 will let you know when we've concluded review, hopefully in the next few hours. Many thanks.

Best,  
Lindsay

---

**From:** Mahaffie, Lynn <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Sent:** Wednesday, November 10, 2021 3:29 PM  
**To:** Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Schlichter, Levon <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Malawer, Hilary <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Amann, Amanda <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: UA

Hi Lindsay – Attached is the UA with revised dates. Juliana is Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Thanks. -- Lynn



## RE: NSPM-33 Implementation Plan Discussion w/ OSTP

**From:** "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) >  
**To:** "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) >  
**Cc:** "Mok, Emily A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) >, "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) >  
**Date:** Mon, 22 Nov 2021 09:27:46 -0500  
**Attachments:** NSPM-33 Implementation Guidance final\_additional OMB edits.docx (198.39 kB)

Good morning, Bill:

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

Thank you, and I hope you have a happy Thanksgiving!

Best,  
Libby

-----Original Appointment-----

**From:** McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) >  
**Sent:** Monday, November 22, 2021 8:54 AM  
**To:** Tran, Hai M. EOP/OMB; Hubbard, Rhea A. EOP/OMB; Hennemuth, Elizabeth I. EOP/OMB; Mok, Emily A. EOP/OMB; Lourie, Linda S. EOP/OSTP; Eller, Christina Ciocca C. EOP/OSTP  
**Subject:** NSPM-33 Implementation Plan Discussion w/ OSTP  
**When:** Tuesday, November 23, 2021 11:00 AM-11:45 AM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Ex 6 - (5 U.S.C. Sec 552(b)(6))

**//Updated Invite – 22 NOV//**

Hi All –

We heard back from OSTP this morning. This day/time works well for everyone, apologies for the delay and the calendar gymnastics. I've attached a version of the implementation guidance that contains all of OMB's consolidated comments. Zoom is listed below.

Thanks,  
Bill

---

William McNavage is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting

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

Meeting ID: Ex 6 - (5

Passcode: Ex 6 -

One tap mobile

Ex 6 - (5 U.S.C. Sec 552(b)(6)) US (San Jose)  
US (New York)

Dial by your location

Ex 6 - (5 US (San Jose)  
U.S.C. Sec US (New York)  
552(b)(6) US (San Jose)  
US

Meeting ID: Ex 6 - (5

Passcode: Ex 6 - (5

Find your local number: Ex 6 - (5 U.S.C. Sec 552(b)(6))

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**//Original Invite//**

Hi All –

I'm putting a hold on our calendars for Monday. We're waiting for OSTP to confirm time. We'll only need 30-40 minutes for the discussion and I'll send out the Zoom link once we finalize time.

Thanks,  
Bill

# RE: FYSA- RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

**From:** "Mok, Emily A. EOP/OMB" <[REDACTED]>  
**To:** "Shawcross, Paul J. EOP/OMB" <[REDACTED]>  
**Date:** Tue, 23 Nov 2021 13:38:33 -0500  
**Attachments:** NSPM-33 Implementation Guidance final\_additional OMB edits.docx (198.39 kB)

Paul, looping back on this with an update. There was a call today between OSTP (Linda, OSTP's new Research Security lead), OFFM (Gil and Rhea), Bill McNavage and myself. [REDACTED]  
[REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
[REDACTED] Ex 5 DP-

On today's call, there was discussion about three things - [REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5))  
[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  
[REDACTED] Ex 5 DP- (5  
[REDACTED] U.S.C. Sec

**Regarding item #1:** [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  
[REDACTED]

**Regarding item #3:** [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

**Regarding item #2:** [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  
[REDACTED]

- [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

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:** Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 U.S.C. Sec 552(b)(6)) >  
**Sent:** Monday, November 15, 2021 2:35 PM  
**To:** Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 U.S.C. Sec 552(b)(6)) >

**Subject:** RE: FYSA- RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

Good idea adding this. Let me know [redacted] work out.

**From:** Mok, Emily A. EOP/OMB <[redacted]>  
**Sent:** Monday, November 15, 2021 1:31 PM  
**To:** Shawcross, Paul J. EOP/OMB <[redacted]>  
**Subject:** RE: FYSA- RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

Paul,  
Regarding my email below, I've taken a stab at including [redacted] (mentioned below) in the attached document. This is the same document that I shared earlier – but [redacted] which I've highlighted in blue. [redacted] For your quick reference, it is also copied below.)  
Emily

[redacted] inserted in the attached document – plugged this [redacted]  
[redacted]  
[redacted] Deliberative Process



**From:** Mok, Emily A. EOP/OMB  
**Sent:** Monday, November 15, 2021 10:21 AM  
**To:** Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: FYSA- RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

Paul - Just got the following from OSTP regarding Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. In light of this, my sense 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 We'd probably also 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:** Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Sent:** Monday, November 15, 2021 10:15 AM  
**To:** Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Sorry not to have included it earlier, but only a few agencies provided useful information in this regard. Here's what I got:

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





**From:** Mok, Emily A. EOP/OMB  
**Sent:** Monday, November 15, 2021 10:09 AM  
**To:** Shawcross, Paul J. EOP/OMB <[Redacted] 6 - (5 U.S.C. Sec 552(b)(6)) >  
**Subject:** RE: FYSA- RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

Paul, pls see attached for what was transmitted back to OSTP based upon the latest OMB-staff level review. A meeting between [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 [Redacted] is currently being worked out.

In an OMB-internal chat last week [Redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) we discussed [Redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [Redacted]

*The following include the major concerns raised (with some more details included attached):*

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



<Ex 6 - (5 U.S.C. x 6 - (5 >; Leggett, Carmine S. EOP/OMB  
<Ex 6 - (5 U.S.C. :x 6 - (5 >; Ashley, Elizabeth M. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec:x 6 - (5 >; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. < 6 - (5 >;  
Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. 6 - (5 > Sec 552(b)(6)) >;  
Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5 >; Tran, Hai M. EOP/OMB  
<Ex 6 - (5 x 6 - (5 >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. < 6 - (5 >  
**Subject:** OIRA follow-up -- RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation  
Guidance on NSPM-33

OIRA colleagues,

Just like to check in about Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process on  
this NSTC NSPM-33 implementation guidance document. Ex 5 DP- (5 U.S.C. Sec please  
remember to submit any edits/comments on MAX by COB today.)

Bill is setting up Ex 5 DP- (5 U.S.C. Sec (aiming for sometime next week) Ex 5 DP- (5  
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative In light of our past discussions on NSPM-33  
with some of you, we'd like to know Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- (5 U.S.C. Sec so that we can include you in that meeting.

Margo: Gil highlighted that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- We're not sure who is the appropriate OIRA contact to help weigh in on that – but please  
let us know what you think about that and, if appropriate, who we should loop in from OIRA Ex 5  
Ex 5 DP- (5 U.S.C. Sec

Thanks all,  
Emily

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**From:** Mok, Emily A. EOP/OMB  
**Sent:** Monday, November 8, 2021 10:34 AM  
**Subject:** Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

All, just a gentle reminder that edits/comments on the NSTC Implementation Guidance on NSPM-33  
are due Weds (Nov. 10) COB. We're requesting your review to inform OMB's clearance on this.  
Thanks!

---

**From:** Mok, Emily A. EOP/OMB  
**Sent:** Wednesday, November 3, 2021 12:09 PM  
**Subject:** [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

All,

OSTP is requesting OMB review and clearance of the NSTC's *Guidance for Implementing NSPM-33 on  
National Security Strategy for US Government-supported R&D*.

According to OSTP: The purpose of this document is to provide guidance to Federal  
departments and agencies regarding their implementation of National Security Presidential  
Memorandum 33 on National Security Strategy for U.S. Government-Supported Research  
and Development. This document was developed by the Subcommittee on Research



Security of the NSTC Joint Committee on the Research Environment and has been approved by OSTP leadership.

**If you have any edits/comments on this document, please provide them by next Wednesday (Nov. 10) COB** - via the Word document (titled **“NSPM-33 Implementation Guidance final.docx”**) posted at the following link on MAX. (Please make any edits in track changes and share comments via comment bubbles.) If there are any others in your branch/office who should review this document, please share it with them.

**ACCESS DOCUMENT AT THIS LINK:** Ex 6 - (5 U.S.C. Sec 552(b)(6))

- **Instructions:** See steps below in how to access the document. Click “Edit” to access/edit the online document and remember to “Save” your edits and/or comments to the online file.
- **Please ensure that you close the file after saving and/or opening the file, so that the file is not locked up and can be accessed by others.** You can double-check if the report is locked by you by refreshing the webpage to see if the document is still being “edited” by you.

If you have any questions about this document, please reach out to me and Bill McNavage.

Thanks  
Emily Mok  
OMB Science and Space Branch

\*\*\*\*

## [JUST AS FYI] STEPS ON HOW TO VIEW AND EDIT DOCUMENTS ON MAX

**[STEP 1: IN ORDER TO EDIT THE DOCUMENT, CLICK THE SMALL ARROW NEXT TO THE FILE NAME]**



**[STEP 2: NEXT, CLICK THE “EDIT” BUTTON UNDER THE FILE NAME. REMEMBER TO “SAVE” & CLOSE THE WORD DOCUMENT WHEN YOU ARE DONE.]**



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## FW: NSPM-33 Implementation Plan Discussion w/ OSTP

**From:** "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Harrison, Deidre A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Bigelow, Lea-Ann B. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Wed, 24 Nov 2021 13:33:27 -0500  
**Attachments:** NSPM-33 Implementation Guidance final\_additional OMB edits.docx (198.39 kB); nspm-33 Januey 14 2021.pdf (553.26 kB)

[Deidre, for your awareness, please find an update 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 Thanks.

\*\*\*\*\*

**Subject:** (For your Awareness) OSTP Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33)

**BLUF:** OSTP has sent to OMB for clearance a document to implement the National Security Presidential Memorandum 33 (NSPM-33) 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

### Background:

During its final week in office, the previous administration issued a National Security Presidential Memorandum (NSPM-33), January 14, 2021, to "strengthen protections of United States Government-supported R&D against foreign government interference and exploitation" while "maintaining an open environment to foster research discoveries and innovation that benefit our nation and the world." Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

This draft report 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

Analysis: 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 provided the following comments to OSTP on November 10, 2021 and asked for a meeting with OSTP to walk through them. We met on 11/23/21.

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

At the 11/23/21, we mentioned 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 has agreed 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

**Recommendation:** We will 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

Attached: NSPM- 33 – January 14, 2021  
Draft NSPM-33 Implementation Guidance final \_additional OMB edits

*Regards,  
Gil Tran, CPA  
Executive Office of the President*

OMB/OFFM

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

**From:** Collin, Victoria W. EOP/OMB  
**Sent:** Tuesday, November 23, 2021 7:06 PM  
**To:** Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Cc:** Tran, Hai M. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>  
**Subject:** FW: NSPM-33 Implementation Plan Discussion w/ OSTP

Sounds like Ex 5 DP- (5 U.S.C. Sec 552(b)(6)) if you are able to tee up a quick update that we can send to Deidre next week, that would be helpful!

Thanks,  
Victoria Collin  
Ex 6 - (5)

**From:** Donohue, Ryan C. EOP/OSTP  
**Sent:** Tuesday, November 23, 2021 6:44 PM  
**To:** McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Tran, Hai M. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Eller, Christina Ciocca C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
**Cc:** Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Subject:** RE: NSPM-33 Implementation Plan Discussion w/ OSTP


Hi Bill,  
Thanks for the follow-up, and thanks to OMB for your helpful clarifications. We'll be in touch.  
Best,  
Ryan

**From:** McNavage, William EOP/OMB  
**Sent:** Tuesday, November 23, 2021 3:35 PM  
**To:** Tran, Hai M. EOP/OMB <Ex 6 - (5) x 6 - (5)>; Hubbard, Rhea A. 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)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. 6 - (5)>; Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Eller, Christina Ciocca C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>  
**Cc:** Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>  
**Subject:** NSPM-33 Implementation Plan Discussion w/ OSTP

Hi All –  
Thanks so much for meeting up earlier, we really appreciate everyone's time.

I wanted to pass along what I collected in my notes as the actions/next steps. If there is something that I omitted, please let me know.

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



Please be sure to copy me and Emily Mok on all traffic so we can maintain currency. If there is anything that I omitted, please reply all. Otherwise, have a safe and happy Thanksgiving.

Bill

**Bill McNavage, Ph.D.**

Program Examiner | Defense Investments Branch  
Office of Management and Budget

(w) Ex 6 - (5

(m) U.S.C. Sec

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

(s)

(t)



## FW: USICA TA

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**From:** "Healton, Kelly A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**To:** "Etter, Robert L. 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))>  
**Date:** Mon, 29 Nov 2021 10:51:47 -0500  
**Attachments:** Copy of S. 1260 Agency Comments Matrix\_11.24.21.xlsx (182.96 kB)

FYI I told him 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 [REDACTED]

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**From:** Ward, Benjamin A. EOP/OMB  
**Sent:** Monday, November 29, 2021 10:44 AM  
**To:** Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Healton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Etter, Robert L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**Subject:** RE: USICA TA

Is this what you're looking for?

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**From:** Slevin, Christopher J. EOP/WHO  
**Sent:** Monday, November 29, 2021 10:33 AM  
**To:** Healton, Kelly A. 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))>; Etter, Robert L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>  
**Subject:** USICA TA

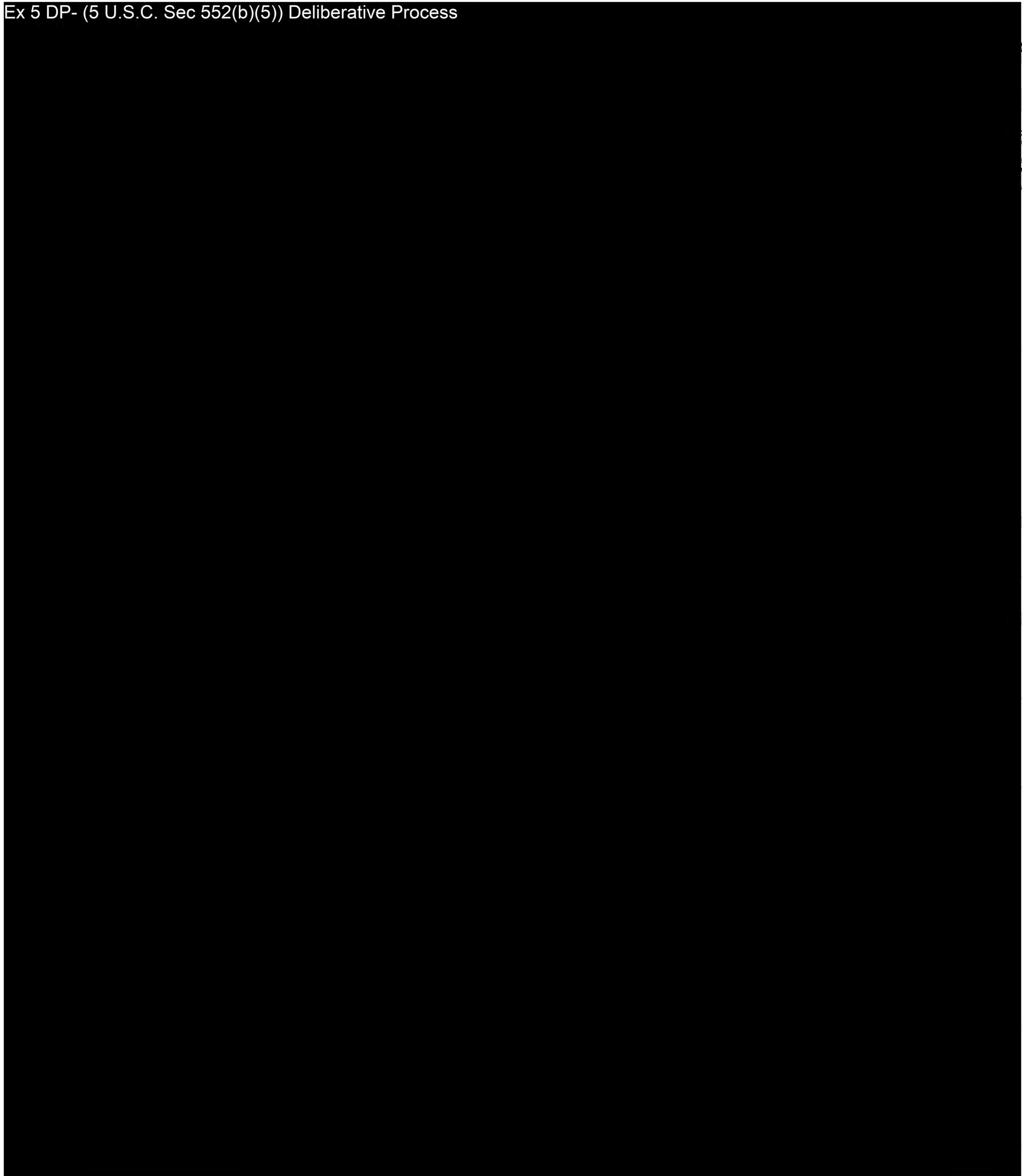
Hey all, would you mind directing me to or sending me assorted agency TA on the Senate USICA bill? When you get a chance.

Thanks!

Chris

Section #	Section title	Commenting Agency	Issue/Requested Change
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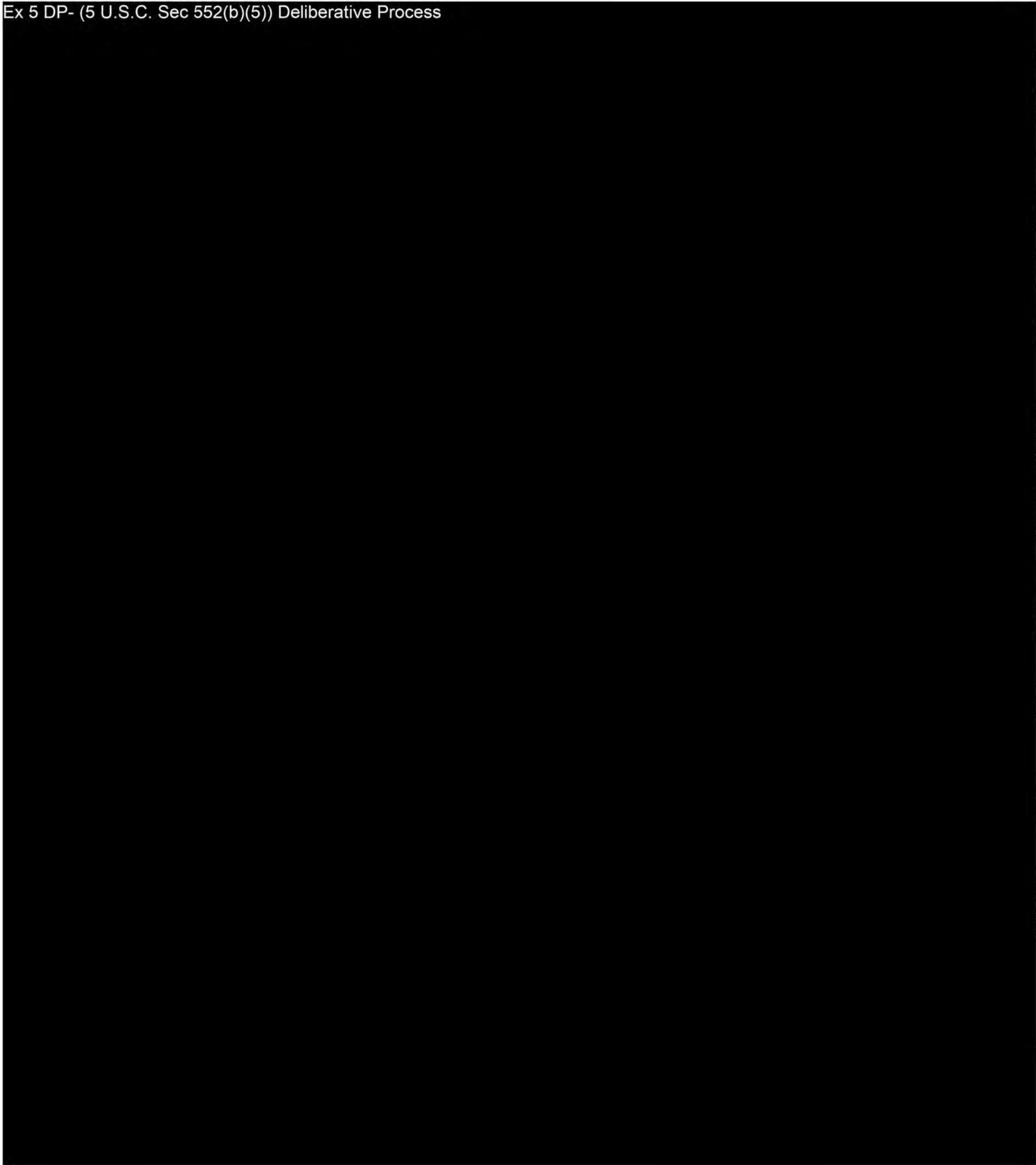




















# [DRAFT Email to Amanda] Request to circulate NSPM-33 interagency circulation

**From:** "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Fri, 10 Dec 2021 16:17:13 -0500  
**Attachments:** NSPM-33 Implementation Guidance\_ForClearance.docx (190.74 kB)

Hi Deidre,

Circling up on the issue that was raised during our Wednesday check-in, attached 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  
Below is a draft email to send to Amanda 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

Note, OSTP 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

Rhea

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Hi Amanda,

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

Best,  
Deidre

Rhea Hubbard  
Office of Federal Financial Management  
Office of Management and Budget  
Phone: Ex 6 - (5 U.S.C.)  
Email: Ex 6 - (5 6 - (5

**FW: LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022**

**From:** "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**To:** "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** "Sivinski, Robert G. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Nerino, Anthony Jr. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Date:** Thu, 24 Feb 2022 17:29:05 -0500  
**Attachments:** FOR REVIEW: Interagency comments on S. 1260, United States Innovation and Competition Act of 2021 (USICA) -- Response requested by COB Tuesday, July 20 (3.71 MB)

Margo and Shelly – Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process See Elyse’s note below. We need to provide feedback by 3/8 (a week from Tuesday – phew!). I 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 Attached here 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 I won’t have time to look at this until late next week, but sharing now so folks can squeeze in review whenever they have a chance.

Placing a reminder/follow-up flag for all of us for 3/7 4 PM so we don’t miss Elyse’s 3/8 deadline!

Thanks,

Kerrie

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**From:** Greenwald, Elyse F. EOP/OMB  
**Sent:** Thursday, February 24, 2022 5:18 PM  
**To:** Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Achanta, Chandana L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Thomas, Amanda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Kymn, Christine J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Fitzpatrick, Mary E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hill, Jonathan W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Brammer, Josh J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Kluever, April N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Cc:** Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >  
**Subject:** RE: LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

Hi Kerrie –



Good question! I've attached Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process  
Ex 5 DP- I think 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:** Leslie, Kerrie L. EOP/OMB  
**Sent:** Thursday, February 24, 2022 5:06 PM  
**To:** Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Achanta, Chandana L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Thomas, Amanda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Kymn, Christine J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Fitzpatrick, Mary E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hill, Jonathan W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Brammer, Josh J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Kluever, April N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** RE: LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

Thank you, Elyse 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,  
  
Kerrie

**From:** Greenwald, Elyse F. EOP/OMB  
**Sent:** Thursday, February 24, 2022 5:03 PM  
**To:** Achanta, Chandana L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Thomas, Amanda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Kymn, Christine J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Fitzpatrick, Mary E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hill, Jonathan W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Brammer, Josh J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Leslie, Kerrie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Kluever, April N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Cc:** Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>  
**Subject:** FW: LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

Hello Everyone,

Please see the request for views on the America COMPETES Act, aka USICA, aka Endless Frontiers. While I think

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 provide comments by **COB Tuesday, 3/8** so that I can combine across the branches. If you have any questions about process, please reach out! Thank you!

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

**Sent:** Wednesday, February 23, 2022 3:30 PM

**To:** 'AGRICULTURE' <usdaleg@obpa.usda.gov>; '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>; 'Federal Communications Commission' <OLAFCC@fcc.gov>; 'Federal Maritime Commission' <generalcounsel@fmc.gov>; 'General Services Administration' <Ex 6 - (5 U.S.C. Sec >; 'HEALTH & HUMAN SERVICES' <lrn@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' <Ex 6 - (5 U.S.C. >; '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 >; '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 Ex 6 - (5 >; 'STATE' <Ex 6 - (5@state.gov>; 'Small Business Administration' <cla@sba.gov>; 'Social Security Administration' <Ex 6 - (5 U.S.C. Sec >; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; 'US Agency for International Development' <Ex 6 - (5 U.S.C. >; 'US International Development Finance Corporation' <Ex 6 - (5 >; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>

**Cc:** Aron-Dine, Aviva R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Linden, Michael S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; 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 >; 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 >; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Hu, Grace 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 >; Dick, John H. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Hettinger, Alex G. 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 >; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Glass, Jacob S. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Clark, Damon J. EOP/OMB <Ex 6 - (5 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 >; Hoy, Peter G. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Miller, Kimberly A. EOP/OMB



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Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Feldman, Iris T. EOP/OMB  
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Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Sierra, Leticia EOP/OMB  
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Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Spiro, Topher J. EOP/OMB  
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Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL OMB HHSB  
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Los Santos, Karen EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Abrams, Andrew D. EOP/OMB  
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Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Cramer, Drew W. EOP/OMB  
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Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Petro, Andrea M. EOP/OMB  
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Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Nelson, Kimberly P.  
EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Meier, Edward F. EOP/OMB  
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Schmitt, Tricia A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL OMB NSP IAD STATE  
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Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Field, Lesley A. EOP/OMB  
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<Ex 6 - (5 U.S.C. x 6 - (5 >; DL OMB OFCIO Legislative  
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; DeRusha, Chris J. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Martorana, Clare A. EOP/OMB  
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; DL OMB MOD MIAO Staff  
<Ex 6 - (5 U.S.C. Sec 6 - (5 >; Dorgelo, Cristin A. EOP/OMB  
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Cyber <Ex 6 - (5 U.S.C. Sec >; MBX NCD LRM <Ex 6 - (5 U.S.C. >; DPC ExecSec  
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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 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 >; Bains, Chiraag EOP/WHO <Ex 6 - (5 Ex 6 - (5 >;  
Washburn, Libby R. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; DPCImmigration  
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL-OVP-LRM <Ex 6 - (5 U.S.C. Sec >; Irby, Ike D.  
EOP/OVP <Ex 6 - (5 U.S.C. Sec >; DL-CEA-LRM <Ex 6 - (5 U.S.C. Sec >; DL-CEQ-LRM  
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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. Se Ex 6 - (5 >; Fazili, Sameera EOP/WHO  
<Ex 6 - (5 U.S.C. x 6 - (5 >; Reynolds, Liz B. EOP/WHO <Ex 6 - (5 U.S.C. Sec x 6 - (5 >;  
Gamble, Joelle C. EOP/WHO <Ex 6 - (5 U.S.C. x 6 - (5 >; DL WHO NEC LRM  
<Ex 6 - (5 U.S.C. x 6 - (5 >; DL WHO WHCO LRM <Ex 6 - (5 U.S.C. x 6 - (5 >;  
Deeks, Ashley S. EOP/WHO <Ex 6 - (5 Ex 6 - (5 >; Ceronsky, Megan M. EOP/WHO  
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Slevin, Christopher J. EOP/WHO  
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Demers, Kaitlyn H. EOP/WHO  
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Healton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Ward, Benjamin 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 >; Myers, Hayley W. EOP/OMB  
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<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Leon, Bryan P. EOP/OMB  
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Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 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. 6 - (5 >;  
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;

Bronack, Candice M. EOP/OMB [Redacted]; Woroszylo, Nicholas J. EOP/OMB [Redacted]; Matsuo, Kimie L. EOP/OMB [Redacted]

**Subject:** LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

**DEADLINE: 3:00 PM Wednesday, Mar 09 2022**

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," passed the House on 2/4/22 by a vote of 222-210. The text of the bill as passed by the House 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 text and advise of any objectionable provisions by the deadline above. Thank you.

- DIVISION A—CREATING HELPFUL INCENTIVES TO PRODUCE SEMICONDUCTORS (CHIPS) FOR AMERICA FUND
- DIVISION B—RESEARCH AND INNOVATION
- DIVISION C—ENERGY AND COMMERCE
- DIVISION D—COMMITTEE ON FOREIGN AFFAIRS
- DIVISION E—COMMITTEE ON OVERSIGHT AND REFORM
- DIVISION F—COMMITTEE ON HOMELAND SECURITY
- DIVISION G—COMMITTEE ON FINANCIAL SERVICES
- DIVISION H—COMMITTEE ON NATURAL RESOURCES
- DIVISION I—COMMITTEE ON THE JUDICIARY
- DIVISION J—COMMITTEE ON EDUCATION AND LABOR
- DIVISION K—MATTERS RELATING TO TRADE
- DIVISION L—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
- DIVISION M—SENSE OF CONGRESS REGARDING NEGATIVE PERCEPTION OF PERSONS OF ASIAN ANCESTRY AND FEDERAL LAW ENFORCEMENT
- DIVISION N—PROHIBITING USE OF FUNDS FOR PUBLICITY OR PROPAGANDA
- DIVISION O—NATIONAL SECURITY RESTRICTIONS ON USE OF CERTAIN FUNDS
- DIVISION P—AGRICULTURE FOREIGN INVESTMENT DISCLOSURE REFORM
- DIVISION Q—EMERGING TECHNOLOGY LEADS
- DIVISION R—COMMITTEE ON SMALL BUSINESS
- DIVISION S—OCEAN SHIPPING REFORM

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LRM ID: KLM-117-102  
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-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

OMB CONTACT: Kimie Matsuo(OMB)  
E-Mail: [Redacted]  
PHONE: [Redacted]  
FAX: [Redacted]

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.



**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: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 Ex 6 - (5 >  
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 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 >, "Pei, Yi EOP/OMB" <Ex 6 - (5 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 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 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. 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 Ex 6 - (5 >, DL OMB PHB <Ex 6 - (5 U.S.C. 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. 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 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 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. 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. Ex 6 - (5 >, "Roy, Amanda E. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >, "MacMaster, Ryan J. EOP/OMB" <Ex 6 - (5 U.S.C. 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 >, "Ghavalayan, Mariam EOP/OMB" <Ex 6 - (5 U.S.C. Sec. Ex 6 - (5 >, "Klein, Robert T. EOP/OMB"

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 <Ex 6 - (5 U.S.C. Sec) >, "Field, Lesley A. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "Blum, Mathew C. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "McCrary, Jeremy P. EOP/OMB"  
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 <Ex 6 - (5 U.S.C.) >, "Hill, Jonathan W. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "Schwab, Margo EOP/OMB"  
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 <Ex 6 - (5) >, "Martinez, Shelly W. EOP/OMB"  
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 <Ex 6 - (5 U.S.C.) >, "Seehra, Jasmeet K. EOP/OMB"  
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 <Ex 6 - (5 U.S.C.) >, "Dreher, Megan E. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "Tran, Hai M. EOP/OMB"  
 <Ex 6 - (5) >, "Collin, Victoria W. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "Upadhyaya, Shraddha A. EOP/OMB"  
 <Ex 6 - (5 U.S.C. Sec) >  
 Cc: "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C.) >, "Healton, Kelly A.  
 EOP/OMB" <Ex 6 - (5) >, "Vaeth, Matt J. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "Menard, Barbara A. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "Sharbatoghlie, Shabnam EOP/OMB"  
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 <Ex 6 - (5 U.S.C.) >, "Vucic, Nicholas P. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "McCrary, Anna-Catherine C. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >, "Matsuo, Kimie L. EOP/OMB"  
 <Ex 6 - (5 U.S.C.) >

Date: Tue, 13 Jul 2021 18:23:11 -0400

Attachments: s1260es.pdf (2.92 MB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

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 [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We also received  
feedback from the following OMB offices: [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:

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

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  
[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  
[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)) 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

**FW: REMINDER: LRM: [KLM-117-102] Due 03/09/2022  
Wednesday at 3:00 PM -- OMB Request for Views on  
HR4521 - America COMPETES Act of 2022**

**From:** "Bigelow, Lea-Ann B. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5 >  
**To:** (b)(6), (b)(7)(C)  
**Date:** Thu, 10 Mar 2022 10:11:26 -0500  
**Attachments:** America COMPETES\_BILLS-117hr4521pcs.pdf (5.88 MB)

FYSA

**From:** Bigelow, Lea-Ann B. EOP/OMB  
**Sent:** Thursday, March 10, 2022 10:10 AM  
**To:** Bigelow, Lea-Ann B. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >  
**Subject:** FW: REMINDER: LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

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:** Bigelow, Lea-Ann B. EOP/OMB  
**Sent:** Wednesday, March 9, 2022 3:31 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: REMINDER: LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

Hopefully you've all seen and had a chance to review the latest, greatest draft. 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



**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Wednesday, March 9, 2022 12:37 PM  
**To:** '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>; 'Federal Communications Commission' <OLAFCC@fcc.gov>; 'Federal Maritime Commission' <generalcounsel@fmc.gov>; 'HEALTH & HUMAN SERVICES' <Irm@hhs.gov>; 'HOMELAND SECURITY' <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 'HOUSING & URBAN DEVELOPMENT' <HUDLRM@hud.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec >; 'LABOR' <Ex 6 - (5 U.S.C. >; 'National Aeronautics and Space Administration' <nasa\_irm@hq.nasa.gov>; 'National Science Foundation' <olpalrm@nsf.gov>; DL NSC LRM <Ex 6 - (5 U.S.C. Sec >; '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. >; 'US International Development Finance Corporation' <Ex 6 - (5 >  
**Subject:** REMINDER: LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

Good afternoon,

This is a reminder to please advise of any objectionable provisions in H.R. 4521, America COMPETES Act of 2022, by 3:00 PM today.

Thank you,  
Kimie

**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Wednesday, February 23, 2022 3:30 PM  
**To:** 'AGRICULTURE' <usdaleg@obpa.usda.gov>; '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>; 'Federal Communications Commission' <OLAFCC@fcc.gov>; 'Federal Maritime Commission' <generalcounsel@fmc.gov>; 'General Services Administration' <Ex 6 - (5 U.S.C. Sec >; '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' <ocl@ios.doi.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec >; 'LABOR' <Ex 6 - (5 U.S.C. >; 'National Aeronautics and Space Administration' <nasa\_irm@hq.nasa.gov>; '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 Ex 6 - (5 >; 'STATE' <Ex 6 - (5 @state.gov>; 'Small Business Administration' <cla@sba.gov>; 'Social Security Administration' <Ex 6 - (5 U.S.C. Sec >; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; 'US Agency for International Development' <Ex 6 - (5 U.S.C. >; 'US International Development Finance Corporation' <Ex 6 - (5 >; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>  
**Subject:** LRM: [KLM-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

**DEADLINE: 3:00 PM Wednesday, Mar 09 2022**

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," passed the House on 2/4/22 by a vote of 222-210. The text of the bill as passed by the House 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 text and advise of any objectionable provisions by the deadline above. Thank you.

- DIVISION A—CREATING HELPFUL INCENTIVES TO PRODUCE SEMICONDUCTORS (CHIPS) FOR AMERICA FUND
- DIVISION B—RESEARCH AND INNOVATION
- DIVISION C—ENERGY AND COMMERCE
- DIVISION D—COMMITTEE ON FOREIGN AFFAIRS
- DIVISION E—COMMITTEE ON OVERSIGHT AND REFORM
- DIVISION F—COMMITTEE ON HOMELAND SECURITY
- DIVISION G—COMMITTEE ON FINANCIAL SERVICES
- DIVISION H—COMMITTEE ON NATURAL RESOURCES
- DIVISION I—COMMITTEE ON THE JUDICIARY
- DIVISION J—COMMITTEE ON EDUCATION AND LABOR
- DIVISION K—MATTERS RELATING TO TRADE
- DIVISION L—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
- DIVISION M—SENSE OF CONGRESS REGARDING NEGATIVE PERCEPTION OF PERSONS OF ASIAN ANCESTRY AND FEDERAL LAW ENFORCEMENT
- DIVISION N—PROHIBITING USE OF FUNDS FOR PUBLICITY OR PROPAGANDA
- DIVISION O—NATIONAL SECURITY RESTRICTIONS ON USE OF CERTAIN FUNDS
- DIVISION P—AGRICULTURE FOREIGN INVESTMENT DISCLOSURE REFORM
- DIVISION Q—EMERGING TECHNOLOGY LEADS
- DIVISION R—COMMITTEE ON SMALL BUSINESS
- DIVISION S—OCEAN SHIPPING REFORM

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LRM ID: KLM-117-102  
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-117-102] Due 03/09/2022 Wednesday at 3:00 PM -- OMB Request for Views 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.

## FW: Request for views on H.R. 4521 America COMPETES Act of 2022

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**From:** "Matsuo, Kimie L. EOP/OMB" Ex 6 - (5 U.S.C. Sec  
**To:** olia@sec.gov  
**Date:** Thu, 17 Mar 2022 14:44:07 -0400  
**Attachments:** BILLS-117hr4521eh.pdf (5.46 MB)

Good afternoon,

Forwarding this request.

Thank you!  
Kimie

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**From:** Matsuo, Kimie L. EOP/OMB  
**Sent:** Thursday, March 17, 2022 12:38 PM  
**To:** 'seclegis@sec.gov' <seclegis@sec.gov>  
**Subject:** Request for views on H.R. 4521 America COMPETES Act of 2022

Good afternoon,

Reaching out to request SEC's views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22 by a vote of 222-210.

Could SEC please advise of any objectionable provisions by Tuesday, March 22?

Thank you,  
Kimie

Kimie Matsuo  
Legislative Analyst  
Legislative Reference Division  
Office of Management and Budget  
Ex 6 - (5 U.S.C.)