

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

From: "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Bcc: "Derbes, Catherine A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Mon, 22 Mar 2021 16:14:46 -0400
Attachments: Original ED Agenda Entries (Unreviewed).docx (64.87 kB); ED Change Report.pdf (129.16 kB); Agency Agenda Index - ED.xlsx (26.99 kB)

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

I LOVE the

agency agenda index!

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))>; 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))>
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))>
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Greetings,

The Department of Education has sent its draft Spring 2021 Unified Agenda. Please find attached ED's draft Agenda, Agenda Index, and Change Report. We request your comments on the draft Agenda via track changes by **Monday, March 29, at 12:00 PM. Please send them to Lindsay Abate and Shagufta Ahmed.** This is your primary opportunity to review all agenda entries submitted by the agency. If you think of others in EOP who would be interested in reviewing these documents, please let me know.

Description of the attachments:

1. The Draft Unified Agenda – Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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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 552(b)(5)) Ex 6 - (5 U.S.C. Sec 552(b)(5))
Cell: Ex 6 - (5 U.S.C. Sec 552(b)(5))

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From: "Martin, Carmel EOP/WHO" <Ex 6 - (5 Ex 6 - (5 >
To: DPC Economic Mobility <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >
Bcc: "Graubard, Vivian P. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >
Date: Mon, 22 Mar 2021 12:33:33 -0400
Attachments: Original ED Agenda Entries (Unreviewed).docx (64.87 kB); ED Change Report.pdf (129.16 kB); Agency Agenda Index - ED.xlsx (26.99 kB)

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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)

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

FW: Safeguarding American Innovation Act

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: Mon, 22 Mar 2021 14:23:34 -0400
Attachments: SAIA Sent to OMB 2021-17-03.docx (31.14 kB)

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process but wanted to make sure Ex 5 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: Leon, Bryan P. EOP/OMB
Sent: Monday, March 22, 2021 1:34 PM
To: Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Cc: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: FW: Safeguarding American Innovation Act

Alex,

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process It was S. 3997 from the last Congress.

Bryan

From: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Sent: Monday, March 22, 2021 1:13 PM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: FW: Safeguarding American Innovation Act

Per our discussion... This note below indicates that we may have done something on this before. Wanted to see if you had a record of this since I'm not 100 percent sure. Ex 5 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 if you find anything on this. Thanks Bryan.

From: Ward, Benjamin A. EOP/OMB
Sent: Monday, March 22, 2021 12:27 PM
To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: FW: Safeguarding American Innovation Act

Hey Matt, can we start the process on this one? Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
I'm trying to get a target date of intro, but Ex 5 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: Dockham, Andrew (HSGAC) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Sent: Wednesday, March 17, 2021 6:35 PM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Cc: Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Khan, Saadia (Carper) <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >

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

Subject: TA: Safeguarding American Innovation Act

Ben,

I hope all is well. I work for Sen. Portman as his Chief Counsel on HSGAC, so I look forward to being in touch and working together.

I wanted to send over a request for technical assistance on a bipartisan bill that we are working to reintroduce with Sen. Carper titled the *Safeguarding American Innovation Act*. This is a result of several reports last congress by Sens. Carper and Portman during their time at the Permanent Subcommittee on Investigations. I've cc'ed Sen. Carper's lead staffer Saadia Kahn.

Given Sen. Portman's move to HSGAC this Congress, we are also working with Sen. Peters this Congress to move the bill out of Committee, and I've cc'ed his staffer Yogin Kothari.

The last administration provided TA and most, if not all, of that has been incorporated into the attached draft. You will see that the majority of the bill deals with creating a Federal Research Security Council at OMB to secure and standardize the federal granting process. The remaining sections include, in short:

- Criminal penalties for knowingly failing to disclose outside/foreign compensation on federal research grant applications (Section 4);
- Authority for State Department to deny visas for individuals seeking to access export controlled technologies through exemptions and who also have associations with entities that pose a national or economic security threat (Section 5);
- Require exchange visitor sponsors to tell the State Department if an exchange visitor will have access to export controlled technologies (Section 6); and
- Lower the foreign gift reporting threshold for colleges and universities to \$50,000 from \$250,000 (Section 7).

If you have any questions, please don't hesitate to reach out. My direct is 202-228-0205. It would also be great to get a sense of when we could expect TA back from OMB. I look forward to working together on this and other projects.

Best,
Andy Dockham

1 Purpose: In the nature of a substitute.

2

3

4 S. 3997

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

7 Referred to the Committee on _____ and ordered to be
8 printed

9 Ordered to lie on the table and to be printed

10 AMENDMENT IN THE NATURE OF A SUBSTITUTE INTENDED TO BE
11 PROPOSED BY MR. PORTMAN (for himself and Mr. CARPER)

12 Viz:

13 Strike all after the enacting clause and insert the following:

14 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

15 (a) Short Title.—This Act may be cited as the “Safeguarding American Innovation Act”.

16 (b) Table of Contents.—The table of contents for this Act is as follows:

17 Sec.1.Short title; table of contents.

18 Sec.2.Definitions.

19 Sec.3.Federal Research Security Council.

20 Sec.4.Federal grant application fraud.

21 Sec.5.Restricting the acquisition of goods, technologies, and sensitive information to certain
22 aliens.

23 Sec.6.Limitations on educational and cultural exchange programs.

24 Sec.7.Amendments to disclosures of foreign gifts.

25 SEC. 2. DEFINITIONS.

26 In this Act:

27 (1) FEDERAL SCIENCE AGENCY.—The term “Federal science agency” means any Federal
28 department or agency to which more than \$100,000,000 in research and development funds
29 were appropriated for the previous fiscal year.

30 (2) RESEARCH AND DEVELOPMENT.—

31 (A) IN GENERAL.—The term “research and development” means all research
32 activities, both basic and applied, and all development activities.

[APG]

[AD]
3:45 PM

1 (B) DEVELOPMENT.—The term “development” means experimental development.

2 (C) EXPERIMENTAL DEVELOPMENT.—The term “experimental development” means
3 creative and systematic work, drawing upon knowledge gained from research and
4 practical experience, which—

5 (i) is directed toward the production of new products or processes or improving
6 existing products or processes; and

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

8 (D) RESEARCH.—The term “research”—

9 (i) means a systematic study directed toward fuller scientific knowledge or
10 understanding of the subject studied; and

11 (ii) includes activities involving the training of individuals in research
12 techniques if such activities—

13 (I) utilize the same facilities as other research and development activities;
14 and

15 (II) are not included in the instruction function.

16 SEC. 3. FEDERAL RESEARCH SECURITY COUNCIL.

17 (a) In General.—Subtitle V of title 31, United States Code, is amended by adding at the end
18 the following:

19 “CHAPTER 79—FEDERAL RESEARCH SECURITY 20 COUNCIL

21 “Sec.

22 “7901. Definitions.

23 “7902. Federal Research Security Council establishment and membership.

24 “7903. Functions and authorities.

25 “7904. Strategic plan.

26 “7905. Annual report.

27 “7906. Requirements for Executive agencies.

28 “7901. Definitions

29 “In this chapter:

30 “(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional
31 committees’ means—

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

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

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

[APG]

[AD]
3:45 PM

- 1 “(D) the Committee on Foreign Relations of the Senate;
2 “(E) the Committee on Armed Services of the Senate;
3 “(F) the Committee on Health, Education, Labor, and Pensions of the Senate;
4 “(G) the Committee on Oversight and Reform of the House of Representatives;
5 “(H) the Committee on Homeland Security of the House of Representatives;
6 “(I) the Committee on Energy and Commerce of the House of Representatives;
7 “(J) the Permanent Select Committee on Intelligence of the House of
8 Representatives;
9 “(K) the Committee on Foreign Affairs of the House of Representatives;
10 “(L) the Committee on Armed Services of the House of Representatives; and
11 “(M) the Committee on Education and Labor of the House of Representatives.
12 “(2) COUNCIL.—The term ‘Council’ means the Federal Research Security Council
13 established under section 7902(a).
14 “(3) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term
15 in section 105 of title 5.
16 “(4) FEDERAL RESEARCH SECURITY RISK.—The term ‘Federal research security risk’
17 means the risk posed by malign state actors and other persons to the security and integrity of
18 research and development conducted using grants awarded by Executive agencies.
19 “(5) INSIDER.—The term ‘insider’ means any person with authorized access to any United
20 States Government resource, including personnel, facilities, information, research,
21 equipment, networks, or systems.
22 “(6) INSIDER THREAT.—The term ‘insider threat’ means the threat that an insider will use
23 his or her authorized access (wittingly or unwittingly) to harm the national and economic
24 security of the United States or negatively affect the integrity of a Federal agency’s normal
25 processes, including damaging the United States through espionage, sabotage, unauthorized
26 disclosure of national security information or non-public information, or through the loss or
27 degradation of departmental resources, capabilities, and functions.
28 “(7) RESEARCH AND DEVELOPMENT.—
29 “(A) IN GENERAL.—The term ‘research and development’ means all research
30 activities, both basic and applied, and all development activities.
31 “(B) DEVELOPMENT.—The term ‘development’ means experimental development.
32 “(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means
33 creative and systematic work, drawing upon knowledge gained from research and
34 practical experience, which—
35 “(i) is directed toward the production of new products or processes or
36 improving existing products or processes; and
37 “(ii) like research, will result in gaining additional knowledge.

[APG]

1 “(D) RESEARCH.—The term ‘research’—

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

4 “(ii) includes activities involving the training of individuals in research
5 techniques if such activities—

6 “(I) utilize the same facilities as other research and development activities;
7 and

8 “(II) are not included in the instruction function.

9 “(8) UNITED STATES RESEARCH COMMUNITY.—The term ‘United States research
10 community’ means—

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

12 “(B) private research and development centers in the United States, including for-
13 profit and nonprofit research institutes;

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

16 “(D) research and development centers of States, United States territories, Indian
17 tribes, and municipalities;

18 “(E) government-owned, contractor-operated United States Government research
19 and development centers; and

20 “(F) any person conducting federally funded research or receiving Federal research
21 grant funding.

22 “7902. Federal Research Security Council establishment and 23 membership

24 “(a) Establishment.—There is established, in the Office of Management and Budget, a Federal
25 Research Security Council, which shall develop federally funded research and development grant
26 making policy and management guidance to protect the national and economic security interests
27 of the United States.

28 “(b) Membership.—

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

30 “(A) The Office of Management and Budget.

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

32 “(C) The Department of Defense.

33 “(D) The Department of Homeland Security.

34 “(E) The Office of the Director of National Intelligence, including the National
35 Counterintelligence and Security Center.

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

[APG]

[AD]
3:45 PM

- 1 “(G) The Department of Energy.
- 2 “(H) The Department of Commerce, including the National Institute of Standards
3 and Technology.
- 4 “(I) The Department of Health and Human Services, including the National
5 Institutes of Health.
- 6 “(J) The Department of State.
- 7 “(K) The Department of Transportation.
- 8 “(L) The National Aeronautics and Space Administration.
- 9 “(M) The National Science Foundation.
- 10 “(N) The Department of Education.
- 11 “(O) The Small Business Administration.
- 12 “(P) The Council of Inspectors General on Integrity and Efficiency.
- 13 “(Q) Other Executive agencies, as determined by the Chairperson of the Council.

14 “(2) LEAD REPRESENTATIVES.—

15 “(A) DESIGNATION.—Not later than 45 days after the date of the enactment of this
16 chapter, the head of each agency represented on the Council shall designate a
17 representative of that agency as the lead representative of the agency on the Council.

18 “(B) FUNCTIONS.—The lead representative of an agency designated under
19 subparagraph (A) shall ensure that appropriate personnel, including leadership and
20 subject matter experts of the agency, are aware of the business of the Council.

21 “(c) Chairperson.—

22 “(1) DESIGNATION.—Not later than 45 days after the date of the enactment of this
23 chapter, the Director of the Office of Management and Budget shall designate a senior-level
24 official from the Office of Management and Budget to serve as the Chairperson of the
25 Council.

26 “(2) FUNCTIONS.—The Chairperson shall perform functions that include—

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

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

30 “(C) in consultation with the lead representative of each agency represented on the
31 Council, developing a charter for the Council; and

32 “(D) not later than 7 days after completion of the charter, submitting the charter to
33 the appropriate congressional committees.

34 “(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology
35 Policy shall be the lead science advisor to the Chairperson for purposes of this chapter.

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

[APG]

1 chapter.

2 “(d) Meetings.—The Council shall meet not later than 60 days after the date of the enactment
3 of this chapter and not less frequently than quarterly thereafter.

4 “7903. Functions and authorities

5 “(a) In General.—The Chairperson of the Council shall consider the missions and
6 responsibilities of Council members in determining the lead agencies for Council functions. The
7 Council shall perform the following functions:

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

15 “(2) Developing and implementing a uniform and regular reporting process for
16 identifying persons participating in federally funded research and development or that have
17 access to nonpublic federally funded information, data, research findings, and research and
18 development grant proposals.

19 “(3) Identifying or developing criteria, in accordance with subsection (c), for sharing and
20 receiving information with respect to Federal research security risks in order to mitigate
21 such risks with—

22 “(A) members of the United States research community; and

23 “(B) other persons participating in federally funded research and development.

24 “(4) Identifying an appropriate Executive agency—

25 “(A) to accept and protect information submitted by Executive agencies and non-
26 Federal entities based on the processes established under paragraphs (1) and (2); and

27 “(B) to facilitate the sharing of information received under subparagraph (A) to
28 support, as necessary and appropriate—

29 “(i) oversight of federally funded research and development;

30 “(ii) criminal and civil investigations of misappropriated Federal funds,
31 resources, and information; and

32 “(iii) counterintelligence investigations.

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

34 “(A) shared services, such as support for conducting Federal research security risk
35 assessments, activities to mitigate such risks, and oversight and investigations with
36 respect to grants awarded by Executive agencies; and

37 “(B) common contract solutions to support enhanced information collection and
38 sharing and the verification of the identities of persons participating in federally funded
39 research and development.

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

8 “(7) Identifying and issuing guidance for developing compliance and oversight programs
9 for Executive agencies to ensure that research and development grant recipients accurately
10 report conflicts of interest and conflicts of commitment in accordance with subsection
11 (b)(1). Such programs shall include an assessment of—

12 “(A) a grantee’s support from foreign sources and affiliations with foreign funding
13 institutions or laboratories; and

14 “(B) the impact of such support and affiliations on United States national security
15 and economic interests.

16 “(8) Assessing and making recommendations with respect to whether openly sharing
17 certain types of federally funded research and development is in the economic and national
18 security interests of the United States.

19 “(9) Identifying and issuing guidance to the United States research community, and other
20 recipients of Federal research and development funding, to ensure that such institutions and
21 recipients adopt existing best practices to reduce the risk of misappropriation of research
22 data.

23 “(10) Identifying and issuing guidance on additional steps that may be necessary to
24 address Federal research security risks arising in the course of Executive agencies providing
25 shared services and common contract solutions under paragraph (5)(B).

26 “(11) Engaging with the United States research community in performing the functions
27 described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal
28 research security risks.

29 “(12) Carrying out such other functions, as determined by the Council, that are necessary
30 to reduce Federal research security risks.

31 “(b) Requirements for Uniform Grant Application Process.—In developing the uniform
32 application process for Federal research and development grants required under subsection
33 (a)(1), the Council shall—

34 “(1) ensure that the process—

35 “(A) requires principal investigators, co-principal investigators, and senior personnel
36 associated with the proposed Federal research or development grant project—

37 “(i) to disclose biographical information, all affiliations, including any foreign
38 military, foreign government-related organizations, and foreign-funded
39 institutions, and all current and pending support, including from foreign
40 institutions, foreign governments, or foreign laboratories, and all support received
41 from foreign sources; and

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1 “(ii) to certify the accuracy of the required disclosures under penalty of perjury;
2 and

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

5 “(2) design the process—

6 “(A) to reduce the administrative burden on persons applying for Federal research
7 and development funding; and

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

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

12 “(c) Requirements for Information Sharing Criteria.—In identifying or developing criteria and
13 procedures for sharing information with respect to Federal research security risks under
14 subsection (a)(3), the Council shall ensure that such criteria address, at a minimum—

15 “(1) the information to be shared;

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

17 “(3) the circumstances under which it is appropriate for an Executive agency to rely on
18 information made available through such sharing in exercising the responsibilities and
19 authorities of the agency under applicable laws relating to the award of grants;

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

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

24 “(d) Requirements for Insider Threat Program Guidance.—In identifying or developing
25 guidance with respect to insider threat programs under subsection (a)(6), the Council shall ensure
26 that such guidance provides for, at a minimum—

27 “(1) such programs—

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

29 “(B) to leverage counterintelligence, security, information assurance, and other
30 relevant functions and resources to identify and counter insider threats; and

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

33 “(A) monitoring user activity on computer networks controlled by Executive
34 agencies;

35 “(B) providing employees of Executive agencies with awareness training with
36 respect to insider threats and the responsibilities of employees to report such threats;

37 “(C) gathering information for a centralized analysis, reporting, and response
38 capability; and

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1 “(D) information sharing to aid in tracking the risk individuals may pose while
2 moving across programs and affiliations;

3 “(3) the development and implementation of policies and procedures under which the
4 insider threat program of an Executive agency accesses, shares, and integrates information
5 and data derived from offices within the agency;

6 “(4) the designation of senior officials with authority to provide management,
7 accountability, and oversight of the insider threat program of an Executive agency and to
8 make resource recommendations to the appropriate officials; and

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

11 “(e) Issuance of Warnings Relating to Risks and Vulnerabilities in International Scientific
12 Cooperation.—

13 “(1) IN GENERAL.—The Council, in conjunction with the lead security advisor under
14 section 7902(c)(4), shall establish a process for informing members of the United States
15 research community and the public, through the issuance of warnings described in
16 paragraph (2), of potential risks and vulnerabilities in international scientific cooperation
17 that may undermine the integrity and security of the United States research community or
18 place at risk any federally funded research and development.

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

21 “(A) activities by the national government, local governments, research institutions,
22 or universities of a foreign country—

23 “(i) to exploit, interfere, or undermine research and development by the United
24 States research community; or

25 “(ii) to misappropriate scientific knowledge resulting from federally funded
26 research and development;

27 “(B) efforts by strategic competitors to exploit the research enterprise of a foreign
28 country that may place at risk—

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

30 “(ii) federally funded research and development; and

31 “(C) practices within the research enterprise of a foreign country that do not adhere
32 to the United States scientific values of openness, transparency, reciprocity, integrity,
33 and merit-based competition.

34 “(f) Program Office and Committees.—The interagency working group established under
35 section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–
36 92) shall be a working group under the Council performing duties authorized under such section
37 and as directed by the Council. The Council shall use any findings or work product, existing or
38 forthcoming, by such working group. The Council may also establish a program office and any
39 committees, working groups, or other constituent bodies the Council deems appropriate, in its
40 sole and unreviewable discretion, to carry out its functions.

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1 “(g) Exclusion Orders.—To reduce Federal research security risk, the Interagency Suspension
2 and Debarment Committee shall provide quarterly reports to the Council that detail—

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

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

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

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

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

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

16 “7904. Strategic plan

17 “(a) In General.—Not later than 180 days after the date of the enactment of this chapter, the
18 Council shall develop a strategic plan for addressing Federal research security risks and for
19 managing such risks, that includes—

20 “(1) the criteria and processes required under section 7903(a), including a threshold and
21 requirements for sharing relevant information about such risks with all Executive agencies
22 and, as appropriate, with other Federal entities, foreign governments, and non-Federal
23 entities;

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

25 “(3) an identification and promulgation of best practices and procedures, and an
26 identification of available resources, for Executive agencies to assess and mitigate such
27 risks;

28 “(4) recommendations for any legislative, regulatory, or other policy changes to improve
29 efforts to address such risks;

30 “(5) recommendations for any legislative, regulatory, or other policy changes to
31 incentivize the adoption of best practices for avoiding and mitigating Federal research
32 security risks by the United States research community and key United States foreign
33 research partners;

34 “(6) an evaluation of the effect of implementing new policies or procedures on existing
35 Federal grant processes, regulations, and disclosures of conflicts of interest and conflicts of
36 commitment;

37 “(7) a plan for engaging with Executive agencies, the private sector, and other
38 nongovernmental stakeholders to address such risks and share information between
39 Executive agencies, the private sector, and nongovernmental stakeholders; and

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1 “(8) a plan for identification, assessment, mitigation, and vetting of Federal research
2 security risks.

3 “(b) Submission to Congress.—Not later than 7 calendar days after completion of the strategic
4 plan required by subsection (a), the Chairperson of the Council shall submit the plan to the
5 appropriate congressional committees.

6 “7905. Annual report

7 “Not later than December 15 of each year, the Chairperson of the Council shall submit a report
8 to the appropriate congressional committees that describes—

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

10 “(2) the progress made toward implementing the strategic plan required under section
11 7904 after such plan has been submitted to Congress.

12 “7906. Requirements for Executive agencies

13 “(a) In General.—The head of each Executive agency on the Council shall be responsible
14 for—

15 “(1) assessing Federal research security risks posed by persons participating in federally
16 funded research and development;

17 “(2) avoiding or mitigating such risks, as appropriate and consistent with the standards,
18 guidelines, requirements, and practices identified by the Council under section 7903(a);

19 “(3) prioritizing Federal research security risk assessments conducted under paragraph (1)
20 based on the applicability and relevance of the research and development to the national
21 security and economic competitiveness of the United States; and

22 “(4) ensuring that all agency initiatives impacting Federally funded research grant
23 making policy and management to protect the national and economic security interests of
24 the United States are integrated with the activities of the Council.

25 “(b) Inclusions.—The responsibility of the head of an Executive agency for assessing Federal
26 research security risk described in subsection (a) includes—

27 “(1) developing an overall Federal research security risk management strategy and
28 implementation plan and policies and processes to guide and govern Federal research
29 security risk management activities by the Executive agency;

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

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

34 “(4) reporting on the effectiveness of the Federal research security risk management
35 strategy of the Executive agency consistent with guidance issued by the Office of
36 Management and Budget and the Council.”.

37 (b) Clerical Amendment.—The table of chapters at the beginning of title 31, United States
38 Code, is amended by inserting after the item relating to chapter 77 the following new item:

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1 “79.Federal Research Security Council
2 7901.”.

3 SEC. 4. FEDERAL GRANT APPLICATION FRAUD.

4 (a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end
5 the following:

6 “1041. Federal grant application fraud

7 “(a) Definitions.—In this section:

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

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

11 “(A) means a grant awarded by a Federal agency;

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

14 “(C) does not include—

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

16 “(ii) a subsidy;

17 “(iii) a loan;

18 “(iv) a loan guarantee; or

19 “(v) insurance.

20 “(3) FEDERAL GRANT APPLICATION.—The term ‘Federal grant application’ means an
21 application for a Federal grant.

22 “(4) FOREIGN COMPENSATION.—The term ‘foreign compensation’ means a title, monetary
23 compensation, access to a laboratory or other resource, or other benefit received from—

24 “(A) a foreign government;

25 “(B) a foreign government institution; or

26 “(C) a foreign public enterprise.

27 “(5) FOREIGN GOVERNMENT.—The term ‘foreign government’ includes a person acting or
28 purporting to act on behalf of—

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

31 “(B) a foreign government or a person purporting to act as a foreign government,
32 regardless of whether the United States recognizes the government.

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

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1 “(7) FOREIGN PUBLIC ENTERPRISE.—The term ‘foreign public enterprise’ means an
2 enterprise over which a foreign government directly or indirectly exercises a dominant
3 influence.

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

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

6 “(B) includes—

7 “(i) the Office of Inspector General of an establishment (as defined in section
8 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal
9 entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C.
10 App.)); and

11 “(ii) the Office of Inspector General, or similar office, of a State or unit of local
12 government.

13 “(9) OUTSIDE COMPENSATION.—The term ‘outside compensation’ means any
14 compensation, resource, or support regardless of monetary value made available to the
15 applicant in support of or related to any research endeavor, including, but not limited to, a
16 title, research grant, cooperative agreement, contract, institutional award, access to a
17 laboratory, or other resource, including, but not limited to, materials, travel compensation,
18 or work incentives.

19 “(b) Prohibition.—It shall be unlawful for any individual to knowingly—

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

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

24 “(3) prepare, submit, or assist in the preparation or submission of a Federal grant
25 application or document in connection with a Federal grant application that—

26 “(A) contains a false statement;

27 “(B) contains a material misrepresentation;

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

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

30 “(c) Exception.—Subsection (b) does not apply to an activity—

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

33 “(A) a law enforcement agency; or

34 “(B) a Federal intelligence agency; or

35 “(2) authorized under chapter 224.

36 “(d) Penalty.—Any individual who violates subsection (b)—

37 “(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or

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1 both; and

2 “(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning
3 on the date on which a sentence is imposed on the individual under paragraph (1).”.

4 (b) Clerical Amendment.—The table of sections for chapter 47 of title 18, United States Code,
5 is amended by adding at the end the following:

6 “1041. Federal grant application fraud.”.

7 **SEC. 5. RESTRICTING THE ACQUISITION OF GOODS,**
8 **TECHNOLOGIES, AND SENSITIVE INFORMATION TO**
9 **CERTAIN ALIENS.**

10 (a) Grounds of Inadmissibility.—Section 212(a)(3)(A)(i) of the Immigration and Nationality
11 Act (8 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

12 “(i) any activity—

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

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

17 “(III) to acquire export-controlled goods, technologies, or sensitive
18 information through any exclusions for items normally subject to export
19 controls if the Secretary of State has determined that the acquisition of those
20 goods, technologies, or sensitive information would be contrary to an
21 articulable national security (including economic security) interest of the
22 United States;”.

23 (b) Determining Factors.—

24 (1) IN GENERAL.—To determine an alien is inadmissible under section
25 212(a)(3)(A)(i)(III) of the Immigration and Nationality Act, as amended by subsection (a),
26 officials of the Department of State shall—

27 (A) seek advice and assistance from officials at the Office of the Director of
28 National Intelligence, the Office of Science and Technology Policy, the Department of
29 Health and Human Services, the Department of Defense, the Department of Homeland
30 Security, the Department of Energy, the Department of Commerce, and other
31 appropriate Federal agencies;

32 (B) make a determination of the alien’s past, current, or intended employment or
33 cooperation with—

34 (i) foreign military and security related organizations that are adversarial to the
35 United States;

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

37 (iii) entities involved in export control violations or the theft of intellectual
38 property;

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1 (iv) a government that seeks to undermine the integrity and security of the
2 United States research community; or

3 (v) other associations or collaborations that pose a national or economic
4 security threat based on intelligence assessments

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

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

8 (A) use a machine-readable visa application form; and

9 (B) make available documents submitted in support of a visa application in a
10 machine readable format to assist in—

11 (i) identifying fraud;

12 (ii) conducting lawful law enforcement activities; and

13 (iii) determining the eligibility of applicants for a visa under the Immigration
14 and Nationality Act (8 U.S.C. 1101 et seq.).

15 (c) Reporting Requirement.—Not later than 180 days after the date of the enactment of this
16 Act, and annually thereafter, the Secretary of State, in coordination with the Director of National
17 Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of
18 Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of
19 Commerce, and the heads of other appropriate Federal agencies, shall submit a report to
20 Congress that identifies—

21 (1) any criteria used to describe the aliens to which such section 212(a)(3)(A)(i)(III) may
22 apply; and

23 (2) the number of individuals determined to be inadmissible under such section
24 212(a)(3)(A)(i)(III), including the nationality of each such individual.

25 (d) Classification of Annual Report.—Each annual report required under subsection (c) shall
26 be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a
27 classified appendix detailing the criteria used to describe the category of aliens to which such
28 section 212(a)(3)(A)(i)(III) applies if the Secretary of State determines that such action—

29 (1) is in the national security and economic security interests of the United States; or

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

31 (e) Report.—Not later than 45 days after date of the enactment of this Act, the Secretary of
32 State shall submit a report to the Committee on Homeland Security and Governmental Affairs of
33 the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select
34 Committee on Intelligence of the Senate, the Committee on Foreign Relations of the Senate; the
35 Committee on Oversight and Reform of the House of Representatives, the Committee on
36 Homeland Security of the House of Representatives, the Committee on Energy and Commerce of
37 the House of Representatives, the Permanent Select Committee on Intelligence of the House of
38 Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

39 (1) describes how supplementary documents provided by a visa applicant in support of a
40 visa application are stored and shared by the Department of State with authorized Federal

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1 agencies;

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

4 (3) provides cost estimates, including personnel costs and a cost-benefit analysis for
5 adopting different technologies, including optical character recognition, for—

6 (A) making every element of a visa application, and documents submitted in support
7 of a visa application, machine-readable; and

8 (B) ensuring that such system—

9 (i) protects personally-identifiable information; and

10 (ii) permits the sharing of visa information with Federal agencies in accordance
11 with existing law; and

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

14 SEC. 6. LIMITATIONS ON EDUCATIONAL AND 15 CULTURAL EXCHANGE PROGRAMS.

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

21 “(A) to disclose to the Department of State whether an exchange visitor, as a
22 primary part of his or her exchange program, will have released to them controlled
23 technology or technical data regulated by export control laws at sponsor organizations
24 through research activities, lectures, course work, sponsor employees, officers, agents,
25 third parties at which the sponsor places the exchange visitor, volunteers, or other
26 individuals or entities associated with a sponsor’s administration of the exchange
27 visitor program;

28 “(B) to provide a plan to the Department of State that establishes appropriate
29 program safeguards to prevent the unauthorized release of controlled technology or
30 technical data regulated by export control laws at sponsor organizations or through
31 their employees, officers, agents, third parties, volunteers, or other individuals or
32 entities associated with a sponsor’s administration of the exchange visitor program;
33 and

34 “(C) to demonstrate, to the satisfaction of the Secretary of State, that programs that
35 will release controlled technology or technical data to an exchange visitor at the
36 sponsor organization through exchange visitor programs have received appropriate
37 authorization from the Department of State, the Department of Commerce, other
38 cognizant Federal agency before the sponsor releases controlled technology or
39 technical data;”.

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1 SEC. 7. AMENDMENTS TO DISCLOSURES OF FOREIGN
2 GIFTS.

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

4 (1) by amending subsection (a) to read as follows:

5 “(a) Disclosure Report.—

6 “(1) IN GENERAL.—An institution shall file a disclosure report with the Secretary not later
7 than March 31 occurring after—

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

10 “(B) the calendar year in which the institution receives a gift from, or enters into a
11 contract with, a foreign source, the value of which is \$50,000 or more, considered
12 alone or in combination with all other gifts from or contracts with that foreign source
13 within a calendar year.

14 “(2) REVISIONS; UPDATES.—The Secretary shall permit institutions to revise and update
15 disclosure reports previously filed to ensure accuracy, compliance, and the ability to cure.”;

16 (2) by amending subsection (b) to read as follows:

17 “(b) Contents of Report.—Each report to the Secretary required by this section shall contain
18 the following:

19 “(1) For gifts received from or contracts entered into with a foreign source other than a
20 foreign government, the aggregate dollar amount of such gifts and contracts attributable to a
21 particular country and the legal or formal name of the foreign source. The country to which
22 a gift is attributable is the country of citizenship, or if unknown, the principal residence for a
23 foreign source who is a natural person, and the country of incorporation, or if unknown, the
24 principal place of business, for a foreign source which is a legal entity.

25 “(2) For gifts received from or contracts entered into with a foreign government, the
26 aggregate amount of such gifts and contracts received from each foreign government.

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

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

34 “(5) An assurance that the institution will produce true copies of gift and contract
35 agreements subject to the disclosure requirements under this section upon request of the
36 Secretary during a compliance audit or other institutional investigation.”;

37 (3) by amending subsection (e) to read as follows:

38 “(e) Public Inspection.—Not later than 30 days after receiving a disclosure report under this
39 section, the Secretary shall make such report electronically available to the public for

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1 downloading on a searchable database under which institutions can be individually identified and
2 compared.”;

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

4 “(3) FINES.—

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

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

12 (5) by amending subsection (g) to read as follows:

13 “(g) Rulemaking.—

14 “(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Safeguarding
15 American Innovation Act, the Secretary shall issue regulations to carry out this section
16 using the negotiated rulemaking procedure set forth in section 492(b).

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

18 “(A) incorporate instructions for—

19 “(i) reporting structured gifts and contracts; and

20 “(ii) reporting contracts that balances the need for transparency, while
21 protecting the proprietary information of institutes of higher education; and

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

23 (6) by redesignating subsection (h) as subsection (i);

24 (7) by inserting after subsection (g) the following:

25 “(h) Treatment of Tuition Payment.—A tuition and related fees and expenses payment to an
26 institution by, or a scholarship from, a foreign source made on behalf of a student enrolled at
27 such institution shall not be considered a gift from or contract with a foreign source under this
28 section.”; and

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

30 (A) in paragraph (3), by striking “or property” and inserting “, property, resources,
31 or staff, including any funds provided to the institution and used to or designated to
32 pay staff”; and

33 (B) in paragraph (5)(B), by inserting “institutes, instructional programs,” after
34 “centers,”.
35

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

From: "Tracey-Mooney, Maureen EOP/WHO" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
To: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Ahmed, Shagufta I. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Sun, 28 Mar 2021 22:06:22 -0400
Attachments: Original ED Agenda Entries (Unreviewed) mtm.docx (69.81 kB)

Comments attached! Thanks!

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 Ex 6 - (5)>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 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. Sec Ex 6 - (5)>; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. Ex 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 Ex 6 - (5)>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Garuti, Marc A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. 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.C. Ex 6 - (5)>; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 U.S.C. Ex 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. Ex 6 - (5)>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. Ex 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))>; Lawyer, Daniel A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 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. Sec Ex 6 - (5)>; Block, Sharon I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Barron, Alexander R. 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: Dept. of Education Draft 2021 Spring Agenda - Comments due Monday (3/29) at 12:00 PM

Greetings,

The Department of Education has sent its draft Spring 2021 Unified Agenda. Please find attached ED's draft Agenda, Agenda Index, and Change Report. We request your comments on the draft Agenda via track changes by **Monday, March 29, at 12:00 PM. Please send them to Lindsay Abate and Shagufta Ahmed.** This is your primary opportunity to review all agenda entries submitted by the agency. If you think of others in EOP who would be interested in reviewing these documents, please let me know.

Description of the attachments:

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

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 you focus your review on policy concerns/content and keep in mind that: Ex 5 DP- (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 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 552(b)(5)) Deliberative Process
 Cell: Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

From: "Wall, Mary C. EOP/WHO" <Ex 6 - (5 Ex 6 - (5 >
To: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >
Cc: "Po, Rosa EOP/WHO" <Ex 6 - (5 Ex 6 - (5 >
Date: Mon, 29 Mar 2021 10:06:57 -0400
Attachments: Original ED Agenda Entries (Unreviewed)_MW.docx (69.91 kB)

Hi Lindsay – see attached from me

I don't expect Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Deliberative Process but will let you know by noon if so

thanks

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 Ex 6 - (5 >; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Knackstedt, Kimberly EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Martin, Carmel EOP/WHO <Ex 6 - (5 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. Ex 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 Ex 6 - (5 >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Garufi, Marc A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. Ex 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.C. 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. Sec Ex 6 - (5 >; Garg, Arpit K. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Adiga, Mala EOP/WHO <Ex 6 - (5 Ex 6 - (5 >; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; 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. Ex 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. Ex 6 - (5 >; Block, Sharon I. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Barron, Alexander R. 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 >

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

RE: HSGAC China package items

From: "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Tue, 06 Apr 2021 13:00:05 -0400

I forgot to mention this! On HOME Act, I don't believe they have sent us language yet. Their doc indicates it came up in the 116th but also that they were seeking FDA and HELP feedback so if they have new text we can have folks review that. Apologies for not mentioning that in my last note.

From: Vaeth, Matt J. EOP/OMB
Sent: Tuesday, April 6, 2021 12:47 PM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Subject: RE: HSGAC China package items

Thank you for this, this is helpful! If you <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative
<Ex 5 DP- (5 U.S.C.) please let me know.

On SAIA, we sent that around for comment with responses due yesterday. Most agencies asked for an extension, so we're going to put together what we have as of tomorrow morning and will connect with you on next steps. For what it's worth...

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

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

We've sent a couple of other items around today already but I do not believe they could be done this week given <Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

<Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. Will keep you posted.

Appreciate your help in bringing some clarity to this!

From: Ward, Benjamin A. EOP/OMB
Sent: Tuesday, April 6, 2021 12:15 PM
To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Subject: FW: HSGAC China package items

From: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senateEx [REDACTED])>
Sent: Tuesday, April 6, 2021 12:14 PM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>
Subject: RE: HSGAC China package items

Portman's SAIA is first because finding a path for that is necessary to having any HSGAC package. We think the HOME Act is ready to introduce, so perhaps you guys could look at that quickly and tie it off.

We have an internal call today as well as a Portman call today – let me circle back on priority tiers for the rest after that?

From: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED])>
Sent: Tuesday, April 6, 2021 12:04 PM
To: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senateEx [REDACTED])>
Subject: RE: HSGAC China package items

Do you have a rank prioritization for this? We are working to provide TA as soon as we can.

From: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senateEx [REDACTED])>
Sent: Saturday, March 27, 2021 7:29 AM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED] Ex [REDACTED])>
Cc: Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senateEx [REDACTED])>; Chang, Lena (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senateEx [REDACTED])>; Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senateEx [REDACTED])>; Benecke, Michelle (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senateEx [REDACTED])>
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 116th 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.

- o 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 116th 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 116th 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 116th 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 116th 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 116th 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 116th 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).

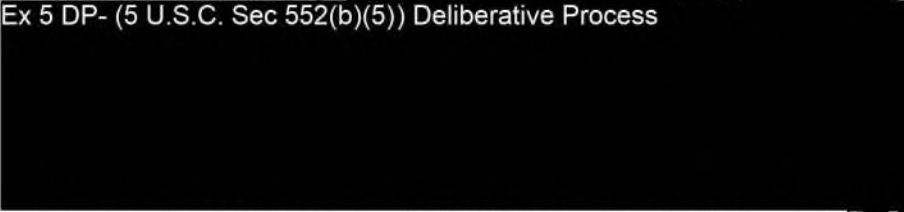
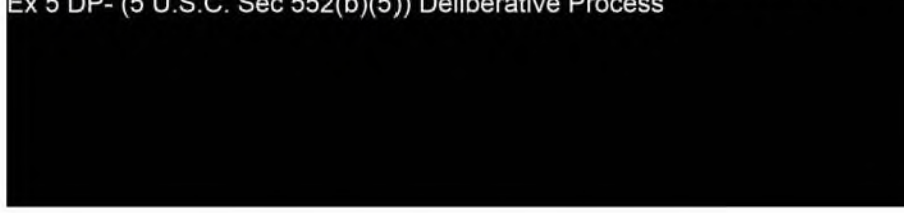
Re: Summary of WIFI Portfolio Items

From: "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Thu, 08 Apr 2021 20:31:43 -0400
Attachments: Interagency Comments on Buy American Proposals.docx (33.4 kB); Safeguarding American Innovation Act Talking Points.docx (29.84 kB); Safeguarding American Innovation Act Interagency Comments.docx (134.06 kB)

Thanks Will! <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

On Apr 8, 2021, at 8:22 PM, Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))> wrote:

Bryan – I finally made it through my inbox. Please see below for a summary of outstanding items.

- China Bill
 - **Safeguarding American Innovation Act [File located in Foreign Affairs Introduced Bills/Senate]** – Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

 - **"Buy American" bills [File located in WIFI Introduced Bills/Senate]** – Ex 5
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process


- **FY22 Intelligence Authorization [File located in WIFI Draft Bills]**
 - Interagency responses that I have received so far <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process>

Thanks,
Will

Deliberative: Thoughts for OIRA/EIML huddle on ED issues

From: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
To: "Block, Sharon I. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Barron, Alexander R. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Cc: "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>, "Skloot, Evan C. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Seehra, Jasmeet K. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>, "Kymn, Christine J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>, "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Date: Wed, 21 Apr 2021 10:36:49 -0400
Attachments: Original ED Agenda Entries (Unreviewed) - EOP 4.7.21_ED Responses.docx (108.31 kB)

All,

In preparation for your ED huddle with EIML today, I wanted to let you know that we met with the OMB Education Branch yesterday for a staff level conversation about Ex 5 DP- (5 U.S.C. Sec

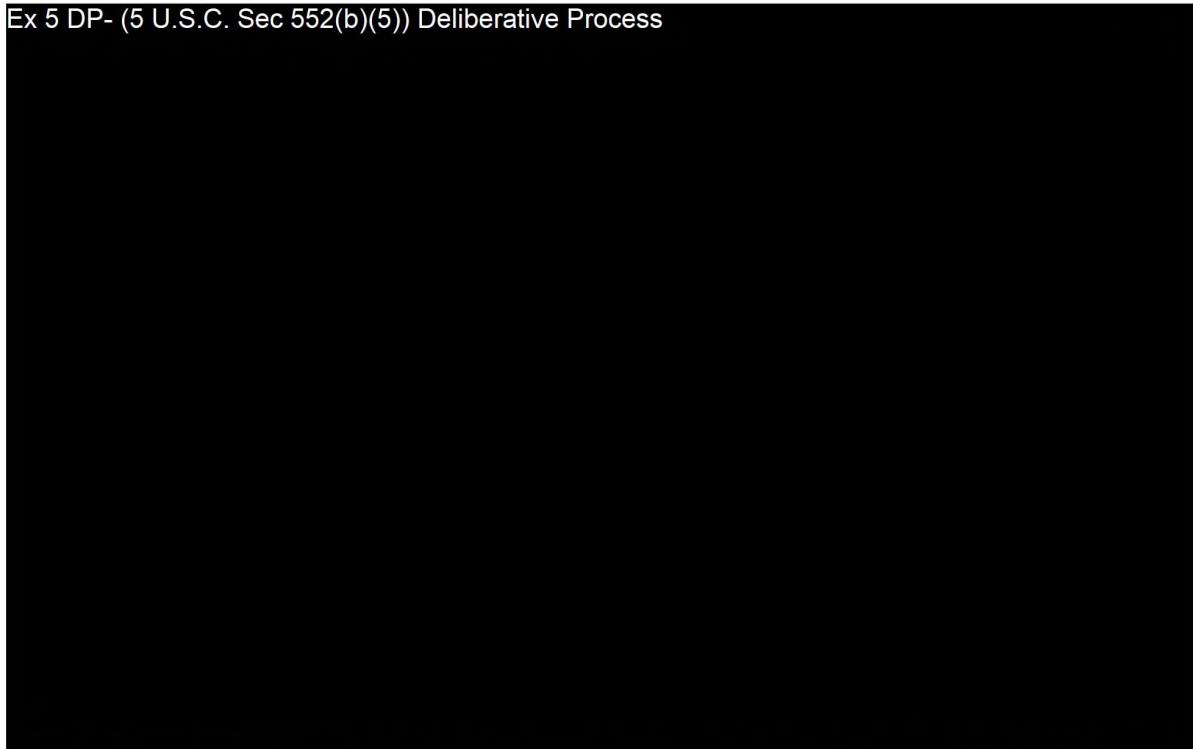
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process (attached). Ex 5
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Deliberative Process

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

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

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

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



Thanks very much for your continued efforts to improve the ED review process and workload. We greatly appreciate it.

Best,
Lindsay and team

DELIBERATIVE AND PREDECISIONAL STAFF COMMUNICATION

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

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

Cell: Ex 6 - (5

RE: TA on Portman Bill

From: "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
To: "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Cc: "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Date: Thu, 22 Apr 2021 13:02:31 -0400

Ben,


In terms of what we can provide on a very quick turnaround. I found some comments from DoEd that explained their views Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. These seem to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. So perhaps these would help provide context, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process.

Sorry that I can't provide more quickly. Since DoEd's views Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process.

Bryan

Section 9. Amendments to Disclosures of Foreign Gifts under § 117 of the Higher Education Act of 1965.

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



From: Riddle, Paul
Sent: Tuesday, March 3, 2020 12:53 PM
To: Rodgers, Marshall J.
Cc: Douglas, Michelle ; Merolli, Emily

Subject: RE: LRM: [MJR-116-180] Due 03/03 Tuesday@12:00PM -- Request for Views on "Protecting America's Research Advantage Act"

Marshall: To be more specific, 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
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

As you may know, this section of the HEA
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

-----Original Message-----

From: Ward, Benjamin A. EOP/OMB
Sent: Thursday, April 22, 2021 12:19 PM
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))>
Subject: FW: TA on Portman Bill

Can we circle back with DoED to ask them to provide more robust comments now that this bill is probably moving?

-----Original Message-----

From: Kuiken, Michael (Schumer) <Ex 6 - (5 U.S.C. Sec 552(b)(5))>.senate <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Sent: Thursday, April 22, 2021 12:12 PM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: RE: TA on Portman Bill

It basically just says "we didn't have enough time to review this but we'd need time and money."

-----Original Message-----

From: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Sent: Thursday, April 22, 2021 10:48 AM
To: Kuiken, Michael (Schumer) <Ex 6 - (5 U.S.C. Sec 552(b)(5))>.senate <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: RE: TA on Portman Bill

Footnote 11 on page 54 is the only DoEd comment, I believe.

-----Original Message-----

From: Kuiken, Michael (Schumer) <Ex 6 - (5 U.S.C. Sec 552(b)(5))>.senate <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Sent: Thursday, April 22, 2021 10:17 AM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: RE: TA on Portman Bill

These don't reflect Dept of Ed comments. We're going to need them.

-----Original Message-----

From: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Sent: Wednesday, April 21, 2021 2:50 PM
To: Kuiken, Michael (Schumer) <Ex 6 - (5 U.S.C. Sec 552(b)(5))>.senate <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: RE: TA on Portman Bill

Consolidated interagency comments and redline are attached. I've been told that DOJ did not respond to the OMB request for feedback and DOJ informed my team any stated position from the FBI is premature and has not been signed off on by DOJ leadership.

-----Original Message-----

From: Kuiken, Michael (Schumer) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Sent: Tuesday, April 20, 2021 9:57 PM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: Re: TA on Portman Bill

P.S. I asked for consolidated TA nearly a week ago.

-----Original Message-----

From: Mike Kuiken <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Tuesday, April 20, 2021 at 9:56 PM
To: Benjamin Ward <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Rebecca Brocato <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Chris Slevin <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Jon Cardinal <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Sam Rodarte <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Reza Zomorrodian <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: Re: TA on Portman Bill

Thanks, Ben.

This document and the DHS TA are already all over the Senate. We need the consolidated TA that was requested nearly a week ago. The longer these one-off documents circulate, the more confusion and more opportunity for misinformation are created.

Please give me a timeline on the consolidated TA.

-----Original Message-----

From: Benjamin Ward <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Tuesday, April 20, 2021 at 9:48 PM
To: Mike Kuiken <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Rebecca Brocato <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Chris Slevin <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Jon Cardinal <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Sam Rodarte <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>, Reza Zomorrodian <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: RE: TA on Portman Bill

Attached is consolidated TA on SAIA that Portman and Peters have already seen. A consolidated redline is going to take a bit longer.

-----Original Message-----

From: Ward, Benjamin A. EOP/OMB
Sent: Monday, April 19, 2021 4:56 PM
To: 'Kuiken, Michael (Schumer)' <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>; Brocato, Rebecca R. EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>; Cardinal, Jon (Schumer) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>; Rodarte, Sam (Schumer) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>; Zomorrodian, Reza (Schumer) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: RE: TA on Portman Bill

We will see what we can do.

-----Original Message-----

From: Kuiken, Michael (Schumer) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Sent: Monday, April 19, 2021 4:38 PM
To: Brocato, Rebecca R. EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>; Cardinal, Jon (Schumer) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6 - (5 U.S.C. Sec [REDACTED])>

<Ex 6 - (5 U.S.C. Sec [redacted] senate Ex 6 >; Rodarte, Sam (Schumer)
<Ex 6 - (5 U.S.C. Sec [redacted] senate Ex >; Zomorrodian, Reza (Schumer)
<Ex 6 - (5 U.S.C. Sec [redacted] senate Ex >; Ward, Benjamin A. EOP/OMB
<Ex 6 - (5 U.S.C. Ex 6 - (5 >

Subject: RE: TA on Portman Bill

+ Ben for SA

-----Original Message-----

From: Kuiken, Michael (Schumer)

Sent: Monday, April 19, 2021 3:07 PM

To: Rebecca Brocato (Ex 6 - (5 U.S.C. Sec [redacted]) <Ex 6 - (5 U.S.C. Sec [redacted]>

Cc: christopher [redacted]slevin@who[redacted] Ex 6 - [redacted]; Cardinal, Jon (Schumer)

<Ex 6 - (5 U.S.C. Sec [redacted] senate Ex >; Rodarte, Sam (Schumer)

<Ex 6 - (5 U.S.C. Sec [redacted] senate Ex >; Zomorrodian, Reza (Schumer)

<Ex 6 - (5 U.S.C. Sec [redacted] senate Ex >

Subject: TA on Portman Bill

RB -

Just a reminder that I need that TA pronto and no later than tomorrow COB.

Also, please have folks ready to go for a discussion as early as Thursday.

-- Mike

FW: Meeting on Safeguarding American Innovation Act Next Steps

From: "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >
To: "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Hirsch, Quinn N. EOP/OMB" <Ex 6 - (5 Ex 6 - (5) >
Cc: "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Aguilar, Brenda L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Date: Mon, 03 May 2021 12:17:22 -0400
Attachments: LAST CALL -- DUE 5PM TODAY -- LRM: [BL-117-3] -- OMB Talking Points on S__ - Safeguarding American Innovation (360.45 kB); DUE 4PM TODAY -- LRM: [BL-117-3] Due 04/09/2021 Friday at 4:00 PM -- OMB Talking Points on S__ - Safeguarding American Innovation (919.55 kB)

Elyse, I'm adding you to this thread, as it appears you were not originally on the distribution list. I'll forward the invite for this afternoon's 2:30 p.m. meeting; if you'd like more background before then, please let me know.

Best,
Libby

From: Hennemuth, Elizabeth I. EOP/OMB
Sent: Friday, April 30, 2021 4:52 PM
To: Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Cc: Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Se Ex 6 - (5) >; Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Subject: RE: Meeting on Safeguarding American Innovation Act Next Steps

Hi, Quinn:

I forwarded the meeting invite below because it seems there may be Ex 5 DP- (5 U.S.C. Sec. Attached are related emails from Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process for the Safeguarding American Innovation Act (<https://www.congress.gov/bill/116th-congress/senate-bill/3997/text?r=5&s=1>) Ex 5 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 6 - (5 U.S.C. Sec the day of this recent LRM, but Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) If we join a call on this, it would be mainly to Ex 5 DP- (5 U.S.C. Ex 5 DP- (5 though Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Best,
Libby

Libby Hennemuth
OMB | OIRA | Privacy Branch

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

From: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Sent: Friday, April 30, 2021 1:46 PM
To: Leon, Bryan P. EOP/OMB; Thomas, Will III EOP/OMB; Vahlsing, Candace M. EOP/OMB;

Pasquantino, John C. EOP/OMB; Shawcross, Paul J. EOP/OMB; Mok, Emily A. EOP/OMB; Pei, Yi EOP/OMB; Nassif, Rob J. EOP/OMB; McNavage, William EOP/OMB; Dorgelo, Cristin A. EOP/OMB; Collin, Victoria W. EOP/OMB; Moncada, Kirsten J. EOP/OMB; Hennemuth, Elizabeth I. EOP/OMB; Ward, Benjamin A. EOP/OMB; Welch, Lily M. EOP/OMB

Subject: Meeting on Safeguarding American Innovation Act Next Steps

When: Monday, May 3, 2021 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Zoom invite to follow

Hello all. Wanted to round up the group on this invite to get together for an OMB conversation regarding the Safeguarding American Innovation Act. This 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

Ex 5 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

While not everyone appears to be available during this time slot, this looked to be the best bet to get critical mass for this discussion.

Will follow later with a Zoom invite. If you have any questions on this please let me know.

Thanks very much -- Matt

LAST CALL -- DUE 5PM TODAY -- LRM: [BL-117-3] -- OMB Talking Points on S___ - Safeguarding American Innovation

From: "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: DL NSC LRM <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: "Meier, Edward F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Sullivan, Patrick K. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Vahlsing, Candace M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Evans, Beatrix C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Pasquantino, John C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Lucas, Adrienne E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Colyar, Kelly T. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "McDonald, Christine A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Regen, Heather P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Pipan, Joseph G. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Sandy, Mark S. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "O'Kane, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Crow, Rose C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Roy, Amanda E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Fischietto, Mary S. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Garufi, Marc A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Stein, Nora H. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Saunders, Ruth D. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Abrams, Andrew D. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Faezi-Marian, Farnoosh EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Dick, John H. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Black, Sam J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Mok, Emily A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "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 [REDACTED])>, "Slevin, Christopher J. EOP/WHO" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Rodgers, Marshall J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL NSC Cyber <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL NSC INTECON <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL NSC Asia <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL NSC Legal <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL NSC Legislative <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL NSC Defense <Ex 6 - (5 U.S.C. Sec [REDACTED])>, DL NSC HomeLand <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Fri, 09 Apr 2021 16:20:01 -0400
Attachments: Safeguarding American Innovation Act Talking Points - Consolidated.docx (29.95 kB)

Last call for comments or concerns on the talking points on the Safeguarding American Innovation Act. The attached version includes the edits we have received so far.
If you have any edits to provide, please provide by 5PM. After this time, we'll assume no objections to the attached version. Thanks.

From: Leon, Bryan P. EOP/OMB

Sent: Friday, April 9, 2021 11:29 AM

To: National Security Council ; Office of Science and Technology Policy

Cc: Meier, Edward F. EOP/OMB ; Sullivan, Patrick K. EOP/OMB ; Vahlsing, Candace M. EOP/OMB ; Evans, Beatrix C. EOP/OMB ; Pasquantino, John C. EOP/OMB ; Lucas, Adrienne E. EOP/OMB ; Colyar, Kelly T. EOP/OMB ; Shawcross, Paul J. EOP/OMB ; McDonald, Christine A. EOP/OMB ; Regen, Heather P. EOP/OMB ; Pipan, Joseph G. EOP/OMB ; McNavage, William EOP/OMB ; Nassif, Rob J. EOP/OMB ; Sandy, Mark S. EOP/OMB ; O'Kane, Matt J. EOP/OMB ; Hennemuth, Elizabeth I. EOP/OMB ; Moncada, Kirsten J. EOP/OMB ; Hunt, Alex T. EOP/OMB ; Crow, Rose C. EOP/OMB ; Roy, Amanda E. EOP/OMB ; Cassell, Mary I. EOP/OMB ; Fischietto, Mary S. EOP/OMB ; Garufi, Marc A. EOP/OMB ; Stein, Nora H. EOP/OMB ; Saunders, Ruth D. EOP/OMB ; Tran, Hai M. EOP/OMB ; Abrams, Andrew D. EOP/OMB ; Faezi-Marian, Farnoosh EOP/OMB ; Dick, John H. EOP/OMB ; Collin, Victoria W. EOP/OMB ; Black, Sam J. EOP/OMB ; Mok, Emily A. EOP/OMB ; Etter, Robert L. EOP/OMB ; Ward, Benjamin A. EOP/OMB ; Slevin, Christopher J. EOP/WHO ; Vaeth, Matt J. EOP/OMB ; bleon@omb **Ex 6 - (5)** ; Thomas, Will III EOP/OMB ; Rodgers, Marshall J. EOP/OMB ; DL NSC Cyber ; DL NSC INTECON ; DL NSC Asia ; DL NSC Legal ; DL NSC Legislative ; DL NSC Defense ; DL NSC HomeLand

Subject: DUE 4PM TODAY -- LRM: [BL-117-3] Due 04/09/2021 Friday at 4:00 PM -- OMB Talking Points on S__ - Safeguarding American Innovation

DEADLINE: 4:00 PM Friday, Apr 09 2021

By the deadline above, please review the attached 1-page talking points on the Safeguarding American Innovation Act, a bill from the 116th Congress, which we believe will be re-introduced as part of a larger bill during Senate HSGAC mark-up this month.

Please excuse the short turnaround. We have been advised that **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process** today.

For your reference, we also attach a compilation of interagency comments received from an LRD request for views run earlier this week. We share this for your awareness of what agencies advise.

LRM ID: BL-117-3
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: [BL-117-3] Due 04/09/2021 Friday at 4:00 PM -- OMB Talking Points on S__ - Safeguarding American Innovation

OMB CONTACT: Bryan Leon(OMB)
E-Mail: **Ex 6 - (5)** ; **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: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

From: "Harrison, Deidre A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
To: "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Date: Wed, 05 May 2021 17:52:46 -0400
Attachments: BILLS-116s3997rs CLEAN.docx (117.7 kB); Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

Victoria – did you/Gil have additions and/or comments on this? Thank you.

Deidre A. Harrison <Ex 6 - (5)> <Ex 6 - (5)> <Ex 6 - (5)>

From: Pasquantino, John C. EOP/OMB
Sent: Wednesday, May 5, 2021 3:23 PM
To: Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Gillis, Brian F. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>
Subject: FW: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Please see a suggested edit below and attached. The idea is 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

From: Vaeth, Matt J. EOP/OMB
Sent: Wednesday, May 5, 2021 11:53 AM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Thomas, Will III EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; 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)>; Mok, Emily A. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>

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

--Matt

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

From: "Tran, Hai M. EOP/OMB" <Ex 6 - (5) x 6 - (5)>
To: "Woods, Terry O. EOP/OMB" <Ex 6 - (5) x 6 - (5)>
Date: Wed, 05 May 2021 14:35:05 -0400
Attachments: BILLS-116s3997rs CLEAN.docx (117.7 kB); Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

Terry, please give Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5) Thanks.

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

From: Collin, Victoria W. EOP/OMB
Sent: Wednesday, May 5, 2021 12:18 PM
To: Tran, Hai M. EOP/OMB <Ex 6 - (5) x 6 - (5)>
Cc: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>
Subject: FW: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Gil –

Can you please take the lead on reviewing this and suggesting possible comments for my review today? I'd like to be able to review by the end of the day so we can give Deidre a heads-up before the 10AM deadline tomorrow.

Thanks,
Victoria Collin
Ex 6 - (5)

From: Vaeth, Matt J. EOP/OMB
Sent: Wednesday, May 5, 2021 11:53 AM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec) x 6 - (5)>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5) x 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5) x 6 - (5)>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec) x 6 - (5)>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C.) x 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec) x 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec) x 6 - (5)>; Ward, Benjamin A. EOP/OMB

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

From: "Pasquantino, John C. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
To: "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Leon, Bryan P. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Thomas, Will III EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Vahlsing, Candace M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec: x 6 - (5)>, "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Mok, Emily A. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Pei, Yi EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Nassif, Rob J. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Dorgelo, Cristin A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5)>, "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Welch, Lily M. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Hirsch, Quinn N. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Eliseo, Matthew S. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Tran, Hai M. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Miller, Jason S. EOP/OMB" <Ex 6 - (5) x 6 - (5)>
Date: Wed, 05 May 2021 13:01:52 -0400
Attachments: BILLS-116s3997rs CLEAN.docx (117.7 kB); Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

+Jason Miller for awareness Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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Sent: Wednesday, May 5, 2021 11:53 AM
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Calendar No. 620

116TH CONGRESS
2D SESSION

S. 3997

[Report No. 116-317]

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

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2020

Mr. PORTMAN (for himself, Mr. CARPER, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. COONS, Ms. CORTEZ MASTO, Ms. HASSAN, Mr. HAWLEY, Mr. MANCHIN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of Florida, Mrs. SHAHEEN, Mr. TILLIS, Mr. GRASSLEY, Mr. JOHNSON, Ms. MCSALLY, Mr. LANKFORD, and Mr. ROMNEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 14, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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 informa-
tion to certain aliens.

Sec. 6. Limitations on educational and cultural exchange programs.

Sec. 7. Amendments to disclosures of foreign gifts.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) FEDERAL SCIENCE AGENCY.—The term “Fed-
9 eral science agency” means any Federal department
10 or agency to which more than \$100,000,000 in re-

1 search and development funds were appropriated for
2 fiscal year 2020.

3 (2) RESEARCH AND DEVELOPMENT.—

4 (A) IN GENERAL.—The term “research and
5 development” means all research activities, both
6 basic and applied, and all development activi-
7 ties.

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

10 (C) EXPERIMENTAL DEVELOPMENT.—The
11 term “experimental development” means creative
12 and systematic work, drawing upon knowledge
13 gained from research and practical experience,
14 which—

15 (i) is directed toward the production of
16 new products or processes or improving ex-
17 isting products or processes; and

18 (ii) like research, will result in gaining
19 additional knowledge.

20 (D) RESEARCH.—The term “research”—

21 (i) means a systematic study directed
22 toward fuller scientific knowledge or under-
23 standing of the subject studied; and

1 (ii) includes activities involving the
2 training of individuals in research tech-
3 niques if such activities—

4 (I) utilize the same facilities as
5 other research and development activi-
6 ties; and

7 (II) are not included in the in-
8 struction function.

9 SEC. 3. FEDERAL RESEARCH SECURITY COUNCIL.

10 (a) IN GENERAL.—Subtitle V of title 31, United States
11 Code, is amended by adding at the end the following:

12 “CHAPTER 79—FEDERAL RESEARCH
13 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.

14 “§ 7901. Definitions

15 “In this chapter:

16 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term ‘appropriate congressional commit-
18 tees’ means—

19 “(A) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;

21 “(B) the Committee on Commerce, Science,
22 and Transportation of the Senate;

1 “(C) the Select Committee on Intelligence of
2 the Senate;

3 “(D) the Committee on Foreign Relations of
4 the Senate;

5 “(E) the Committee on Armed Services of
6 the Senate;

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

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

11 “(H) the Committee on Homeland Security
12 of the House of Representatives;

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

15 “(J) the Permanent Select Committee on
16 Intelligence of the House of Representatives;

17 “(K) the Committee on Foreign Affairs of
18 the House of Representatives;

19 “(L) the Committee on Armed Services of
20 the House of Representatives; and

21 “(M) the Committee on Education and
22 Labor of the House of Representatives.

23 “(2) COUNCIL.—The term ‘Council’ means the
24 Federal Research Security Council established under
25 section 7902(a).

1 “(3) EXECUTIVE AGENCY.—The term ‘Executive
2 agency’ has the meaning given that term in section
3 105 of title 5.

4 “(4) FEDERAL RESEARCH SECURITY RISK.—The
5 term ‘Federal research security risk’ means the risk
6 posed by malign state actors and other persons to the
7 security and integrity of research and development
8 conducted using grants awarded by Executive agen-
9 cies.

10 “(5) INSIDER.—The term ‘insider’ means any
11 person with authorized access to any United States
12 Government resource, including personnel, facilities,
13 information, research, equipment, networks, or sys-
14 tems.

15 “(6) INSIDER THREAT.—The term ‘insider
16 threat’ means the threat that an insider will use his
17 or her authorized access (wittingly or unwittingly) to
18 harm the national and economic security of the
19 United States or negatively affect the integrity of a
20 Federal agency’s normal processes, including dam-
21 aging the United States through espionage, sabotage,
22 unauthorized disclosure of national security informa-
23 tion or non-public information, or through the loss or
24 degradation of departmental resources, capabilities,
25 and functions.

1 “(7) RESEARCH AND DEVELOPMENT.—

2 “(A) IN GENERAL.—The term ‘research and
3 development’ means all research activities, both
4 basic and applied, and all development activi-
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20 toward fuller scientific knowledge or under-
21 standing of the subject studied; and

22 “(ii) includes activities involving the
23 training of individuals in research tech-
24 niques if such activities—

[AP

1 “(I) utilize the same facilities as
2 other research and development activi-
3 ties; and

4 “(II) are not included in the in-
5 struction function.

6 “(8) UNITED STATES RESEARCH COMMUNITY.—
7 The term ‘United States research community’
8 means—

9 “(A) research and development centers of
10 Executive agencies;

11 “(B) private research and development cen-
12 ters in the United States, including for-profit
13 and nonprofit research institutes;

14 “(C) research and development centers at
15 institutions of higher education (as defined in
16 section 101(a) of the Higher Education Act of
17 1965 (20 U.S.C. 1001(a)));

18 “(D) research and development centers of
19 States, United States territories, Indian tribes,
20 and municipalities;

21 “(E) government-owned, contractor-operated
22 United States Government research and develop-
23 ment centers; and

1 “(F) any person conducting federally fund-
2 ed research or receiving Federal research grant
3 funding.

4 “§ 7902. Federal Research Security Council establish-
5 ment and membership

6 “(a) ESTABLISHMENT.—There is established, in the
7 Office of Management and Budget, a Federal Research Se-
8 curity Council, which shall develop federally funded re-
9 search and development grant making policy and manage-
10 ment guidance to protect the national and economic secu-
11 rity interests of the United States.

12 “(b) MEMBERSHIP.—

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

15 “(A) The Office of Management and Budget.

16 “(B) The Office of Science and Technology
17 Policy.

18 “(C) The Department of Defense.

19 “(D) The Department of Homeland Secu-
20 rity.

21 “(E) The Office of the Director of National
22 Intelligence, including the National Counterintel-
23 ligence and Security Center.

24 “(F) The Department of Justice, including
25 the Federal Bureau of Investigation.

1 “(G) *The Department of Energy.*

2 “(H) *The Department of Commerce, includ-*
3 *ing the National Institute of Standards and*
4 *Technology.*

5 “(I) *The Department of Health and Human*
6 *Services, including the National Institutes of*
7 *Health.*

8 “(J) *The Department of State.*

9 “(K) *The Department of Transportation.*

10 “(L) *The National Aeronautics and Space*
11 *Administration.*

12 “(M) *The National Science Foundation.*

13 “(N) *The Department of Education.*

14 “(O) *The Small Business Administration.*

15 “(P) *The Council of Inspectors General on*
16 *Integrity and Efficiency.*

17 “(Q) *Other Executive agencies, as deter-*
18 *mined by the Chairperson of the Council.*

19 “(2) *LEAD REPRESENTATIVES.—*

20 “(A) *DESIGNATION.—Not later than 45*
21 *days after the date of the enactment of this chap-*
22 *ter, the head of each agency represented on the*
23 *Council shall designate a representative of that*
24 *agency as the lead representative of the agency*
25 *on the Council.*

1 “(B) FUNCTIONS.—The lead representative
2 of an agency designated under subparagraph (A)
3 shall ensure that appropriate personnel, includ-
4 ing leadership and subject matter experts of the
5 agency, are aware of the business of the Council.

6 “(c) CHAIRPERSON.—

7 “(1) DESIGNATION.—Not later than 45 days
8 after the date of the enactment of this chapter, the Di-
9 rector of the Office of Management and Budget shall
10 designate a senior-level official from the Office of
11 Management and Budget to serve as the Chairperson
12 of the Council.

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

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

17 “(B) designating Executive agencies to be
18 represented on the Council under subsection
19 (b)(1)(Q);

20 “(C) in consultation with the lead rep-
21 resentative of each agency represented on the
22 Council, developing a charter for the Council;
23 and

1 “(D) not later than 7 days after completion
2 of the charter, submitting the charter to the ap-
3 propriate congressional committees.

4 “(3) LEAD SCIENCE ADVISOR.—The Director of
5 the Office of Science and Technology Policy shall be
6 the lead science advisor to the Chairperson for pur-
7 poses of this chapter.

8 “(4) LEAD SECURITY ADVISOR.—The Director of
9 the National Counterintelligence and Security Center
10 shall be the lead security advisor to the Chairperson
11 for purposes of this chapter.

12 “(d) MEETINGS.—The Council shall meet not later
13 than 60 days after the date of the enactment of this chapter
14 and not less frequently than quarterly thereafter.

15 “§ 7903. Functions and authorities

16 “(a) IN GENERAL.—The Chairperson of the Council
17 shall consider the missions and responsibilities of Council
18 members in determining the lead agencies for Council func-
19 tions. The Council shall perform the following functions:

20 “(1) Developing and implementing, across all
21 Executive agencies that award research and develop-
22 ment grants, a uniform application process for grants
23 in accordance with subsection (b).

24 “(2) Developing and implementing a uniform
25 and regular reporting process for identifying persons

1 participating in federally funded research and devel-
2 opment or that have access to nonpublic federally
3 funded information, data, research findings, and re-
4 search and development grant proposals.

5 “(3) Identifying or developing criteria, in ac-
6 cordance with subsection (c), for sharing and receiv-
7 ing information with respect to Federal research secu-
8 rity risks in order to mitigate such risks with—

9 “(A) members of the United States research
10 community; and

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

13 “(4) Identifying an appropriate Executive agen-
14 cy—

15 “(A) to accept and protect information sub-
16 mitted by Executive agencies and non-Federal
17 entities based on the processes established under
18 paragraphs (1) and (2); and

19 “(B) to facilitate the sharing of information
20 received under subparagraph (A) to support, as
21 necessary and appropriate—

22 “(i) oversight of federally funded re-
23 search and development;

1 “(ii) criminal and civil investigations
2 of misappropriated Federal funds, resources,
3 and information; and

4 “(iii) counterintelligence investiga-
5 tions.

6 “(5) Identifying, as appropriate, Executive agen-
7 cies to provide—

8 “(A) shared services, such as support for
9 conducting Federal research security risk assess-
10 ments, activities to mitigate such risks, and over-
11 sight and investigations with respect to grants
12 awarded by Executive agencies; and

13 “(B) common contract solutions to support
14 enhanced information collection and sharing and
15 the verification of the identities of persons par-
16 ticipating in federally funded research and devel-
17 opment.

18 “(6) Identifying and issuing guidance, in ac-
19 cordance with subsection (d) and in coordination
20 with the National Insider Threat Task Force estab-
21 lished by Executive Order 13587 (50 U.S.C. 3161
22 note) for developing and implementing insider threat
23 programs for Executive agencies to deter, detect, and
24 mitigate insider threats, including the safeguarding of
25 sensitive information from exploitation, compromise,

1 or other unauthorized disclosure, taking into account
2 risk levels and the distinct needs, missions, and sys-
3 tems of each such agency.

4 “(7) Identifying and issuing guidance for devel-
5 oping compliance and oversight programs for Execu-
6 tive agencies to ensure that research and development
7 grant recipients accurately report conflicts of interest
8 and conflicts of commitment in accordance with sub-
9 section (b)(1). Such programs shall include an assess-
10 ment of—

11 “(A) a grantee’s support from foreign
12 sources and affiliations with foreign funding in-
13 stitutions or laboratories; and

14 “(B) the impact of such support and affili-
15 ations on United States national security and
16 economic interests.

17 “(8) Assessing and making recommendations
18 with respect to whether openly sharing certain types
19 of federally funded research and development is in the
20 economic and national security interests of the United
21 States.

22 “(9) Identifying and issuing guidance to the
23 United States research community, and other recipi-
24 ents of Federal research and development funding, to
25 ensure that such institutions and recipients adopt ex-

1 *isting best practices to reduce the risk of misappro-*
 2 *priation of research data.*

3 *“(10) Identifying and issuing guidance on addi-*
 4 *tional steps that may be necessary to address Federal*
 5 *research security risks arising in the course of Execu-*
 6 *tive agencies providing shared services and common*
 7 *contract solutions under paragraph (5)(B).*

8 *“(11) Engaging with the United States research*
 9 *community in performing the functions described in*
 10 *paragraphs (1), (2), and (3) and with respect to*
 11 *issues relating to Federal research security risks.*

12 *“(12) Carrying out such other functions, as de-*
 13 *termined by the Council, that are necessary to reduce*
 14 *Federal research security risks.*

15 *“(b) REQUIREMENTS FOR UNIFORM GRANT APPLICA-*
 16 *TION PROCESS.—In developing the uniform application*
 17 *process for Federal research and development grants re-*
 18 *quired under subsection (a)(1), the Council shall—*

19 *“(1) ensure that the process—*

20 *“(A) requires principal investigators, co-*
 21 *principal investigators, and senior personnel as-*
 22 *sociated with the proposed Federal research or*
 23 *development grant project—*

24 *“(i) to disclose biographical informa-*
 25 *tion, all affiliations, including any foreign*

1 military, foreign government-related organi-
2 zations, and foreign-funded institutions,
3 and all current and pending support, in-
4 cluding from foreign institutions, foreign
5 governments, or foreign laboratories, and all
6 support received from foreign sources; and

7 “(ii) to certify the accuracy of the re-
8 quired disclosures under penalty of perjury;
9 and

10 “(B) uses a machine-readable application
11 form to assist in identifying fraud and ensuring
12 the eligibility of applicants;

13 “(2) design the process—

14 “(A) to reduce the administrative burden on
15 persons applying for Federal research and devel-
16 opment funding; and

17 “(B) to promote information sharing across
18 the United States research community, while
19 safeguarding sensitive information; and

20 “(3) complete the process not later than 1 year
21 after the date of the enactment of the Safeguarding
22 American Innovation Act.

23 “(c) REQUIREMENTS FOR INFORMATION SHARING CRI-
24 TERIA.—In identifying or developing criteria and proce-
25 dures for sharing information with respect to Federal re-

1 search security risks under subsection (a)(3), the Council
2 shall ensure that such criteria address, at a minimum—

3 “(1) the information to be shared;

4 “(2) the circumstances under which sharing is
5 mandated or voluntary;

6 “(3) the circumstances under which it is appro-
7 priate for an Executive agency to rely on information
8 made available through such sharing in exercising the
9 responsibilities and authorities of the agency under
10 applicable laws relating to the award of grants;

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

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

15 “(d) **REQUIREMENTS FOR INSIDER THREAT PROGRAM**
16 **GUIDANCE.**—In identifying or developing guidance with re-
17 spect to insider threat programs under subsection (a)(6),
18 the Council shall ensure that such guidance provides for,
19 at a minimum—

20 “(1) such programs—

21 “(A) to deter, detect, and mitigate insider
22 threats; and

23 “(B) to leverage counterintelligence, secu-
24 rity, information assurance, and other relevant

1 *functions and resources to identify and counter*
2 *insider threats; and*

3 *“(2) the development of an integrated capability*
4 *to monitor and audit information for the detection*
5 *and mitigation of insider threats, including*
6 *through—*

7 *“(A) monitoring user activity on computer*
8 *networks controlled by Executive agencies;*

9 *“(B) providing employees of Executive*
10 *agencies with awareness training with respect to*
11 *insider threats and the responsibilities of em-*
12 *ployees to report such threats;*

13 *“(C) gathering information for a centralized*
14 *analysis, reporting, and response capability; and*

15 *“(D) information sharing to aid in tracking*
16 *the risk individuals may pose while moving*
17 *across programs and affiliations;*

18 *“(3) the development and implementation of*
19 *policies and procedures under which the insider*
20 *threat program of an Executive agency accesses,*
21 *shares, and integrates information and data derived*
22 *from offices within the agency;*

23 *“(4) the designation of senior officials with au-*
24 *thority to provide management, accountability, and*
25 *oversight of the insider threat program of an Execu-*

1 *tive agency and to make resource recommendations to*
2 *the appropriate officials; and*

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

6 *“(e) ISSUANCE OF WARNINGS RELATING TO RISKS AND*
7 *VULNERABILITIES IN INTERNATIONAL SCIENTIFIC CO-*
8 *OPERATION.—*

9 *“(1) IN GENERAL.—The Council, in conjunction*
10 *with the lead security advisor under section*
11 *7902(c)(4), shall establish a process for informing*
12 *members of the United States research community*
13 *and the public, through the issuance of warnings de-*
14 *scribed in paragraph (2), of potential risks and*
15 *vulnerabilities in international scientific cooperation*
16 *that may undermine the integrity and security of the*
17 *United States research community or place at risk*
18 *any federally funded research and development.*

19 *“(2) CONTENT.—A warning described in this*
20 *paragraph shall include, to the extent the Council*
21 *considers appropriate, a description of—*

22 *“(A) activities by the national government,*
23 *local governments, research institutions, or uni-*
24 *versities of a foreign country—*

1 “(i) to exploit, interfere, or undermine
2 research and development by the United
3 States research community; or

4 “(ii) to misappropriate scientific
5 knowledge resulting from federally funded
6 research and development;

7 “(B) efforts by strategic competitors to ex-
8 ploit the research enterprise of a foreign country
9 that may place at risk—

10 “(i) the science and technology of that
11 foreign country; or

12 “(ii) federally funded research and de-
13 velopment; and

14 “(C) practices within the research enterprise
15 of a foreign country that do not adhere to the
16 United States scientific values of openness,
17 transparency, reciprocity, integrity, and merit-
18 based competition.

19 “(f) PROGRAM OFFICE AND COMMITTEES.—The inter-
20 agency working group established under section 1746 of the
21 National Defense Authorization Act for Fiscal Year 2020
22 (Public Law 116–92) shall be a working group under the
23 Council performing duties authorized under such section
24 and as directed by the Council. The Council shall use any
25 findings or work product, existing or forthcoming, by such

1 working group. The Council may also establish a program
 2 office and any committees, working groups, or other con-
 3 stituent bodies the Council deems appropriate, in its sole
 4 and unreviewable discretion, to carry out its functions.

5 “(g) *EXCLUSION ORDERS.*—To reduce Federal re-
 6 search security risk, the Interagency Suspension and Debar-
 7 ment Committee shall provide quarterly reports to the
 8 Council that detail—

9 “(1) the number of ongoing investigations by
 10 Council Members related to Federal research security
 11 that may result, or have resulted, in agency pre-notice
 12 letters, suspensions, proposed debarments, and
 13 debarments;

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

16 “(3) efforts by the Interagency Suspension and
 17 Debarment Committee to mitigate Federal research
 18 security risk;

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

21 “(5) other current suspension and debarment re-
 22 lated issues.

23 “§ 7904. *Strategic plan*

24 “(a) *IN GENERAL.*—Not later than 180 days after the
 25 date of the enactment of this chapter, the Council shall de-

1 develop a strategic plan for addressing Federal research secu-
2 rity risks and for managing such risks, that includes—

3 “(1) the criteria and processes required under
4 section 7903(a), including a threshold and require-
5 ments for sharing relevant information about such
6 risks with all Executive agencies and, as appropriate,
7 with other Federal entities, foreign governments, and
8 non-Federal entities;

9 “(2) an identification of existing authorities for
10 addressing such risks;

11 “(3) an identification and promulgation of best
12 practices and procedures, and an identification of
13 available resources, for Executive agencies to assess
14 and mitigate such risks;

15 “(4) recommendations for any legislative, regu-
16 latory, or other policy changes to improve efforts to
17 address such risks;

18 “(5) recommendations for any legislative, regu-
19 latory, or other policy changes to incentivize the
20 adoption of best practices for avoiding and mitigating
21 Federal research security risks by the United States
22 research community and key United States foreign re-
23 search partners;

24 “(6) an evaluation of the effect of implementing
25 new policies or procedures on existing Federal grant

1 processes, regulations, and disclosures of conflicts of
2 interest and conflicts of commitment;

3 “(7) a plan for engaging with Executive agen-
4 cies, the private sector, and other nongovernmental
5 stakeholders to address such risks and share informa-
6 tion between Executive agencies, the private sector,
7 and nongovernmental stakeholders; and

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

10 “(b) SUBMISSION TO CONGRESS.—Not later than 7
11 calendar days after completion of the strategic plan re-
12 quired by subsection (a), the Chairperson of the Council
13 shall submit the plan to the appropriate congressional com-
14 mittees.

15 “§ 7905. Annual report

16 “Not later than December 15 of each year, the Chair-
17 person of the Council shall submit a report to the appro-
18 priate congressional committees that describes—

19 “(1) the activities of the Council during the pre-
20 ceding fiscal year; and

21 “(2) the progress made toward implementing the
22 strategic plan required under section 7904 after such
23 plan has been submitted to Congress.

1 *“§ 7906. Requirements for Executive agencies*

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

4 *“(1) assessing Federal research security risks*
5 *posed by persons participating in federally funded re-*
6 *search and development;*

7 *“(2) avoiding or mitigating such risks, as appro-*
8 *priate and consistent with the standards, guidelines,*
9 *requirements, and practices identified by the Council*
10 *under section 7903(a);*

11 *“(3) prioritizing Federal research security risk*
12 *assessments conducted under paragraph (1) based on*
13 *the applicability and relevance of the research and de-*
14 *velopment to the national security and economic com-*
15 *petitiveness of the United States; and*

16 *“(4) ensuring that all agency initiatives impact-*
17 *ing Federally funded research grant making policy*
18 *and management to protect the national and eco-*
19 *nomics security interests of the United States are inte-*
20 *grated with the activities of the Council.*

21 *“(b) INCLUSIONS.—The responsibility of the head of an*
22 *Executive agency for assessing Federal research security*
23 *risk described in subsection (a) includes—*

24 *“(1) developing an overall Federal research secu-*
25 *rity risk management strategy and implementation*
26 *plan and policies and processes to guide and govern*

1 Federal research security risk management activities
2 by the Executive agency;

3 “(2) integrating Federal research security risk
4 management practices throughout the lifecycle of the
5 grant programs of the Executive agency;

6 “(3) sharing relevant information with other Ex-
7 ecutive agencies, as determined appropriate by the
8 Council in a manner consistent with section 7903;
9 and

10 “(4) reporting on the effectiveness of the Federal
11 research security risk management strategy of the Ex-
12 ecutive agency consistent with guidance issued by the
13 Office of Management and Budget and the Council.”.

14 (b) CLERICAL AMENDMENT.—The table of chapters at
15 the beginning of title 31, United States Code, is amended
16 by inserting after the item relating to chapter 77 the fol-
17 lowing new item:

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

18 SEC. 4. FEDERAL GRANT APPLICATION FRAUD.

19 (a) IN GENERAL.—Chapter 47 of title 18, United
20 States Code, is amended by adding at the end the following:

21 “§ 1041. Federal grant application fraud

22 “(a) DEFINITIONS.—In this section:

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

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

3 “(A) means a grant awarded by a Federal
4 agency;

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

8 “(C) does not include—

9 “(i) direct United States Government
10 cash assistance to an individual;

11 “(ii) a subsidy;

12 “(iii) a loan;

13 “(iv) a loan guarantee; or

14 “(v) insurance.

15 “(3) FEDERAL GRANT APPLICATION.—The term
16 ‘Federal grant application’ means an application for
17 a Federal grant.

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

22 “(A) a foreign government;

23 “(B) a foreign government institution; or

24 “(C) a foreign public enterprise.

1 “(5) *FOREIGN GOVERNMENT*.—The term ‘foreign
2 government’ includes a person acting or purporting to
3 act on behalf of—

4 “(A) a faction, party, department, agency,
5 bureau, subnational administrative entity, or
6 military of a foreign country; or

7 “(B) a foreign government or a person pur-
8 porting to act as a foreign government, regard-
9 less of whether the United States recognizes the
10 government.

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

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

19 “(8) *LAW ENFORCEMENT AGENCY*.—The term
20 ‘law enforcement agency’—

21 “(A) means a Federal, State, local, or Trib-
22 al law enforcement agency; and

23 “(B) includes—

24 “(i) the Office of Inspector General of
25 an establishment (as defined in section 12

1 of the Inspector General Act of 1978 (5
2 U.S.C. App.)) or a designated Federal enti-
3 ty (as defined in section 8G(a) of the In-
4 spector General Act of 1978 (5 U.S.C.
5 App.)); and

6 “(ii) the Office of Inspector General, or
7 similar office, of a State or unit of local
8 government.

9 “(9) *OUTSIDE COMPENSATION.*—The term ‘out-
10 side compensation’ means any compensation, re-
11 source, or support regardless of monetary value made
12 available to the applicant in support of or related to
13 any research endeavor, including, but not limited to,
14 a title, research grant, cooperative agreement, con-
15 tract, institutional award, access to a laboratory, or
16 other resource, including, but not limited to, mate-
17 rials, travel compensation, or work incentives.

18 “(b) *PROHIBITION.*—It shall be unlawful for any indi-
19 vidual to knowingly—

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

1 “(2) forge, counterfeit, or otherwise falsify a doc-
2 ument for the purpose of obtaining a Federal grant;
3 or

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

- 8 “(A) contains a false statement;
- 9 “(B) contains a material misrepresentation;
- 10 “(C) has no basis in law or fact; or
- 11 “(D) fails to disclose a material fact.

12 “(c) EXCEPTION.—Subsection (b) does not apply to an
13 activity—

14 “(1) carried out in connection with a lawfully
15 authorized investigative, protective, or intelligence ac-
16 tivity of—

- 17 “(A) a law enforcement agency; or
- 18 “(B) a Federal intelligence agency; or
- 19 “(2) authorized under chapter 224.

20 “(d) PENALTY.—Any individual who violates sub-
21 section (b)—

- 22 “(1) shall be fined in accordance with this title,
- 23 imprisoned for not more than 5 years, or both; and
- 24 “(2) shall be prohibited from receiving a Federal
- 25 grant during the 5-year period beginning on the date

1 on which a sentence is imposed on the individual
2 under paragraph (1).”.

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

“1041. Federal grant application fraud.”.

6 SEC. 5. RESTRICTING THE ACQUISITION OF GOODS, TECH-
7 NOLOGIES, AND SENSITIVE INFORMATION TO
8 CERTAIN ALIENS.

9 (a) GROUNDS OF INADMISSIBILITY.—Section
10 212(a)(3)(A)(i) of the Immigration and Nationality Act (8
11 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

- 12 (i) any activity—
- 13 (I) to violate any law of the
- 14 United States relating to espionage or
- 15 sabotage;
- 16 (II) to violate or evade any law
- 17 prohibiting the export from the United
- 18 States of goods, technologies, or sen-
- 19 sitive information; or
- 20 (III) to acquire export-controlled
- 21 goods, technologies, or sensitive infor-
- 22 mation (notwithstanding any exclu-
- 23 sions for items not normally subject to
- 24 export controls) if the Secretary of
- 25 State has determined that the acquisi-

1 tion of those goods, technologies, or sen-
2 sitive information by a category of
3 aliens that includes such alien would
4 be contrary to an articulable national
5 security (including economic security)
6 interest of the United States;”.

7 **(b) DETERMINING FACTORS.—**

8 **(1) IN GENERAL.—***In establishing criteria for de-*
9 *termining whether an alien is included in a category*
10 *of aliens that may be inadmissible under section*
11 *212(a)(3)(A)(i)(III) of the Immigration and Nation-*
12 *ality Act, as amended by subsection (a), officials of*
13 *the Department of State shall—*

14 **(A)** *seek advice and assistance from officials*
15 *at the Office of the Director of National Intel-*
16 *ligence, the Office of Science and Technology Pol-*
17 *icy, the Department of Health and Human Serv-*
18 *ices, the Department of Defense, the Department*
19 *of Homeland Security, the Department of En-*
20 *ergy, the Department of Commerce, and other*
21 *appropriate Federal agencies;*

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

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

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

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

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

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

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

*(A) use a machine-readable visa application
form; and*

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

(i) identifying fraud;

*(ii) conducting lawful law enforcement
activities; and*

1 (iii) determining the eligibility of ap-
2 plicants for a visa under the Immigration
3 and Nationality Act (8 U.S.C. 1101 et seq.).

4 (c) REPORTING REQUIREMENT.—Not later than 180
5 days after the date of the enactment of this Act, and annu-
6 ally thereafter, the Secretary of State, in coordination with
7 the Director of National Intelligence, the Director of the Of-
8 fice of Science and Technology Policy, the Secretary of
9 Homeland Security, the Secretary of Defense, the Secretary
10 of Energy, the Secretary of Commerce, and the heads of
11 other appropriate Federal agencies, shall submit a report
12 to Congress that identifies—

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

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

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

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

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

5 (e) REPORT.—Not later than 45 days after date of the
6 enactment of this Act, the Secretary of State shall submit
7 a report to the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate, the Committee on Com-
9 merce, Science, and Transportation of the Senate, the Select
10 Committee on Intelligence of the Senate, the Committee on
11 Foreign Relations of the Senate; the Committee on Over-
12 sight and Reform of the House of Representatives, the Com-
13 mittee on Homeland Security of the House of Representa-
14 tives, the Committee on Energy and Commerce of the House
15 of Representatives, the Permanent Select Committee on In-
16 telligence of the House of Representatives, and the Com-
17 mittee on Foreign Affairs of the House of Representatives
18 that—

19 (1) describes how supplementary documents pro-
20 vided by a visa applicant in support of a visa appli-
21 cation are stored and shared by the Department of
22 State with authorized Federal agencies;

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

1 (3) provides cost estimates, including personnel
2 costs and a cost-benefit analysis for adopting different
3 technologies, including optical character recognition,
4 for—

5 (A) making every element of a visa applica-
6 tion, and documents submitted in support of a
7 visa application, machine-readable; and

8 (B) ensuring that such system—

9 (i) protects personally-identifiable in-
10 formation; and

11 (ii) permits the sharing of visa infor-
12 mation with Federal agencies in accordance
13 with existing law; and

14 (4) includes an estimated timeline for completing
15 the implementation of subsection (b)(2).

16 SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-
17 CHANGE PROGRAMS.

18 Section 102(b)(5) of the Mutual Educational and Cul-
19 tural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is
20 amended by striking the semicolon at the end and inserting
21 the following: “by developing exchange programs for foreign
22 researchers and scientists, while protecting technologies reg-
23 ulated by export control laws important to the national se-
24 curity and economic interests of the United States, includ-
25 ing requiring sponsors—

1 “(A) to disclose to the Department of State
2 whether an exchange visitor, as a primary part
3 of his or her exchange program, will have re-
4 leased to them controlled technology or technical
5 data regulated by export control laws at sponsor
6 organizations through research activities, lec-
7 tures, course work, sponsor employees, officers,
8 agents, third parties at which the sponsor places
9 the exchange visitor, volunteers, or other individ-
10 uals or entities associated with a sponsor’s ad-
11 ministration of the exchange visitor program;

12 “(B) to provide a plan to the Department
13 of State that establishes appropriate program
14 safeguards to prevent the unauthorized release of
15 controlled technology or technical data regulated
16 by export control laws at sponsor organizations
17 or through their employees, officers, agents, third
18 parties, volunteers, or other individuals or enti-
19 ties associated with a sponsor’s administration
20 of the exchange visitor program; 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 to
24 an exchange visitor at the sponsor organization
25 through exchange visitor programs have received

1 appropriate authorization from the Department
2 of State, the Department of Commerce, other cog-
3 nizant Federal agency before the sponsor releases
4 controlled technology or technical data;”.

5 SEC. 7. AMENDMENTS TO DISCLOSURES OF FOREIGN
6 GIFTS.

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

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

11 “(a) DISCLOSURE REPORT.—

12 “(1) IN GENERAL.—An institution shall file a
13 disclosure report with the Secretary not later than
14 March 31 occurring after—

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

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

24 “(2) REVISIONS; UPDATES.—The Secretary shall
25 permit institutions to revise and update disclosure re-

1 ports previously filed to ensure accuracy, compliance,
2 and the ability to cure.”;

3 (2) by amending subsection (b) to read as fol-
4 lows:

5 “(b) CONTENTS OF REPORT.—Each report to the Sec-
6 retary required by this section shall contain the following:

7 “(1) For gifts received from or contracts entered
8 into with a foreign source other than a foreign gov-
9 ernment, the aggregate dollar amount of such gifts
10 and contracts attributable to a particular country
11 and the legal or formal name of the foreign source.
12 The country to which a gift is attributable is the
13 country of citizenship, or if unknown, the principal
14 residence for a foreign source who is a natural person,
15 and the country of incorporation, or if unknown, the
16 principal place of business, for a foreign source which
17 is a legal entity.

18 “(2) For gifts received from or contracts entered
19 into with a foreign government, the aggregate amount
20 of such gifts and contracts received from each foreign
21 government.

22 “(3) In the case of an institution which is owned
23 or controlled by a foreign source, the identity of the
24 foreign source, the date on which the foreign source
25 assumed ownership or control, and any changes in

1 program or structure resulting from the change in
2 ownership or control.

3 “(4) An assurance that the institution will
4 maintain true copies of gift and contract agreements
5 subject to the disclosure requirements under this sec-
6 tion for at least the duration of the agreement.

7 “(5) An assurance that the institution will
8 produce true copies of gift and contract agreements
9 subject to the disclosure requirements under this sec-
10 tion upon request of the Secretary during a compli-
11 ance audit or other institutional investigation.”;

12 (3) by amending subsection (e) to read as fol-
13 lows:

14 “(e) PUBLIC INSPECTION.—Not later than 30 days
15 after receiving a disclosure report under this section, the
16 Secretary shall make such report electronically available to
17 the public for downloading on a searchable database under
18 which institutions can be individually identified and com-
19 pared.”;

20 (4) in subsection (f), by adding at the end the
21 following:

22 “(3) FINES.—

23 “(A) IN GENERAL.—The Secretary may im-
24 pose a fine on any institution that repeatedly
25 fails to file a disclosure report for a receipt of a

Calendar No. 620

116TH CONGRESS
2^D SESSION

S. 3997

[Report No. 116-317]

A BILL

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

DECEMBER 14, 2020

Reported with an amendment

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

From: "Leggett, Carmine S. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
To: "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5 Ex 6 - (5) >, "Kluever, April N. EOP/OMB" <Ex 6 - (5 Ex 6 - (5) >, "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Cc: "Sivinski, Robert G. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >
Date: Wed, 05 May 2021 12:38:11 -0400
Attachments: Consolidated Interagency Comments Safeguarding American Innovation Act FINAL_cl.docx (160 kB)

Hi Kerrie,

Internal to SSP: My comments are below and marked as such in the attached. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
General comment: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

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

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

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

Please let me know if you would like for me to the transmit these thoughts to Elyse.

Thanks, Carmine

From: Leslie, Kerrie L. EOP/OMB
Sent: Wednesday, May 5, 2021 12:34 PM
To: Leggett, Carmine S. 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: Sivinski, Robert G. 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 >
Subject: RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Thank you!

From: Leggett, Carmine S. EOP/OMB
Sent: Wednesday, May 5, 2021 12:17 PM
To: Leslie, Kerrie L. 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: Sivinski, Robert G. 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 >
Subject: RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hello Kerrie,

I can take a look at this now.

Regards, Carmine

From: Leslie, Kerrie L. EOP/OMB
Sent: Wednesday, May 5, 2021 12:15 PM
To: Kluever, April N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Leggett, Carmine S. 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: Sivinski, Robert G. 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 >
Subject: FW: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

April, Carmine, and Margo - Given Shelly's read yesterday and the note from Elyse below, do any of you want to share back any thoughts on this draft bill? Elyse asks for redlines by 3 PM today, if so. Defer to you all on this.

Kerrie,

I can offer a little info. My thought **Ex 5 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 Johnson brought this to my attention a few weeks ago when he saw it via interagency LRM.
Ex 5 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

My reaction to him: Ex 5 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 learned Ex 5 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

Sent from my iPhone

From: Greenwald, Elyse F. EOP/OMB
Sent: Wednesday, May 5, 2021 12:06 PM
To: Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Higgins, Cortney J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Wise, Julie A. 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))>; Schwab, Margo 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))>
Cc: Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hi All –

Matt's deadline is tomorrow at 10am. So please send any redlines you have by 3pm so I can compile.

Thank you!

From: Vaeth, Matt J. EOP/OMB
Sent: Wednesday, May 5, 2021 11:53 AM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; 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))>; 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))>; Nassif, Rob J. 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))>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Collin, Victoria W. 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))>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>

<Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

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

1. Following from our Monday afternoon conversation, we reached out to NSC to get their feedback on SAIA. NSC/Tarun reported back that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process the consolidated document (attached).
2. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process As of now we still understand that a markup next week is expected. (Ben please correct me if I'm wrong on this!)
3. **And now for the request:** We are seeking feedback from our OMB colleagues on edits to the current language that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process A clean copy of the bill is attached to this note; please use that version and send along any redline changes you may recommend no later than 10AM tomorrow, as any further edits would need to be conveyed to the senate this week. Again, we've already submitted the broad comments (also attached) on this bill to the committee. The objective here Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

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

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

Please send any suggested edits you may have to me by 10AM tomorrow (Thursday). We may reconvene a subset of this group tomorrow to discuss these recommended edits depending on what we receive from you.

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

--Matt

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.¹

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



6

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

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

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

6 “(7) RESEARCH AND DEVELOPMENT.—

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

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

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

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

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

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

8

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

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

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

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

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

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

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

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


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

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

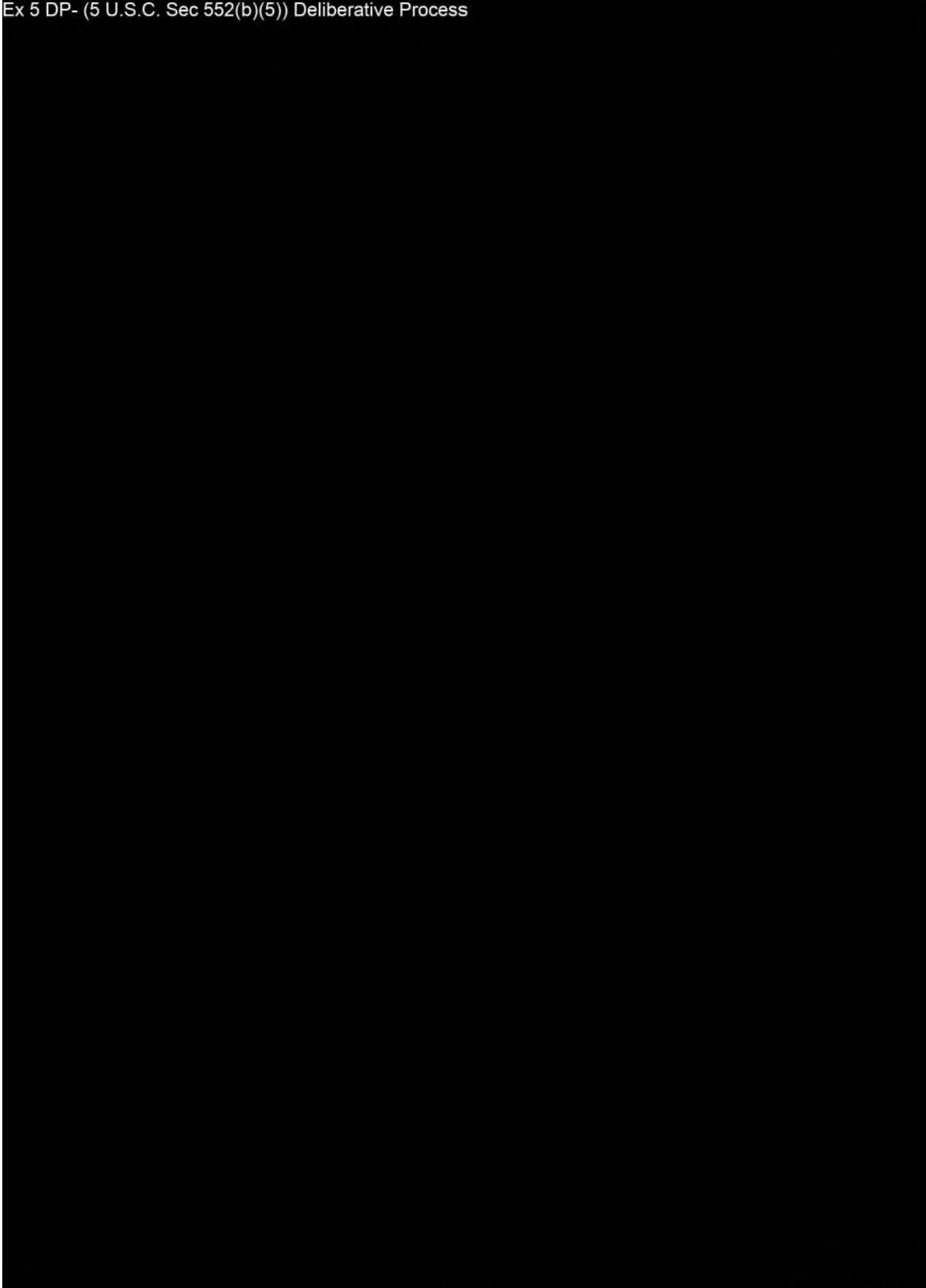
7 “(F) any person (regardless of position or role)
 conducting federally fund-
8 ed research or receiving Federal research grant
9 funding.

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

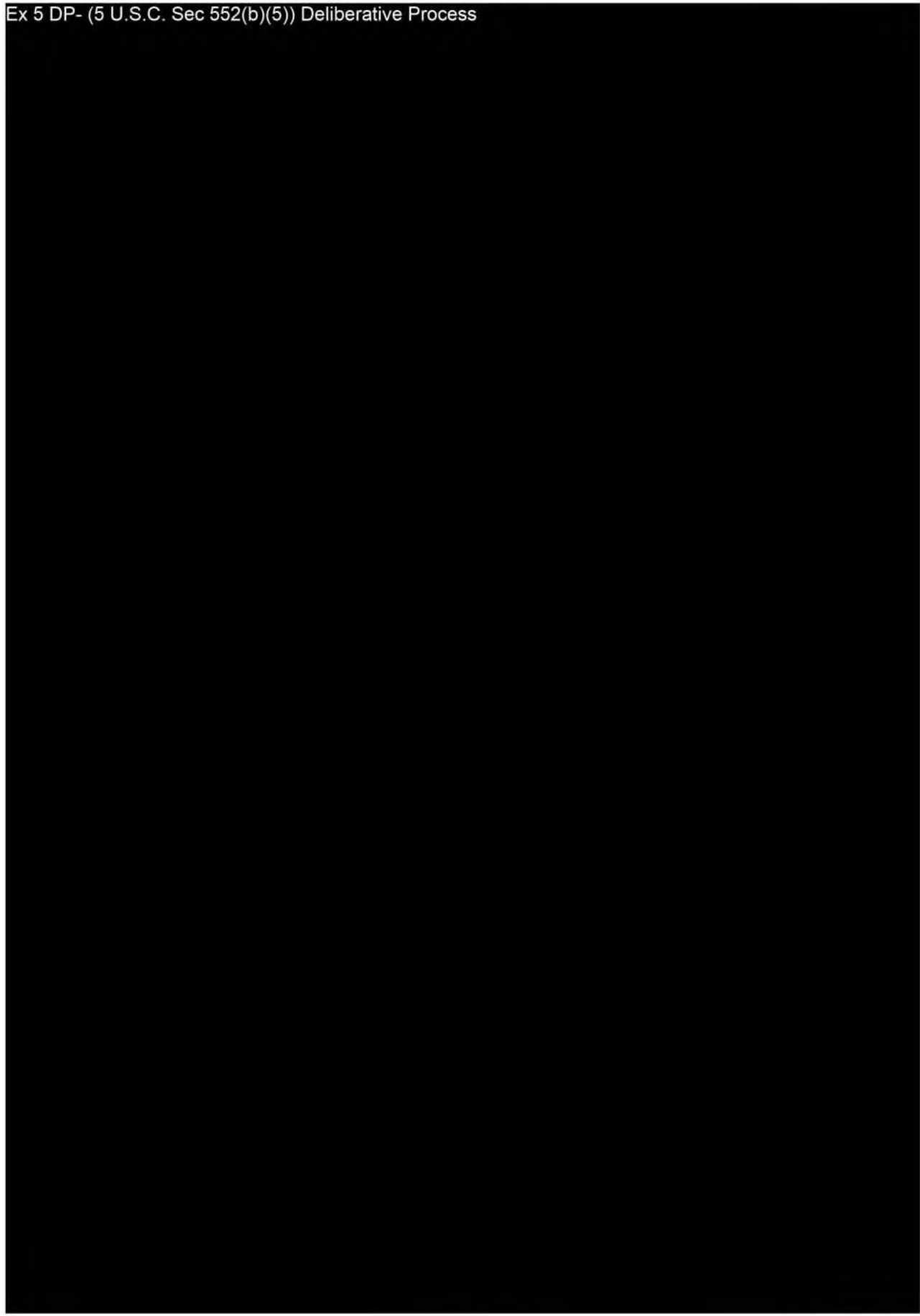
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



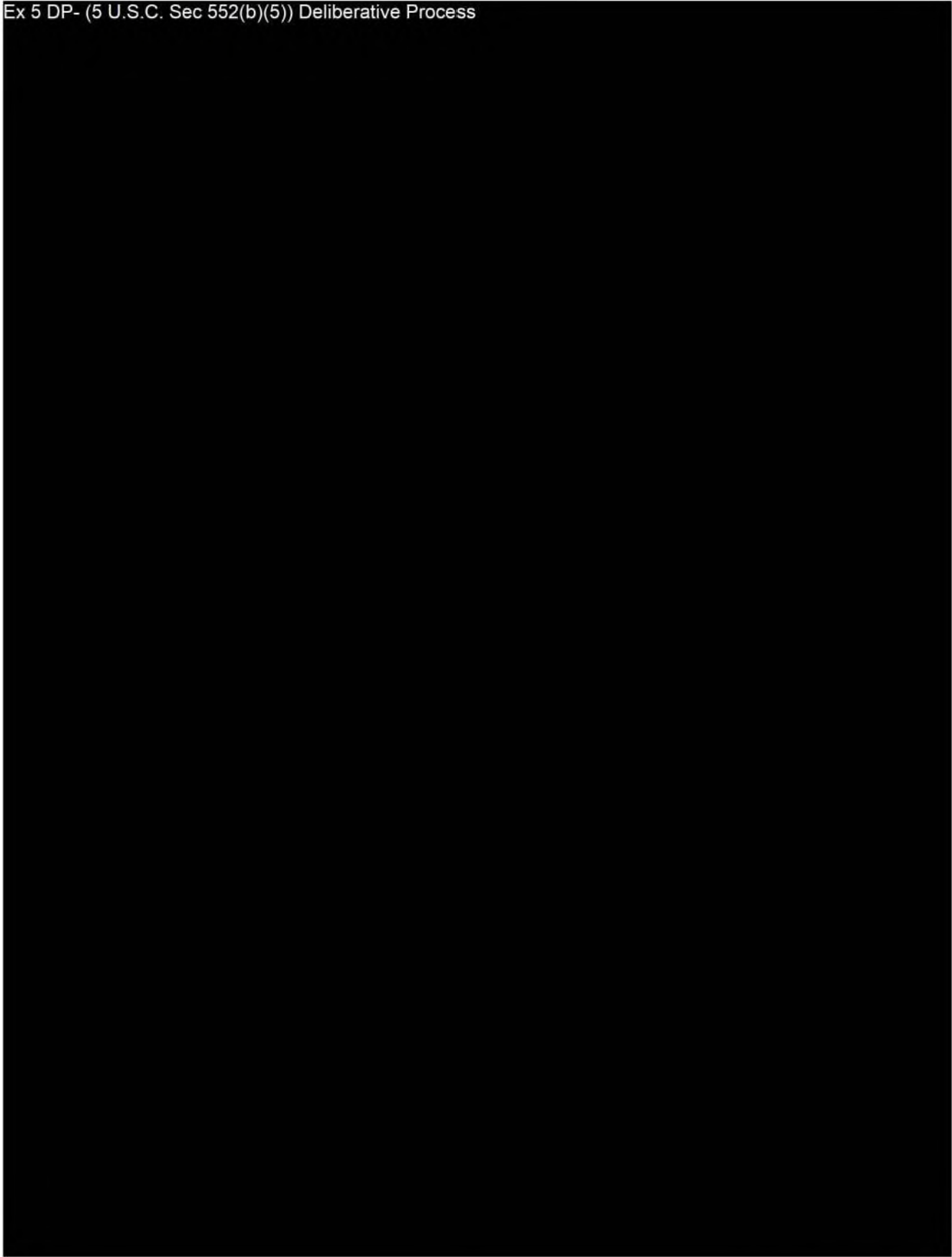
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



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



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



13

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.

14

1 “(D) The Department of Homeland Security.
2

3 “(E) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.
4

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

7 “(G) The Department of Energy.
8

9 “(H) The Department of Commerce, including the National Institute of Standards and Technology.
10

11 “(I) The Department of Health and Human Services, including the National Institutes of Health.
12

13 “(J) The Department of State.
14

15 “(K) The Department of Transportation.
16

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

19 “(M) The National Science Foundation.
20

21 “(N) The Department of Education.
22

23 “(O) The Small Business Administration.
24

25 “(P) The Council of Inspectors General on Integrity and Efficiency.
26

27 “(Q) Other Executive agencies, as determined by the Chairperson of the Council.
28

15

1 “(2) LEAD REPRESENTATIVES.—

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

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

14 “(c) CHAIRPERSON.—

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

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

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

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

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

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

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


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

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

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


23 “(a) ³ IN GENERAL.—The Chairperson of the Council

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



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) ⁵Developing 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



19

18 ally funded research and development.

19 “(4) Identifying an appropriate Executive agen-

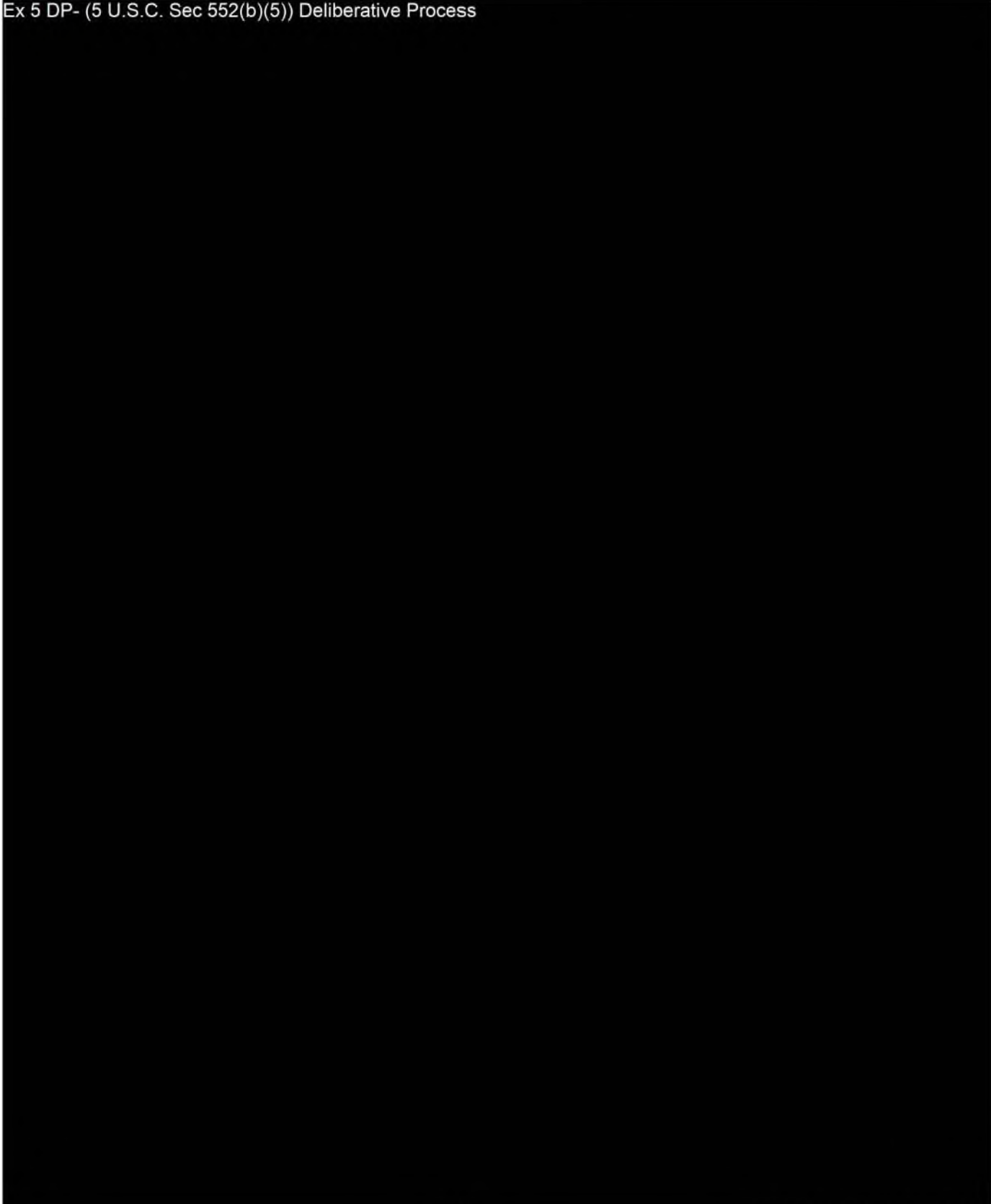
20 cy—

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)⁶; and

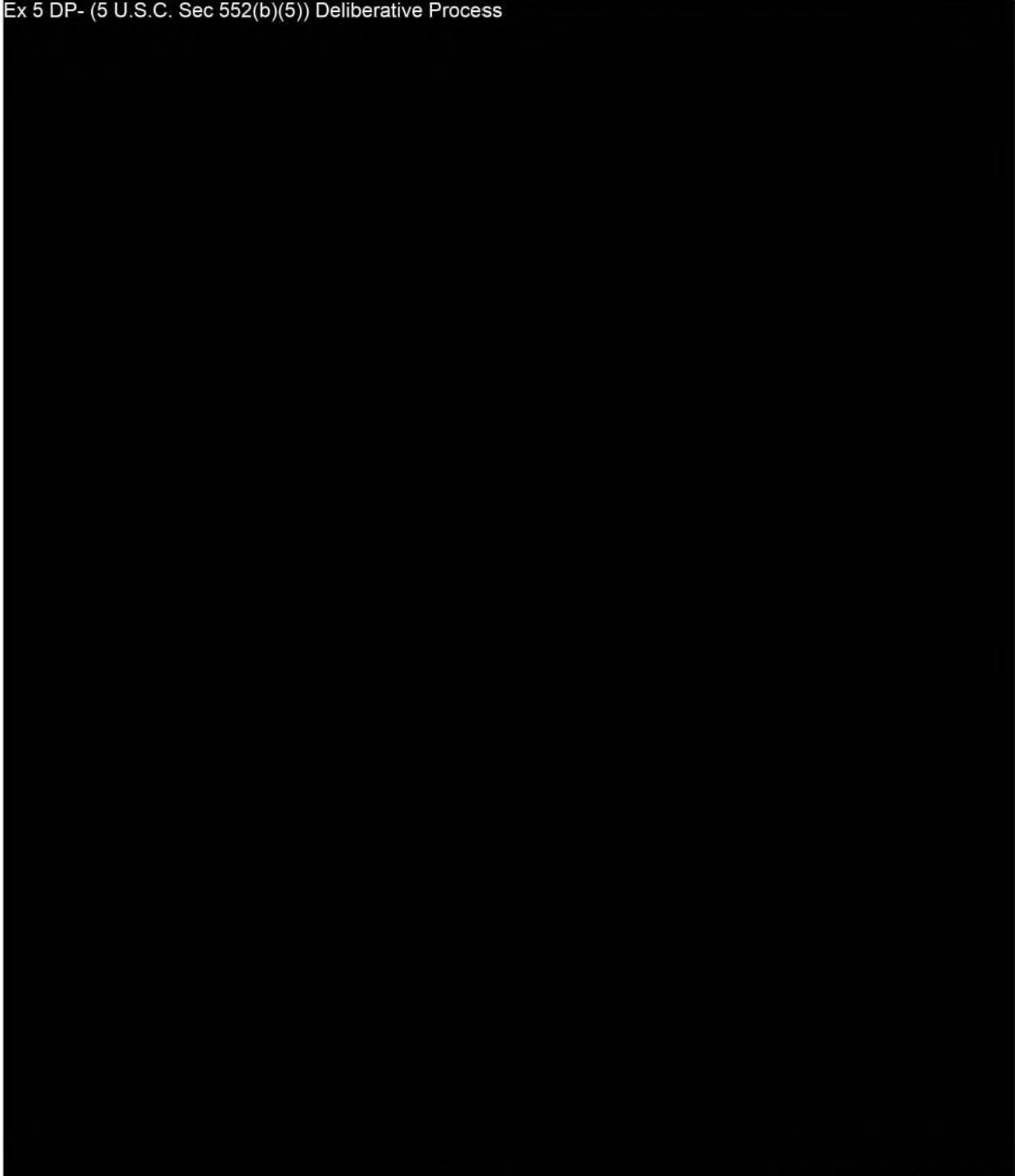
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



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

6 “(i) oversight of federally funded re-

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



22

7 search and development;

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

11 “(iii) counterintelligence investiga-
12 tions.

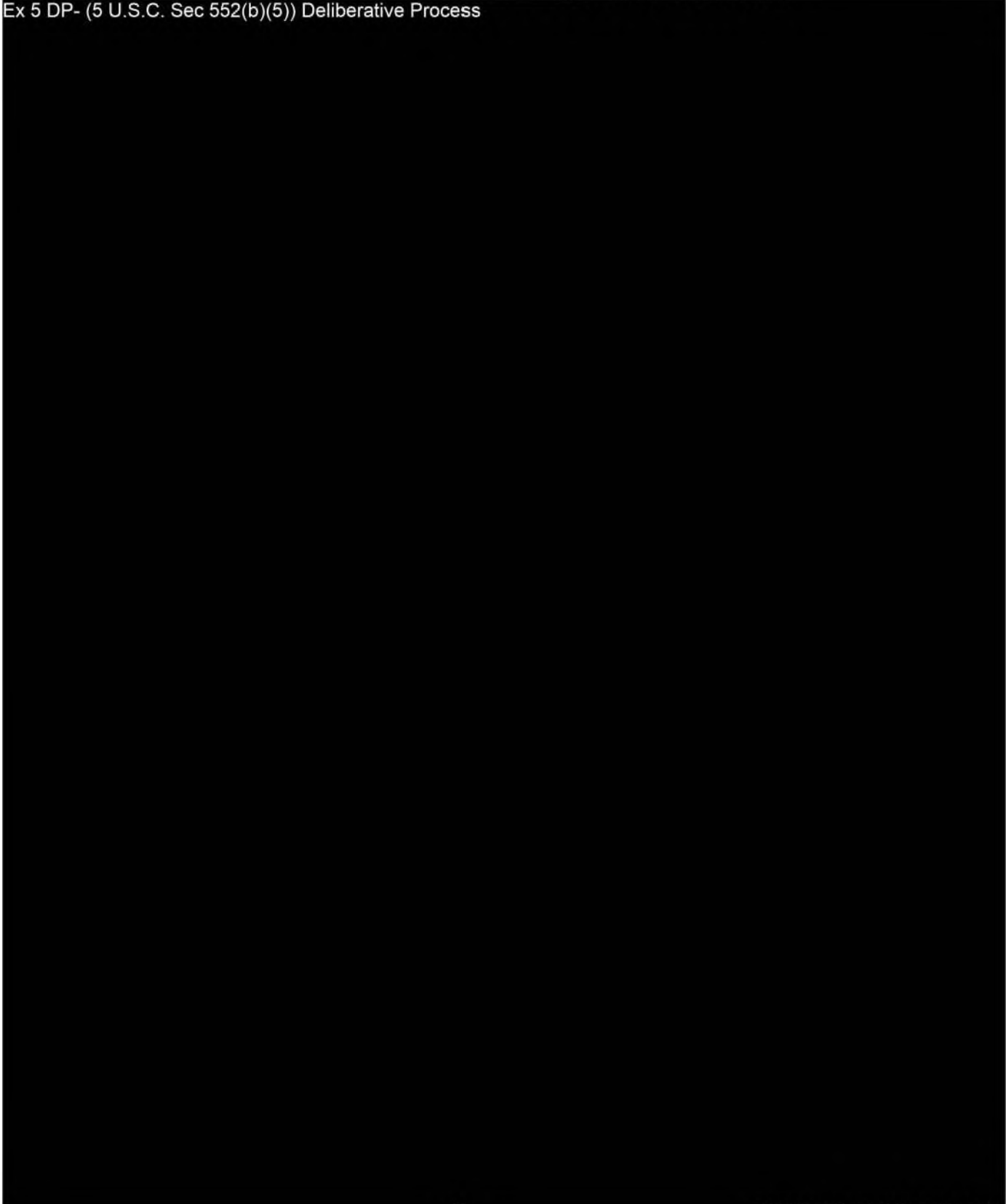
13 “(5) Identifying, as appropriate, Executive
14 agencies to provide—

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

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

1 “(6) Identifying⁷ and issuing guidance, in ac-
2 cordance with subsection (d) and in coordination
3 with the National Insider Threat⁸ Task Force estab-

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24

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

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

25

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

26

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

28

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.

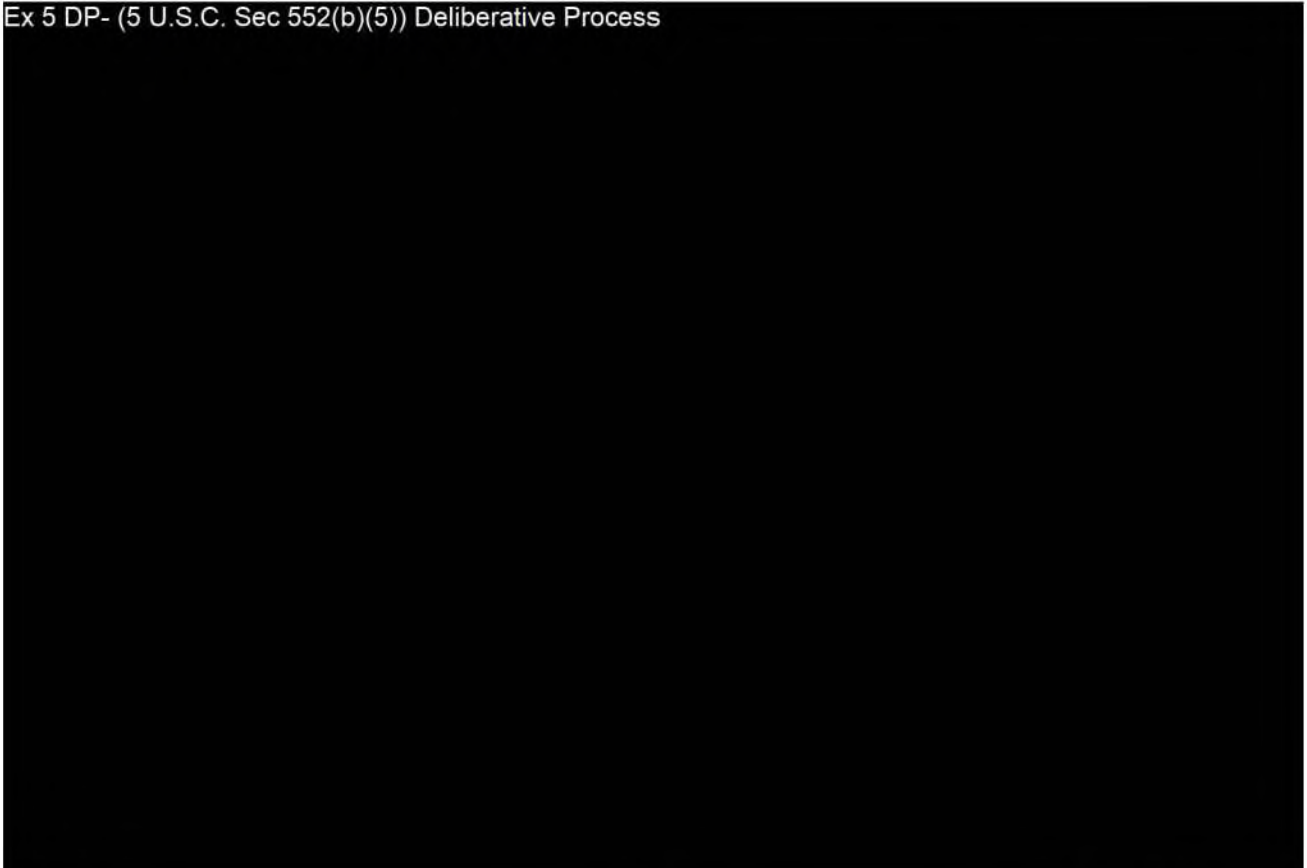
1 “(b)⁹ REQUIREMENTS FOR UNIFORM GRANT APPLI-
2 CATION PROCESS.—In developing the uniform application
3 process for Federal research and development grants re-
4 quired under subsection (a)(1), the Council shall—

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-

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

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

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

25 “(2) design the process—

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

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

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

10 “(C) REQUIREMENTS FOR INFORMATION SHARING

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

16 “(1) the information to be shared;

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

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

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

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

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

10 “(1) such programs—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35

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 priate, 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

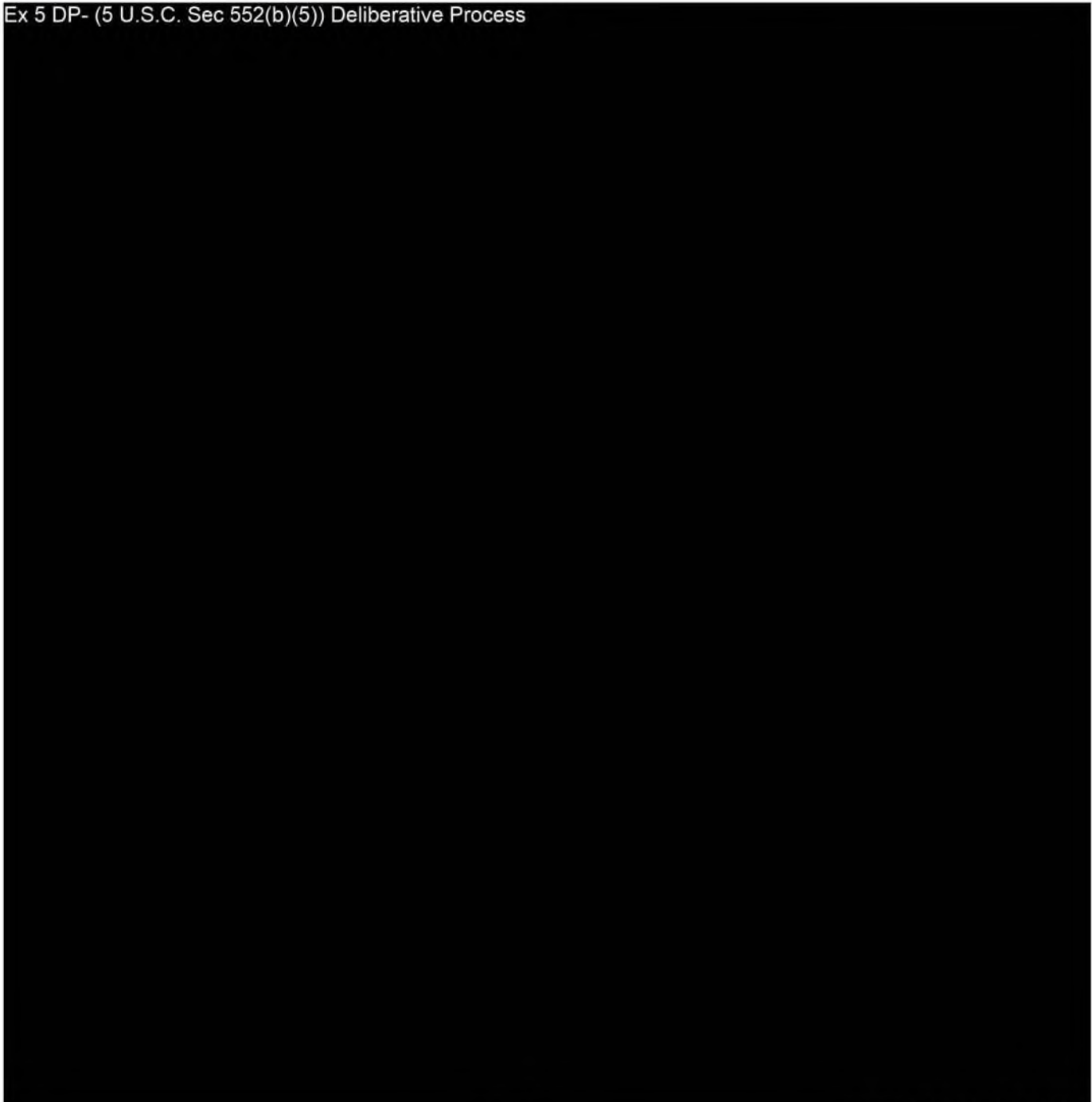
22 “(2) shall be prohibited from receiving a Fed-
23 eral grant during the 5-year period beginning on the
24 date on which a sentence is imposed on the indi-
25 vidual under paragraph (1).”.

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.¹⁰

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



47

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

10 “(i) any activity—

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

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

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

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

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

6 (b) DETERMINING FACTORS.—

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

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

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

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

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

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

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

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

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

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

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

19 (i) identifying fraud;

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

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

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

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

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

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

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

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

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

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

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

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

1 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.¹¹**


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

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

12 “(a) **DISCLOSURE REPORT.**—

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

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



55

15 March 31 occurring after—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(3) FINES.—

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

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

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

17 “(g) RULEMAKING.—

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

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

25 “(A) incorporate instructions for—

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

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

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

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

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

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

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

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

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

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

From: "Greenwald, Elyse F. 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)>, "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>
Cc: "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Wise, Julie A. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>, "Hirsch, Quinn N. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>, "Leggett, Carmine S. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>
Date: Thu, 06 May 2021 10:00:31 -0400
Attachments: BILLS-116s3997rs CLEAN - PB EFG CSL.docx (139.33 kB)

Hi Matt,

Thank you for keeping the ball rolling on this. OIRA's edits are attached. We look forward to additional discussions, but if any of these prompt questions, please don't hesitate to reach out.

Thanks again!

From: Vaeth, Matt J. EOP/OMB
Sent: Wednesday, May 5, 2021 11:53 AM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Thomas, Will III 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)>; 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)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Welch, Lily M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Tran, Hai M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>
Subject: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

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

the consolidated document (attached).

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

- 2.

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

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

Please send any suggested edits you may have to me by 10AM tomorrow (Thursday). We may reconvene a subset of this group tomorrow to discuss

these recommended edits depending on what we receive from you.

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

--Matt

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

From: "Vahlsing, Candace M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>
To: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>
Date: Thu, 06 May 2021 11:20:57 -0400
Attachments: FW: DUE 2PM MAY 4 - Seeking NSC Views on Safeguarding Innovation Act (219.65 kB)

We are 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: Shawcross, Paul J. EOP/OMB
Sent: Thursday, May 6, 2021 11:13 AM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. S Ex 6 - (5 [REDACTED])>
Subject: RE: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

That is correct. We did not have comments.

From: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>
Sent: Thursday, May 6, 2021 11:13 AM
To: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>
Subject: FW: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

Hi Paul, It doesn't look like our team has provided comments yet, have they?

From: Vaeth, Matt J. EOP/OMB
Sent: Thursday, May 6, 2021 10:47 AM
To: Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Miller, [REDACTED]

Jason S. EOP/OMB <Ex 6 - (5 U.S.C. Sec. x 6 - (5)>

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

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

I am compiling the comments that we've received thus far into one document, and plan to put down the pen around 11AM. If there are any more edits coming our way please let us know! Otherwise will ship around the comments to the group later this morning and tee up any further steps then.

Thanks all -- Matt

From: Harrison, Deidre A. EOP/OMB

Sent: Thursday, May 6, 2021 10:26 AM

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

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

Attached please find OFFM recommended edits. Thank you.

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

From: Pasquantino, John C. EOP/OMB

Sent: Thursday, May 6, 2021 9:52 AM

To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. x 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Pei, Yi

EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;
McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Dorgelo, Cristin A. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Collin, Victoria W. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Moncada, Kirsten J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hennemuth, Elizabeth I. EOP/OMB
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Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Greenwald, Elyse F. EOP/OMB
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<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

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

+Jason Miller and Deidre Harrison.

Matt, flagging that OFFM will have comments. <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) > and will get them to you ASAP but we likely will be a bit late. Thanks for your patience.

From: Vaeth, Matt J. EOP/OMB

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

To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Thomas, Will III EOP/OMB
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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

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

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

--Matt

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

From: "Chhabra, Tarun EOP/NSC" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Vahlsing, Candace M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Mon, 03 May 2021 19:02:10 -0400
Attachments: Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

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

OMB/LRD is requesting NSC's views on the Safeguarding Innovation Act sponsored by Sen. Portman, which we understand Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 OMB consolidated agency views on the bill that we had from the 116th Congress and that is attached for your reference.

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

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

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

Bryan P. Leon, SES

Chief, Resources, Defense, and International Branch
Legislative Reference Division
Office of Management and Budget
Ex 6 - (5 U.S.C. Sec [REDACTED])
Ex 6 - (5 [REDACTED])

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

From: "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
To: "Aguilar, Brenda L. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Wise, Julie A. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Hirsch, Quinn N. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Leggett, Carmine S. 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)>, "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Eliseo, Matthew S. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Cc: "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Date: Thu, 06 May 2021 15:05:40 -0400
Attachments: BILLS-116s3997 5.6.21 Track.docx (143.59 kB)

Hi All –

Please see attached for all of the combined comments. If you have any concerns, please let me know by 4:30.

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

Hello all. Just wanted to share what we have as of now as an update. As a high level summary, the comments we've received thus far focus on: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

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

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

Thanks very much -- Matt

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

From: Vaeth, Matt J. EOP/OMB
Sent: Wednesday, May 5, 2021 11:53 AM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Thomas, Will III 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)>; 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)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Dorgelo, Cristin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>

<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Ward, Benjamin A. EOP/OMB
<Ex 6 - (5 U.S.C. x 6 - (5 >; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >;
Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 >; Greenwald, Elyse F. EOP/OMB
<Ex 6 - (5 U.S.C. Sec x 6 - (5 >; Eliseo, Matthew S. EOP/OMB
<Ex 6 - (5 U.S.C. x 6 - (5 >; Tran, Hai M. EOP/OMB <Ex 6 - (5 x 6 - (5 >
Subject: Update and Request (by 10AM on Thursday) on Safeguarding American Innovation Act

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

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

2. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process As of now we still understand that a markup next week is expected. (Ben please correct me if I'm wrong on this!)

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

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

Ex 5 DP- (5 U.S.C. Sec A clean copy of the bill is attached to this note; please use that version and send along any redline changes you may recommend no later than 10AM tomorrow, as any further edits would need to be conveyed

to the senate this week. Again, we've already submitted the broad comments (also attached) on this bill to the committee. The objective here

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

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

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

--Matt

RE: Unified Agenda

From: "Mahaffie, Lynn" <lynn.mahaffie@ed.gov>
To: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Cc: "Malawer, Hilary" <hilary.malawer@ed.gov>, "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Mon, 17 May 2021 10:17:36 -0400
Attachments: Original ED Agenda Entries (Unreviewed) - EOP 5.10.21 - EOP comments 5.12.21_ED Responses 2 - EOP 5.14 330pm_ED51721.docx (111.54 kB)

Good morning Lindsay – Please see attached. And, let us know if you have questions. Thanks. --
Lynn

From: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Sent: Friday, May 14, 2021 4:03 PM
To: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Subject: RE: Unified Agenda

Hi Lynn,

Monday is fine, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Can you aim to respond by 11 am?

Thanks and have a great weekend.

Best,
Lindsay

From: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Sent: Friday, May 14, 2021 3:55 PM
To: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) Ex>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) Ex>
Subject: RE: Unified Agenda

Thanks Lindsay. Can we get back to you Monday?

From: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) Ex>
Sent: Friday, May 14, 2021 3:48 PM
To: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) Ex>
Subject: RE: Unified Agenda

Hi Lynn,

Please see attached additional comments and edits on pages 47-48 (labeled EOP 5/14 3:30pm).
According to the Ed Branch, Ex 5 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 haven't heard back from DPC, but Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process from earlier today.

With respect to Ex 5 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,
Lindsay

From: Abate, Lindsay M. EOP/OMB
Sent: Friday, May 14, 2021 1:39 PM
To: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: Re: Unified Agenda

Thanks, Lynn.

Lindsay Abate

Office of Information and Regulatory Affairs
Desk: Ex 6 - (5 U.S.C. Sec 552(b)(6)) | Mobile: Ex 6 - (5 U.S.C. Sec 552(b)(6))
Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))

On May 14, 2021, at 10:26 AM, Mahaffie, Lynn <Lynn.Mahaffie@ed.gov> wrote:

Hi Lindsay – Please see attached. Our most recent comments are labeled “ED 5/14.” Please let me know if you have questions. Thanks. -- Lynn

From: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Sent: Friday, May 14, 2021 9:50 AM
To: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: RE: Unified Agenda

Thanks Lynn!

From: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Sent: Friday, May 14, 2021 9:47 AM
To: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB

Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))
Subject: RE: Unified Agenda


Thanks Lindsay. We will work to respond by 1 today.

From: Abate, Lindsay M. EOP/OMB Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))
Sent: Friday, May 14, 2021 9:41 AM
To: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB
Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))
Subject: RE: Unified Agenda

Lynn,

Thank you for the UA edits. We are very close, but have the following outstanding comments to be addressed (both of which are also reflected in the attached and labeled [EOP 5/14](#)):

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



If possible to get your response by 1:00 PM today, we would really appreciate it as we are trying to conclude desk officer review by COB today.

Best,
Lindsay

From: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Sent: Wednesday, May 12, 2021 6:58 PM
To: Abate, Lindsay M. EOP/OMB Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB
Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5 U.S.C. Sec 552(b)(6))
Subject: RE: Unified Agenda

Excellent. Thanks Lindsay!

From: Abate, Lindsay M. EOP/OMB <[REDACTED]>
Sent: Wednesday, May 12, 2021 6:57 PM
To: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Cc: Malawer, Hilary <Hilary.Malawer@ed.gov>; Hunt, Alex T. EOP/OMB <[REDACTED]>
Subject: Re: Unified Agenda

Thank you, Lynn. I greatly appreciate the quick response. I will review, and hope this puts us in place to conclude desk officer review tomorrow.

Best,
Lindsay

Lindsay Abate

Office of Information and Regulatory Affairs

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

On May 12, 2021, at 3:52 PM, Mahaffie, Lynn <Lynn.Mahaffie@ed.gov> wrote:

Hi Lindsay – Attached are ED’s responses to your comments of 5/12. I apologize that we were not able to meet the 4 pm deadline. Please let me know if you have questions. Thanks. -- Lynn

From: Abate, Lindsay M. EOP/OMB <[REDACTED]>
Sent: Wednesday, May 12, 2021 1:06 PM
To: Malawer, Hilary <Hilary.Malawer@ed.gov>
Cc: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Hunt, Alex T. EOP/OMB <[REDACTED]>
Subject: RE: Unified Agenda

Hilary,

Thank you for sending over ED’s revised agenda. Attached are some additional technical edits that should be easy to address. They are labeled **EOP 5/12**. We would very much like to lock down the agenda by COB today. Would you be able to send a response with corrections by **4:00 PM today**?

As a general note, OIRA [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
[REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
[REDACTED] We look forward [REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

Thanks for all your work on this.

Best,
Lindsay

From: Malawer, Hilary <Hilary.Malawer@ed.gov>
Sent: Wednesday, May 12, 2021 11:15 AM
To: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. < 6 - (5 Ex >
Sec 552(b)(6))>
Cc: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Subject: Unified Agenda

Per discussion, attached is the most recent version of the UA.

<Original ED Agenda Entries (Unreviewed) - EOP 5.10.21 - EOP comments 5.12.21_ED Responses
2.docx>

<Original ED Agenda Entries (Unreviewed) - EOP 5.10.21 - EOP comments 5.12.21_ED Responses 2 -
EOP 5.14 (002).docx>

FW: R&E and A&S Comments on S1260 - United States Innovation and Competition Act of 2021

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
To: "Setterberg, Andrew R (Drew) CIV OSD OUSD R-E (USA)" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Gumahad, Arsenio T (Bong) SES OSD OUSD A-S (USA)" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Cc: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Date: Thu, 15 Jul 2021 12:49:29 -0400
Attachments: s1260es.pdf (2.92 MB)

Hi Peter –

I meant to also include you on my last message at the request of OMB LRD in regards to A&S's comment on Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) of S. 1260. Please see the message below that I sent to Bong and Drew.

Just an FYI, I am the lead OMB examiner on all Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. It is nice to virtually meet you.

Bill

Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5 U.S.C. Sec 552(b)(5))
<https://www.whitehouse.gov/omb>

From: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Sent: Thursday, July 15, 2021 12:45 PM
To: 'Setterberg, Andrew R (Drew) CIV OSD OUSD R-E (USA)' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'Gumahad, Arsenio T (Bong) SES OSD OUSD A-S (USA)' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: R&E and A&S Comments on S1260 - United States Innovation and Competition Act of 2021

Bong, Drew –

I wanted to reach out regarding A&S and R&E's comments on 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]

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

Under the same Section, but targeting different scope, [Redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

There are a few issues I want to address on the comments we received:

[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 I'm also happy to discuss if you have other thoughts.

I'm available all afternoon if you'd like to give me a call. Alternatively, I am free all afternoon tomorrow and all day on Monday.

Thanks,
Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget

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

2605; pp. 533-562 of the attached pdf). The only comments we received on these provisions in response to the request for views on S. 1260 were from DOD. I've pasted the comments below for ease of 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 Please also let me know 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

Please respond as soon as possible and no later than tomorrow morning.

Thank you,
Kimie

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

FW: Draft Implementation Guidance for NSPM-33 on Research Security

From: "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
To: "Woods, Terry O. 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 >
Date: Mon, 30 Aug 2021 16:04:49 -0400
Attachments: NSPM-33 Implementation Guidance 20210827 CLEAN.docx (166.4 kB); nspm-33.pdf (553.26 kB)

Terry, FYI as it Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Thanks.

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

From: McNavage, William EOP/OMB
Sent: Monday, August 30, 2021 3:35 PM
To: Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Tran, Hai M. 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 >; Blum, Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: Draft Implementation Guidance for NSPM-33 on Research Security

Hi All –

The NSTC Subcommittee on Research Security is in the process of preparing implementation guidance for NSPM-33 on the National Security Strategy for United States Government-Supported Research and Development. I've attached the current implementation guidance draft and a copy of NSPM-33 for reference.

Ex 5 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

If you have any edits or comments, we'd like to collect those by **12:00pm on Tuesday 7 September.** Please let me know if this date is problematic. Also, if I missed anyone on this distro, please forward this message to others as necessary.

Please let me know if you have any other questions.

Regards,
Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget

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

FW: Draft Implementation Guidance for NSPM-33 on Research Security

From: "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Woods, Terry O. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) x 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Wed, 01 Sep 2021 10:12:49 -0400
Attachments: NSPM-33 Implementation Guidance 20210827 CLEAN.docx (166.4 kB); nspm-33.pdf (553.26 kB)

Terry, FYI


Regards,
Gil Tran
Executive Office of the President
OMB/OFFM
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Cc: 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: Draft Implementation Guidance for NSPM-33 on Research Security

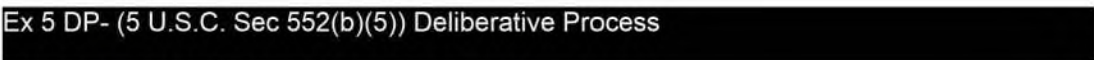
Hi All –

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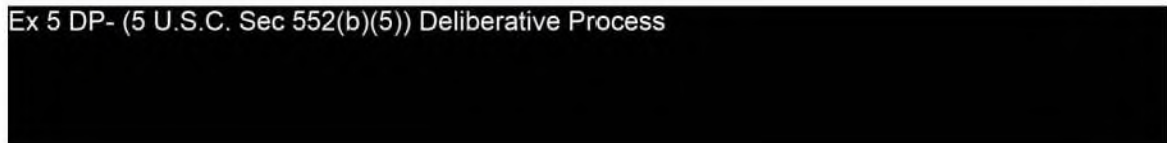
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



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Please let me know if you have any other questions.

Regards,
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 Ex 6 - (5
(s)
(t)

FW: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

From: "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Bcc: "Derbes, Catherine A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Tue, 14 Sep 2021 16:43:16 -0400
Attachments: ORIGINAL ED Reg Plan Entries (2021 Fall)-(Unreviewed).docx (56.21 kB); ORIGINAL ED Agenda Entries (2021 Fall)-(Unreviewed).docx (51.82 kB); ED Change Report (Fall 2021).pdf (150.36 kB); Agency Agenda Index - ED.xlsx (28.65 kB)

I'm going to send around a hold to review this by next Tuesday (since we have two weeks) but we can discuss at tomorrow's check-in on whether that timing makes sense.

From: Abate, Lindsay M. EOP/OMB
Sent: Tuesday, September 14, 2021 12:58 PM
To: DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Knackstedt, Kimberly M. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Martin, Carmel M. 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. Ex 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 Ex 6 - (5)>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Garufi, Marc A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. 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.C. Ex 6 - (5)>; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Shah, Reema B. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Gupta, Neha EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Kosoglu, Rohini L. EOP/OVP <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; 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. Ex 6 - (5)>; Knackstedt, Kimberly M. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Clark, Ashley N. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Dandiya, Pia P. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Lion, Vanessa C. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Sherman, Donald K. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Lhamon, Catherine E. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Keene, Jamie D. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Gupta, Neha EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Bagenstos, Samuel R. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; English, Leandra EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Jacobs, Zoe A. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Taber, Jamie R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Landrieu, Grace G. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Barrow, Lisa EOP/CEA <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Ibrahim, Aya R. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>; O'Shea, Abby C. EOP/CEA <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bernstein, Jared EOP/CEA <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>

McKinney, Jessica A. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Block, Sharon I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Gould, Jonathan S. 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))>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>;
Dorjts, Vlad EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

Colleagues,

Please find attached for your review the Department of Education's draft Unified Agenda, draft Regulatory Plan, and supporting documents. As you may know, the Regulatory Plan and Unified Agenda provide important public notice and transparency about proposed regulatory and deregulatory actions within the Executive Branch. This process highlights agency priorities, promotes planning and coordination, and encourages public participation in the regulatory process.

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Description of the attachments:

1. **Draft Unified Agenda** - Ex 5 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. **Draft Regulatory Plan** - Ex 5 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
3. **Change 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
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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
4. **The Agenda Index** - Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

We ask that you focus your review on policy concerns/content and keep in mind that: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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Also, please do not worry about typographical errors, formatting, or duplicate entries.

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 and help OIRA ensure that the Regulatory Plan and Unified Agenda are published on schedule. Please also let me know if you have any questions and thank you for your efforts.

Best,
Lindsay

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

Ex 6 - (5 U.S.C. ;x 6 - (5

Cell: Ex 6 - (5

FW: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

From: "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Tue, 21 Sep 2021 17:20:18 -0400
Attachments: ORIGINAL ED Agenda Entries (2021 Fall)-(Unreviewed).docx (60.2 kB); ORIGINAL ED Reg Plan Entries (2021 Fall)-(Unreviewed).docx (51.3 kB)

Hi Mary,

The team has taken a look and the documents are ready for your review on SharePoint here:

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

They are also attached for your convenience. Let me know what you think. I don't think Sherry needs to take a look, but let me know if you disagree.

Best,
Katherine

From: Abate, Lindsay M. EOP/OMB
Sent: Tuesday, September 14, 2021 12:58 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 M. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Martin, Carmel M. 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))>; Gupta, Neha EOP/WHO <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 M. EOP/WHO <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))>; Clark, Ashley N. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Dandiya, Pia P. 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))>

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 <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))>;
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Best,
Lindsay

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

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

Cell: Ex 6 - (5

FW: LRM: [HWM-117-65] Due 09/30/2021 Thursday at 10:00 AM -- EDUCATION Questions for the Record on Policies and Priorities

From: "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: DL OMB Education <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Bcc: "Derbes, Catherine A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Thu, 23 Sep 2021 10:00:33 -0400
Attachments: HWM065 - ED QFRs Ed & Labor.docx (98.82 kB)

Sorry for the confusion, y'all. This is indeed a DIFFERENT set of questions. This is for a House Ed and Labor committee hearing from June 24th.

The other ones are for:
House Approps, May 5
Senate Approps, June 14

I'll send around an invite to coordinate our review with a due date sometime next week.

From: Myers, Hayley W. EOP/OMB
Sent: Thursday, September 23, 2021 9:46 AM
To: 'ogc.legislation@ed.gov' <ogc.legislation@ed.gov>; Ex 6 - (5 U.S.C. Sec
<Ex 6 - (5 U.S.C. Sec >; Ex 6 - (5 U.S.C. <Ex 6 - (5 U.S.C. >; DL-OSTP-LRM <Ex 6 - (5
Ex 6 - (5 U.S.C. Sec >
Cc: Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Feldman, Iris T. EOP/OMB
<Ex 6 - (5 Ex 6 - (5)>; Bomberger, Melissa B. EOP/OMB
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; DL OMB Education
<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)>; O'Brien, Erin L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>;
DL OMB BRD PAYGO CREW <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; DL OMB EvidenceTeam
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Greenwald, Elyse F. EOP/OMB
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Abate, Lindsay M. EOP/OMB
<Ex 6 - (5 U.S.C. Ex 6 - (5)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>;
Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Sivinski, Robert G. EOP/OMB
<Ex 6 - (5 U.S.C. Ex 6 - (5)>; DL OMB OGC <Ex 6 - (5 Ex 6 - (5)>; Etter, Robert L.
EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Heaton, Kelly A. EOP/OMB
<Ex 6 - (5 U.S.C. Ex 6 - (5)>; DL-OVP-LRM <Ex 6 - (5 U.S.C. Sec >; Shah, Reema B.
EOP/WHO <Ex 6 - (5 U.S.C. Sec >; Clark, Ashley N. EOP/WHO
<Ex 6 - (5 U.S.C. Sec >; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C.
Ex 6 - (5 U.S.C. Sec >; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Sec >; Klein,
Jennifer L. EOP/WHO <Ex 6 - (5 U.S.C. Sec >; Phadke, Shilpa D. EOP/WHO
<Ex 6 - (5 U.S.C. Sec >; Volin, Lina L. EOP/WHO <Ex 6 - (5 U.S.C. Sec >; DL WHO
WHCO LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sokoler, Jennifer B. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Molt-West, Alicia H. EOP/WHO <Ex 6 - (5
Ex 6 - (5 U.S.C. Sec >; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Menard, Barbara
A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Myers, Hayley W. EOP/OMB

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

Subject: LRM: [HWM-117-65] Due 09/30/2021 Thursday at 10:00 AM -- EDUCATION Questions for the Record on Policies and Priorities

DEADLINE: 10:00 AM Thursday, Sep 30 2021

Attached please find draft QFRs from ED from a June 24 hearing before the House Ed & Labor Committee entitled "Examining the Policies and Priorities of the U.S. Department of Education." Testimony for the hearing was reused from a Senate Appropriations Committee hearing on June 16.

Please review the draft 20-page QFRs and respond by the deadline.

LRM ID: HWM-117-65
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: Menard, Barbara (for) Assistant Director for Legislative Reference
SUBJECT: LRM: [HWM-117-65] Due 09/30/2021 Thursday at 10:00 AM -- EDUCATION Questions for the Record on Policies and Priorities

OMB CONTACT: Hayley Myers(OMB)

E-Mail: Ex 6 - (5 U.S.C. Ex 6 - (5)

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

FAX: (____) ____-____

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.

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VACANCY

July 2, 2021

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

Dear Secretary Cardona,

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

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

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

Sincerely,

ROBERT C. "BOBBY" SCOTT
Chairman

Enclosure

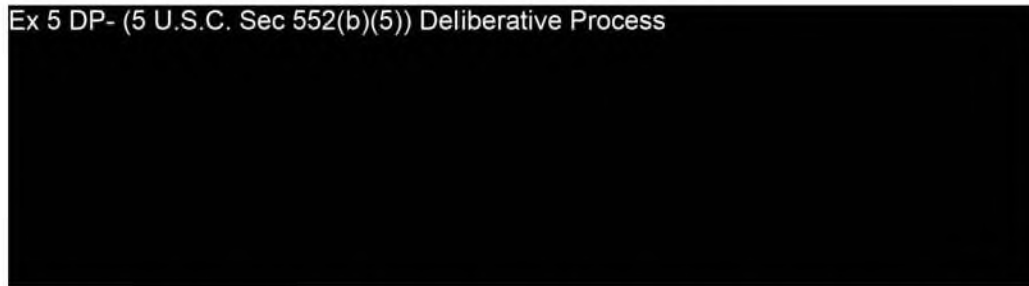
Committee on Education and Labor Hearing
“Examining the Policies and Priorities of the U.S. Department of Education”
Thursday, June 24, 2021
10:15 a.m. (Eastern Time)

Representative Joe Courtney (D – CT)

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


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

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



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


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



Representative Frederica S. Wilson (D – FL)


There is a growing gap in the ratio of students of color to teachers of color. This trend is most stark for black males, who make up only 2 percent of the teaching workforce. Secretary Cardona, what steps is the department taking to address the black male teacher shortage?

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



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

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



Representative Susan Wild (D – PA)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Jamaal Bowman (D – NY)

1. Interagency Collaboration – American Rescue Plan


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

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

2. Full-Service Community Schools

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

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

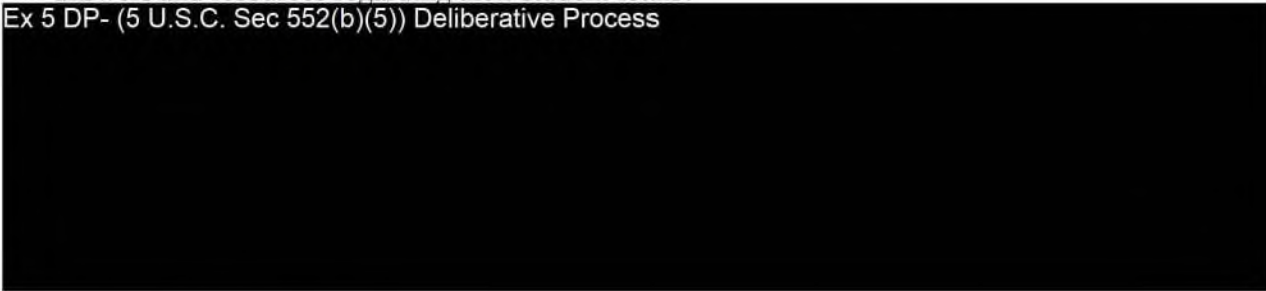


3. Student Loan Servicers

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

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

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



4. Parent PLUS Loans

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

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

Ranking Member Virginia Foxx (R – NC)

K-12

1. You have talked about your agency's implementation of the American Rescue Plan. I want to ask one question about a relatively minor aspect of that effort that could have major implications. This winter, the Biden administration announced its intention to work with states that needed additional waivers of the testing and accountability provisions under the *Every Student Succeeds Act* for this academic year. The Department followed up that announcement in March by sending states a template to use to request waivers. While Republicans have been supportive of states applying for flexibility where needed, we have criticized you for attaching conditions on that flexibility. That is an approach favored by the last Democratic administration, and it did significant harm. It likely violates prohibitions under ESSA, but it definitely violates the spirit of that law. Mr. Secretary, two questions:

First, had I asked you prior to your nomination how you would feel about the federal government complicating states' responses to the pandemic by attaching conditions to needed flexibility, how would you have responded?

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

Two, will you commit to upholding the letter and intent of ESSA going forward by deferring to state judgments?


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

2. You continue to tout the American Rescue Plan as being necessary for the reopening of

schools. However, the Congressional Budget Office said that 70 percent of the American Rescue Plan's K-12 funding would not be spent until 2023 or later.


Do you believe that estimate is accurate?

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



I am sure that you would argue that these funds are needed for ongoing recovery after the pandemic. But, for the sake of transparency and honesty, will you concede that your rhetoric, and the rhetoric of the president and other Democrats, about the role of the American Rescue Plan in reopening schools, is false?


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



Postsecondary Education

3. For those who are unfamiliar, the National Advisory Committee on Institutional Quality and Integrity, or NACIQI (“nuh-SEE-key”), advises the Secretary on which accrediting agencies should be federally recognized as reliable authorities for determining the quality of higher education institutions. In turn, federally recognized agencies act as gatekeepers for federal student aid, which we know amounts to trillions in taxpayers’ money. In its authorizing language, the *Higher Education Act* requires that members of NACIQI be appointed “on the basis of the individual’s expertise, integrity, *impartiality*, and good judgment”. Mr. Secretary, it seems to me that judging impartiality is easier when there are clear conflicts because a NACIQI member is a college president or may have paying clients in their day-to-day business. But how do you judge impartiality when it comes to someone that is paid by an advocacy group that has written or spoken extensively on the very issues and accrediting agencies that come before the Committee? Also, can you provide the Committee the conflict

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



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

4. The Committee asked about changes within the Office of Financial Student Aid once Mr. Cordray took over as the agency's Chief Operating Officer.

Before we get to this issue, can you please tell us what, if any, involvement you had in selecting Mr. Cordray as the COO at FSA?

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

It is my understanding that Mr. Cordray made significant changes to the staffing structure at FSA upon his arrival. Was that all done under his direction or did you or your staff sign-off on those changes?

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

As Mr. Cordray has engaged in his duties as COO, what requirements have you established to ensure you are aware of and in agreement with all decisions he is making? Which staff in the Office of the Undersecretary and Office of the Secretary oversee that for you?

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

Have you ensured that staff, including Mr. Cordray, receives your approval prior to making any decisions regarding the operation of the loan program, including repayment and servicing operations, as required by Section 141 of the *Higher Education Act*?


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

5. I think we are going to hear a lot today about the importance of getting a college degree. But I think too many students are pursuing a college degree and borrowing large amounts of money to do so. I think this is a shame, particularly when employers now tend to hire based on skills rather than the level of credentials obtained. Our nation faced a massive skills gap prior to the pandemic and it has only grown since then; whole industries have changed

drastically overnight. As our economy begins to recover, I think we need a partner in the Executive Branch that will help us reform the *Higher Education Act* in a way that helps students from all walks of life obtain the skills necessary to find a job rather than just pouring more money into a broken system that forces everyone into a degree.


Do you believe that our postsecondary education system should be reformed in such a way that will force our education providers to meet students where they are and provide the skills they need rather than force students to rearrange their lives to attend the traditional, brick and mortar college? Will you commit to working with the members of this Committee to reform the *Higher Education Act* in a way that encourages robust options, including shorter-term programs, for all students?

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



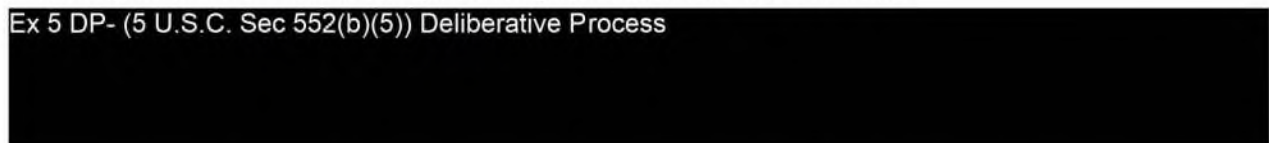
6. Returning borrowers back into repayment status for their student loans is critical for both our nation's recovery from the pandemic, as well as for the stability of the loan program. Before President Biden was sworn in, what date were loan payments set to begin?

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



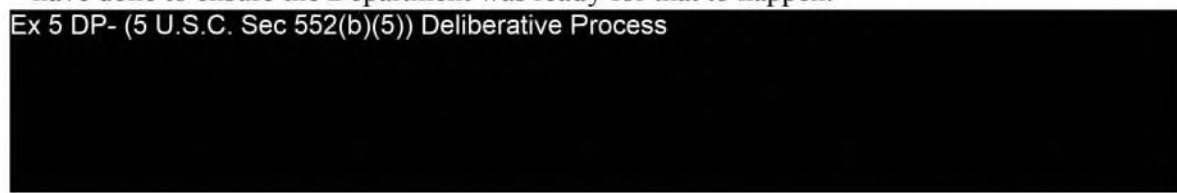
And upon executive action the president pushed that date back to what?

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



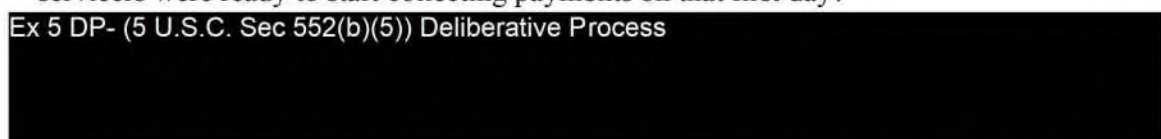
Now, knowing the date that repayment was to begin, I'm interested in learning what you have done to ensure the Department was ready for that to happen.

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



Did you ask for a briefing from staff on what has to happen internally to make sure the servicers were ready to start collecting payments on that first day?

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



Did you or your staff meet with your external partners to understand what is needed to be ready to start repayment on that first day?

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

Did you establish a timeline with key deadlines that must be met by your staff to make it happen?

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

How frequently do you meet with Mr. Cordray to discuss how the return to repayment will happen?

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

This Committee, along with the Senate HELP Committee, sent a letter to you asking about the return to repayment on June 2 of this year. That letter requested information about this process, focusing on the required communications to borrowers. How many of the six required communications to borrowers have been sent?

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

What is the projected timeline for beginning those communications? What effort is being made to help borrowers get ready to begin repayment again? (OUS)

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

Some people believe that despite the pandemic coming to an end, the administration is going to try to continue this pause in perpetuity until you can figure how to grant loan forgiveness to all borrowers. I certainly hope this administration is not trying to use the pandemic to get to a policy goal through a side door. Can you confirm for us today that you are actively working to restart repayments for all loans taken out by borrowers by October 1 and that borrowers are aware of the need to repay these loans?

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

Title IX

7. Your Department has begun a review of the Trump administration's regulations outlining how schools must address accusations of sexual harassment under Title IX. Most of the Trump administration's regulations were based on court precedent. Most notably, in a 2018 decision involving the University of Michigan, the U.S. Court of Appeals for the Sixth Circuit reiterated earlier rulings that, when credibility is at issue, [quote] "the university must give the accused student or his agent an opportunity to cross-examine the accuser and adverse witnesses in the presence of a neutral fact-finder." [unquote] In other words, accused students must have the opportunity to contest claims against them, with appropriate safety protocols for alleged survivors. And so-called single investigator models are inappropriate. What in the Sixth Circuit's ruling do you disagree with?

8. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The Obama administration made Title IX policy by issuing letters that did not go through any public comment process. Will you commit to keeping the Trump administration regulations in place unless and until the department undertakes a formal regulatory process in which you issue draft regulations, accept public comments, review those comments, and then issue a final regulation?

9. You have begun a review of the Trump administration's Title IX sexual harassment regulations. One of the strengths of those regulations is that they adhered closely to existing legal definitions and court precedent. For example, the definition of "sexual harassment" under the regulations was based on a Supreme Court decision that was authored by Sandra Day O'Connor and joined by Ruth Bader Ginsburg, David Souter, John Paul Stevens, and Stephen Breyer. By contrast, the Obama administration created subjective standards that were not grounded in prior legal interpretations, which created confusion for students and

schools alike. As a result, more than 600 lawsuits were filed against schools following the Obama administration's guidance. Will you commit to protecting students by ensuring that any standards your Department creates will be objective and grounded in existing precedent?

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

10. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The regulation requires schools to respond meaningfully to every sexual assault allegation. The regulation gives the victim the power to determine what support and action to pursue. The victim can report the alleged assault but decline the option of filing a formal complaint. Or, if the victim decides to file a formal complaint, the school is required to thoroughly investigate the alleged assault using formal grievance procedures spelled out in the regulations. Under either circumstance, the school is obligated to provide what the regulations call "supportive measures" that protect the student from harm as a result of the alleged assault and ensure that his or her education can continue. Supportive measures are not specifically defined in the regulations, but they refer to non-disciplinary and non-punitive individualized services that serve the purpose of restoring or preserving a victim's equal access to education. Examples could include academic course adjustments, counseling, non-contact orders, dorm room reassignments, and leaves of absence. Mr. Secretary, are you opposed to requiring schools to support sexual assault survivors as laid out in the Trump administration's regulations?

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

Workforce Development

11. As you likely know, an important issue before our committee this Congress is the reauthorization of the *Workforce Innovation and Opportunity Act (WIOA)*. Given your oversight of programs under the *Adult Education and Family Literacy Act* as authorized by WIOA, what recommendations – beyond simply increasing funding – do you have for strengthening pathways for adults through basic educational services?


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

Representative Joe Wilson (R – SC)

1. On November 13, 2020, the Department of Education under the Trump administration published in their registrar “the Department has authority to implement a range of corrective measures for an institution that violates its Program Participation Agreement, including termination of the institution’s Title IV participation.” This statement was related to an institution failing to report Section 117 information timely and accurately, which was to address Chinese government sponsored Confucius Institutes strategically located across America.


Given that many institutions are failing to comply with the reporting requirements under Section 117 of the Higher Education Act, can you commit to acting on your authority as Secretary to hold schools accountable who fail to comply with the law? How will you ensure that our higher education system is protected from the influence of adversarial nations?

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




2. Given the successes of charter schools and the subsequent demand for charter schools that we are seeing at the state level, what are your plans for increasing accessibility to charter schools for students and parents seeking that option?

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



With public schools often utilizing services of for-profit entities, including most recently for spending COVID-19 relief funds, why are you proposing this restriction for charter schools only? Is this requirement something you are considering for other programs?

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



Representative Glenn Thompson (R – PA)


As the co-chair of the bipartisan Career and Technical Education Caucus, passage of the Strengthening Career and Technical Education for the 21st Century Act in July 2018 was one of my proudest moments as a member of Congress.

This legislation, which went into effect in July 2019, bolstered our nation’s CTE system by increasing alignment with in-demand jobs and improving employer engagement so that more students have opportunities to move into in-demand jobs and successful careers.

As I looked over the Department budget ahead of this hearing, I noticed it calls for \$1 billion in new mandatory funding for CTE each year for the next decade for “Expanded Career Pathways for Middle and High School Students” under the American Jobs Plan.

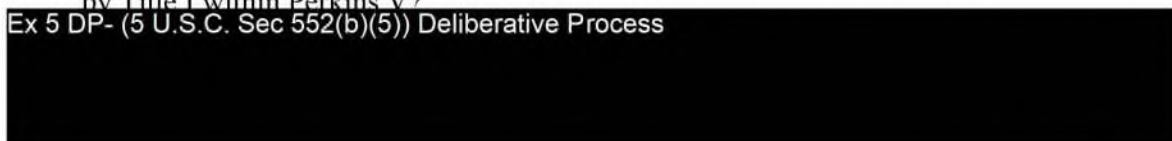
1. What exactly would this funding be used for?

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



2. How would this new proposed program align, or not, with the state grants authorized by Title I within Perkins V?

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



Additionally, I am a strong advocate for the Federal TRIO Programs. These programs provide individual support to help low-income students and students who are first in their family to enter and finish college. In my district, Pennsylvania's 15th congressional district, TRIO serves 1,547 students across 6 projects.


TRIO has return on investment as high as \$13 for every \$1 in federal funding invested. In 2019, your agency found that TRIO students at two-year institutions were 47% more to complete a degree or transfer than comparable students. TRIO students at four-year institutions were 18% more likely to earn their college degree. Because college graduates can expect to earn much more over their lifetimes, when you crunch the numbers, TRIO Student Support Services yields a \$13 increase in lifetime earnings for every \$1 invested.

1. Will you share how your budget request for the Federal TRIO Programs helps bring a strong return for our federal investment?

Representative Scott Fitzgerald (R – WI)


1. Secretary Cardona, in Wisconsin, a large percentage of Federal COVID relief money was distributed through Title 1 allocations which favors the large, urban districts. Those were the same districts most likely to be closed for in-person education (Madison, Milwaukee, etc). With districts that were open to in-person instruction spending more than those that were fully virtual, was the allocation of the COVID relief money responsive to actual needs?

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



2. Emergency Assistance to Non-Public Schools (EANS) money reverts back to public schools if unused by private schools. Secretary Cardona, what are other states seeing in relation to money reverting to public school because private school use is limited by restrictions on EANS funds?


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



Representative Mary E. Miller (R – IL)

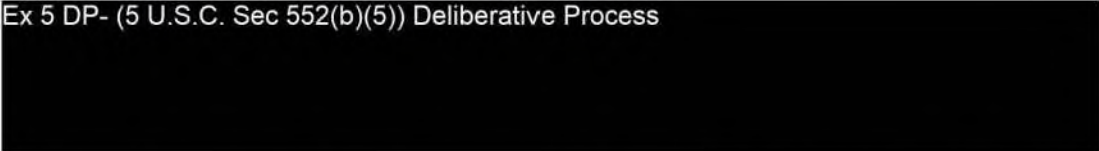
1. Does the Department plan to investigate and penalize teachers under Title IX who continue to teach the fact that there are only two sexes in the human species, male and female?

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




2. Will your Department protect the free speech rights of students, teachers, and faculty to state that human beings are biologically determined to be male, or female, regardless of personal identity?

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




3. Under the Department's current interpretation, would it be a violation of Title IX for a teacher to say that "Men can't get pregnant"?

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



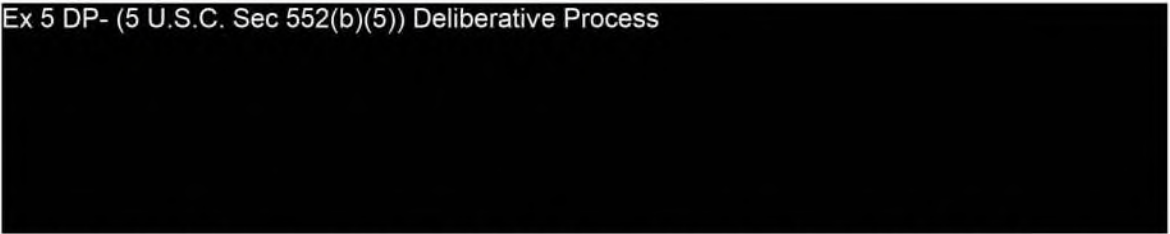
4. Will the Department's interpretation of Title IX require schools to allow students to access the restroom or locker room of their choosing rather than the one that corresponds with their biological sex?

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



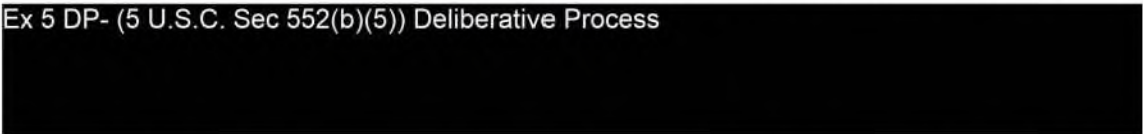
5. Have you considered, as part of your department's guidance on Title IX, providing consideration of girls' safety in contact sports should biological males be allowed to play on girls' sports teams?

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



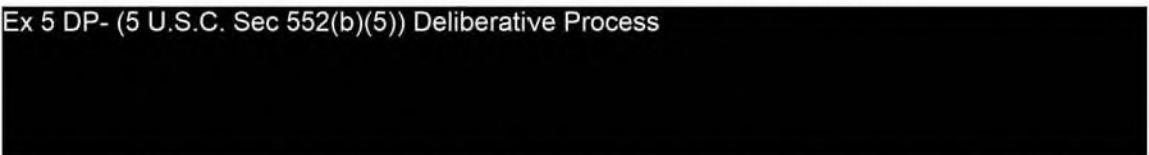
6. If a female student complains or objects to having to dress and undress in a locker room in the presence of male students, would she have any right to privacy under Title IX?

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



7. If the female student objecting to sharing a restroom or locker room with students born male is objecting on the basis of the female student's sincerely held religious belief about not undressing in front of people of the opposite sex, is a school permitted to refuse allowing transgender-identifying biological males to access these spaces?

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



8. Will the Department's interpretation of Title IX require schools to assign student lodging on overnight trips based on gender identity rather than sex, potentially requiring

biological girls and boys to room together?

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

9. Does the Department plan to respect faith-based schools that wish to operate based on sincerely-held religious beliefs about biological sex?

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

10. Does the Department intend to issue further guidance for educational institutions on how they are expected to implement this policy, including any guidance similar to the Department's May 13, 2016 Dear Colleague letter?

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

Representative Julia Letlow (R – LA)


1. In March 2020, the Department of Education paused federal student loan payments at the onset of the pandemic and set the interest rates to 0% during the pause. Federal borrowers are scheduled to resume payments on October 1, 2021. The Department's Federal Student Aid Office (FSA) has stated multiple times that it is working on a plan on how to restart repayment for borrowers. We are within 90 days of this restart date.

As with many other businesses, student loan servicers have had to lay off employees during the Pandemic. These agencies need adequate time to hire enough employees so they can return to the same level of performance and compliance standards that the Department expects from them. Additionally, students need ample time to be informed on guidance and expectations as repayment plans resume. It is important to give both servicers and students enough time to prepare to avoid confusion.

Mr. Secretary, when does FSA plan to share their plan with servicers, including private collection agencies, on informing the 45 million borrowers about their payments and interest restarting?

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

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



RE: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

From: "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >
To: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >, "Ahmed, Shagufta I. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >
Cc: "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >
Date: Tue, 28 Sep 2021 09:01:36 -0400
Attachments: ORIGINAL ED Reg Plan Entries (2021 Fall)-(Unreviewed) ED Branch.docx (51.1 kB); ORIGINAL ED Agenda Entries (2021 Fall)-(Unreviewed) ED Branch.docx (60.19 kB)

Good morning Lindsay and Shagufta:

Please find attached ED Branch's comments on the unified agenda and regulatory plan from ED. Thanks for coordinating review!

Katherine

From: Abate, Lindsay M. EOP/OMB
Sent: Tuesday, September 14, 2021 12:58 PM
To: DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Knackstedt, Kimberly M. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Martin, Carmel M. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 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 Ex 6 - (5 >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Garufi, Marc A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Ganahl, Joseph R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. 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.C. Ex 6 - (5 >; Gluck, Abbe R. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Shah, Reema B. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Gupta, Neha EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Garg, Arpit K. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. Ex 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. Ex 6 - (5 >; Knackstedt, Kimberly M. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Clark, Ashley N. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Dandiya, Pia P. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Wall, Mary C. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Lion, Vanessa C. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Sherman, Donald K. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Lhamon, Catherine E. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Keene, Jamie D. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Gupta, Neha EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Bagenstos, Samuel R. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; English, Leandra EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >

Jacobs, Zoe A. EOP/WHO <Ex 6 - (5 Ex 6 - (5 >; Taber, Jamie R. EOP/OMB
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Landrieu, Grace G. EOP/WHO
 <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Barrow, Lisa EOP/CEA <Ex 6 - (5 U.S.C. Sec >; Ibrahim,
 Aya R. EOP/WHO <Ex 6 - (5 U.S. Ex 6 - (5 >; O'Shea, Abby C. EOP/CEA
 <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Bernstein, Jared EOP/CEA <Ex 6 - (5 U.S.C. Sec >;
 McKinney, Jessica A. EOP/WHO <Ex 6 - (5 U.S.C. SeEx 6 - (5 >
Cc: Block, Sharon I. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Gould, Jonathan S. EOP/OMB
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Mancini, Dominic J. EOP/OMB
 <Ex 6 - (5 U.S.C. SeEx 6 - (5 >; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 >;
 Dorjets, Vlad EOP/OMB <Ex 6 - (5 U.S. Ex 6 - (5 >; Ahmed, Shagufta I. EOP/OMB
 <Ex 6 - (5 U.S.C. Ex 6 - (5 >

Subject: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

Colleagues,

Please find attached for your review the Department of Education's draft Unified Agenda, draft Regulatory Plan, and supporting documents. As you may know, the Regulatory Plan and Unified Agenda provide important public notice and transparency about proposed regulatory and deregulatory actions within the Executive Branch. This process highlights agency priorities, promotes planning and coordination, and encourages public participation in the regulatory process.

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Description of the attachments:

1. **Draft Unified Agenda** – Ex 5 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. **Draft Regulatory Plan** – Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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3. **Change Report** – Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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4. **The Agenda Index** – Ex 5 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 ask that you focus your review on policy concerns/content and keep in mind that: Ex 5 DP- (5 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

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

Also, please do not worry about

typographical errors, formatting, or duplicate entries.

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 and help OIRA ensure that the Regulatory Plan and Unified Agenda are published on schedule. Please also let me know if you have any questions and thank you for your efforts.

Best,
Lindsay

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

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

Cell: Ex 6 - (5

U.S.C. Sec

RE: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

From: "Tracey-Mooney, Maureen EOP/WHO" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
To: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "McKinney, Jessica A. EOP/WHO" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Cc: "Ahmed, Shagufta I. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Wed, 29 Sep 2021 20:53:27 -0400
Attachments: ORIGINAL ED Reg Plan Entries (2021 Fall)- DPC.docx (52.52 kB); ORIGINAL ED Agenda Entries (2021 Fall)-DPC.docx (61.38 kB)

Attached are comments from DPC. Thanks!

Maureen Tracey-Mooney

Special Assistant to the President for Education Policy
Domestic Policy Council

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

From: Abate, Lindsay M. EOP/OMB
Sent: Tuesday, September 28, 2021 9:44 AM
To: McKinney, Jessica A. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Cc: Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Subject: RE: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

Hi Jessica,

Thanks for letting me know. Yes – tomorrow by COB would be fine.

Best,
Lindsay

From: McKinney, Jessica A. EOP/WHO
Sent: Tuesday, September 28, 2021 9:42 AM
To: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Cc: Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Subject: RE: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM

Dear Lindsay,

DPC will need an extension to complete review of this item. Could it work for us to send comments by COB tomorrow, Wednesday, 9/29?

Thanks!

Jessica A. McKinney (she/her)

Policy Advisor for K-12 Education
Domestic Policy Council
Ex 6 - (5 U.S.C.)

From: Abate, Lindsay M. EOP/OMB
Sent: Tuesday, September 14, 2021 12:58 PM
To: DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec [REDACTED] x 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. Ex 6 - (5 [REDACTED])>; Knackstedt, Kimberly M. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Martin, Carmel M. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Feldman, Stefanie G. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Pascal, Alex J. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Yudelson, Alex R. EOP/WHO <Ex 6 - (5 U.S.C. 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. Ex 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. Ex 6 - (5 [REDACTED])>; Okolo, Osaremen F. EOP/WHO <Ex 6 - (5 U.S.C. 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. Ex 6 - (5 [REDACTED])>; Delery, Stuart F. EOP/WHO <Ex 6 - (5 [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 [REDACTED] Ex 6 - (5 [REDACTED])>; Gupta, Neha EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Garg, Arpit K. EOP/OMB <Ex 6 - (5 [REDACTED] x 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 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. Ex 6 - (5 [REDACTED])>; Knackstedt, Kimberly M. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Clark, Ashley N. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Dandiya, Pia P. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Wall, Mary C. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Lion, Vanessa C. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Sherman, Donald K. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Lhamon, Catherine E. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Keene, Jamie D. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Gupta, Neha EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Bagenstos, Samuel R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; English, Leandra EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Jacobs, Zoe A. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Taber, Jamie R. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Landrieu, Grace G. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Barrow, Lisa EOP/CEA <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ibrahim, Aya R. EOP/WHO <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; O'Shea, Abby C. EOP/CEA <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bernstein, Jared EOP/CEA <Ex 6 - (5 U.S.C. Sec [REDACTED])>; McKinney, Jessica A. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>
Cc: Block, Sharon I. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Gould, Jonathan S. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>; Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>; Dorjets, Vlad EOP/OMB <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>

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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)) Deliberative Process
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Best,
Lindsay

Lindsay Abate
Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget (OMB)
Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])
Cell: Ex 6 - (5 [REDACTED])

FW: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Mok, Emily A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Mon, 01 Nov 2021 18:14:56 -0400
Attachments: NSPM-33 Implementation Guidance final.docx (189.5 kB)

Hi Emily –

Do you have 10 minutes to discuss this tomorrow?

I am free after 2:30.

Bill

Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5 U.S.C. Sec 552(b)(6))
<https://www.whitehouse.gov/omb>

From: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Sent: Monday, November 1, 2021 17:19
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Whitman, Lloyd <lwhitman@nsf.gov>; Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; @state.gov; Jorgenson, Lyric (NIH/OD) [E <lyric.jorgenson@nih.gov>; Zecher, Dede <Cordelia.Zecher@uspto.gov>; Binkley, Steve <John.Binkley@science.doe.gov>; heather.evans@nist.gov; Katharine.Ferguson@usda.gov; Robert.Bonnie@usda.gov; Lal, Bhavya (HQ-AA000 <bhavya.lal@nasa.gov>; Cremins, Tom (HQ-AJ000 <tom.cremins-1@nasa.gov>; Douraghy, Ali <Ali.Douraghy@hq.doe.gov>; Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; michael.weiss@noaa.gov; ljimenez@doc.gov; (b)(3), (b)(6) <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; sean.mccluskie@hhs.gov; wanda.russ@fda.hhs.gov; lawrence.tabak@nih.gov; melanie.muenzer@ed.gov; Douraghy, Ali <Ali.Douraghy@hq.doe.gov>; Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Juhl, Charlie A. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Koizumi, Kei EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Jones, Narda M. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Krieger, Julia N. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Turaga, Bridget M. <bturaga@nsf.gov>; (b)(6), (b)(6) <(b)(6), (b)(7)(C)>; Adams, Jaime <jaime.adams@usda.gov>; (b)(6), (b)(7)(C); Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)> (DO) (FBI) <(b)(6), (b)(7)(C) &>; gregory.strouse@nist.gov; (b)(3), (b)(6) <(b)(6), (b)(7)(C)>; Julie.Abraham@dot.gov; Merrill, John <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)> (DO) (FBI) <(b)(6), (b)(7)(C)>; Matthew.Warren@fda.hhs.gov; Methfessel, Bucky <Bucky.Methfessel@ed.gov>; DeBlanc-Knowles, Tess <tdeblanc@nsf.gov>; Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec 552(b)(6))> (NSD) <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bahnak, Jess <Jess.Bahnak@science.doe.gov>; Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Feldman, Jean I. <jfeldman@nsf.gov>; Valdez, Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

Patricia (NIH/OD) [E] <patricia.valdez@nih.gov>; Lauer, Michael (NIH/OD) [E] <michael.lauer@nih.gov>; Keiser, Rebecca Lynn <RLKEISER@nsf.gov>; Zuckerman, Brian L <Ex 6 - (5 U.S.C. Sec [REDACTED])>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(3) - P.L. 86 [REDACTED]; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ison, Jeremy T. (HQ) <jeremy.ison@hq.doe.gov>; (b)(6), (b)(7)(C) [REDACTED] (CD) (FBI) <(b)(6), (b)(7)(C) & [REDACTED]>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; SES OSD OUSD R&E (USA) <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Karena.Cooper@fda.hhs.gov; (b)(6), (b)(7)(C) & (b)(7)(E) [REDACTED]; Whitman, Lloyd <lwhitman@nsf.gov>; Alstott, Jeffrey D. EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(3), (b)(6) [REDACTED]; Goldman, Abby R <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Wu, Elaine <Elaine.Wu@USPTO.GOV>; Fung, Henry Y <Ex 6 - [REDACTED]@state.gov>; (b)(6), (b)(7)(C) & (b)(7)(E) [REDACTED]; ben.huddle@dot.gov; Jesus.Hernandez@USPTO.GOV; (b)(6), [REDACTED]; Jenter, Harry L <hjenter@usgs.gov>; Hildebrand, Grace E <Ex 6 - (5 U.S.C. Sec [REDACTED])>; kala.shah@ed.gov; (b)(3), (b)(6) [REDACTED]; (b)(3), (b)(6) [REDACTED]; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(6), (b)(7)(C) & (b)(7)(E) [REDACTED]; margaret.kieffer@nasa.gov; Ross, Keel L <klross@usgs.gov>; Draper, Dave (HQ-AE000) <david.draper@nasa.gov>; Steven.Cooley@fda.hhs.gov; simon.liu@ars.usda.gov; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Slupe, Kevin <Kevin.Slupe@ed.gov>; (b)(6), (b)(7)(C) & (WMD) (FBI) <(b)(6), (b)(7)(C) & [REDACTED]>; (b)(6), (b)(7)(C) & [REDACTED]; Mahmood, Sarah <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Stalker-Lehoux, Sarah M. EOP/NSC <Sarah.M.Stalker-Ex 6 - (5 U.S.C. Sec [REDACTED])>; Bagia, Amrit B. EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(3), (b)(6) [REDACTED]; <(b)(3), (b)(6) [REDACTED]>; Scully, Brian J. EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(6), (b)(7)(C) [REDACTED]; Robinson, Craig R <crrobinson@usgs.gov>; tsquinn@usgs.gov; Liberante, Wendy (OST) <wendy.liberante@dot.gov>; Bulls, Michelle G. (NIH/OD) [E] <michelle.bulls@nih.gov>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Showe, Melanie (NIH/OD) [E] <showem@od.nih.gov>; Staton, Sarah J <Ex 6 - (5 U.S.C. Sec [REDACTED])>; JGeisen@doc.gov; tom.cremens-1@nasa.gov; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; jeffs@opensource.gov; <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; James Jones - NOAA Federal <james.jones@noaa.gov>; Fu, Helena <Helena.Fu@science.doe.gov>; DiGiulian, Maria (HQ) <maria.digiulian@hq.doe.gov>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(6), (b)(7)(C) & (b)(7)(E) [REDACTED]; lisa.a.scottcarnell@nasa.gov; Barbier, Louis M. (HQ-AE000) <louis.m.barbier@nasa.gov>; (b)(6), (b)(7)(C) [REDACTED] Carly.Robinson@science.doe.gov; (b)(6), (b)(7)(C) [REDACTED] (CTD) (FBI) <(b)(6), (b)(7)(C) & [REDACTED]>; susie.p.quinn@nasa.gov; Melissa.Safford@fda.hhs.gov; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Welch, Jennifer D. EOP/NSC <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (NSD) <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Kjelland, Christin C <Ex 6 - (5 U.S.C. Sec [REDACTED])>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; <Ex 6 - (5 U.S.C. Sec [REDACTED])>; lori.vassar@ios.doi.gov; jlatoff@doc.gov; gcos1@doc.gov; Matheny, Jason G. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

Subject: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Dear Colleagues,

The National Science and Technology Council (NSTC) requests NSTC Principal review of the attached *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development*. Developed by the Subcommittee on Research Security of the NSTC Joint Committee on the Research Environment, this document provides guidance to Federal departments and agencies regarding their implementation of NSPM-33.

This draft has <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [REDACTED]>
<Ex 5 DP- (5 U.S.C. Sec [REDACTED])>

Please provide your concurrence or other feedback by COB Monday, November 8th to Linda Lourie (Ex 6 - (5 U.S.C. Sec [REDACTED])) and Charlie Juhl (Ex 6 - (5 U.S.C. Sec 552(b)(6))). No response by the 8th will be taken as concurrence. Please also reach out with any questions or concerns.

Thank you,

Linda

Linda S. Lourie
Assistant Director for Research and Technology Security
National Security and International Affairs
Office of Science and Technology Policy
Executive Office of the President

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

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

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

From: "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
To: "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5)>
Date: Wed, 10 Nov 2021 10:50:13 -0500
Attachments: NSPM-33 Implementation Guidance final_OIRAPB-11.09.21 (+km).docx (197.3 kB)

Thank you Libby. Just a small edit in the attached. Otherwise looks good to go. Thank you. Kirsten

From: Hennemuth, Elizabeth I. EOP/OMB
Sent: Tuesday, November 9, 2021 6:33 PM
To: Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>
Subject: RE: Reminder - [For review by Nov. 10 COB] NSTC Implementation Guidance on NSPM-33

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 Ex 6 - (5)>
Sent: Monday, November 8, 2021 10:34 AM
To: Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5)>; Nelson, Kimberly P. EOP/OMB <Ex 6 - (5 U.S.C. SecEx 6 - (5)>; Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. SecEx 6 - (5)>; Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Durga, Ryan R. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S. (Ex 6 - (5)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; MacMaster, Ryan J. EOP/OMB <Ex 6 - (5 U.S.C. SecEx 6 - (5)>; Faezi-Marian, Farnoosh EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - Ex 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 Ex 6 - (5)>; Vissa, Kalpana EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5)>; Hoskins, Jack A. EOP/OMB <Ex 6 - (5 U.S. (Ex 6 - (5)>; Greene, Brandon H. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5)>; Stein, Nora H. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hazelgren, Mark H. EOP/OMB <Ex 6 - (5 U.S.C. SeiEx 6 - (5)>; Jennings, Connor R. 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)>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Dick, John H. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Giamo, Daniel M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Robinson, Donovan O. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Nafziger, Jephtha E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Cheese, Erin M. EOP/OMB <Ex 6 - (5 U.S. (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. SecEx 6 - (5)>; Mann, Noah S. EOP/OMB

<Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Paxton, Brian A. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>;
Hoskins, Jack A. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Connors, Kyle F. EOP/OMB
<Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>; Bain, Ally P. EOP/OMB <Ex 6 - (5 [REDACTED] x 6 - (5 [REDACTED])>; Gonzalez,
Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5 [REDACTED])>; Moncada, Kirsten J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec x 6 - (5 [REDACTED])>; Hennemuth, Elizabeth I. EOP/OMB
<Ex 6 - (5 U.S.C. Sec x 6 - (5 [REDACTED])>; Kluever, April N. EOP/OMB
<Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>; Leggett, Carmine S. EOP/OMB
<Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>; Ashley, Elizabeth M. EOP/OMB
<Ex 6 - (5 U.S.C. Sec x 6 - (5 [REDACTED])>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>;
Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>; Tran, Hai M. EOP/OMB
<Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>;
Blum, Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>; Grimes, Justin M. EOP/OMB
<Ex 6 - (5 U.S.C. x 6 - (5 [REDACTED])>; Burris, Jordan C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED])>;
Upadhyaya, Shraddha A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>
Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED])>
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\(b\)\(6\)\)](#)

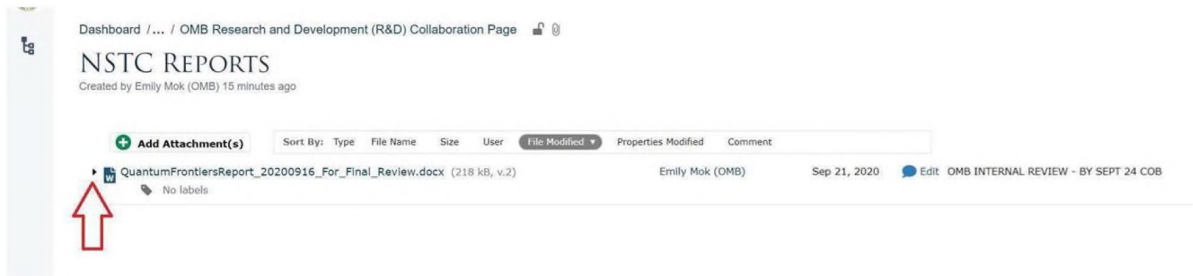
- **Instructions:** See steps below in how to access the document. Click "Edit" to access/edit the online document and remember to "Save" your edits and/or comments to the online file.
- **Please ensure that you close the file after saving and/or opening the file, so that the file is not locked up and 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.

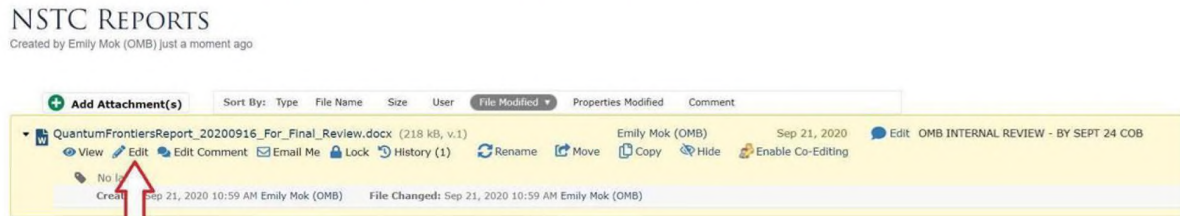
Thanks
Emily Mok
OMB Science and Space Branch

[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: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
To: "Lourie, Linda S. EOP/OSTP" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Cc: "Mok, Emily A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Date: Fri, 12 Nov 2021 12:16:58 -0500
Attachments: NSPM-33 Implementation Guidance final_OMB.docx (199.34 kB)

Hi Linda –

Per our earlier email, attached are OMB's edits and comments to the NSPM-33 Implementation Guidance. As I mentioned in our last message, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. Below is a summary of Ex 5 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

Please refer to the edited document for specificities. You will see there are a few other minor comments from OMB that look to be very straightforward to address.

Please let us know if a Zoom call next week to review and adjudicate these issues is possible for OSTP and I'll work on scheduling.

If you have any other questions or concerns, please let us know.

Thanks,
Bill + Emily

From: McNavage, William EOP/OMB
Sent: Wednesday, November 10, 2021 4:59 PM
To: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: RE: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Hi Linda –

Emily and I wanted to update you on where we stand at this time. Ex 5 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 by Monday
COB.

We got a preview. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process In the interest of time given the multiple affected parties, it might be best to schedule a Zoom to review the final package of issues. It won't be possible to schedule a meeting by the end of this week, but we can certainly find a common time next week to discuss if OSTP is open to that; I am happy to run point on scheduling to not put that burden on you or others.

Based on some agency feedback that they received, Ex 5 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 We wanted to pass this along now for consideration Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) to come back to us.

Please let us know if you are open to the steps we outlined above and we'll get a meeting on the calendar as quickly as possible. If you have any other questions, please let Emily or me know.

Thanks,
Bill + Emily

P.S. Did you get Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP-

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5)
<https://www.whitehouse.gov/omb>

From: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Sent: Wednesday, November 3, 2021 11:40
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Cc: 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

Thanks, Emily. This is helpful.

Linda S. Lourie
Assistant Director for Research and Technology Security
National Security and International Affairs
Office of Science and Technology Policy
Executive Office of the President
SIPR: Ex 6 - (5 U.S.C. Sec [redacted])
JWICS: Ex 6 - (5 U.S.C. Sec [redacted])
Ex 6 - (5 (o)
Ex 6 - (5 (m)
SECURE TEL: Ex 6 - (5

From: Mok, Emily A. EOP/OMB <Ex 6 - (5 [redacted] Ex 6 - (5 [redacted]) >
Sent: Wednesday, November 3, 2021 11:05 AM
To: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [redacted]) >
Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec [redacted] Ex 6 - (5 [redacted]) >
Subject: Re: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Linda,

Also, to add/clarify regarding the previous response, we're Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
[redacted]

Thanks,
Emily

On Nov 3, 2021, at 10:49 AM, Mok, Emily A. EOP/OMB <Ex 6 - (5 [redacted] Ex 6 - (5 [redacted]) > wrote:

Linda,

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

The question that Bill posed Ex 5 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 [redacted]
552(b)(5)) Deliberative Process [redacted]

Thanks,
Emily

On Nov 3, 2021, at 7:05 AM, Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5))> wrote:

Bill,

Questions on the resource request: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process When is the OMB piece due?

Thanks,

Linda

Linda S. Lourie
Assistant Director for Research and Technology Security
National Security and International Affairs
Office of Science and Technology Policy
Executive Office of the President

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

From: McNavage, William EOP/OMB
Sent: Tuesday, November 2, 2021 5:40 PM
To: Lourie, Linda S. EOP/OSTP <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))>
Subject: RE: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8
Importance: High

Hi Linda –

Thanks for forwarding along the NSPM-33 Implementation Guidance.

OMB would like to request an extension on this deadline until at least November 15th.

It will not be possible to have this document cleared by November 8th. There are several factors driving this request: Ex 5 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 OSTP can accommodate this request. It would be a great help and OMB really appreciates it.

Also, Emily Mok (cc'd) and 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)) Deliberative Process

Please let me know if you have any questions or if you would like to talk further. My day is largely free of meetings tomorrow and can take a break to discuss almost at any time; my office number is best.

Regards,
Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5 [redacted])
<https://www.whitehouse.gov/omb>

From: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [redacted])>
Sent: Monday, November 1, 2021 17:19
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 [redacted]) x 6 - (5 [redacted])>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. [redacted]) Ex 6 - (5 [redacted])>; Whitman, Lloyd <lwhitman@nsf.gov>; Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec [redacted])>; Ex 6 - (5@state.gov); Jorgenson, Lyric (NIH/OD) [E <lyric.jorgenson@nih.gov>; Zecher, Dede <Cordelia.Zecher@uspto.gov>; Binkley, Steve <John.Binkley@science.doe.gov>; heather.evans@nist.gov; Katharine.Ferguson@usda.gov; Robert.Bonnie@usda.gov; Lal, Bhavya (HQ-AA000 <bhavya.lal@nasa.gov>; Cremins, Tom (HQ-AJ000 <tom.cremins-1@nasa.gov>; Douraghy, Ali <Ali.Douraghy@hq.doe.gov> Ex 6 - (5 U.S.C. Sec [redacted]) michael.weiss@noaa.gov; ljimenez@doc.gov; (b)(3), (b)(6) Ex 6 - (5 U.S.C. Sec [redacted]) sean.mccluskie@hhs.gov; wanda.russ@fda.hhs.gov; lawrence.tabak@nih.gov; melanie.muenzer@ed.gov; Douraghy, Ali <Ali.Douraghy@hq.doe.gov>; Ex 6 - (5 U.S.C. Sec [redacted])
Cc: Juhl, Charlie A. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [redacted])>; 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])>; Krieger, Julia N. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [redacted])>; Turaga, Bridget M. <bturaga@nsf.gov>; (b)(6), [redacted] (SL) (FBI) <(b)(6), (b)(7)(C) & [redacted]>; Adams, Jaime <jaime.adams@usda.gov>; (b)(6), (b)(7)(C); Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; (b)(6), (b)(7)(C) (DO) (FBI) <(b)(6), (b)(7)(C) & [redacted]>; gregory.strouse@nist.gov; (b)(3), (b)(6) [redacted]; Julie.Abraham@dot.gov; Merrill, John <Ex 6 - (5 U.S.C. Sec [redacted])>; (b)(6), [redacted] (DO) (FBI) <(b)(6), (b)(7)(C) & [redacted]>; Matthew.Warren@fda.hhs.gov; Methfessel, Bucky <Bucky.Methfessel@ed.gov>; DeBlanc-Knowles, Tess <tdeblanc@nsf.gov>; Ex 6 - (5 U.S.C. [redacted]) (NSD) <Ex 6 - (5 U.S.C. Sec [redacted])>; Bahnak, Jess <Jess.Bahnak@science.doe.gov>; Ex 6 - (5 U.S.C. Sec [redacted]) <Ex 6 - (5 U.S.C. Sec [redacted])>; Feldman, Jean I. <jfeldman@nsf.gov>; Valdez, Patricia (NIH/OD) [E] <patricia.valdez@nih.gov>; Lauer, Michael (NIH/OD) [E] <michael.lauer@nih.gov>; Keiser, Rebecca Lynn <RLKEISER@nsf.gov>; Zuckerman, Brian L <Ex 6 - (5 U.S.C. [redacted])>; Ex 6 - (5 U.S.C. Sec [redacted]) (b)(3) - P.L. 86 [redacted] <Ex 6 - (5 U.S.C. Sec [redacted])>; Ison, Jeremy T. (HQ) <jeremy.ison@hq.doe.gov>; (b)(6), (b)(7)(C) [redacted] (CD) (FBI) <(b)(6), (b)(7)(C) & [redacted]>; Ex 6 - (5 [redacted]) SES OSD OUSD R&E (USA) <Ex 6 - (5 U.S.C. Sec [redacted])>; Karena.Cooper@fda.hhs.gov; (b)(6), (b)(7)(C) & (b)(7)(E) [redacted]; Whitman, Lloyd <lwhitman@nsf.gov>; Alstott, Jeffrey D. EOP/NSC <Ex 6 - (5 U.S.C. Sec [redacted])>; (b)(3), (b)(3), (b)(6) [redacted]; Goldman, Abby R <Ex 6 - (5 U.S.C. [redacted])>; Wu, Elaine <Elaine.Wu@USPTO.GOV>; Fung, Henry Y <Ex 6 - [redacted]@state.gov> (b)(6), (b)(7)(C) & [redacted]

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(b)(6), [REDACTED] Jenter, Harry L <hjenter@usgs.gov>; Hildebrand, Grace E
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; kala.shah@ed.gov; (b)(3), (b)(6)
(b)(3), (b)(6) [REDACTED]; Ex 6 - (5 U.S.C. Sec [REDACTED]) (b)(6), (b)(7)(C) [REDACTED]
<(b)(6), (b)(7)(C) & [REDACTED]>; margaret.kieffer@nasa.gov; Ross, Keel L <klross@usgs.gov>;
Draper, Dave (HQ-AE000) <david.draper@nasa.gov>; Steven.Cooley@fda.hhs.gov;
simon.liu@ars.usda.gov; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Slupe, Kevin
<Kevin.Slupe@ed.gov>; (b)(6), (b)(7)(C) [REDACTED] (WMD) (FBI) (b)(6), (b)(7)(C) & [REDACTED]
<(b)(6), (b)(7)(C) & [REDACTED]>; Mahmood, Sarah <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Stalker-Lehoux,
Sarah M. EOP/NSC <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED]>; Bagia, Amrit B. EOP/NSC
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(3), (b)(6) [REDACTED]; Scully, Brian J. EOP/NSC
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(6), (b)(7)(C) [REDACTED]; Robinson, Craig R
<crrobinson@usgs.gov>; tsquinn@usgs.gov; Liberante, Wendy (OST)
<wendy.liberante@dot.gov>; Bulls, Michelle G. (NIH/OD) [E] <michelle.bulls@nih.gov>;
Ex 6 - (5 U.S.C. Sec [REDACTED])>; Showe, Melanie (NIH/OD) [E] <showem@od.nih.gov>; Staton,
Sarah J <Ex 6 - (5 U.S.C. Sec [REDACTED])@state.gov>; JGeisen@doc.gov; tom.cremens-1@nasa.gov;
Ex 6 - (5 U.S.C. Sec [REDACTED])>; jeffs@opensource.gov; Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED]; James
Jones - NOAA Federal <james.jones@noaa.gov>; Fu, Helena <Helena.Fu@science.doe.gov>;
DiGiulian, Maria (HQ) <maria.digiulian@hq.doe.gov>; Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(6)
(b)(6), (b)(6), (b)(7)(C) & [REDACTED]; lisa.a.scottcarnell@nasa.gov; Barbier, Louis M. (HQ-AE000)
<louis.m.barbier@nasa.gov>; (b)(6), (b)(7)(C) [REDACTED]; Carly.Robinson@science.doe.gov; (b)(6),
(b)(6), [REDACTED] (CTD) (FBI) <(b)(6), (b)(7)(C) [REDACTED]>; susie.p.quinn@nasa.gov;
Melissa.Safford@fda.hhs.gov; Ex 6 - (5 U.S.C. Sec [REDACTED])>; Welch, Jennifer D. EOP/NSC
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ex 6 - (5 U.S.C. Sec [REDACTED]) (NSD)
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; Kjelland, Christin C <Ex 6 - (5 U.S.C. Sec [REDACTED])@state.gov>;
Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ex 6 - (5 U.S.C. Sec [REDACTED])>;
lori.vassar@ios.doi.gov; jlatoff@doc.gov; gcos1@doc.gov; Matheny, Jason G. EOP/OSTP
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED]>

Subject: For Action: NSTC Concurrence: Guidance for Implementing National Security
Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Dear Colleagues,

The National Science and Technology Council (NSTC) requests NSTC Principal review of the attached *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development*. Developed by the Subcommittee on Research Security of the NSTC Joint Committee on the Research Environment, this document provides guidance to Federal departments and agencies regarding their implementation of NSPM-33.

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

Please provide your concurrence or other feedback by COB Monday, November 8th to Linda Lourie (Ex 6 - (5 U.S.C. Sec [REDACTED]) and Charlie Juhl (Ex 6 - (5 U.S.C. Sec 552(b)(6))). No response by the 8th will be taken as concurrence. Please also reach out with any questions or concerns.

Thank you,

Linda

Linda S. Lourie
Assistant Director for Research and Technology Security
National Security and International Affairs
Office of Science and Technology Policy
Executive Office of the President

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

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

FW: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Fri, 12 Nov 2021 10:47:22 -0500
Attachments: NSPM-33 Implementation Guidance final_OMB.docx (199.34 kB)

Hi Rob –

Just FY on the thread below and the attached draft NSPM-33 Research Security Implementation Guidance. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Emily and I are hoping to schedule some time next week Ex 5 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 I just want you to be aware of what is happening Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Happy to talk more today during our 1-on-1 if you have any questions.

Bill

From: McNavage, William EOP/OMB
Sent: Friday, November 12, 2021 10:40 AM
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) Sec 552(b)(6))>
Subject: RE: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Hi Emily –

I reviewed the comments on the NSPM-33 Implementation Guidance document posted to MAX (copy attached for convenience), and there are a few minor things from Tali and me, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Do we want to wait until EOD to send the comments over to Linda? She has not yet responded to my earlier email and I'm guessing she has not pinged you.

Below is a draft email that I thought we could include with the edited document back to Linda, based on the collection of comments thus far. Please let me know your thoughts when you have them.

Bill

Ex 5 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: Mok, Emily A. EOP/OMB
Sent: Wednesday, November 10, 2021 5:04 PM
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Subject: RE: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Thanks a lot, Bill!

p.s. I had a conversation with Charlie Juhl (OSTP) today. 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 Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
pointed out the error and they said they'll fix that going forward.

From: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Sent: Wednesday, November 10, 2021 4:59 PM
To: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Subject: RE: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Hi Linda –

Emily and I wanted to update you on where we stand at this time. Ex 5 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 by Monday COB.

We got a preview Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process It won't be possible to schedule a meeting by the end of this week, but we can certainly find a common time next week to discuss if OSTP is open to that; I am happy to run point on scheduling to not put that burden on you or others.

Based on some agency feedback that they received, Ex 5 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 We wanted to pass this along now for consideration Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) to come back to us.

Please let us know if you are open to the steps we outlined above and we'll get a meeting on the calendar as quickly as possible. If you have any other questions, please let Emily or me know.

Thanks,
Bill + Emily

P.S. Did you get Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5 U.S.C. Sec 552(b)(5))
<https://www.whitehouse.gov/omb>

From: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Sent: Wednesday, November 3, 2021 11:40
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Cc: 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

Thanks, Emily. This is helpful.

Linda S. Lourie

Assistant Director for Research and Technology Security
National Security and International Affairs
Office of Science and Technology Policy
Executive Office of the President

SIPR: Ex 6 - (5 U.S.C. Sec [redacted])
JWICS: Ex 6 - (5 U.S.C. Sec [redacted])

Ex 6 - (5 [redacted]) (o)

Ex 6 - (5 [redacted]) (m)

SECURE TEL: Ex 6 - (5 [redacted])

From: Mok, Emily A. EOP/OMB <Ex 6 - (5 [redacted]) Ex 6 - (5 [redacted])>
Sent: Wednesday, November 3, 2021 11:05 AM
To: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [redacted])>
Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. [redacted]) Ex 6 - (5 [redacted])>
Subject: Re: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Linda,

Also, to add/clarify regarding the previous response, we're Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

Thanks,
Emily

On Nov 3, 2021, at 10:49 AM, Mok, Emily A. EOP/OMB <Ex 6 - (5 [redacted]) Ex 6 - (5 [redacted])> wrote:

Linda,

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

The question that Bill posed Ex 5 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 [redacted])

Thanks,
Emily

On Nov 3, 2021, at 7:05 AM, Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) > wrote:

Bill,

Questions 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,

Linda

Linda S. Lourie
Assistant Director for Research and Technology Security
National Security and International Affairs
Office of Science and Technology Policy
Executive Office of the President

Ex 6 - (5 U.S.C. Sec
Ex 6 - (5 U.S.C. Sec
Ex 6 - (5 (unclass)
Ex 6 - (5 (mobile)

From: McNavage, William EOP/OMB
Sent: Tuesday, November 2, 2021 5:40 PM
To: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >
Subject: RE: For Action: NSTC Concurrence: Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) -- Due 11/8
Importance: High

Hi Linda –

Thanks for forwarding along the NSPM-33 Implementation Guidance.

OMB would like to request an extension on this deadline until at least November 15th.

It will not be possible to have this document cleared by November 8th Ex 5 DP- (5 U.S.C.

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

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

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

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Please let me know if OSTP can accommodate this request. It would be a great help and OMB really appreciates it.

Also, Emily Mok (cc'd) and 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)) 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

Please let me know if you have any questions or if you would like to talk further. My day is largely free of meetings tomorrow and can take a break to discuss almost at any time; my office number is best.

Regards,
Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5 [REDACTED])
<https://www.whitehouse.gov/omb>

From: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Sent: Monday, November 1, 2021 17:19
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 [REDACTED])>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Whitman, Lloyd <lwhitman@nsf.gov>; Ex 6 - (5 U.S.C. Sec 552(b)(6)) <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ex 6 - (5@state.gov); Jorgenson, Lyric (NIH/OD) [E <lyric.jorgenson@nih.gov>; Zecher, Dede <Cordelia.Zecher@uspto.gov>; Binkley, Steve <John.Binkley@science.doe.gov>; heather.evans@nist.gov; Katharine.Ferguson@usda.gov; Robert.Bonnie@usda.gov; Lal, Bhavya (HQ-AA000 <bhavya.lal@nasa.gov>; Cremins, Tom (HQ-AJ000 <tom.cremins-1@nasa.gov>; Douraghy, Ali <Ali.Douraghy@hq.doe.gov>; Ex 6 - (5 U.S.C. Sec [REDACTED]); michael.weiss@noaa.gov; ljimenez@doc.gov; (b)(3), (b)(6) <Ex 6 - (5 U.S.C. Sec [REDACTED])>; sean.mccluskie@hhs.gov; wanda.russ@fda.hhs.gov; lawrence.tabak@nih.gov; melanie.muenzer@ed.gov; Douraghy, Ali <Ali.Douraghy@hq.doe.gov>; Ex 6 - (5 U.S.C. Sec [REDACTED])
Cc: Juhl, Charlie A. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [REDACTED])>; 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])>; Krieger, Julia N. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Turaga, Bridget M. <bturaga@nsf.gov>; (b)(6), (b)(7)(C) (SL) (FBI) <(b)(6), (b)(7)(C) & >; Adams, Jaime <jaime.adams@usda.gov>; (b)(6), (b)(7)(C) <Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; (b)(6), (b)(7)(C) (DO) (FBI) <(b)(6), (b)(7)(C) & >; gregory.strouse@nist.gov; (b)(3), (b)(6) <Julie.Abraham@dot.gov>; Merrill, John <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(6), <(DO) (FBI) <(b)(6), (b)(7)(C) >; Matthew.Warren@fda.hhs.gov; Methfessel, Bucky <Bucky.Methfessel@ed.gov>; DeBlanc-Knowles, Tess <tdeblanc@nsf.gov>; Ex 6 - (5 [REDACTED]) (NSD) <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Bahnak, Jess <Jess.Bahnak@science.doe.gov>; Ex 6 - (5 U.S.C. Sec [REDACTED])
Ex 6 - (5 U.S.C. Sec [REDACTED]); Feldman, Jean I. <jfeldman@nsf.gov>; Valdez, Patricia (NIH/OD) [E] <patricia.valdez@nih.gov>; Lauer, Michael (NIH/OD) [E] <michael.lauer@nih.gov>; Keiser, Rebecca Lynn <RLKEISER@nsf.gov>; Zuckerman, Brian L <Ex 6 - (5 U.S.C. [REDACTED])>; Ex 6 - (5 U.S.C. Sec [REDACTED]); (b)(3) - P.L. 86 <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ison, Jeremy T. (HQ) <jeremy.ison@hq.doe.gov>; (b)(6), (b)(7)(C) <(CD) (FBI) <(b)(6), (b)(7)(C) & >; Ex 6 - (5 [REDACTED]) SES OSD OUSD R&E (USA) <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Karena.Cooper@fda.hhs.gov; (b)(6), <(b)(6), (b)(7)(C) >; Whitman, Lloyd <lwhitman@nsf.gov>; Alstott, Jeffrey D. EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED])>; (b)(3), (b)(3), (b)(6) <Goldman, Abby R <Ex 6 - (5 U.S.C. [REDACTED])>; Wu, Elaine <Elaine.Wu@USPTO.GOV>; Fung, Henry Y <Ex 6 - [REDACTED]@state.gov>; (b)(6), (b)(7)(C) <Ex 6 - (5 U.S.C. Sec [REDACTED])>

<(b)(6), (b)(7)(C) & >; ben.huddle@dot.gov; Jesus.Hernandez@USPTO.GOV;
(b)(6), >; Jenter, Harry L <hjenter@usgs.gov>; Hildebrand, Grace E
<Ex 6 - (5 U.S.C. >; kala.shah@ed.gov;(b)(3), (b)(6)
(b)(3), (b)(6) >; Ex 6 - (5 U.S.C. Sec >; William Wittrock
<(b)(6), (b)(7)(C) & >; margaret.kieffer@nasa.gov; Ross, Keel L <klross@usgs.gov>;
Draper, Dave (HQ-AE000) <david.draper@nasa.gov>; Steven.Cooley@fda.hhs.gov;
simon.liu@ars.usda.gov; Hu, Grace EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Slupe, Kevin
<Kevin.Slupe@ed.gov>; (b)(6), (b)(7)(C) & (WMD) (FBI) ((b)(6), (b)(7)(C) &)
<(b)(6), (b)(7)(C) & >; Mahmood, Sarah <Ex 6 - (5 U.S.C. Sec >; Stalker-Lehoux,
Sarah M. EOP/NSC <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Bagia, Amrit B. EOP/NSC
<Ex 6 - (5 U.S.C. Sec >; (b)(3), (b)(6) >; (b)(3), (b)(6) >; Scully, Brian J. EOP/NSC
<Ex 6 - (5 U.S.C. Sec >; (b)(6), (b)(7)(C) & >; Robinson, Craig R
<crrobinson@usgs.gov>; tsquinn@usgs.gov; Liberante, Wendy (OST)
<wendy.liberante@dot.gov>; Bulls, Michelle G. (NIH/OD) [E] <michelle.bulls@nih.gov>;
<Ex 6 - (5 U.S.C. Sec >; Showe, Melanie (NIH/OD) [E] <showem@od.nih.gov>; Staton,
Sarah J <Ex 6 - (5 @state.gov>; JGeisen@doc.gov; tom.cremins-1@nasa.gov;
<Ex 6 - (5 U.S.C. Sec >; jeffs@opensource.gov; <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; James
Jones - NOAA Federal <james.jones@noaa.gov>; Fu, Helena <Helena.Fu@science.doe.gov>;
DiGiulian, Maria (HQ) <maria.digiulian@hq.doe.gov>; <Ex 6 - (5 U.S.C. Sec >; (b)(6),
(b)(6), (b)(7)(C) & (b)(7)(E) >; lisa.a.scottcarnell@nasa.gov; Barbier, Louis M. (HQ-AE000)
<louis.m.barbier@nasa.gov>; (b)(6), (b)(7)(C) & >; Carly.Robinson@science.doe.gov; (b)(6),
(b)(6), > (CTD) (FBI) (b)(6), (b)(7)(C) & >; susie.p.quinn@nasa.gov;
Melissa.Safford@fda.hhs.gov; <Ex 6 - (5 U.S.C. Sec >; Welch, Jennifer D. EOP/NSC
<Ex 6 - (5 U.S.C. Sec >; <Ex 6 - (5 U.S.C. > (NSD)
<Ex 6 - (5 U.S.C. Sec >; >; Kjelland, Christin C <Ex 6 - (5 @state.gov>;
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; <Ex 6 - (5 U.S.C. Sec >;
lori.vassar@ios.doi.gov; jlatoff@doc.gov; gcos1@doc.gov; Matheny, Jason G. EOP/OSTP
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

Subject: For Action: NSTC Concurrence: Guidance for Implementing National Security
Presidential Memorandum 33 (NSPM-33) -- Due 11/8

Dear Colleagues,

The National Science and Technology Council (NSTC) requests NSTC Principal review of the attached *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development*. Developed by the Subcommittee on Research Security of the NSTC Joint Committee on the Research Environment, this document provides guidance to Federal departments and agencies regarding their implementation of NSPM-33.

This draft has <Ex 5 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 your concurrence or other feedback by COB Monday, November 8th to Linda Lourie <Ex 6 - (5 U.S.C. Sec > and Charlie Juhl <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >. No response by the 8th will be taken as concurrence. Please also reach out with any questions or concerns.

Thank you,

Linda

Linda S. Lourie
Assistant Director for Research and Technology Security
National Security and International Affairs
Office of Science and Technology Policy
Executive Office of the President

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

Ex 6 - (5 (unclass)

U.S.C. Sec (mobile)

FW: LRM Process Question

From: "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Ventura, Alexandra EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Tue, 23 Nov 2021 10:47:08 -0500
Attachments: NSPM-33 Implementation Guidance final_additional OMB edits.docx (198.39 kB)

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

From: McNavage, William EOP/OMB
Sent: Tuesday, November 23, 2021 9:58 AM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: LRM Process Question
Importance: High

Hi Bryan –

OSTP is in the process of preparing an implementation guidance document to accompany NSPM-33 on Research Security. We completed a broad OMB circulation of this document (attached for reference) and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

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

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

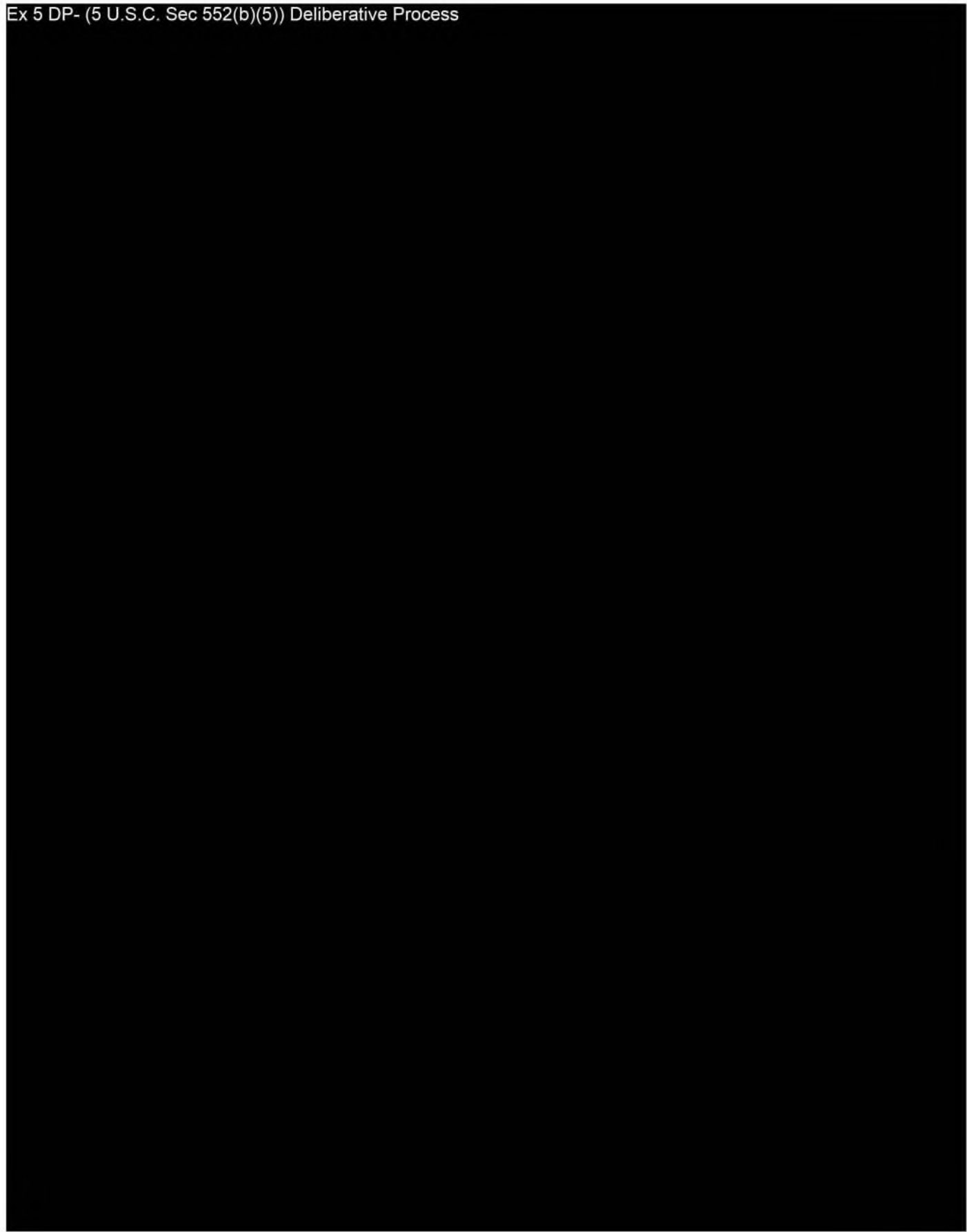
I'm happy to discuss more if you want to give me a call. I'm at my desk number below.

Thanks,
Bill

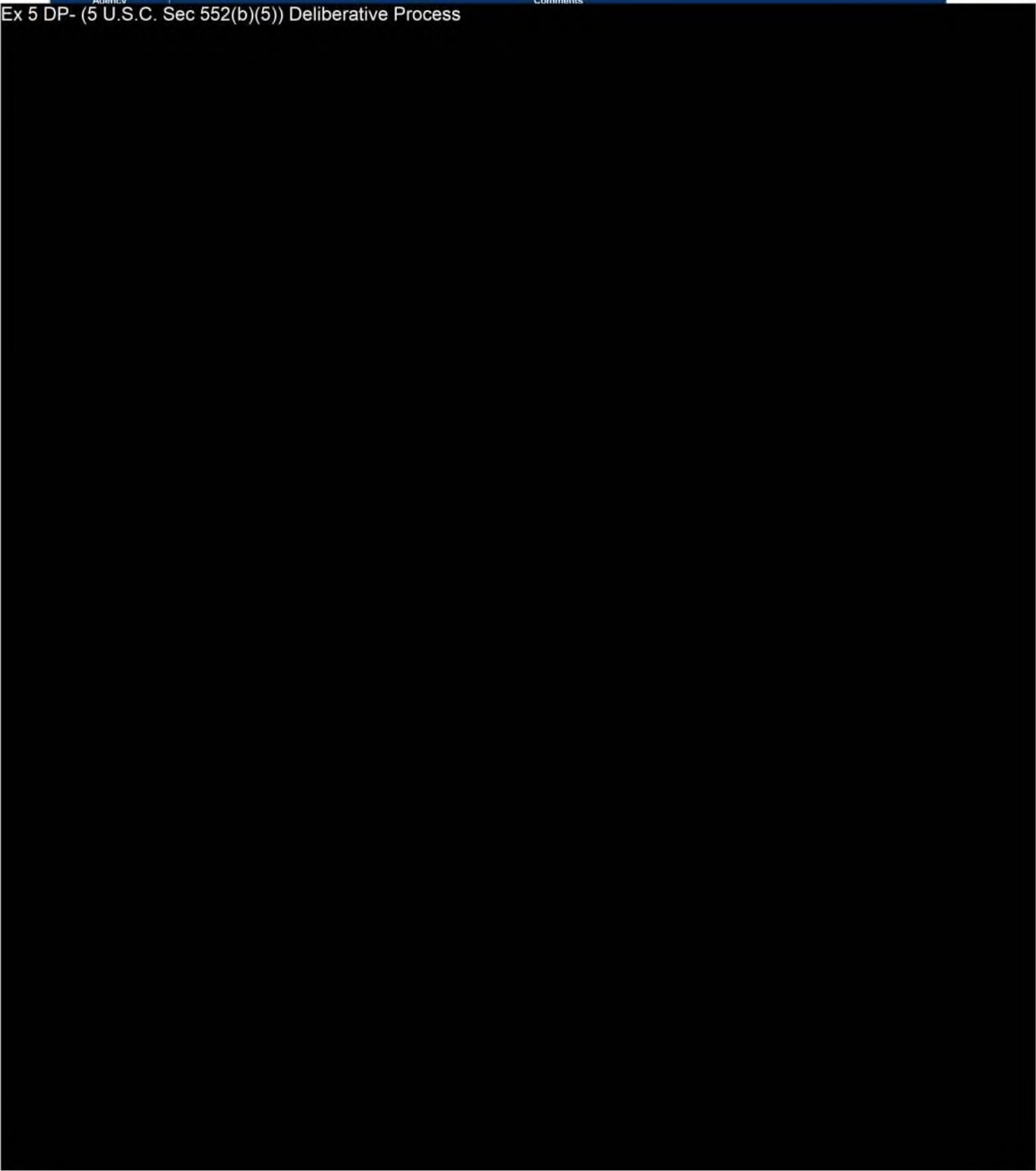
P.S. I just tried to give your office number a call and it says the call cannot be completed. I suspect there is an issue with your auto-forward or concurrent ring settings.

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5 [REDACTED])
(m) U.S.C. Sec [REDACTED]
(n) Ex 6 - (5 U.S.C. Sec 552(b)(6))
(s) Ex 6 - (5 U.S.C. Sec 552(b)(6))
(t) Ex 6 - (5 U.S.C. Sec [REDACTED])
552(b)(6))

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



FW: USCIA Agency views

From: "Healton, Kelly A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Slevin, Christopher J. EOP/WHO" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Mon, 29 Nov 2021 10:35:08 -0500
Attachments: S. 1260 Agency Comments Matrix_11.24.21.xlsx (182.98 kB)

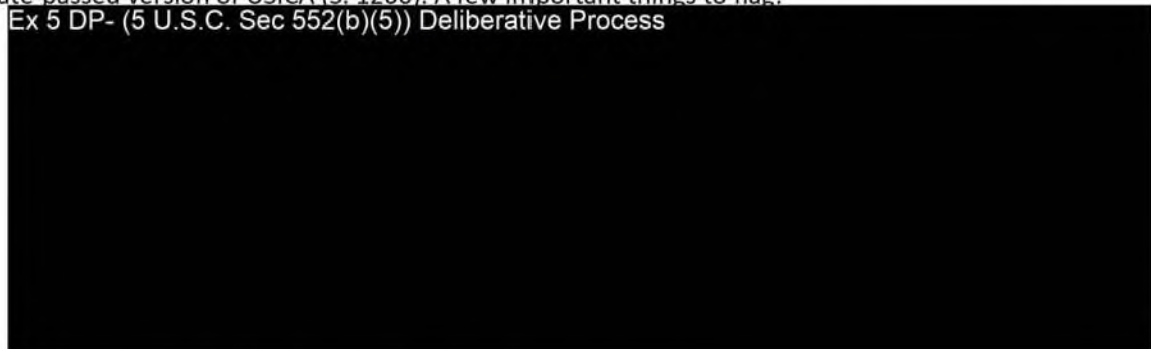
Here's the matrix they drafted. There's Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Perhaps we can chat on Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP-

From: Matsuo, Kimie L. EOP/OMB
Sent: Wednesday, November 24, 2021 10:54 AM
To: Healton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: RE: USCIA Agency views

Hi Kelly,

I've attached the latest version of the comment matrix, which reflects interagency feedback on the Senate-passed version of USICA (S. 1260). A few important things to flag:

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



The Excel document contains five sheets:

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



2.

3.

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

If there is a desire to weigh in during a conference process, we are more than happy to help, and look forward

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) As an initial matter, we'd be interested to know 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 DP- Also would be interested 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

Please let me know if you have any questions.

Thank you!
Kimie

From: Heaton, Kelly A. EOP/OMB
Sent: Tuesday, November 23, 2021 7:06 PM
To: Matsuo, Kimie L. 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))>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: USCIA Agency views

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 know we circulated your AMAZING matrix, but I can't seem to find the final compiled email – not a rush but can you send?

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

Kelly Heaton
Deputy to the Associate Director for Legislative Affairs
Ex 6 - (5 U.S.C. Sec 552(b)(5))

RE: USICA TA

From: "Ventura, Alexandra EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
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)>, "Healton, Kelly A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Cc: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Date: Tue, 30 Nov 2021 18:26:16 -0500
Attachments: RE: USCIA Agency views (252.42 kB)

Hey Kelly/Ben - Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process regarding USICA? Thanks

From: Vaeth, Matt J. EOP/OMB
Sent: Monday, November 29, 2021 10:42 AM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>
Cc: Matsuo, Kimie L. 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: USICA TA

Hi Ben. I think what Chris may be asking about is in the attached. I'm adding Kimie and Alex on 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

Ex 5 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 us know if you'd like to discuss. Thanks -- Matt

From: Ward, Benjamin A. EOP/OMB
Sent: Monday, November 29, 2021 10:35 AM
To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>
Subject: FW: USICA TA

Do we have this?

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. x 6 - (5)>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Etter, Robert L. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>
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

FW: NSPM-33 final for 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 14:12:55 -0500
Attachments: NSPM-33 Implementation Guidance_ForClearance.docx (190.74 kB)

For discussion at our 2:30 PM meeting on 12/10/21, please refer to the following link:
[Ex 5 DP- \(5 U.S.C. Sec 552\(b\)\(5\)\) Deliberative Process](#)

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

From: Donohue, Ryan C. EOP/OSTP
Sent: Friday, December 10, 2021 2:01 PM
To: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; McNavage, William 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 >
Cc: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Eller, Christina Ciocca C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DeBlanc-Knowles, Tess K. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: NSPM-33 final for interagency circulation

Hi all,

Here is the iterated version and final draft that OSTP provides OFFM for interagency circulation. Thanks for all your help and feedback, and especially for your quick turns the last few weeks. Please let us know how OSTP can help this process move expeditiously.

Per Rhea's suggestions, below is a message we hope you can share with the staff sec team.

Best,
Ryan and OSTP RS Team

Hi OMB Staff Sec team,

Please find the attached *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development*. Developed by the NSTC Subcommittee on Research Security, this document provides guidance to Federal departments and agencies regarding their implementation of [NSPM-33](#).

This draft has been reviewed by the following staff:
[Ex 5 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

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

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) In addition, the academic community expected the release of the guidance in [early November](#). Ex 5 DP- (5 U.S.C. Sec So, we kindly request a **1 week turn-around** for review and dissemination through Staff Sec channels, to **begin today or Monday 12/13 at the latest**.

Thank you for consideration, happy to chat if needed.

OSTP POCS:

Linda Lourie Ex 6 - (5 U.S.C. Sec

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

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

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

Fwd: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

From: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Mok, Emily A. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Pei, Yi EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>
Date: Sat, 18 Dec 2021 10:47:28 -0500
Attachments: NSPM-33 Implementation Guidance_ForClearance.docx (190.74 kB)

+ Emily

Any concerns with this?

Begin forwarded message:

From: "Pasquantino, John C. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: December 17, 2021 at 11:52:47 PM EST
To: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Pei, Yi EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>
Subject: Fwd: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

Please review and let me know of any comments you may have by 10:30 Monday.

Thank you.

Begin forwarded message:

From: "Dorgelo, Cristin A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: December 17, 2021 at 8:23:03 PM EST
To: "Meier, Edward F. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Sandy, Mark S. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Vahlsing, Candace M. EOP/OMB" <Ex 6 - (5 U.S.C. SecEx 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)>, "Spiro, Topher J. EOP/OMB" <Ex 6 - (5 U.S.C. SecEx 6 - (5)>, "Reilly, Tom M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Schmitt, Tricia A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Harrison, Deidre A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Block, Sharon I. EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>, "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. SecEx 6 - (5)>, "Crow, Rose C. EOP/OMB" <Ex 6 - (5 U.S.C. SecEx 6 - (5)>, "Martorana, Clare A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "DeRusha, Chris J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Schwab, Margo EOP/OMB" <Ex 6 - (5) Ex 6 - (5)>
Cc: "Wallace, Rachel L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Hansen, Anna K.

EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >

Subject: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

Hi all:

OSTP is planning to publish the attached *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development* as soon as possible next week. It was developed by the NSTC Subcommittee on Research Security and provides guidance to Federal departments and agencies regarding their implementation of [NSPM-33](#). This draft guidance

Ex 5 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

If you/your teams have any flags, please let me know 11 AM this coming Monday, December 20, and I'm happy to pass any final comments back to OSTP prior to their release of this.

CD

Cristin Dorgelo
(she/her)
Senior Advisor for Management
Office of Management and Budget

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

Fwd: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

From: "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Date: Sat, 18 Dec 2021 08:37:58 -0500
Attachments: NSPM-33 Implementation Guidance_ForClearance.docx (190.74 kB)

Last chance looks

Sent from my iPhone

Begin forwarded message:

From: "Dorgelo, Cristin A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: December 17, 2021 at 8:23:03 PM EST
To: "Meier, Edward F. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Sandy, Mark 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)>, "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)>, "Spiro, Topher J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Reilly, Tom M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Schmitt, Tricia A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Harrison, Deidre A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Block, Sharon I. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Crow, Rose C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Martorana, Clare A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "DeRusha, Chris J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Cc: "Wallace, Rachel L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Hansen, Anna K. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Subject: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

Hi all:

OSTP is planning to publish the attached *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development* <Ex 5 DP- (5 U.S.C. Sec)>. It was developed by the NSTC Subcommittee on Research Security and provides guidance to Federal departments and agencies regarding their implementation of [NSPM-33](#). This draft guidance was

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

If you/your teams have any flags, please let me know 11 AM this coming Monday, December 20, and I'm happy to pass any final comments back to OSTP prior to their release of this.
CD

Cristin Dorgelo
(she/her)
Senior Advisor for Management
Office of Management and Budget
Ex 6 - (5 U.S.C. Ex 6 - (5

FW: NSPM-33 final for interagency circulation

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Mok, Emily A. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>
Cc: "Pei, Yi EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>
Date: Mon, 20 Dec 2021 08:54:49 -0500
Attachments: Fwd: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security (266.24 kB)

Hi Emily –

Do you have a few minutes to chat after 9:30?

Bill

Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch
Office of Management and Budget

(w) Ex 6 - (5

<https://www.whitehouse.gov/omb>

From: Tran, Hai M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>
Sent: Monday, December 20, 2021 08:37
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Cc: Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>
Subject: RE: NSPM-33 final for interagency circulation

Bill, Emily and Yi, this went out from Cristin with request for clearance by today. Thanks.

Regards,

Gil Tran, CPA

Executive Office of the President

OMB/OFFM

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

From: McNavage, William EOP/OMB
Sent: Friday, December 17, 2021 10:19 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)>; Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>
Subject: Re: NSPM-33 final for interagency circulation

Hi Rhea -

Thanks for letting us know. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
I'll follow up with Ryan.

Hi Yi -

Did anyone ping on you while Emily is out 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

Ex 5

Thanks,
Bill

Sent from my iPhone

On Dec 17, 2021, at 8:03 PM, Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5
Sec 552(b)(6))> wrote:

My 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

Sent from my iPhone

On Dec 17, 2021, at 6:25 PM, McNavage, William EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) Ex 6 - (5
Sec 552(b)(6))> wrote:

Hi Rhea, Gil –

I just wanted to check in to see if the implementation plan had gone out on circulation yet. There has been no additional traffic on this topic this week that I have been part of, and with the Christmas holiday coming up, I know that agencies (particularly my agencies) are really starting to wind down for the year.

Sorry to email so late on a Friday, but I did want to check in before the weekend.

Thanks,
Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch

Office of Management and Budget
(w) Ex 6 - (5)
<https://www.whitehouse.gov/omb>

From: Donohue, Ryan C. EOP/OSTP
Sent: Monday, December 13, 2021 8:37 AM
To: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Tran, Hai M. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 x 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec: x 6 - (5)>; Bigelow, Lea-Ann B. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>
Cc: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >; Eller, Christina Ciocca C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >; DeBlanc-Knowles, Tess K. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: RE: NSPM-33 final for interagency circulation

Good morning Rhea and team,


Below is a draft message to accompany the circulated Guidance doc.

Have you any word on progress? As discussed in our frank conversation on Friday, Ex 5
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process We stand by ready to assist in any way.

Thanks again for all your help.

Best,
Ryan

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



From: Hubbard, Rhea A. EOP/OMB
Sent: Friday, December 10, 2021 5:15 PM
To: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bigelow, Lea-Ann B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Eller, Christina Ciocca C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DeBlanc-Knowles, Tess K. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: RE: NSPM-33 final for interagency circulation

Hi all,

I teed this up internally and I'll let you know what I hear re circulation.

As shared with Ryan, it would Ex 5 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))

I'll keep you updated, once I learn more.

Thanks,
Rhea

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

From: Donohue, Ryan C. EOP/OSTP
Sent: Friday, December 10, 2021 2:01 PM
To: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bigelow, Lea-Ann B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Lourie, Linda S. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Eller, Christina Ciocca C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DeBlanc-Knowles, Tess K. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: NSPM-33 final for interagency circulation

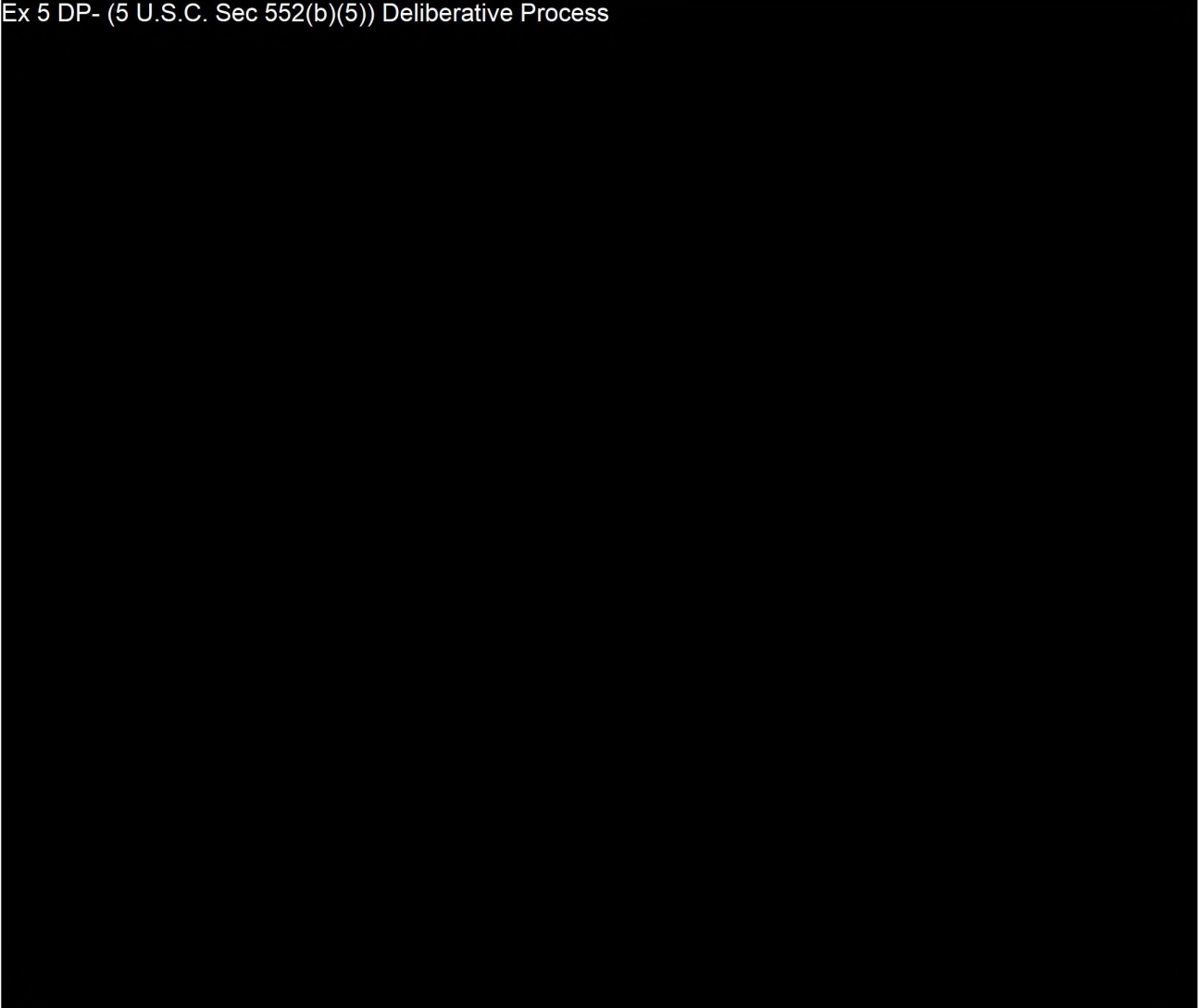
Hi all,

Here is the iterated version and final draft that OSTP provides OFFM for interagency circulation. Thanks for all your help and feedback, and especially for your quick turns the last few weeks. Please let us know how OSTP can help this process move expeditiously.

Per Rhea's suggestions, below is a message we hope you can share with the staff sec team.

Best,
Ryan and OSTP RS Team

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



Fwd: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

From: "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
To: "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) >, "Waldeck, Nicole EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Mackey, Steven P. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Cogen, Alyssa N. EOP/OMB" <Ex 6 - (5 Ex 6 - (5) >
Date: Fri, 17 Dec 2021 21:02:45 -0500
Attachments: NSPM-33 Implementation Guidance_ForClearance.docx (190.74 kB)

FYSA.

Thanks,
Victoria Collin
Ex 6 - (5

Begin forwarded message:

From: "Dorgelo, Cristin A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Date: December 17, 2021 at 8:23:03 PM EST
To: "Meier, Edward F. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Sandy, Mark S. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Vahising, Candace M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 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) >, "Spiro, Topher J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Reilly, Tom M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Schmitt, Tricia A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Harrison, Deidre A. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Block, Sharon I. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Mancini, Dominic J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >, "Crow, Rose C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >, "Martorana, Clare A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >, "DeRusha, Chris J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >, "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Cc: "Wallace, Rachel L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Hansen, Anna K. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Subject: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

Hi all:

OSTP is planning to publish the attached *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development* as soon as possible next week. It was developed by the NSTC Subcommittee on Research Security and 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- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

If you/your teams have any flags, please let me know 11 AM this coming Monday, December 20, and I'm happy to pass any final comments back to OSTP prior to their release of this.
CD

Cristin Dorgelo
(she/her)
Senior Advisor for Management
Office of Management and Budget

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

RE: FYI: ED Provisions in COMPETES Act

From: "Derbes, Catherine A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 6 - (5)>
To: "Myers, Hayley W. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Date: Fri, 28 Jan 2022 13:53:15 -0500

Thanks, Hayley!

From: Myers, Hayley W. EOP/OMB
Sent: Friday, January 28, 2022 1:52 PM
To: DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec 6 - (5)>
Cc: Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>
Subject: FYI: ED Provisions in COMPETES Act

Hi all,

As you may already be aware, there are several ED-related provisions in H.R. 4521, the COMPETES Act, which is slated to be on the House floor next week. 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. The full section by section is available [here](#); bill text is available [here](#).

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


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

Thanks,
Hayley

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



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



RE: FYI: ED Provisions in COMPETES Act

From: "Menard, Barbara A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 6 - (5)>
To: "Myers, Hayley W. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Date: Fri, 28 Jan 2022 13:59:21 -0500

Thank you.

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)(6))

From: Myers, Hayley W. EOP/OMB
Sent: Friday, January 28, 2022 1:52 PM
To: DL OMB EIML Education <Ex 6 - (5 U.S.C. Sec 6 - (5)>
Cc: Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5)>
Subject: FYI: ED Provisions in COMPETES Act

Hi all,

As you may already be aware, there are several ED-related provisions in H.R. 4521, the COMPETES Act, which is slated to be on the House floor next week. 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 The full section by section is available [here](#); bill text is available [here](#).

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

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

Deliberative Process

Thanks,
Hayley

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

FW: DUE COB TUESDAY MARCH 8TH: -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

From: "Bailey, Drew M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Bailey, Drew M. EOP/OSTP" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Fri, 25 Feb 2022 12:35:04 -0500
Attachments: COMPETES House passed text.pdf (5.46 MB); NatSec Comments on COMPETES_compiled.docx (21.97 kB); America COMPETES 2022 summary v2.docx (28.76 kB)

From: Hebbeler, Andrew M. EOP/OSTP
Sent: Thursday, February 24, 2022 3:38 PM
To: Bailey, Drew M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Guerra, Stephanie L. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hepburn, Matt J. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: FW: DUE COB TUESDAY MARCH 8TH: -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

[Drew: Could you review and let us know your thoughts? Thanks!](#)

From: Parriott, Joel R. EOP/OSTP
Sent: Thursday, February 24, 2022 1:37 PM
To: DL OSTP 9AM <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: DUE COB TUESDAY MARCH 8TH: -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

Dear Colleagues,

Kei's asked me to coordinate Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process the House COMPETES bill as passed (attached). Please get back to me **by COB March 8th** (it's almost too far away, I know, but please don't forget it) 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

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

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

For Kei and NatSec: I have your previous comments on COMPETES (attached) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

For completeness, here are the Senate versions: The Senate's USICA is [here](#). The recently introduced Senate DOE Science companion is [here](#) (and we are separately collecting comments on this now).

Thanks,

Joel

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. Sec >; '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 U.S.C. 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 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

<Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED]) >; Curtis, Tyler T. EOP/OMB
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED]) >; Ghavalyan, Mariam EOP/OMB
<Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED]) >; Klein, Robert T. EOP/OMB <Ex 6 - Ex 6 - (5 [REDACTED]) >; Lachman,
Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED]) >; Feldman, Iris T. EOP/OMB
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Bronack, Candice M. EOP/OMB <Ex 6 - (5 U.S.C. Sec. x 6 - (5)>; Woroszylo, Nicholas J. EOP/OMB <Ex 6 - (5 U.S.C. Sec. x 6 - (5)>; Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>

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

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. x 6 - (5)
PHONE: Ex 6 - (5
FAX: Ex 6 - (5 U.S.C.

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

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Khan, Saif M. EOP/NSC" <Ex 6 - (5 U.S.C. Sec >
Date: Mon, 14 Mar 2022 23:43:39 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILL S-117hr4521eh.pdf (5.46 MB); DoD Response to LRM KLM-117-102 Ex 5 DP-
Ex 5 DP- (5 U.S.C. Sec .docx (30.53 kB)
552(b)(5)) Deliberative

Hi Saif –

I'm not sure Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec

Generally in the spirit Ex 5 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 Ex 5 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 their comments, Ex 5 DP- (5
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

Night,
Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:40 PM
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Hi Bill,

In addition to the comments reflected in the Excel file, I wanted to share Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) – please see attached Word doc. Please let me know if you have any questions.

Thanks,
Kimie

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB Ex 6 - (5 U.S.C. Sec x 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. x 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 Ex 6 - (5); Hu, Grace EOP/OMB Ex 6 - (5 Ex 6 - (5); DL OMB ESWD EB Ex 6 - (5 U.S.C. Sec); 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. x 6 - (5); Burgess, Scott H. EOP/OMB Ex 6 - (5 U.S.C. x 6 - (5); Ross, Andrea L. EOP/OMB Ex 6 - (5 U.S.C. Sec x 6 - (5); DL OMB NRD AB Ex 6 - (5 U.S.C. Sec); Fischietto, Mary S. EOP/OMB Ex 6 - (5 U.S.C. x 6 - (5); Connors, Kyle F. EOP/OMB Ex 6 - (5 U.S.C. x 6 - (5); Berrey, Katherine R. EOP/OMB Ex 6 - (5 U.S.C. x 6 - (5); Glass, Jacob S. EOP/OMB Ex 6 - (5 x 6 - (5); Patterson, Tia B. EOP/OMB Ex 6 - (5 U.S.C. x 6 - (5); Clark, Damon J. EOP/OMB Ex 6 - (5 U.S.C. x 6 - (5); Enger, Michelle A. EOP/OMB Ex 6 - (5 U.S.C. x 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 Ex 6 - (5 U.S.C. Ex 6 - (5); McNeal, Chris G. 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); Lachman, Sherry E. EOP/OMB Ex 6 - (5 U.S.C. Ex 6 - (5); Feldman, Iris T. EOP/OMB Ex 6 - (5 Ex 6 - (5); Bomberger, Melissa B. EOP/OMB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); Cassell, Mary I. EOP/OMB Ex 6 - (5 U.S.C. Ex 6 - (5); Derbes, Catherine A. EOP/OMB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); Patel, Jagir D. EOP/OMB Ex 6 - (5 Ex 6 - (5); Branson, Michael D. EOP/OMB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); Sierra, Leticia EOP/OMB Ex 6 - (5 Ex 6 - (5); Spavins, Rebecca L. EOP/OMB Ex 6 - (5 U.S.C. Ex 6 - (5); Weisshaar, David M. EOP/OMB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); Spiro, Topher J. EOP/OMB Ex 6 - (5 U.S.C. Ex 6 - (5); Hill, Frankie F. EOP/OMB Ex 6 - (5 Ex 6 - (5); Reilly, Tom M. EOP/OMB Ex 6 - (5 U.S.C. Ex 6 - (5); DL OMB HHSB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); DL OMB PHB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); De Los Santos, Karen EOP/OMB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); Abrams, Andrew D. EOP/OMB Ex 6 - (5 U.S.C. Ex 6 - (5); Berger, Joseph J. EOP/OMB Ex 6 - (5 U.S.C. Ex 6 - (5); Brant, Alex M. EOP/OMB Ex 6 - (5 Ex 6 - (5); Cramer, Drew W. 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); Cathopoulos, Terry J. EOP/OMB Ex 6 - (5 U.S.C. Sec Ex 6 - (5); Mergen, Margaret C. EOP/OMB

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Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Here's a rundown of agency responses --

Comments

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

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

Ex 5

Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec

Late comments expected: Ex 5 DP- (5 U.S.C. Sec

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Turner, Austin F. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>
To: DL OMB GGP Commerce Branch <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Bcc: "Gonzalez, Anthony A. EOP/OMB" <Ex 6 - (5 U.S.C. SecEx 6 - (5)>
Date: Mon, 14 Mar 2022 15:44:34 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB)

Making sure everyone has these.

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. SecEx 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. SEx 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 Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. SecEx 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. SecEx 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. SecEx 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 <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNeal, Chris G. 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)>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec < 6 - (5)>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Sierra, Leticia EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Spavins, Rebecca L. EOP/OMB <Ex 6 - (5 U.S.C. Secx 6 - (5)>; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Spiro, Topher J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Hill, Frankie F. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Reilly,

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Jacquez, Alex S. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Fazili, Sameera EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED]>; Reynolds, Liz B. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>;
Gamble, Joelle C. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL WHO NEC LRM
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WHCO LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Deeks, Ashley S. EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED]>; Ceronsky, Megan M. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>

Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Demers, Kaitlyn H.
EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Heaton, Kelly A. EOP/OMB
<Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED]>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED]>;
Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED]>; Menard, Barbara A. EOP/OMB
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Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED]>; Gonzalez, Oscar EOP/OMB
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<Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED]>; Woroszylo, Nicholas J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 [REDACTED]>; Matsuo, Kimie L. EOP/OMB
<Ex 6 - (5 U.S.C. [REDACTED] Ex 6 - (5 [REDACTED]>

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet <Ex 5 DP- (5 [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
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5 DP

Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec

Late comments expected: Ex 5 DP- (5 U.S.C. Sec

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget
Ex 6 - (5

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Connors, Kyle F. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
To: "Burnett, Ben D. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Date: Mon, 14 Mar 2022 15:55:54 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB)

Comment from DOI Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) if you're interested:

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

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; 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 U.S.C. Ex 6 - (5))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; DL OMB ESWD EB <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))>; 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 552(b)(5))>; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; 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 U.S.C. 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 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 552(b)(5))>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Lachman, <Ex 6 - (5 U.S.C. Ex 6 - (5))>

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Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Oakar, Catherine R. EOP/WHO
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Bains, Chiraag EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >;
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<Ex 6 - (5 U.S.C. Ex 6 - (5 >

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5

Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Late comments expected: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5)>
To: "Diedrick, Rachel M. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "O'Kane, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Date: Mon, 14 Mar 2022 15:55:15 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB); DoD Response to LRM KLM-117-102 Ex 5 DP-
Ex 5 DP- (5 U.S.C. Sec .docx (30.53 kB)

FYSA.

Bill


Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5
<https://www.whitehouse.gov/omb>

From: McNavage, William EOP/OMB
Sent: Monday, March 14, 2022 15:52
To: Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Romero, Samantha R. EOP/OMB
<Ex 6 - (5 U.S.C. Sec x 6 - (5)>
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022
[KLM-117-102] -- Response requested by COB Friday, 3/18/22
Importance: High

Hi Samantha, Rob –

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



Bill

Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5
<https://www.whitehouse.gov/omb>

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 15:40
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Hi Bill,

In addition to the comments reflected in the Excel file, I wanted to share Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process please see attached Word doc. Please let me know if you have any questions.

Thanks,
Kimie

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. 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. x 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Pei, Yi EOP/OMB <Ex 6 - (5 x 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; August, Lisa L. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; DL OMB ESWD EB <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. x 6 - (5)>; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. x 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 Ex 6 - (5)>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. x 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 <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; McNeal, Chris G. 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. Sec Ex 6 - (5)>; Klein, Robert T. EOP/OMB <Ex 6 - Ex 6 - (5)>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Sierra, Leticia EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Spavins, Rebecca L. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>

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Landrieu, Grace G. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]); Smith, Melissa K. EOP/WHO
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Blazek, Kelliann M. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]); Kovacs, Tricia S. EOP/WHO
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Jacquez, Alex S. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]); Fazili, Sameera EOP/WHO
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Gamble, Joelle C. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]); DL WHO NEC LRM
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WHCO LRM <Ex 6 - (5 U.S.C. Sec [REDACTED]); Deeks, Ashley S. EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED]); Ceronsky, Megan M. EOP/WHO
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Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]); Demers, Kaitlyn H.
EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]); Healton, Kelly A. EOP/OMB
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Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]); Menard, Barbara A. EOP/OMB
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Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]); Gonzalez, Oscar EOP/OMB
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<Ex 6 - (5 U.S.C. Sec [REDACTED]); Matsuo, Kimie L. EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED]) >

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5

Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec

Late comments expected: Ex 5 DP- (5 U.S.C. Sec

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Mok, Emily A. EOP/OMB" <Ex 6 - (5) x 6 - (5)>, "Pei, Yi EOP/OMB"
<Ex 6 - (5) x 6 - (5)>
Date: Mon, 14 Mar 2022 18:32:27 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB)

Please take a look tomorrow and let me know if you think we ought to do anything. Thanks,

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Schory, Daniel K.
EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Pasquantino, John C. EOP/OMB
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Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Demers, Kaitlyn H. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Heaton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Gonzalez, Oscar EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Bronack, Candice M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Woroszylo, Nicholas J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5

Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec

Late comments expected: Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Deliberative Process

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5))>
To: "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5))>, "Turner, Austin F. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5))>, "O'Kane, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5))>, "Diedrick, Rachel M. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5))>, "Clark, Michael C. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5))>, "Gonzalez, Anthony A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>, "Romero, Samantha R. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5))>
Date: Tue, 15 Mar 2022 16:54:18 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB); BILLS-117hr4521eh.pdf (5.46 MB); DoD Response to LRM KLM-117-102 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process.docx (30.53 kB)

Hi All –

See below 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
I think 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
I 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

I don't think 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 (unless you think helpful), but Austin it 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

Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5 U.S.C. x 6 - (5))
<https://www.whitehouse.gov/omb>

From: Khan, Saif M. EOP/NSC
Sent: Tuesday, March 15, 2022 16:38
To: Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5))>
Cc: Chhabra, Tarun EOP/NSC <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: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Kimie,

Regarding Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process our responses in red:

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

Thanks,
Saif

From: Matsuo, Kimie L. EOP/OMB
Sent: Tuesday, March 15, 2022 11:47 AM
To: Khan, Saif M. EOP/NSC <Ex 6 - (5 U.S.C. Sec >
Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec > <Ex 6 - (5 >
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good morning, Saif,

I'm not sure if you received this email yesterday through one of the NSC distros, but I wanted to share for your awareness the attached interagency comments on H.R. 4521 America COMPETES Act of 2022. We're asking Ex 5 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 we wanted to get the ball rolling.

In addition to the comments in the Excel file, DoD provided the attached Word doc with Ex 5 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'd welcome any thoughts you have on these proposed changes. Wondering if there is anyone over at NEC that you think should have eyes on this as well?

Thank you,
Kimie

From: Matsuo, Kimie L. EOP/OMB

Sent: Monday, March 14, 2022 3:15 PM

To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Sierra, Leticia EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Spavins, Rebecca L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Spiro, Topher J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hill, Frankie F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DL OMB HHSB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DL OMB PHB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; De Los Santos, Karen EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Berger, Joseph J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >

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Blazek, Kelliann M. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Kovacs, Tricia S. EOP/WHO
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Young, Christen Linke L. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(5))>;
Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Oakar, Catherine R. EOP/WHO
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Jacquez, Alex S. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Fazili, Sameera EOP/WHO
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<Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Ceronsky, Megan M. EOP/WHO
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Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Demers, Kaitlyn H.
EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Heaton, Kelly A. EOP/OMB
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Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Menard, Barbara A. EOP/OMB
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Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Gonzalez, Oscar EOP/OMB
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<Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Matsuo, Kimie L. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(5))>

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet <Ex 5 DP- (5 U.S.C. Sec 552(b)(5))>
<Ex 5 DP- (5 U.S.C. Sec 552(b)(5))> Deliberative Process
<Ex 5 DP- (5 U.S.C. Sec 552(b)(5))> Deliberative Process
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<Ex 5 DP- (5 U.S.C. Sec 552(b)(5))> Deliberative Process

Here's a rundown of agency responses --
[Comments](#)

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

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

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

Ex 5

Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec

Late comments expected: Ex 5 DP- (5 U.S.C. Sec

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget

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


**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
To: "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Romero, Samantha R. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Date: Tue, 15 Mar 2022 18:49:46 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB); BILLS-117hr4521eh.pdf (5.46 MB); DoD Response to LRM KLM-117-102 (Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process).docx (30.53 kB); FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22 (5.74 MB)

Hi Rob –

I sent over NSC's response earlier (included as an attachment for reference), but here is my proposed response if you concur. Ex 5 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



If this all looks good on your end, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Bill

Bill McNavage, Ph.D.
Program Examiner | Defense Investments Branch
Office of Management and Budget
(w) Ex 6 - (5)
<https://www.whitehouse.gov/omb>

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 15:40
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Hi Bill,

In addition to the comments reflected in the Excel file, I wanted to share Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) -- please see attached Word doc. Please let me know if you have any questions.

Thanks,
Kimie

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 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 Ex 6 - (5)>; Hu, Grace EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec >; 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 x 6 - (5)>; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Clark, Damon J. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Clark, Michael C. 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)>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec x 6 - (5)>; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Klein, Robert T. EOP/OMB <Ex 6 - (5 x 6 - (5)>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Bomberger, Melissa B. EOP/OMB

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

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5

Other EOP comments: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative**

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

Agencies with no comments: **Ex 5 DP- (5 U.S.C. Sec**

Late comments expected: **Ex 5 DP- (5 U.S.C. Sec**

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget

Ex 6 - (5 U.S.C.


**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Khan, Saif M. EOP/NSC" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 [REDACTED])>, "x 6 - (5 [REDACTED])>
Cc: "Chhabra, Tarun EOP/NSC" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. [REDACTED])>
Date: Tue, 15 Mar 2022 16:38:25 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB); DoD Response to LRM KLM-117-102 Ex 5 DP-
Ex 5 DP- (5 U.S.C. Sec [REDACTED]).docx (30.53 kB)

Kimie,

Regarding the proposed changes in the attached DoD document, our responses in red:

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



Thanks,
Saif

From: Matsuo, Kimie L. EOP/OMB

Sent: Tuesday, March 15, 2022 11:47 AM

To: Khan, Saif M. EOP/NSC <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>

Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process> <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>

Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good morning, Saif,

I'm not sure if you received this email yesterday through one of the NSC distros, but I wanted to share for your awareness the attached interagency comments on H.R. 4521 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

Ex 5 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 wanted to get the ball rolling.

In addition to the comments in the Excel file, DoD provided the attached Word doc with Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process My colleague in OMB's Defense Investments Branch, Bill McNavage, recommended I share this with you. I'd welcome any thoughts you have on these proposed changes. Wondering if there is anyone over at NEC that you think should have eyes on this as well?

Thank you,

Kimie

From: Matsuo, Kimie L. EOP/OMB

Sent: Monday, March 14, 2022 3:15 PM

To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>

<Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>

<Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>

<Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process>

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<Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>; DL OMB MOD MIAO Staff
<Ex 6 - (5 U.S.C. Sec [REDACTED] x 6 - (5 [REDACTED])>; Dorgelo, Cristin A. EOP/OMB
<Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>; DL OMB OGC <Ex 6 - (5 [REDACTED] [REDACTED] 6 - (5 [REDACTED])>; DL-USTR-LRM
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EOP/OSTP <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] DL NSC LRM <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>; DL NSC
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Resilience <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] DL NSC TRANSBORDER
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] DL NSC INTECON <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>; DL NSC
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<Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] Gupta, Pronita EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>;
Landrieu, Grace G. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Smith, Melissa K. EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] Stich, Brittany A. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>;
Blazek, Kelliann M. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Kovacs, Tricia S. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED] [REDACTED])>;
<Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] Young, Christen Linke L. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED])>;
Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] Oakar, Catherine R. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Bains, Chirag EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>;
Washburn, Libby R. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] DPCImmigration
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] DL-OVP-LRM <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>; Irby, Ike D.
EOP/OVP <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] DL-CEA-LRM <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>; DL-CEQ-LRM
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EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Sanchez, Roque T. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Hayes, David J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>;
Jacquez, Alex S. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Fazili, Sameera EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] Reynolds, Liz B. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED])>;
Gamble, Joelle C. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] DL WHO NEC LRM
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Wu, Tim EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED])>; DL WHO
WHCO LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Deeks, Ashley S. EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED] [REDACTED] Ceronsky, Megan M. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] >

Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Demers, Kaitlyn H.
EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED] [REDACTED] Healton, Kelly A. EOP/OMB
<Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED] [REDACTED])>;
Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED] [REDACTED])>; Menard, Barbara A. EOP/OMB
<Ex 6 - (5 U.S.C. SeEx 6 - (5 [REDACTED] [REDACTED])>; Leon, Bryan P. EOP/OMB <Ex 6 - (5 [REDACTED] Ex 6 - (5 [REDACTED])>;
Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5 [REDACTED] [REDACTED])>; Gonzalez, Oscar EOP/OMB
<Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED] [REDACTED])>; Bronack, Candice M. EOP/OMB
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED] [REDACTED])>; Woroszylo, Nicholas J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 [REDACTED] [REDACTED])>; Matsuo, Kimie L. EOP/OMB
<Ex 6 - (5 U.S.C. Ex 6 - (5 [REDACTED] [REDACTED])>

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22
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Ex 5 DP- (5 U.S.C. Sec

Agencies with no comments: **Ex 5 DP- (5 U.S.C. Sec**

Late comments expected: **Ex 5 DP- (5 U.S.C. Sec**

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,

Kimie

Kimie Matsuo

Legislative Analyst

Legislative Reference Division

Office of Management and Budget

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >
To: "Turner, Austin F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >
Cc: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >, DL OMB OGC <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >
Bcc: "Ganahl, Joseph R. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >
Date: Tue, 15 Mar 2022 11:52:11 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB); BILLS-117hr4521eh.pdf (5.46 MB); DoD Response to LRM KLM-117-102 (Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative).docx (30.53 kB)

Hi Austin,

In addition to the comments in the spreadsheet, I wanted to share with you some Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative. I've shared with OMB DIB and NSC as well.

Thanks,
Kimie

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative; x 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative >

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Matthew C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Field, Lesley A. EOP/OMB
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<Ex 6 - (5 U.S.C. [REDACTED] x 6 - (5 [REDACTED])>

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5

Other EOP comments: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

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

Agencies with no comments: **Ex 5 DP- (5 U.S.C. Sec**

Late comments expected: **Ex 5 DP- (5 U.S.C. Sec**

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Khan, Saif M. EOP/NSC" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Chhabra, Tarun EOP/NSC" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Rahman, Sabeel A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Vahlsing, Candace M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: DL NSC TechNatSec <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Tue, 15 Mar 2022 15:53:07 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB); BILLS-117hr4521eh.pdf (5.46 MB); DoD Response to LRM KLM-117-102 Ex 5 DP- (5 U.S.C. Sec [REDACTED]).docx (30.53 kB)

+Kimie and Bryan from OMB, and the NSC #TechNatSec distro.

Kimie, I'll separately respond to your questions Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

From: Chhabra, Tarun EOP/NSC
Sent: Tuesday, March 15, 2022 2:25 PM
To: Rahman, Sabeel A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Khan, Saif M. EOP/NSC <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Hi Sabeel and Candace,

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)) Many thanks in advance for any help you can provide.

Best,
Tarun

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Hu,

Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;
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Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Berrey, Katherine R. EOP/OMB
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Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Clark, Damon J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;
Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Clark, Michael C. EOP/OMB
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Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Miller, Kimberly A. EOP/OMB
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Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Feldman, Iris T. EOP/OMB
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Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Nelson, Kimberly P.
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EOP/OSTP <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL NSC LRM <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL NSC
CLIMATE <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL NSC CHINA <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL NSC
Resilience <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL NSC TRANSBORDER
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Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 [REDACTED]>; <Ex 6 - (5 [REDACTED]>; Oakar, Catherine R. EOP/WHO
<Ex 6 - (5 U.S.C. [REDACTED]>; <Ex 6 - (5 [REDACTED]>; Bains, Chiraag EOP/WHO <Ex 6 - (5 [REDACTED]>; <Ex 6 - (5 [REDACTED]>;
Washburn, Libby R. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED]>; <Ex 6 - (5 [REDACTED]>; DPC Immigration
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EOP/OVP <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL-CEA-LRM <Ex 6 - (5 U.S.C. Sec [REDACTED]>; DL-CEQ-LRM
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<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Reynolds, Liz B. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;
 Gamble, Joelle C. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL WHO NEC LRM
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 WHCO LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Deeks, Ashley S. EOP/WHO
 <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ceronsky, Megan M. EOP/WHO
 <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Demers, Kaitlyn H.
 EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Heaton, Kelly A. EOP/OMB
 <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;
 Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Menard, Barbara A. EOP/OMB
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 Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Gonzalez, Oscar EOP/OMB
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 <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Woroszylo, Nicholas J. 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 feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

Here's a rundown of agency responses --

- Comments
- Agencies: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**
- OMB comments: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**
- Other EOP comments: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**
- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**
- Agencies with no comments: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**
- Late comments expected: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo

Legislative Analyst
Legislative Reference Division
Office of Management and Budget
Ex 6 - (5 U.S.C.
Sec. 552(b)(6))

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Klein, Robert T. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
To: "Koschewa, Katelyn V. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Creedon, William E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Rozenal, Brian EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >, "Chaudhary, Nida EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Date: Wed, 16 Mar 2022 18:19:21 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB)

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process I was
wondering if this was yours: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

-Robert

From: Curtis, Tyler T. EOP/OMB
Sent: Tuesday, March 15, 2022 11:22 AM
To: Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Please send me any comments by noon Thursday.

From: Enger, Michelle A. EOP/OMB
Sent: Monday, March 14, 2022 3:58 PM
To: Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) The attached spreadsheet definitely helps, though. Please make sure your teams are familiar with all your relevant provisions at some point. I found the last tab to be particularly helpful as Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >

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Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; DL OMB NRD AB
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<Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Here's a rundown of agency responses --

Comments

Agencies: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
OMB comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Late comments expected: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: DL OMB NSP IAD ECON <Ex 6 - (5 U.S.C. Ex 6 - (5)>, DL OMB NSP IAD
STATE <Ex 6 - (5 U.S.C. Ex 6 - (5)>, "Turner, Austin F. EOP/OMB"
<Ex 6 - (5 Ex 6 - (5)>, "Clark, Michael C. EOP/OMB"
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<Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>, "Miller, Kimberly A. EOP/OMB"
<Ex 6 - (5 U.S.C. Ex 6 - (5)>
Bcc: "Hoskins, Jack A. EOP/OMB" <Ex 6 - (5 Ex 6 - (5)>
Date: Wed, 16 Mar 2022 10:48:43 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB); America COMPETES Act USTR comments draft
15 March 2022.docx (29.5 kB)

Good morning,

Sharing late comments on H.R. 4521 from USTR (see Word doc). These are in addition to Ex 5 DP-
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,
Kimie

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Schory, Daniel K.
EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Pasquantino, John C. EOP/OMB
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Pei, Yi EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Mok, Emily A. EOP/OMB
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Grace EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec
Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Hickey, Mike J. EOP/OMB
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Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; DL OMB NRD AB
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EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Sanchez, Roque T. EOP/WHO
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Jacquez, Alex S. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Fazili, Sameera EOP/WHO
<Ex 6 - (5 Ex 6 - (5 >; Reynolds, Liz B. EOP/WHO <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >;
Gamble, Joelle C. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; DL WHO NEC LRM
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Wu, Tim EOP/WHO <Ex 6 - (5 Ex 6 - (5 >; DL WHO
WHCO LRM <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Deeks, Ashley S. EOP/WHO
<Ex 6 - (5 U.S.C. Ex 6 - (5 >; Ceronsky, Megan M. EOP/WHO
<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >
Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Demers, Kaitlyn H.
EOP/WHO <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Healton, Kelly A. EOP/OMB
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Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Gonzalez, Oscar EOP/OMB
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<Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Matsuo, Kimie L. EOP/OMB

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

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5

Other EOP comments: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative

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

Agencies with no comments: Ex 5 DP- (5 U.S.C. Sec

Late comments expected: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget
Ex 6 - (5 U.S.C. Sec 552(b)(6))

**RE: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Ghavalayan, Mariam EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
To: "Mathis, Sabria B. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Burnett, Ben D. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Fischietto, Mary S. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Date: Thu, 17 Mar 2022 10:28:37 -0400
Attachments: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22 (6.51 MB)

Thanks Sabria. I'm attaching the original email with the bill text and the comments tracker. Mary and Ben - Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

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

Thanks,
Mariam

From: Mathis, Sabria B. EOP/OMB
Sent: Wednesday, March 16, 2022 4:49 PM
To: Ghavalayan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Burnett, Ben D. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>
Subject: RE: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Hi Mariam,
Nice to meet you, and thanks for reaching out. I am not sure if our branch is tracking this or not, so I have looped in Ben Burnette who leads Energy for the branch, and our Branch Chief, Mary Fischietto. I'm sure either of them would be able to answer your questions.

Thanks!

Sabria Mathis (Detailee)
Office of Management and Budget|Interior Branch
Phone: Ex 6 - (5
Email: Ex 6 - (5 U.S.C. x 6 - (5
Sec 552(b)(5))

From: Ghavalayan, Mariam EOP/OMB
Sent: Wednesday, March 16, 2022 10:06 AM
To: Mathis, Sabria B. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Hi Sabria,

My name is Mariam and I'm in the Treasury branch. I worked with Katy closely on Tribal issues. Hope you are enjoying your time at OMB so far.

I'm reaching out to check if your branch 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 Just want
to check if your branch is aware and if there are any comments.

Thank you,
Mariam

Mariam Ghavalyan | Program Examiner | Treasury Branch
OMB | Executive Office of the President
Ex 6 - (5 U.S.C. Sec 552(b)(5)) | **Ex 6 - (5 U.S.C. Sec 552(b)(5))** | **Ex 6 - (5 U.S.C. Sec 552(b)(5))**

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Schory, Daniel K. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; 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))**>; Pei, Yi 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))**>; August, Lisa L. 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))**>; DL OMB ESWD EB <**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))**>; Hickey, Mike J. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Burgess, Scott H. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Ross, Andrea L. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; DL OMB NRD AB <**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))**>; Connors, Kyle F. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Berrey, Katherine R. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Glass, Jacob S. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Patterson, Tia B. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Clark, Damon J. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Enger, Michelle A. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Turner, Austin F. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Clark, Michael C. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Gonzalez, Anthony A. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Hoy, Peter G. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Jones, Lauren H. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Miller, Kimberly A. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; McNeal, Chris G. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Curtis, Tyler T. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Ghavalyan, Mariam EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Klein, Robert T. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Lachman, Sherry E. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Feldman, Iris T. 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))**>; Derbes, Catherine A. 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))**>; Branson, Michael D. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Sierra, Leticia EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>; Spavins, Rebecca L. EOP/OMB <**Ex 6 - (5 U.S.C. Sec 552(b)(5))**>;

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Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Demers, Kaitlyn H. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Healton, Kelly A. 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))>; Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 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))>; Gonzalez, Oscar EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bronack, Candice M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Woroszylo, Nicholas J. 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 feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

Here's a rundown of agency responses --

Comments

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

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

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

Ex 5

Other EOP comments: **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative**

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

Agencies with no comments: **Ex 5 DP- (5 U.S.C. Sec**

Late comments expected: **Ex 5 DP- (5 U.S.C. Sec**

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget

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

**FW: FOR REVIEW: Interagency feedback on H.R. 4521
America COMPETES Act of 2022 [KLM-117-102] --
Response requested by COB Friday, 3/18/22**

From: "Turner, Austin F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
To: DL OMB GGP Commerce Branch <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Bcc: "Gonzalez, Anthony A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Date: Mon, 21 Mar 2022 10:44:17 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB)

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

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 21, 2022 10:24 AM
To: Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: FW: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Hi all,

Following up to see if the Commerce Branch has any feedback on the DOC and other interagency comments on H.R. 4521 America COMPETES Act of 2022.

Thanks,
Kimie

From: Matsuo, Kimie L. EOP/OMB
Sent: Monday, March 14, 2022 3:15 PM
To: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; 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))>; Pei, Yi 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))>; August, Lisa L. 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))>; DL OMB ESWD EB <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))>; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; DL OMB NRD AB <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))>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>

Patterson, Tia B. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; Clark, Damon J. EOP/OMB
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Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 >; Clark, Michael C. 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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Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >; Nelson, Kimberly P.
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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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A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >; O'Brien, Erin L. EOP/OMB
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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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Seehra, Jasmeet K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Fraser, Nicholas A. EOP/OMB
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Blazek, Kelliann M. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Kovacs, Tricia S. EOP/WHO
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Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Oakar, Catherine R. EOP/WHO
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Washburn, Libby R. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DPCImmigration
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Jacquez, Alex S. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Fazili, Sameera EOP/WHO
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Gamble, Joelle C. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL WHO NEC LRM
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WHCO LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Deeks, Ashley S. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ceronsky, Megan M. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>;
Cc: Slevin, Christopher J. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Demers, Kaitlyn H.

EOP/WHO [Redacted]; Healton, Kelly A. EOP/OMB
[Redacted]; Ward, Benjamin A. EOP/OMB [Redacted];
Vaeth, Matt J. EOP/OMB [Redacted]; Menard, Barbara A. EOP/OMB
[Redacted]; Leon, Bryan P. EOP/OMB [Redacted];
Ventura, Alexandra EOP/OMB [Redacted]; Gonzalez, Oscar EOP/OMB
[Redacted]; Bronack, Candice M. EOP/OMB
[Redacted]; Woroszylo, Nicholas J. EOP/OMB
[Redacted]; Matsuo, Kimie L. EOP/OMB
[Redacted]

Subject: FOR REVIEW: Interagency feedback on H.R. 4521 America COMPETES Act of 2022 [KLM-117-102] -- Response requested by COB Friday, 3/18/22

Good afternoon,

Please see attached a compilation of comments LRD received in response to the request for views on H.R. 4521, the "America COMPETES Act of 2022." The bill passed the House on 2/4/22.

The first sheet in the file includes all interagency comments, while the second sheet [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
[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

Here's a rundown of agency responses --

- Comments
- Agencies: [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
- OMB comments: [Redacted]
- [Redacted] Ex 5
- Other EOP comments: [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
- Agencies with no comments: [Redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
- Late comments expected: [Redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please review the spreadsheet and let us know by COB Friday, March 18th, whether you concur or have any concerns with the comments. Please also let us know if you have any other major concerns with the bill that are not captured here.

Thank you,
Kimie

Kimie Matsuo
Legislative Analyst
Legislative Reference Division
Office of Management and Budget
[Redacted] Ex 6 - (5 U.S.C. Sec 552(b)(5))