

FW: Research security policies finalized!

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
Date: Thu, 21 Jan 2021 11:41:55 -0500
Attachments: OSTP JCORE Best Practices Document January 2021.pdf (524.85 kB)

Rob –

The NSPM on Research Security Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process, the OSTP JCORE Best Practices document (attached for reference) Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

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

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

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Sent: Thursday, January 21, 2021 9:24 AM

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Subject: RE: Research security policies finalized!

Now at ><https://trumpwhitehouse.archives.gov/presidential-actions/presidential-memorandum-united-states-government-supported-research-development-national-security-policy/><

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-Lloyd

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Subject: [EXTERNAL] - RE: Research security policies finalized!

This email originated from outside of the National Science Foundation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear colleagues,

The text of NSPM-33 is now posted on the White House website, at the address below:

<https://www.whitehouse.gov/presidential-actions/presidential-memorandum-united-states-government-supported-research-development-national-security-policy/>

Please also see the attached press release, which includes hyperlinks to all three documents.

Once again, thank you all for the great collaboration that made this possible!

Respectfully,

Aaron



RECOMMENDED PRACTICES FOR STRENGTHENING THE SECURITY AND INTEGRITY OF AMERICA'S SCIENCE AND TECHNOLOGY RESEARCH ENTERPRISE

Product of the
SUBCOMMITTEE ON RESEARCH SECURITY

JOINT COMMITTEE ON THE RESEARCH ENVIRONMENT

of the
NATIONAL SCIENCE & TECHNOLOGY COUNCIL

January 2021

About the National Science and Technology Council

The National Science and Technology Council (NSTC) is the principal means by which the Executive Branch coordinates science and technology policy across the diverse entities that make up the Federal research and development enterprise. A primary objective of the NSTC is to ensure science and technology policy decisions and programs are consistent with the President's stated goals. The NSTC prepares research and development strategies that are coordinated across Federal agencies aimed at accomplishing multiple national goals. The work of the NSTC is organized under committees that oversee subcommittees and working groups focused on different aspects of science and technology. More information is available at <http://www.whitehouse.gov/ostp/nstc>.

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About the Subcommittee on Research Security

The Subcommittee on Research Security is an interagency group organized under the NSTC Joint Committee on the Research Environment (JCORE). The purpose of the Subcommittee on Research Security is to coordinate Federal Government efforts to enhance the security and integrity of America's science and technology research enterprise without compromising American values or the openness of the innovation ecosystem. The Subcommittee is focused on coordinating appropriate and effective risk management, coordinating Federal efforts to effectively communicate and provide outreach to academic and research organizations, developing guidance for agencies on security and integrity of the Federally-funded research enterprise, and developing recommended practices for academic and research organizations.

About this Document

This document was developed by the Subcommittee on Research Security, in coordination with the National Security Council staff, and was reviewed by JCORE. The document outlines recommended guidelines for organizations that conduct research.

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Abbreviations and Acronyms

DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
ED	Department of Education
FBI	Federal Bureau of Investigation
HSI	Homeland Security Investigations
ICE	Immigration and Customs Enforcement
ODNI	Office of the Director of National Intelligence
NSF	National Science Foundation
NSTC	National Science and Technology Council

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Use of this Document

The purpose of this document is to offer recommendations research organizations (e.g., universities, private companies, independent research institutes) can take to better protect the security and integrity of America's research enterprise. It serves as a complementary document to National Security Presidential Memorandum 33 (NSPM-33), titled, "U.S. Government Supported Research and Development National Security Policy." NSPM-33 directs Federal departments and agencies to act to protect federally-funded research, including from foreign interference, and incorporates recommendations that the JCORE Subcommittee on Research Security developed in partnership with the National Security Council staff, working across Federal agencies and informed by inputs from across America's research enterprise, including universities, companies, associations, and scientific societies. The recommendations for research organizations contained in this report were likewise informed by extensive engagement across the U.S. research enterprise and with international partners. These recommendations constitute recommended practices that will strengthen and protect the security and integrity of America's research enterprise. Users of this document are strongly encouraged to read NSPM-33 to ensure an appropriate breadth and depth of understanding of the complex issues associated with research security and integrity.

Background and Motivation

The open and collaborative nature of the U.S. science and technology (S&T) research enterprise, along with the integrity and public trust with which it operates, underpin America's innovation, S&T leadership, economic vitality, and national security. Maintaining an open research environment is critical to fostering research discoveries and innovations that benefit our Nation and the world. Principled international collaboration and foreign contributions are critical to the success of the U.S. research enterprise. In particular, they enable cutting-edge research that cannot otherwise be achieved, strengthen scientific and diplomatic ties, leverage resources, and support training of a robust S&T workforce capable of solving global problems. At the same time, this open environment must be balanced by mechanisms that protect intellectual capital; discourage misappropriation of research plans, pre-publication data, and outcomes; and ensure responsible management of U.S. taxpayer dollars.

The integrity of the research enterprise rests on foundational principles and values, which are also consistent with American values:

- **Openness and transparency** enable productive collaboration and help ensure appropriate disclosure of potential conflicts of interest¹ and conflicts of commitment.²
- **Accountability and honesty** help acknowledge errors and correct behaviors that can hamper progress.
- **Impartiality and objectivity** protect against improper influence and distortion of scientific knowledge.
- **Respect** helps create an environment where all can be heard and contribute.
- **Freedom of inquiry** allows individual curiosity to guide scientific discovery.
- **Reciprocity** ensures that scientists and institutions exchange materials, knowledge, data, access to facilities and natural sites, and training in a way that benefits all collaborating partners.
- **Merit-based competition** helps ensure a level playing field where the best ideas and innovations can advance.

¹ Definitions for conflict of interest vary across Federal agencies and research organizations. In the context of research security and integrity, and for the purposes of this document, the National Science and Technology Council (NSTC) Subcommittee on Research Security considers a conflict of interest to be a situation in which an individual, or the individual's spouse or dependent children, has a financial interest or relationship that could directly and significantly affect the design, conduct, reporting, or funding of research. United States government officers and employees engaged in the Federally funded research enterprise are subject to restrictions in law (18 U.S.C. §201-209) and U.S. Office of Government Ethics regulations related to their personal and imputed financial interests (where imputed financial interests include those of spouse, minor child, general partner, organization in which the individual is serving as officer, director, trustee, general partner or employee, or any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment).

² Definitions for conflict of commitment vary across Federal agencies and research organizations. In the context of research security and integrity, and for the purposes of this document, the NSTC Subcommittee on Research Security considers a conflict of commitment to be a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many organizational policies define conflicts of commitment as conflicting commitments of time, including obligations to dedicate time in excess of institutional or funding agency policies or commitments. Other types of conflicting obligations, including obligations to share information improperly with, or to withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment.

RECOMMENDED PRACTICES FOR STRENGTHENING THE SECURITY AND INTEGRITY
OF AMERICA'S S&T RESEARCH ENTERPRISE

Some of these foundational principles—like openness, transparency, and accountability—are relevant to all, from individual researchers, to research organizations, to governments. Others—including impartiality, objectivity, honesty, and respect—are at the core of how individuals and organizations should conduct research to ensure rigor and reproducibility. Others—including freedom of inquiry, reciprocity, and merit-based competition—are the responsibility of all, but especially governments, to protect and foster.

Behaviors that violate these foundational principles and values jeopardize the *integrity* of the research enterprise. Behaviors that threaten the integrity of the research enterprise often also pose risks to the *security* of the research enterprise, which we term research security. For example, surreptitious diversion of confidential grant applications to foreign government entities can threaten research security while also compromising the fairness of processes intended to provide merit-based allocation of research and development (R&D) funding. Therefore, research security and the integrity of the research enterprise are inexorably linked.

Unfortunately, the governments of some countries do not demonstrate a reciprocal dedication to these same principles and values. Instead, they seek to exploit the global research enterprises to circumvent the costs and risks of conducting their own research, thereby increasing their economic and military competitiveness at the expense of the United States and its allies and partners.

Over the past several years, some individuals and foreign governments have exhibited increasingly sophisticated efforts to exploit, influence, and undermine U.S. research activities and environments. Recent breaches of research integrity within America's research enterprise include failures to disclose the following: funding (in some individual cases totaling hundreds of thousands of dollars in research subsidies, salaries, and personal payments); parallel laboratories; employment, affiliations, and appointments (including leadership positions in foreign research organizations); and conflicting financial interests (including investment in and even ownership of private companies specializing in the same work performed at individuals' U.S. research organizations). Often it is foreign funding sources and appointments that are not disclosed.

Beyond these disclosure failures, other inappropriate or exploitive behaviors have included conducting undisclosed research for foreign governments or companies while being funded for that same research effort or time by U.S. agencies; diversion of intellectual property (IP) or other legal rights; and breaches of contract and confidentiality in or surreptitious gaming of the peer-review process (including surreptitious provision of grant applications to foreign scientists). In addition to violating ethical norms and Federal agency policies, some recent incidents involve illegal activities, including theft of research data enabled by hacking thousands of computer accounts at hundreds of research organizations across the globe and grant fraud associated with applying for Federal grants to conduct research already completed at a parallel foreign laboratory.

Such behaviors can and have resulted in very real and negative impacts on individuals and research organizations, and threaten to weaken the whole of the research enterprise. These behaviors can distort decisions about appropriate use of public and private funds. They can also result in hidden transfers of information, know-how, data, and time; diversion of confidential or proprietary information and pre-publication data to foreign entities; loss of Federal research funding; reputational, career, and financial damage; and loss of public trust in the research enterprise. In individual cases, some researchers have resigned, research organizations have returned millions of dollars in public funding, and some individuals have faced criminal indictments and convictions.

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Many of these behaviors have been associated with undisclosed participation in certain foreign government-sponsored talent recruitment programs.³ Many countries sponsor talent recruitment programs to attract researchers in targeted fields. Many programs utilize legitimate, transparent mechanisms of talent recruitment, including use of research fellowships, student and scholar exchanges, and grants. However, some programs provide direction or levy requirements, including through language in binding contracts, that create conflicts of interest and/or conflicts of commitment for researchers; some have been shown to encourage or direct unethical and even criminal behaviors. Such programs amount to foreign interference in American R&D.

Data regarding the prevalence of behaviors that threaten research security and integrity are still incomplete, but suggest widespread and systemic activity across geographic locations, sizes of organizations, and research disciplines. For example, as of September 2020, the National Institutes of Health identified research security and integrity concerns with more than 200 scientists and sent associated notices to more than 90 research organizations. Incidents of concern are not limited to any one background, ethnicity, or nationality. Nor are they unique to the United States; other countries have identified similar behaviors in their research enterprises.

In order to address effectively the challenges to research security and integrity, Federal agencies and research organizations must work together to protect America's research enterprise without compromising our values or our ability to maintain the innovation ecosystem that has helped underpin our global leadership in S&T. This must include ensuring an approach that is balanced as well as risk- and evidence-based.

A balanced, risk-based approach must recognize the benefits of open, international collaboration as well as the risks. This approach must seek to apply protective measures commensurate with identified risks, accounting for both likelihood of occurrence and impact, weighed against tangible benefits and any accompanying cost or administrative burden resulting from mitigation measures. Mitigation measures should be considered as part of an integrated approach to research enterprise integrity management that avoids undue administrative burden for researchers, research organizations, and funding organizations. Finally, there should be measures that target specific behaviors and seek to uphold the same foundational principles and values across the research enterprise, independent of the nature of a collaboration and the makeup of its participants, including their country of origin, nationality, and ethnicity.

³ A foreign government-sponsored talent recruitment program is an effort directly or indirectly organized, managed, or funded by a foreign government, including state-owned enterprises, or a foreign institution to recruit science and technology professionals or students (regardless of citizenship or national origin, and whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, through illicit as well as licit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at U.S. research facilities or receipt of Federal research funds while concurrently working at and/or receiving compensation from a foreign institution. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

RECOMMENDED PRACTICES FOR STRENGTHENING THE SECURITY AND INTEGRITY
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This document recommends practices for research organizations to help enhance the security and integrity of America's research enterprise. These recommended practices outline a balanced, behavior- and risk-based approach that supports five high-level objectives:

- Demonstrate organizational leadership and oversight;
- Establish an expectation of openness and transparency;
- Provide and share training, support, and information;
- Ensure effective mechanisms for compliance with organizational policies; and
- Manage potential risks associated with collaborations and data.

By working to implement these recommendations, research organizations can make significant contributions to enhancing the security and integrity of America's research enterprise.

Recommended Practices for Research Organizations Regarding Research Security and Integrity

Research organizations play a critical role in the security and integrity of America's research enterprise, complementing the role of the Federal Government. Many of the practices that research organizations implement are focused more on protecting the overall integrity of research than specifically addressing national security risks; however, research organization policies designed to protect research integrity also help guard against behaviors that pose significant national security risk.

In fulfilling their role as stewards of research, including training the next generation of researchers, organizations should demonstrate robust leadership and oversight; establish and administer policies to promote transparency and guard against conflicts of interest and commitment; provide training, support, and information on research security; ensure effective mechanisms for compliance with organizational policies; and implement processes to assess and manage potential risks associated with collaborations and data.

The National Science and Technology Council (NSTC) Joint Committee on the Research Environment (JCORE) Subcommittee on Research Security recommends that research organizations consider taking the following actions to help protect the security and integrity of America's research enterprise. The Subcommittee recognizes that the need and ability for research organizations to implement some of the suggested actions depends upon a number of factors, including but not limited to the nature, structure, and mission of the organization, the level and types of research activity it conducts, and available resources. Consequently, the implementation of policies and practices should evolve thoughtfully and appropriately to meet current and future challenges, including foreign government efforts to exploit, interfere with, or undermine our research activities and environment.

Demonstrate Organizational Leadership and Oversight

- 1. Convey the importance of research security and integrity at the leadership level.** Leaders of organizations shape organizational culture and are uniquely positioned to communicate information, especially values and priorities. In the context of research security and integrity, this capability is critically important and should be leveraged to the maximum extent possible.

Leaders of research organizations (e.g., governing boards, chancellors, presidents, executive directors) should consistently and regularly message the importance of research security and integrity in their written and oral communications to their organizations, and to external stakeholders and partners, along with actions their organizations are taking to ensure that security is balanced with openness. Those charged with leading or managing their organizations' research enterprises, such as vice presidents/vice chancellors of research and their subordinate organizations, should actively engage in matters related to research security and integrity and ensure that the heads of their organizations remain fully informed regarding the latest developments and policies.

- 2. Ensure an organizational approach to research security.** Because research security and integrity are the shared responsibility of individuals, formal and informal research groups, organizational centers or other components, and organizations more broadly, the most appropriate approach for ensuring security and integrity is one that spans entire organizations. Consequently, organizations should develop written research security implementation plans, and should designate a chief research security officer or equivalent to oversee research security management. For the latter, it should be made clear that research security is everyone's responsibility, and that the role of the

research security officer is principally to maintain up-to-date knowledge, and to coordinate, facilitate, communicate, and educate.

- 3. Establish research security and integrity working groups and task forces.** In order to most effectively develop and implement policies and practices, organizations should include in the process employees at all levels. Such inclusion helps employees understand the issues, see them from multiple points of view, feel valued, and actively participate in work that impacts their careers. This is particularly true for researchers and their employing organizations, where policies regarding research security and integrity are foundational to both individual and organizational success.

Research organizations therefore should establish and make visible cross-organization working groups and task forces consisting of senior leaders, researchers, other relevant staff, and students where appropriate, to discuss, develop, implement, and evaluate strategies to better coordinate and address concerns regarding strengthening the security and integrity of the research enterprise. Importantly, this work should emphasize the value of understanding and adhering to those principles and values that are foundational to both research security and integrity (see Background and Motivation section above).

- 4. Establish and operate a comprehensive research security program.** A comprehensive program that considers multiple vectors of potential interference and works with researchers, security officers, and administrators across the organization is one of the most effective mechanisms to coordinate activities internally toward the goal of ensuring research security. Organizations should develop a "risk profile" that assesses the potential risks (e.g., legal, reputational, economic) associated with the loss of research data and IP and the potential for significant commercial or national security impacts.

Research security programs should include, at a minimum, elements of cyber security, foreign travel security, insider threat awareness and education, and export control training. Depending on the organization's individual risk profile and resources, cyber security elements can include robust access and device registration protocols, hardware encryption, and incorporating use of commercial threat management and commercial compliance solutions into internal due diligence programs. Economies of scale often can be realized by coordinating with other organizations (e.g., within a university system or regionally) to leverage physical and intellectual assets and avoid unnecessary duplication.

Establish an Expectation of Openness and Transparency

- 5. Establish and administer organizational policies regarding conflicts of interest, conflicts of commitment, and disclosure.** Transparency and accountability are cornerstones of the research enterprise. Disclosing information related to potential conflicts is paramount to maintaining the security and integrity of that enterprise.

Research organizations should require disclosure of information that will enable reliable determinations of whether and where conflicts of interest and commitment exist, and should develop and implement appropriate risk management plans. Although this document recommends practices for organizations that conduct research, NSPM-33 standardizes requirements for disclosure of information related to potential conflicts of interest and commitment from individuals with significant influence on America's R&D enterprise, including those leading federally funded research projects and those involved in the allocation and awarding

of Federal R&D⁴ funding. When appropriate, research organizations should report conflicts of interest or commitment to funding agencies, especially in instances where a research organization is unable to mitigate or manage the conflict. In instances where nondisclosure suggests illegal activity, organizations should also notify law enforcement agencies as appropriate.

As a practical matter, it should be made clear to all researchers, including any students involved in research, that when in doubt about any matter regarding research security or integrity, the appropriate action is to consult the relevant organizational official, who should be clearly designated by the organization. This is particularly true in the context of prospective participation in foreign government-sponsored talent recruitment programs, which often provide contracts directly to researchers with the expectation of signature by the individual alone. Any such contract should be disclosed to the researcher's employer organization for review to protect both the organization and researcher.

6. Require disclosure to the organization of all information necessary to identify and assess potential conflicts of interest and commitment. Research organizations should require the filing of relevant disclosures to the organization, and maintain a repository of such filings, from organizational employees and affiliates engaged in the research enterprise, regardless of whether those individuals are supported by Federal funding or involved in projects supported by Federal funding.

A. Research organizations should require disclosure from key segments of the R&D enterprise, including:

1. Researchers (including postdoctoral researchers and other staff);
2. Graduate students engaged in research activities; and
3. Visiting scholars performing research over an extended period of time.

B. Research organizations should require that disclosures from research enterprise employees and contractors include the following information:

1. Organizational affiliations and employment.
2. Other support, contractual or otherwise, direct and indirect, including current and pending private and public sources of funding or income, both foreign and domestic. For researchers, other support should include all resources made available to a researcher in support of and/or related to all of their professional R&D efforts, including resources provided directly to the individual rather than through the research organization, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This should include resource and/or financial support from all foreign and domestic entities, including but not limited to, gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding.
3. Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs. While many countries sponsor talent recruitment programs for legitimate purposes of attracting talent in targeted fields, some programs encourage or direct

⁴ Federal Research & Development (R&D) funding constitutes all funding for scientific research and development provided by the Federal Government. Research means a systematic investigation—including research, development, testing, and evaluation—designed to develop or contribute to generalizable knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities.

- unethical and criminal behaviors. In order to fully assess risk, organizations should require that individuals disclose associated contract(s) upon request, in addition to the fact of participation.
4. All positions and professional appointments both domestic and foreign that are relevant to the individual's relationship to the research organization, including affiliations with foreign entities or governments. This includes titled academic, professional, or organizational appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).
 - C. Research organizations should require initial disclosures upon hiring or assignment of relevant duties, and annual updates to disclosure reporting. Annual updates are important to account for individuals' changing situations. Additionally, organizations should consider whether some types of changes might require prompt disclosure in addition to the initial and annual updates.
 - D. Research organizations should assist their employees, affiliates, and students with disclosures that are required for the organization to comply with Federal funding agency disclosure requirements. The administrative burden may be minimized by using online forms that allow updates while maintaining a record of prior disclosures.
7. **Ensure compliance with Department of Homeland Security requirements for reporting foreign students and foreign researcher information.** Research organizations should ensure that foreign students and foreign researcher information included in the Student and Exchange Visitor Information System (SEVIS) is updated regularly by Designated School Officials (DSOs) and consistent with U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement, Homeland Security Investigations (DHS/ICE/HSI) requirements⁵ and by Exchange Visitor Program Responsible Offices (ROs) consistent with U.S. Department of State (DOS) requirements. SEVIS is the web-based system that DHS uses to maintain information on Student and Exchange Visitor Program (SEVP)-certified schools and nonimmigrant students who come to attend those schools, and that DOS uses to maintain information on DOS-designated schools and exchange visitors who come to attend those schools. It is a critical tool that DHS uses to protect national security while supporting legal entry of nonimmigrants to the United States for education and cultural exchange. Research organizations should ensure that foreign students and foreign researchers fully understand the disclosure requirements associated with SEVIS and that they adhere to relevant deadlines and procedures. Students and research organizations that fail to report any required information to DHS in a timely manner may face adverse consequences including but not limited to decertification, revocation of funding, or loss of immigration status.
8. **Establish policies regarding digital persistent identifiers.** Research organizations should establish policies regarding requirements for research enterprise employees, contractors, and affiliates to be registered with a service that provides a digital persistent identifier (DPI) for that individual and provide organizations access to relevant information disclosed through the DPI in a manner consistent with applicable laws, which may include employment, research funding, professional R&D affiliations, and published research. DPIs represent a valuable mechanism for accurately linking researchers with their awards, publications, and research outputs. DPIs offer many benefits, including enhancing research rigor by ensuring that researchers receive credit for publications, data sets, and other scholarly works; simplifying the tracking of funding received and notification about future funding opportunities; and searching for scholarly works and collaborators. They also

⁵ DHS/ICE/HSI, Student and Exchange Visitor Program. <https://www.ice.gov/sevis>

represent a potential means for streamlining grant application processes via pre-population of digital forms.

- 9. Ensure compliance with requirements for reporting foreign gifts and contracts.** Research organizations should ensure compliance with requirements under Section 117 of the Higher Education Act⁶ for reporting of gifts or contracts received from or entered into with foreign sources. This law requires nearly all colleges and universities to report biannually to the Secretary of Education foreign gifts and contracts valued at \$250,000 or more and to disclose any foreign ownership or control. Such reporting is important for transparency, accountability, and organizational integrity, and also aids senior leaders in appropriately identifying and managing organizational conflicts of interest. Failure to comply with these statutory requirements may result in audits and other various legal consequences.

Provide and Share Training, Support, and Information

- 10. Provide training to participants in the research enterprise on the responsible conduct of research.** The 2007 America COMPETES Act mandated training in the responsible and ethical conduct of research (RECR) for undergraduate students, graduate students, and postdoctoral researchers funded by NSF.⁷ This requirement was formally implemented in January 2010, and the training is required to occur during the period of the award. Since then, other agencies (e.g., National Institutes of Health, U.S. Department of Agriculture) have required RECR training under some circumstances, or otherwise made training available to research personnel even in circumstances where Federal requirements do not apply.

RECR training is foundational to educating current and future researchers about the importance of integrity in research and the role of researchers in upholding it. All organizations performing organized research, irrespective of funding source, should offer RECR training to all researchers including new students, visiting scholars, employees, and affiliates and include annual refresher training, where applicable. The training content should include requirements and processes for disclosure of conflicts of interest and commitment, as well as training on upholding core organizational values, protection of IP, and the responsible and ethical conduct of research.

Since all organizations receiving NSF funding already have RECR programs in place, numerous examples exist of content from which to draw. In addition to those collected by NSF,⁸ the U.S. Department of Health and Human Services Office of Research Integrity also provides numerous resources on RECR.⁹

- 11. Provide guidance for those considering participation in foreign government-sponsored talent recruitment programs.** Some foreign government-sponsored talent programs encourage or direct unethical and criminal behaviors, including some listed in Recommendation 13(a). Transparency and full disclosure are essential to properly assess risks that participation in these programs may pose to the integrity and security of the research enterprise. Therefore, to the extent feasible, research organizations should assist their researchers in reviewing contracts and understanding the implications of commitments individuals might be assuming, and any potential for exploitation.

⁶ Section 117 of the Higher Education Act of 1965. <https://www2.ed.gov/policy/highered/leg/foreign-gifts.html>

⁷ America Competes Act. <https://www.congress.gov/110/plaws/publ69/PLAW-110publ69.pdf>

⁸ National Science Foundation, America COMPETES Act RECR Training Requirements. <https://www.nsf.gov/bfa/dias/policy/rcr.jsp>

⁹ Health and Human Services Office of Research Integrity. <https://ori.hhs.gov/>

12. Partner with local FBI field offices to strengthen research security. Research organizations should partner with their local FBI field offices to help inform and strengthen research security efforts such as insider threat and cybersecurity programs, policies, and awareness training to help recognize suspicious behavior and better protect personnel, facilities, and information. The FBI has engaged, and continues to engage, the research community on the topic of research security, through a range of initiatives and activities. Research organizations that have worked with the FBI to build strong partner relationships have benefited from expertise and resources resident in the Federal law enforcement and security communities. Such trusted relationships are critical for securing America's research enterprise while also maintaining the degree of openness needed for it to thrive.

The 56 FBI field offices across the United States serve as local points of contact for research organizations and represent an extraordinarily valuable resource for addressing research security.¹⁰ The FBI also has designated a national program office focused on forging and strengthening relationships with research organizations, and can provide briefings upon request. Contact information can be found at the end of this document under Federal Government and Agency Contacts.

13. Increase awareness of and protections against circumstances and behaviors that may indicate risk to research security and integrity. Over the past several years, the U.S. Government and research organizations have become increasingly aware of concerning behaviors that indicate inappropriate foreign government interference in the U.S. research enterprise. These concerning behaviors are not limited to any one background, ethnicity, nationality, or research field. In many cases, researchers engaged in contractual relationships with terms that directed unethical and in some cases criminal behavior, often without disclosing to their U.S. employer or funder. Greater awareness protects organizations and researchers by helping them recognize potentially problematic circumstances and behaviors. The FBI can provide briefings on these matters upon request, and contact information can be found at the end of this document under Federal Government and Agency Contacts. Research organizations should ensure that all members of the research enterprise share awareness of circumstances and behaviors that may pose a risk to research security and integrity, including the following:

- A. Certain conditions, contract terms, or other obligations associated with participation in foreign government-sponsored programs or entities, including talent recruitment programs, to include:
 1. Contracts withheld or provided without a third-party certified English translation;
 2. Contracts that allow for or encourage continued employment at U.S. research facilities or receipt of Federal research funds while concurrently working at and/or receiving compensation from a foreign organization;
 3. Setting up or relocating a laboratory in a foreign country;
 4. Obligation to file international patents;
 5. Obligation to publish in particular journals, and/or list a foreign organization affiliation in any published paper;
 6. Obligation to share information that is or may be confidential (e.g., grant applications, peer-review information) with unapproved entities;
 7. Obligation to withhold information from the U.S. home organization or funding agency;
 8. Conflicts of time commitment (e.g., sum of all appointments totals more than 100%);

¹⁰ FBI Field Offices. <https://www.fbi.gov/contact-us/field-offices>

9. Purpose or stated goals of the program that conflict with goals of the U.S. home organization;
 10. Obligation to participate in talent-recruitment activities;
 11. Obligation to hire or provide career advancement opportunities to other participants in such programs;
 12. Obligation to provide pre-publication data or other pre-publication information to the foreign entity; and
 13. Obligation to prove loyalty or political fealty to a foreign government.
- B. Participation by researchers in any government-sponsored talent recruitment program that has encouraged or directed participants to engage in behaviors that conflict with principles of research security and integrity;
 - C. Any obligation for researchers to conduct R&D activities on behalf of another research organization or entity without the knowledge and approval of the employing organization;
 - D. Foreign travel by researchers related to professional R&D activities, particularly when funded by a foreign entity, without justification regarding the benefits;
 - E. Extended travel by researchers that is inconsistent with funding received and/or the researcher's organizational obligations;
 - F. Association, affiliation, or collaboration by researchers with foreign entities identified on the U.S. government's Consolidated Screening List;¹¹ and
 - G. Gifts that are provided to research enterprise participants with terms and conditions associated with research activities.

14. Share information regarding potential violations of disclosure policies. Research organizations should share information regarding potential violations of disclosure policies with relevant Federal funding agencies and ensure compliance with any funding agency requirements regarding provision of such information. Sharing information about potential violations of disclosure policies, while appropriately protecting privacy and due process, is important for enabling accurate risk assessments and effective response measures. Research organizations should work with funding and law enforcement agencies to determine appropriate conditions and mechanisms for the provision of such information. Appendix A includes contact information for Federal funding agencies.

Ensure Effective Mechanisms for Compliance with Organizational Policies

15. Establish and exercise effective means of discovering violations of disclosure policies and other activities that threaten research security and integrity. As discussed in Recommendation 5, disclosure of required information is critical to maintaining the security and integrity of the research enterprise. However, research organizations also need to develop the means to identify instances where disclosures are incomplete or inaccurate, or when disclosure policies are otherwise violated. Documenting and reporting violations to relevant authorities leverages their ability to discover and investigate violations.

Research organizations should establish and administer clear processes for identifying, documenting, and reporting to relevant authorities applicable instances in which individuals fail to comply with organizational policies regarding conflict of interest and commitment. Research organizations should work together and with law enforcement, Federal funding agencies, and the private sector to develop more effective tools to identify potentially problematic foreign relationships. Where appropriate, research organizations should cooperate and assist with law

¹¹ Consolidated Screening List. <https://legacy.export.gov/csl-search>

enforcement investigations and analysis aimed at discovering violations, including sharing disclosure statements to the extent that such sharing is consistent with privacy laws and other legal restrictions, and does not interfere with law enforcement activities.

16. Ensure appropriate and effective consequences for violation of disclosure requirements and engagement in other activities that threaten research security and integrity.

Ensuring appropriate penalties for violating ethical standards, agency and organizational policies, and applicable laws is a vital dimension of ensuring research security and integrity. Such consequences help communicate the importance of research security and integrity and deter behaviors that would harm the research enterprise. In some cases, penalties are appropriately applied by funders or the courts, while in other cases, the most appropriate penalties may be within the purview of the research organization.

- A. Depending on the nature of the violation, research organizations may consider a range of consequences, consistent with law and their governing documents, including but not limited to the following:
 1. Preserving the grant, contract, or agreement, but requiring replacement, with prior Federal agency approval where required, of the individual(s);
 2. Termination of grant funding to individual researcher(s);
 3. Probation;
 4. Revocation of tenure;
 5. Termination of employment or contract; and/or
 6. Expulsion.
- B. In addition to these measures, civil and criminal penalties under U.S. Federal and state laws may apply in some cases, such as when individuals intentionally provide incomplete or incorrect information during the grant funding process, or misappropriate trade secrets.
- C. In order to strengthen the effectiveness of response measures, research organizations should share information about violators with the relevant Federal funding agency to the extent allowed by law. Organizations should be aware of and comply with any legal obligations they may have to share such information with funding agencies or other authorities.

17. Include in employment agreements provisions that support research security and integrity.

Research organizations should include in employment agreements deliberate provisions tailored to research security and integrity. Such agreements also have the benefit of being legally binding and thus provide protection for both the research organization and the employees within it.

In developing employment agreements, research organizations should consider provisions that:

- A. To the extent permissible by law, establish clear expectations regarding conducting and reporting activities outside the period covered by the employment agreement (e.g., during summer months for academic year appointments).
- B. Establish clear expectations regarding research security training and adherence to codes of conduct regarding responsible and ethical conduct of research.
- C. Allow organizations to take effective actions against individuals who violate research security and integrity principles and policies, including in cases of inappropriate behaviors on the part of individuals serving in Federal merit review processes.

Manage Potential Risks Associated with Collaborations and Data

18. Establish a centralized review and approval process for evaluating formal research partnerships. Research organizations should establish a centralized review and approval process for evaluating formal research partnerships or contracts with outside entities to assess potential risk to the security or integrity of the research enterprise. Many research organizations have offices of sponsored programs or similar offices, with access to legal counsel, that evaluate terms and conditions of research assistance awards, contracts, and other funding and partnership instruments. Fundamentally, research partnerships involve ceding work of value to another individual, set of individuals, or organization(s); therefore, responsible engagement in research partnerships requires knowing and trusting all parties involved, along with elements of risk assessment and management. A careful assessment of risk, together with the potential for project success and benefit, is critical to protecting individual and organizational interests.

The following factors should be considered in such a benefit and risk evaluation:

- A. Affiliations and comprehensive ownership (i.e., direct and indirect) of the outside entity or entities;
- B. Potential value of IP resulting from the research;
- C. Planned research activities, including subject areas(s), type of activities, research location(s), publication rights or intents, and information sharing;
- D. Personnel exchanges with the outside entity or entities;
- E. Export control considerations;
- F. Funding sources and how they may affect partners' rights, obligations, and responsibilities;
- G. Regulatory requirements and standards for data sharing and governance; and
- H. Contract terms, including mechanisms for dispute resolution, governing language, and choice of law.

19. Establish and operate a risk-based security process for foreign travel review and guidance.

Travel by researchers is often essential to successful collaboration, but can also provide opportunities for ill-intentioned actors to improperly acquire research information. Consequently, research organizations should implement programs and processes to manage foreign travel while not unduly impeding the conduct of research. This could include programs, created through organizational export control or research compliance offices, for reviewing travel by researchers and administrators for export compliance, software use restrictions, and other safety and security concerns. Program elements could include:

- A. Requiring that individuals notify the organization of foreign travel;
- B. Providing secure, blank, loaner laptops and phones for researchers traveling abroad;
- C. Wiping laptops, tablets, smartphones, and other electronic devices to protect against digital exploitation before, during, and after foreign travel;
- D. Establishing policies and procedures for the protection and safeguarding of research information and materials while on foreign travel, to include discouraging researchers from crossing international borders with devices containing research data or instituting software use restrictions; and
- E. Providing security briefings for individuals prior to traveling internationally, and tailored briefings as needed for destinations considered high-risk.

20. Managing potential risks associated with foreign visitors and visiting scholars. Principled international collaboration is vitally important to the success of America's research enterprise. However, research organizations should recognize and account for the fact that, like foreign travel

(Recommendation 19), hosting foreign researchers can pose security risks of exploitation. Research organizations should establish and administer policies and processes to help ensure that the organization, its personnel, and its foreign visitors are held to the same high standards of research integrity.

With those objectives in mind, research organizations should develop and deploy requirements for vetting and securely hosting foreign visitors to mitigate potential risks to the security or integrity of the research environment. These requirements could include:

- A. Requiring research personnel to alert organization officials, potentially through the organization's export control, research compliance, or international affairs office, when they plan to have foreign visitors come to visit campus and/or tour their laboratories;
- B. Requiring research personnel to provide justification to organization officials of the research value of long-term visitors and visiting scholars;
- C. Requiring that foreign visitors participate in training on research security and responsible and ethical conduct of research;
- D. Screening against available lists of restricted or denied parties, including the Consolidated Screening List;¹² and
- E. Taking measures for securely hosting and escorting foreign visitors, including measures to avoid unauthorized information gathering.

21. Establish and maintain effective data security measures. Data security and cybersecurity are a significant challenge to research security, as they are in many other areas. Research organizations should work continually to identify and implement measures to improve data security, internal breach prevention, and incident response processes, and to maintain compliance with relevant requirements.

The NIST Cybersecurity Framework¹³ serves as a useful resource to help research organizations establish and maintain effective data security measures. The Framework is comprised of five core functions:

- A. Identify - Develop an organizational understanding to manage cybersecurity risk to systems, people, assets, data, and capabilities.
- B. Protect - Develop and implement appropriate safeguards to ensure delivery of critical services.
- C. Detect - Develop and implement appropriate activities to identify the occurrence of a cybersecurity event.
- D. Respond - Develop and implement appropriate activities to take regarding a detected cybersecurity incident.
- E. Recover - Develop and implement appropriate activities to maintain plans for resilience and to restore any capabilities or services that were impaired due to a cybersecurity incident.

NIST also provides educational resources¹⁴ and examples¹⁵ of how research organizations have successfully used the Framework to improve their cybersecurity risk management.

¹² Consolidated Screening List. <https://legacy.export.gov/csl-search>

¹³ NIST Cybersecurity Framework. <https://www.nist.gov/cyberframework>

¹⁴ NIST Cybersecurity Framework: Online Learning. <https://www.nist.gov/cyberframework/online-learning>

¹⁵ NIST Cybersecurity Framework: Success Stories. <https://www.nist.gov/cyberframework/success-stories>

Conclusion

Implementing the recommendations in this report will help protect the security and integrity of the American and international R&D enterprises, while preserving the open and collaborative nature that has been critical to U.S. leadership in R&D. Our goal is to ensure that scientists and students—both U.S. and foreign national—who follow laws, regulations, policies, and codes of conduct will be welcome and supported within a vibrant and secure enterprise that remains a desirable destination for researchers across the world.

Success in this endeavor will require partnership and cooperation across the R&D enterprise, including the Federal Government, research organizations, private companies, and non-government organizations. Together, we can uphold the principles that bolster the integrity of our research enterprise, strike the right balance between openness and security, and ensure that the United States continues to engage in productive collaboration and remains a global leader in S&T.

Appendix A. Federal Government and Agency Contacts

Agency	Research Security POC
Office of Science and Technology Policy, Executive of the President	JCORE@ostp.eop.gov
National Science Foundation	research-protection@nsf.gov
National Institutes of Health	grantscompliance@od.nih.gov
Department of Agriculture	ocspolicy@usda.gov
Department of Defense	osd.pentagon.ousd-r-e.mbx.dod-grants-policy-office@mail.mil
Department of Education	ForeignSourceReporting@ed.gov
Department of Energy	researchsecurity@science.doe.gov
Department of Homeland Security	ststrategyandpolicy@hq.dhs.gov
Department of Justice	nsd.public@usdoj.gov
Department of State	OES-STC-DG@state.gov
Federal Bureau of Investigation	Academic Institutions: Academia@fbi.gov Other research organizations: HQ-DIV00-OPS-PSC-PROGRAM@ic.fbi.gov
National Institute of Standards and Technology	fnareview@nist.gov

FW: [Quick Review by 4:15pm today] FW: New HSGAC Question

From: "Hubbard, Rhea A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5) >
To: "Rico, Natalie E. EOP/OMB" <Ex 6 - (5) x 6 - (5) >
Date: Mon, 25 Jan 2021 16:09:42 -0500
Attachments: RE: Review of S.4324 Restoring Critical Supply Chains and Intellectual Property Act & S.3997 Safeguarding American Innovation Act (330.75 kB)

FYSA, related to the Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

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

From: Mok, Emily A. EOP/OMB
Sent: Monday, January 25, 2021 4:08 PM
To: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) >; Tran, Hai M. EOP/OMB <Ex 6 - (5) Ex 6 - (5) >; Blum, Mathew C. 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) >; Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >; McConnell, Doc P. IV EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >
Cc: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) >; Pei, Yi EOP/OMB <Ex 6 - (5) Ex 6 - (5) >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Se Ex 6 - (5) >
Subject: RE: [Quick Review by 4:15pm today] FW: New HSGAC Question

Thanks for the response, Rhea. Our branch is 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 We had checked in with Marshall (LRD) about its status today Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative and Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process see attached).

Emily

From: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Se Ex 6 - (5) >
Sent: Monday, January 25, 2021 3:52 PM
To: Mok, Emily A. 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) >; Blum, Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. Se Ex 6 - (5) >; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >; Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >; McConnell, Doc P. IV EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >
Cc: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) >; Pei, Yi EOP/OMB <Ex 6 - (5) Ex 6 - (5) >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Se Ex 6 - (5) >
Subject: RE: [Quick Review by 4:15pm today] FW: New HSGAC Question

Hi Emily,

Thanks for looping us in, the answer below looks OK to me. I'm adding Victoria for her awareness.

For discussion at a later time, but I'm interested in learning more about the likelihood of this proposed bill moving forward. Perhaps it would be good for our teams to connect soon. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,
Rhea

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

From: Mok, Emily A. EOP/OMB
Sent: Monday, January 25, 2021 3:35 PM
To: Tran, Hai M. EOP/OMB; Ex 6 - (5 U.S.C. Sec 552(b)(5)); Hubbard, Rhea A. EOP/OMB; Ex 6 - (5 U.S.C. Sec 552(b)(5)); Blum, Mathew C. 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)); Rodgers, Marshall J. EOP/OMB; Ex 6 - (5 U.S.C. Sec 552(b)(5)); McConnell, Doc P. IV EOP/OMB; Ex 6 - (5 U.S.C. Sec 552(b)(5))
Cc: 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))
Subject: [Quick Review by 4:15pm today] FW: New HSGAC Question
Importance: High

All,
Below is a draft response that the Science and Space branch helped draft in response to the following HSGAC question. [If you have any edits, please let us know NLT 4:15pm today.](#)
Thanks.

- 64. In 2019, the Committee's Permanent Subcommittee on Investigations published a report detailing findings from its year-long investigation into threats posed by China to the United States' science and research enterprise. On the basis of the report and subsequent oversight hearings, the Committee passed the bipartisan Safeguarding American Innovation Act, to improve the United States' ability to combat foreign threats to its science and research enterprise. The bill would establish a council within the OMB to improve the grant application process and assess security risks to the scientific community. If confirmed, how would you address foreign threats posed to the scientific and research community?

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

Rulemaking agendas - so far

From: "Feldman, Iris T. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Lachman, Sherry E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Tue, 23 Mar 2021 10:24:38 -0400
Attachments: Agency Agenda Index - ED.xlsx (26.99 kB); DOL Agenda Index.xlsx (52.28 kB); Agency Agenda Index - HHS.xlsx (83.02 kB); Agency Rules all EIML.xlsx (62 kB)

Hi Sherry,

Attached is a collation of all the proposed rule makings for EIML (that we have received so far – I will keep updating as more come in). In the spread sheet you will see an introduction tab that explains how to read the spread sheets and then tabs for each agency. Each tab includes all the rules for the agency. For HHS, I deleted the rows that were not relevant to EIML because there were just so many.

I have also attached the full summaries of each agency if you would like to see those.

Thank you,

Iris

Iris Feldman
Confidential Assistant | Education, Income Maintenance, and Labor
White House Office of Management and Budget | Ex 6 - (5 [REDACTED])

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

From: "Ahmed, Shagufta I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Mon, 29 Mar 2021 23:52:01 -0400
Attachments: ED_spring 2021 agenda_shagufta comments.docx (61.49 kB)

Hey Lindsay –

Thanks for the extra time. Please find my comments on the agenda attached.

Thank you!

Shagufta

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

Please let me know if you would like a meeting with the agency to discuss their agenda entries. These meetings can help answer any questions or concerns you may have to ensure the Spring 2021 Agenda is published in a timely fashion.

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

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

Best,
Lindsay

Lindsay Abate
Policy Analyst
Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget (OMB)
Ex 6 - (5 U.S.C. Sec 552(b)(6))
Cell: Ex 6 - (5 U.S.C. Sec 552(b)(6))

RE: HSGAC China package items

From: "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Weinberg, David (HSGAC)" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Tue, 06 Apr 2021 12:23:35 -0400

Very helpful, thanks!

From: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [redacted] senate Ex [redacted])>
Sent: Tuesday, April 6, 2021 12:14 PM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
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. Sec 552(b)(6))>
Sent: Tuesday, April 6, 2021 12:04 PM
To: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [redacted] senate Ex 6 [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] senate Ex [redacted])>
Sent: Saturday, March 27, 2021 7:29 AM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Kothari, Yogin (HSGAC) <Ex 6 - (5 U.S.C. Sec [redacted] senate Ex [redacted])>; Chang, Lena (HSGAC) <Ex 6 - (5 U.S.C. Sec [redacted] senate Ex [redacted])>; Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec [redacted] senate Ex 6 [redacted])>; Benecke, Michelle (HSGAC) <Ex 6 - (5 U.S.C. Sec [redacted] senate Ex [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.
 - Leg text is being drafted.

Supply-chain/Manufacturing

- *U.S. overreliance on foreign countries, such as China, for critical drugs and medical supplies increases supply chain vulnerabilities. This has been exacerbated as a result of the COVID-19 pandemic. These three provisions would help address this challenge.*
 - **HOME Act:** The HOME Act invests in the domestic production of critical drugs and medical supplies through advanced manufacturing and long-term contracts.
 - Leg text is ready. Waiting for feedback from HELP and FDA. Introduced as standalone bill in the 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.
 - 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.
 - 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 setting its 'American made' standards.
 - o Baldwin-led bill. Leg text ready. Would be within HSGAC jurisdiction.

- **Make It In America Act:** This bill ensures federal procurement funds benefit domestic industry and its workforce by adding new conditions to the use of waivers and exceptions to the Buy American Act. The bill also codifies the Made-in-America Office, which was established in President Biden's [executive order](#) to review and approve all waivers to domestic content laws (e.g. Buy American Act, Berry Amendment etc.).
 - 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: HSGAC China package items

From: "Vaeth, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Michelson-Horowitz, Daniel J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: "Menard, Barbara A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Wed, 07 Apr 2021 13:29:58 -0400
Attachments: PART Act - DRAFT - Not for Release (HSGAC).pdf (35.35 kB)

Hi Daniel. This is what we got from Ben later this morning. They sent a Ex 5 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]). They told Ben they have already shared this Ex 5 DP- (5 U.S.C. Sec [REDACTED]) as well.

Please let me know if you would like to discuss a path forward on this. Appreciate your patience with my delayed response.

From: Michelson-Horowitz, Daniel J. EOP/OMB
Sent: Wednesday, April 7, 2021 9:37 AM
To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: Re: HSGAC China package items

Thanks! Any update on PART? I don't recall hearing anything and it says Ex 5 DP- (5 U.S.C. Sec [REDACTED])

Daniel

On Apr 7, 2021, at 6:19 AM, Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))> wrote:

FYI... Ex 5 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))

From: Ward, Benjamin A. EOP/OMB
Sent: Tuesday, April 6, 2021 5:49 PM
To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: FW: HSGAC China package items

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

From: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6)>
Sent: Tuesday, April 6, 2021 5:31 PM
To: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: RE: HSGAC China package items

OK on that, we'll have new text late this week so can stand down on that for a few days. I'll get you an updated list later tonight. Just had a couple calls.

From: Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Sent: Tuesday, April 6, 2021 1:02 PM
To: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6)>
Subject: RE: HSGAC China package items

Can you share text on the HOME Act?

From: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6)>
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 - 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.
 - 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.
 - Baldwin-led bill. Leg text ready. Would be within HSGAC jurisdiction.

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

The Safeguarding American Innovation Act: This bipartisan bill was introduced by Senator Portman in the 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: IP Agenda Overview Meeting

From: "McManus, Michael J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Waldow, Joseph D. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Thu, 08 Apr 2021 17:19:52 -0400
Attachments: Long Term and Active Change_040121.xlsx (140.37 kB); Long Hauler RINs_040121.xlsx (104.8 kB); Master List RINs from EAs_040721.xlsx (65.93 kB); Schedule of Actions_040521.xlsx (693.54 kB); Agency Agenda Index - DOC.xlsx (114.92 kB); Agency Agenda Index - DOD.xlsx (85.73 kB); Agency Agenda Index - ED.xlsx (26.99 kB); Agency Agenda Index - TREAS.xlsx (99.78 kB)

Hi Joseph,

Can you add these attachments to this invite?

Thanks,
Michael

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

From: Waldow, Joseph D. EOP/OMB
Sent: Tuesday, April 6, 2021 1:32 PM
To: Waldow, Joseph D. EOP/OMB; Barron, Alexander R. EOP/OMB; Rahman, Sabeel A. EOP/OMB; Block, Sharon I. EOP/OMB; Mancini, Dominic J. EOP/OMB; Kymn, Christine J. EOP/OMB; Hunt, Alex T. EOP/OMB; Seehra, Jasmeet K. EOP/OMB; Abate, Lindsay M. EOP/OMB; Ahmed, Shagufta I. EOP/OMB; Fraser, Nicholas A. EOP/OMB; Johnson, Michael D. EOP/OMB; Lawver, Daniel A. EOP/OMB; Minson, Susan M. EOP/OMB; Bestani, William E. EOP/OMB; Goodenough, Alex W. EOP/OMB; McManus, Michael J. EOP/OMB
Subject: IP Agenda Overview Meeting
When: Monday, April 12, 2021 4:00 PM-4:45 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Ex 6 - (5 U.S.C. Sec 552(b)(6))



Hi there,

Sharon Block is inviting you to a scheduled ZoomGov meeting.

[Join Zoom Meeting](#)

Phone one-tap: US: Ex 6 - (5 U.S.C. Sec 552(b)(6)) or
Ex 6 - (5 U.S.C. Sec 552(b)(6))

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

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

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

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

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

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

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

[International numbers](#)

Join from an H.323/SIP room system

H.323: Ex 6 - (5 U.S.C. Sec 552(b)(6)) (US West)

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

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

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

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

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

FW: INTERAGENCY COMMENTS: Safeguarding American Innovation Act


From: "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Rodgers, Marshall J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Thu, 08 Apr 2021 16:45:30 -0400
Attachments: Safeguarding American Innovation Act Interagency Comments.docx (134.06 kB); Safeguarding American Innovation Act Talking Points.docx (29.84 kB)

Marshall – We received some guidance from Matt on this bill. Based on that, I attempted to draft a set of talking points (feel free to markup) Ex 5 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]) Bryan is backing me up and will likely be flooded with Buy American proposals and the Intel Auth.

From: Vaeth, Matt J. EOP/OMB
Sent: Thursday, April 8, 2021 10:14 AM
To: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: RE: INTERAGENCY COMMENTS: Safeguarding American Innovation Act

Thank you for this 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

I believe the next step should be consistent with what you suggested earlier this 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



Unfortunately since this is a priority of the committee I believe we'd need to have some talking points ready by the end of this week.

That sound OK to you? Please let me know if you'd like to discuss. Thank you Will.

From: Thomas, Will III EOP/OMB
Sent: Wednesday, April 7, 2021 5:10 PM
To: Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: INTERAGENCY COMMENTS: Safeguarding American Innovation Act

Good afternoon Matt – Please find attached the interagency responses that I have received on the Safeguarding American Innovation Act (Portman). Generally, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP and the attachment only reflects the views of agencies Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. During the 116th Congress, there were Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,
Will

From: Vaeth, Matt J. EOP/OMB
Sent: Wednesday, April 7, 2021 2:01 PM
To: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: RE: HSGAC priority tiers

Thank you will. I will flag for Ben to see if he can get it.

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Cc: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Menard, Barbara A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: Re: HSGAC priority tiers

Matt - You're correct Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. Thanks.

On Apr 7, 2021, at 1:27 PM, Vaeth, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))> wrote:

All, please see the attached. Please forgive me for the delayed sharing of this as it came in a couple of hours ago. But this includes HSGACs priority tiering. 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 Will, is that your understanding as well?

The e-mail also flags some other items that will be coming in the days ahead.

Please let me know if you'd like to discuss this. If I hear any more on my end I will let you know.

Thank you for your patience with me on this.

From: Ward, Benjamin A. EOP/OMB
Sent: Wednesday, April 7, 2021 11:18 AM
To: Vaeth, Matt J. EOP/OMB Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: FW: HSGAC priority tiers

From: Weinberg, David (HSGAC) Ex 6 - (5 U.S.C. Sec 552(b)(6)) senate Ex 6 >
Sent: Wednesday, April 7, 2021 11:17 AM
To: Ward, Benjamin A. EOP/OMB Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: HSGAC priority tiers

Hi Ben,

I wanted to clarify our different priority levels for OMB TA on items currently under consideration for HSGAC's work on the EFA/competitiveness package. You should have all of these leg texts except where noted. If you'd like me to re-send them so you have all of them listed here in one place, just say so and I'll be happy to bombard you with attachments. This should be the full Peters/Portman universe now – we are still getting input from other members, but a few things have fallen off since my last email so hopefully there is a little less for you guys to process.

Highest Priority – need TA ASAP

- ***Safeguarding American Innovation Act (Portman)***: Significant feedback likely needed, and we'll need to engage with multiple stakeholders once we have a new version with TA.
- ***CISA Public-Private Talent Exchange Program (Peters)***: TA requested from OPM, DHS, and OMB; received TA from OPM, waiting from others. Peters priority, relatively technical so TA would be helpful.
- ***Buy American bills (Portman, others)***: There are four bills in this space, listed below. We'd like to include as much as possible from the four as long as they don't conflict.
 1. ***BuyAmerican.gov Act (Portman)***: 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.
 2. ***Made in America Act (Baldwin)***: 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.
 3. ***Build America, Buy America (Brown)***: This bill would apply Buy America rules to all taxpayer-funded infrastructure and public works projects.
 4. ***Make It In America Act (Stabenow)***: 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.).
- ***Make PPE in America Act (Portman)***: Peters is the co-lead, and this is a RM Portman priority.
- ***PART Act (Peters)***: We expect Portman to join us on this and file next week. Currently with FDA for feedback. **Bill attached, summary at bottom of email.**
- ***AI Scholarship for Service Act***: Working to find a Republican but looking to file next week and offer as an amendment in Commerce Committee. **Bill attached.**

Mid Priority – in play for package

- **AI Acquisition and guardrails:** You have piece number 1 below. We are still finalizing piece 2 but it should be ready soon. Defer to you if you want to look at 1 now or wait until you have the whole bill.
 1. **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.
 2. **Deploying and Leveraging AI in Government to Support American Innovation:** Require OMB and GSA to allow agencies to use the Technology Modernization Fund for which we obtained \$1 billion during budget reconciliation to help update legacy systems; direct agency heads to prioritize and publish anticipated use cases of artificial intelligence, emerging technologies, or related technologies; and determine if small business programs can be used to help accelerate entrepreneurial efforts

Coming Soon – will need quick turnaround but not ready yet

- **Cyber State of distress (Peters/Portman):** Looking at small changes from last Congress’s bill. Should be able to send text soon.
- **HOME Act:** Portman likely to join. FDA feedback expected Thursday, we will incorporate and send over after.
- **Development of a National Strategy for Intellectual Property Theft (Peters):** 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.
- **Create a National Cybercrime Reporting Center (Peters):** 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.

More Work Needed – will follow up when we have something

- **Federal support for state/local on cyber (multiple offices):** Sorting through multiple provisions with other offices. More HSGAC work needed.
- **Other Cyber Workforce Provisions (HELP/multiple offices):** These provisions 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.

David Weinberg

Staff Director

Chairman Gary C. Peters

Homeland Security and Governmental Affairs Committee

BILL SUMMARY: PART ACT

S. XXXX, The Pharmaceutical Accountability, Responsibility, and Transparency (PART) Act requires pharmaceutical and medical device manufacturers to make critical data available to the FDA so the federal government can assess the extent of the country's reliance on foreign sources for these critical products.

- **Sections 2 and 3: Expands reporting requirements for drugs and medical devices to include increased demand and export restrictions.** Currently, manufacturers are not required to report when there is an increase in demand for a product or when an export restriction has been placed on a product – both of which can lead to shortages. This requirement would assist the FDA in proactively addressing potential shortages.
- **Section 4: Expands reporting requirements for drug and medical device manufacturers to provide the FDA with quarterly data on key manufacturing information, including volume.** The FDA's authority to collect this information is limited and current reporting is infrequent. This bill would require drug manufacturers to report quarterly on the amount of drug product produced. The bill also clarifies that all foreign manufacturers that offer products for distribution in the U.S. must register with the FDA.
- **Section 5: Requires the FDA to share critical manufacturer reporting data with ASPR and DOD.** Currently, while limited information sharing agreements exist, the FDA does not share key manufacturing data with other federal agencies. This leaves the Department of Health and Human Services Office of the Assistant Secretary for Preparedness and Response, which oversees the Strategic National Stockpile, and the Department of Defense, which is responsible for supplying critical medicine to our military, at a disadvantage planning for shortages and critical infrastructure protection. This section requires FDA to share relevant data with these entities.

<PART Act - DRAFT - Not for Release (HSGAC).pdf>

<AEG21382.pdf>

Agenda Meeting Materials

From: "McManus, Michael J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Block, Sharon I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
Cc: "Rahman, Sabeel A. 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)) >
Date: Fri, 09 Apr 2021 09:07:32 -0400
Attachments: Schedule of Actions_040521.xlsx (693.54 kB); Long Term and Active Change_040121.xlsx (140.37 kB); Long Hauler RINs_040121.xlsx (104.8 kB); Master List RINs from EAs_040721.xlsx (65.93 kB); IP Agenda Meeting (1.34 MB); NRE Agenda Meeting (1.73 MB); TS Agenda Meeting (1.33 MB); FHL Agenda Meeting (924.67 kB)

Hi Sharon,

I've attached the main four reference documents that will be used for each meeting. In the separate attached emails, you'll find the agency specific documents. I included the word document draft, but I expect the meetings will focus on the excel documents as they are easier to navigate.

Note: By request of Kyle/Jamie, I have added SSA to the TS Meeting. Their rules will be in the SSA Index Excel document, but because they are not Ex 5 DP- (5 U.S.C. Sec > they will not appear in the main four reference docs.

Joseph should be attaching these to the calendar invite soon as well.

Thanks!

Michael McManus

Policy Analyst

Ex 6 - (5

OMB | Office of Information and Regulatory Affairs

China Bills

From: "Shea, Andrew B. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Rodgers, Marshall J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Fri, 16 Apr 2021 11:33:13 -0400
Attachments: 2020-03 STRATEGIC ACT BILLS-116-S4272_Treasury.docx (302.15 kB); S4272 Interagency Views.docx (34.77 kB); S4629 Interagency Views.docx (63.85 kB); 2021-03-25 America Leads Act_Treasury Comments.docx (1.07 MB)

Marshall,
Updated docs with Treasury track change docs attached.
Andrew Shea
Office of Management and Budget
Phone: Ex 6 - (5 U.S.C. [REDACTED])
Email: Ex 6 - (5 U.S.C. Sec [REDACTED])

FW: INTERAGENCY COMMENTS: Safeguarding American Innovation Act

From: "Thomas, Will III EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Leon, Bryan P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Wed, 21 Apr 2021 10:02:39 -0400
Attachments: Safeguarding American Innovation Act Interagency Comments.docx (134.06 kB); WT-117-10_DHS_comments_S__Safeguarding American Innovation Act.docx (122.68 kB); HHS views - Safeguarding American Innovation Act.docx (36.55 kB)

Bryan – Per your request, consolidated interagency comments are attached. DHS and HHS comments were late, and those are attached as well.

From: Thomas, Will III EOP/OMB
Sent: Thursday, April 8, 2021 9:13 AM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: FW: INTERAGENCY COMMENTS: Safeguarding American Innovation Act

Good morning Bryan and Marshall – I'm forwarding the email that I sent to Matt on this bill. I'm not sure how he will want
Ex 5 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,
Will

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Will

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To: Thomas, Will III EOP/OMB
Cc: Leon, Bryan P. EOP/OMB ; Ventura, Alexandra EOP/OMB ; Menard, Barbara A. EOP/OMB
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Subject: FW: HSGAC priority tiers

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David Weinberg

Staff Director

Chairman Gary C. Peters

Homeland Security and Governmental Affairs Committee

BILL SUMMARY: PART ACT

S. XXXX, The Pharmaceutical Accountability, Responsibility, and Transparency (PART) Act

requires pharmaceutical and medical device manufacturers to make critical data available to the FDA so the federal government can assess the extent of the country's reliance on foreign sources for these critical products.

- **Sections 2 and 3: Expands reporting requirements for drugs and medical devices to include increased demand and export restrictions.** Currently, manufacturers are not required to report when there is an increase in demand for a product or when an export restriction has been placed on a product – both of which can lead to shortages. This requirement would assist the FDA in proactively addressing potential shortages.
- **Section 4: Expands reporting requirements for drug and medical device manufacturers to provide the FDA with quarterly data on key manufacturing information, including volume.** The FDA's authority to collect this information is limited and current reporting is infrequent. This bill would require drug manufacturers to report quarterly on the amount of drug product produced. The bill also clarifies that all foreign manufacturers that offer products for distribution in the U.S. must register with the FDA.
- **Section 5: Requires the FDA to share critical manufacturer reporting data with ASPR and DOD.** Currently, while limited information sharing agreements exist, the FDA does not share key manufacturing data with other federal agencies. This leaves the Department of Health and Human Services Office of the Assistant Secretary for Preparedness and Response, which oversees the Strategic National Stockpile, and the Department of Defense, which is responsible for supplying critical medicine to our military, at a disadvantage planning for shortages and critical infrastructure protection. This section requires FDA to share relevant data with these entities.

consolidated ta

From: "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Weinberg, David (HSGAC)" <Ex 6 - (5 U.S.C. Sec senateEx)>
Date: Thu, 22 Apr 2021 17:58:34 -0400
Attachments: Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

Here is the relevant piece: This new slightly shortened version continues to be very problematic, including provisions purporting through INA amendments to exclude from admissibility export control miscreants, instead of relying on export control laws to control their misconduct.

Safeguarding American Innovation Act

From: "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: "Tran, Hai M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
Date: Mon, 03 May 2021 15:29:52 -0400
Attachments: Safeguarding American Innovation Act Talking Points - Consolidated.docx (29.79 kB); Safeguarding American Innovation Act Interagency Comments.pdf (548.34 kB)

Elyse-

Here is the TA from the Safeguarding American Innovation Act. On closer inspection I'm having trouble putting my hands on the exact text of the bill itself, but I'm copying Gil from our team in case he has it close at hand and can share.

Thanks,
Victoria Collin
Ex 6 - (5

From: Leon, Bryan P. EOP/OMB
Sent: Monday, April 12, 2021 3:55 PM
To: Jones, Narda M. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >; Harrison, Deidre A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Kearney, Regina L. 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)) >; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Sandy, Mark S. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Rodgers, Marshall J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: PLS ADVISE -- Availability for Hill Call on Safeguarding American Innovation Act

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

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) regarding the Safeguarding American Innovation Act.

LRD has been asked to identify potential times in which the call could occur. Based on calendar information available on Outlook, looks like the following may be available times:

- Tuesday at 4:30 PM
- Wednesday at 3:30 PM
- Thursday at 4:15 PM

Please let us know if any of these times would **NOT** be workable for you. We hope to give a couple of options for OLA to convey.

Ideally, we would like to have Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process and would appreciate if you or another person in your team can attend to represent your office.

For reference, attached is a copy of the document that was shared with the Hill informally.

Bryan

FW: Safeguarding American Innovation Act Next Steps

From: "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
To: "Wise, Julie A. 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))>
Date: Tue, 04 May 2021 13:18:40 -0400
Attachments: Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

Let me know if you have thoughts on how to make this thing better!

From: Greenwald, Elyse F. EOP/OMB
Sent: Tuesday, May 4, 2021 12:11 PM
To: Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Subject: FW: Safeguarding American Innovation Act Next Steps

From: Greenwald, Elyse F. EOP/OMB
Sent: Monday, May 3, 2021 4:26 PM
To: 'Elizabeth I. EOP/OMB Hennemuth' <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Quinn N. EOP/OMB Hirsch <Ex 6 - (5 U.S.C. Sec 552(b)(5))>
Cc: Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Dominic J. EOP/OMB Mancini <Ex 6 - (5 U.S.C. Sec 552(b)(5))>; Margo EOP/OMB Schwab <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))>
Subject: Safeguarding American Innovation Act Next Steps

Hi All –

Attached is a bill, overlaid with interagency comments, that had a limited distribution within

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

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

Ex 5 DP-

Ex 5 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 have edits that would make this better, please start mulling them over. I expect

Ex 5 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 and feel free to forward liberally if you think I'm missing anyone.

Thank you!
Elyse Greenwald

Policy Analyst
OMB | Office of Information and Regulatory Affairs
Tel: Ex 6 - (5 [REDACTED])

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

From: "Dorgelo, Cristin A. EOP/OMB" <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: Wed, 05 May 2021 12:14:33 -0400
Attachments: BILLS-116s3997rs CLEAN.docx (117.7 kB); Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

This is not my official lane anymore, so totally defer to you/your team. But am here as a sounding board if you/your team want to discuss.

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

Ex 5 DP-

CD

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 [REDACTED])>; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; 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 <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))>; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
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 [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

the consolidated document (attached).

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

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

[redacted] 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 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

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

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

From: "Collin, Victoria W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Harrison, Deidre A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Wed, 05 May 2021 12:18:17 -0400
Attachments: BILLS-116s3997rs CLEAN.docx (117.7 kB); Consolidated Interagency Comments Safeguarding American Innovation Act FINAL.docx (159.06 kB)

FYSA- I asked Gil to take the lead on suggesting comments for OFFM and will aim to share with you hopefully by this evening.

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. Sec >; Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec >; 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 <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)) >; Welch, Lily M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Eliseo, Matthew S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >
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the consolidated document (attached).

2. 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

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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

[[Clearance to send to LRD by 10am]] -- 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. Ex 6 - (5)>
To: "Pasquantino, John C. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Cc: "Dorgelo, Cristin A. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>, "Miller, Jason S. 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)>
Date: Thu, 06 May 2021 09:43:33 -0400
Attachments: BILLS-116s3997rs CLEAN - OFFM Edits 05 06 2021.docx (138.4 kB)

John,

As discussed attached are the OFFM recommended edits for the Safeguarding American Innovation Act that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Please let me know if you have additional comments or edits. As a reminder LRD has requested edits by 10am this morning and may convene an OMB group later today to finalize the TA.

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

Thanks,
Deidre

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 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 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 552(b)(6))>; 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. 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 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 >
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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

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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) 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: Dial in ASAP

From: "Ward, Benjamin A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Mulkins, Christopher (HSGAC)" <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex 6>, "Weinberg, David (HSGAC)" <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>, "Schubert, Benjamin (HSGAC)" <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>
Date: Fri, 07 May 2021 16:29:18 -0400
Attachments: BILLS-116s3997 5.7.21 Track.docx (143.46 kB)

Updated TA attached!

From: Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>
Sent: Friday, May 7, 2021 11:18 AM
To: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>; Schubert, Benjamin (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: RE: Dial in ASAP

We can use mine. Ex 6 - (5 U.S.C. Sec [REDACTED])

From: Weinberg, David (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>
Sent: Friday, May 7, 2021 11:17 AM
To: Schubert, Benjamin (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>; Benjamin Ward <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mulkins, Christopher (HSGAC) <Ex 6 - (5 U.S.C. Sec [REDACTED] senate Ex [REDACTED]>
Subject: Dial in ASAP

Ben S. - can you send a dial in around for this group ASAP?

David Weinberg
HSGAC Chairman Gary C. Peters



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,

[AP
~

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
information 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-

•S 3997 RS

1 search and development ^{[AP} 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

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

[AP

- 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;

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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).

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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** or
7 entities to the
8 security and integrity of research and development
9 conducted using **funds** awarded by Executive agen-
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.

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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-
5 ties.

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

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

13 “(i) is directed toward the production
14 of new products or processes or improving
15 existing products or processes; and

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

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

19 “(i) means a systematic study directed
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—

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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

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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, in collaboration with the
8 Office of Science and Technology Policy, a Federal
9 Research Se-
10 curity Council, which shall develop federally funded re-
11 search and development grant making policy and manage-
12 ment guidance to protect the national and economic secu-
13 rity interests of the United States.

14 “(b) MEMBERSHIP.—

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

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

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

20 “(C) *Every Agency or department with more
21 than \$100,000,000 in research and
22 developments funds*

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

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

27 “(2) LEAD REPRESENTATIVES.—

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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

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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 recommendations for a regular
 reporting process for identifying persons

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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

19 “(B) to facilitate the sharing of information
20 received under subparagraph (A) to support, as
21 consistent with Federal law—

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

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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 the verification of the identities of persons par-
15 ticipating in federally funded research and devel-
16 opment.

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

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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, appointments, or
13 participation in talent programs with foreign
14 funding in-
15 stitutions or laboratories; and

16 “(B) the impact of such support and affili-
17 Ations, appointments, or participation in talent
18 programs on United States national security and
19 economic interests.

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

“(9) Identifying and issuing guidance to the
United States research community, and other recipi-
ents of Federal research and development funding, to

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25 ensure that such institutions and recipients adopt ex-

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1 isting best practices to reduce the risk of misapprop-
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
consistent with federal law, that are necessary to
reduce

13 Federal research security risks.

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

18 “(1) ensure that the process—

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

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

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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-

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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

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

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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—

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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

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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-

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1 velop 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

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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.

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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 nomic 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

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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 Council7901.”.

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.

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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.

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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

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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;

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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

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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-

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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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- 1 (i) foreign military and security re-
2 lated organizations that are adversarial to
3 the United States;
4 (ii) foreign institutions involved in the
5 theft of United States research;
6 (iii) entities involved in export control
7 violations or the theft of intellectual prop-
8 erty; and
9 (iv) a government that seeks to under-
10 mine the integrity and security of the
11 United States research community; and
12 (C) weigh the proportionality of risk for the
13 factors listed in subparagraph (B).
14 (2) MACHINE-READABLE DOCUMENTS.—Not later
15 than 1 year after the date of the enactment of
16 this Act, the Secretary of State shall—
17 (A) use a machine-readable visa application
18 form; and
19 (B) make available documents submitted in
20 support of a visa application in a machine
21 read-able format to assist in—
22 (i) identifying fraud;
23 (ii) conducting lawful law enforcement
24 activities; and

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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—

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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;

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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—

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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

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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-

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1 reports 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

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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

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1 the proprietary information of institutes of
2 higher education; and
3 “(B) clarify the definition of ‘subunit’,
4 for purposes of subsection (i)(4)(C).”;
5 (6) by redesignating subsection (h) as subsection
6 (i);
7 (7) by inserting after subsection (g) the fol-

8 lowing:

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

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

16 (A) in paragraph (3), by striking “or prop-
17 erty” and inserting “, property, human re-
18 sources, or staff, including staff salaries”; and

19 (B) in paragraph (5)(B), by inserting “in-
20 stitutes, instructional programs,” after “cen-
21 ters,”.

Sec. 8. Privacy and Confidentiality.

Nothing in this Act may be read as affecting the rights and requirements provided in section 552a of title 5, commonly known as the Privacy Act of 1974 or subchapter III of chapter 35 of title 44, commonly known as the Confidential Information Protection and Statistical Efficiency Act.

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

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

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

From: "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Arora, Vipin" <varora@nsf.gov>
Date: Thu, 24 Jun 2021 12:38:05 -0400
Attachments: BILLS-117s1260es.pdf (2.92 MB)

I just got this today. Wanted to make sure you guys are looking at this. Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C.) Let me know if you have questions.

From: Matsuo, Kimie L. EOP/OMB
Sent: Thursday, June 17, 2021 6:17 PM
To: 'AGRICULTURE' <usdaleg@obpa.usda.gov>; 'Army Corps of Engineers (DOD)' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'COMMERCE' <Ex 6@doc.gov>; 'DEFENSE' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'EDUCATION' <ogc.legislation@ed.gov>; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'Environmental Protection Agency' <epalrm@epamail.epa.gov>; 'Export-Import Bank of the United States' <eximlrm@exim.gov>; 'Federal Trade Commission' <FTC-LRM@ftc.gov>; 'General Services Administration' <Ex 6 - (5 U.S.C. Sec)>; 'HEALTH & HUMAN SERVICES' <lrn@hhs.gov>; 'HOMELAND SECURITY' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'HOUSING & URBAN DEVELOPMENT' <HUDLRM@hud.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec)>; 'LABOR' <Ex 6 - (5 U.S.C.)>; 'National Aeronautics and Space Administration' <nasa_lrm@hq.nasa.gov>; 'National Science Foundation' <olpalrm@nsf.gov>; DL NSC LRM <Ex 6 - (5 U.S.C. Sec)>; 'National Transportation Safety Board' <Ex 6 - (5 U.S.C. Sec)>; 'Office of Personnel Management' <CLA@opm.gov>; DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec)>; 'Office of the Director of National Intelligence' <Ex 6 - (5 U.S.C.)>; 'Peace Corps' <Ex 6 - (5)@peacecorps.gov>; 'STATE' <Ex 6 - (5)@state.gov>; 'Small Business Administration' <cla@sba.gov>; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; 'US Agency for International Development' <Ex 6 - (5 U.S.C.)>; DL-USTR-LRM <Ex 6 - (5 U.S.C. Sec)>; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>
Cc: Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Evans, Beatrix C. EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5)>; Ex 6 - (5 U.S.C. Sec)>; Dick, John H. EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; Robinson, Donovan O. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Giamo, Daniel M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Garcia, Jacob A. EOP/OMB <Ex 6 - (5 U.S.C. Sec)>; Nafziger, Jephtha E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Saunders, Ruth D. EOP/OMB

<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Stein, Nora H. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Spiro, Topher J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB HEALTH PHB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; De Los Santos, Karen EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; May, Joshua D. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Newman, Kim A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Daumit, Alexander (Jim) J. III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; 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, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Salazar, Adam N. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Allred, Victoria L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Stratton, Terry W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Meier, Edward F. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Pipan, Joseph G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB NSP IAD STATE <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Lilac, Kristina E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB NSP IAD ECON <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sandy, Mark S. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; O'Kane, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB NSD INTEL <Ex 6 - (5 U.S.C. Sec >; Nassif, Rob J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB NSP NSD FSIB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Falk Curtin, Edna T. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; DL OMB NSP NSD OPS <Ex 6 - (5 U.S.C. Sec >; Kinneen, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; O'Brien, Erin L. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; DL OMB BRD PAYGO CREW <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Jun, Hee K. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Yagan, Danny F. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Taber, Jamie R. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Epstein, Diana F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB OFFM <Ex 6 - (5 U.S.C. Sec >; Blum, Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Field, Lesley A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Wade, James A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Wise, Julie A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; McCrary, Jeremy P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB PPM Personnel Team <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB PPM Performance Team <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mancini, Dominic J. EOP/OMB

<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Moncada, Kirsten J. EOP/OMB
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Fraser, Nicholas A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Seehra, Jasmeet K. EOP/OMB
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Martorana, Clare A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB OFCIO Legislative
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EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Heaton, Kelly A. EOP/OMB
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DL WHO WHCO LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Deeks, Ashley S. EOP/WHO
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<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 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)) >; Dodin, Reema EOP/WHO <Ex 6 - (5 U.S.C. Sec >;
Buetow, Zephranie N. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Metzler, Chad EOP/WHO
<Ex 6 - (5 U.S.C. Sec >; Black, Jonathan Y. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;
Goff, Shuwanza R. EOP/WHO <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 >;
Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Matsuo, Kimie L. EOP/OMB
<Ex 6 - (5 U.S.C. Sec >

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

DEADLINE: 11:00 AM Wednesday, Jun 30 2021

S. 1260, the "United States Innovation and Competition Act of 2021", passed the Senate on 6/8/21 by a vote of 68-32. Text of the bill as passed by the Senate is available [here](#). The bill contains a wide range of provisions aimed at strengthening the United States' economic resilience and competitiveness. Please see below for a list of the divisions in the bill.

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

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

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

Legislative Liaison Officer - See Distribution

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

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

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

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

RE: Weekly memo from ED

From: "Patel, Jagir D. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED]>
To: "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED]>, "Mann, Noah S. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED]>, "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Date: Tue, 29 Jun 2021 15:16:41 -0400

Hi Mary,

If possible, can I get a read-out 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] I wrote up a summary in our LRM comment shell on one of the major ED provisions (which I'm pasting below). I suspect Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [REDACTED]

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

Ex 5 DP- (5 [REDACTED] (as I note below, the Senate bill language Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) [REDACTED]

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

SEC. 6124. DISCLOSURES OF FOREIGN GIFTS AND CONTRACTS AT INSTITUTIONS OF HIGHER EDUCATION would amend Section 117 of the Higher Education Act (HEA) Ex 5 DP- [REDACTED]

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

First and foremost, 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]

Thanks,
Jagir

From: Cassell, Mary I. EOP/OMB
Sent: Tuesday, June 29, 2021 3:08 PM
To: Mann, Noah S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Sydor, Katherine M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: FW: Weekly memo from ED

Let me know if you have questions, concerns, or flags. Thanks!

From: Muenzer, Melanie <Melanie.Muenzer@ed.gov>
Sent: Tuesday, June 29, 2021 2:39 PM
To: Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lion, Vanessa C. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Clark, Ashley N. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: RE: Weekly memo from ED

See attached for this week's memo. <Ex 6 - (5 U.S.C. Sec 552(b)(6))> so we can cover any questions in the check-in tomorrow.

Thanks

From: Muenzer, Melanie
Sent: Monday, June 21, 2021 8:24 PM
To: Valle, Katherine EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lion, Vanessa C. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Clark, Ashley N. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Adiga, Mala EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: Weekly memo from ED

I think everything is pretty straightforward this week but let me know if there are any questions.

Thanks

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

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Price, Jamie M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >, "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >, "Kessler, Blair W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >, "McClelland, Alexander John J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Date: Thu, 01 Jul 2021 16:46:27 -0400
Attachments: Comments_on_S.1260A.docx (27.14 kB); s1260es.pdf (2.92 MB)

Hi All -

Kimie was kind enough to send us the DoD comments so far on the USCIA. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) We have no deadline for review bc I think she is waiting until everything comes in.

Bill

Sent from my iPhone

Begin forwarded message:

From: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
Date: July 1, 2021 at 12:18:15 PM EDT
To: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: RE: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

Hi Bill,

Please see attached DOD's comments on S. 1260. I've attached the bill text as well for your reference. Flagging in particular Ex 5 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 FYSA, I'm working on pulling together all interagency feedback now and hope to be able to send a full compilation of comments to the relevant OMB offices in the coming days.

Thanks!
Kimie

From: McNavage, William EOP/OMB
Sent: Tuesday, June 29, 2021 2:57 PM
To: Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec >
Subject: RE: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

Thank you. I really appreciate it.

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: Tuesday, June 29, 2021 2:32 PM
To: McNavage, William EOP/OMB
Subject: RE: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

Hi Bill,

DOD hasn't responded yet, but I'll let you know when I hear from them.

Thanks,
Kimie

From: McNavage, William EOP/OMB
Sent: Tuesday, June 29, 2021 2:27 PM
To: Matsuo, Kimie L. EOP/OMB
Subject: RE: LRM: [KLM-117-33] Due 06/30/2021 Wednesday at 11:00 AM -- OMB Request for Views on S1260 - United States Innovation and Competition Act of 2021

Hi Kimie –

Did DOD send any comments back on this yet? If so, are you able to share with me?

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: Matsuo, Kimie L. EOP/OMB
Sent: Thursday, June 17, 2021 6:17 PM
To: 'AGRICULTURE' ; 'Army Corps of Engineers (DOD)' ; 'COMMERCE' ; 'DEFENSE' ; 'EDUCATION' ; 'ENERGY' ; 'Environmental Protection Agency' ; 'Export-Import Bank of the United States' ; 'Federal Trade Commission' ; 'General Services Administration' ; 'HEALTH & HUMAN SERVICES' ; 'HOMELAND SECURITY' ; 'HOUSING & URBAN DEVELOPMENT' ; 'INTERIOR' ; 'JUSTICE' ; 'LABOR' ; 'National Aeronautics and Space Administration' ; 'National Science Foundation' ; 'DL NSC LRM' ; 'National Transportation Safety Board' ; 'Office of Personnel Management' ; 'DL-OSTP-LRM' ; 'Office of the Director of National Intelligence' ; 'Peace Corps' ; 'STATE' ; 'Small Business Administration' ; 'TRANSPORTATION' ; 'TREASURY' ; 'US Agency for International Development' ; 'DL-USTR-LRM' ; 'VETERANS AFFAIRS'
Cc: Vahlsing, Candace M. EOP/OMB ; Schory, Daniel K. EOP/OMB ; Evans, Beatrix C. EOP/OMB ; Pasquantino, John C. EOP/OMB ; Shawcross, Paul J. EOP/OMB ; Pei, Yi EOP/OMB

; August, Lisa L. EOP/OMB ; Black, Sam J. EOP/OMB ; Hu, Grace EOP/OMB ; Mok, Emily A. EOP/OMB ; McDonald, Christine A. EOP/OMB ; Bar-Shalom, Tali EOP/OMB ; Dick, John H. EOP/OMB ; Robinson, Donovan O. EOP/OMB ; Giamo, Daniel M. EOP/OMB ; Garcia, Jacob A. EOP/OMB ; Nafziger, Jephtha E. EOP/OMB ; Lucas, Adrienne E. EOP/OMB ; Saunders, Ruth D. EOP/OMB ; Stein, Nora H. EOP/OMB ; Lachman, Sherry E. EOP/OMB ; Feldman, Iris T. EOP/OMB ; Bomberger, Melissa B. EOP/OMB ; Cassell, Mary I. EOP/OMB ; Derbes, Catherine A. EOP/OMB ; Branson, Michael D. EOP/OMB ; Weisshaar, David M. EOP/OMB ; Spiro, Topher J. EOP/OMB ; Reilly, Tom M. EOP/OMB ; DL OMB HEALTH PHB ; De Los Santos, Karen EOP/OMB ; May, Joshua D. EOP/OMB ; Newman, Kim A. EOP/OMB ; Cramer, Drew W. EOP/OMB ; Daumit, Alexander (Jim) J. III EOP/OMB ; Mergen, Margaret C. EOP/OMB ; Hourigan, Clinton T. EOP/OMB ; Patterson, Tia B. EOP/OMB ; Enger, Michelle A. EOP/OMB ; Turner, Austin F. EOP/OMB ; Clark, Damon J. EOP/OMB ; Miller, Kimberly A. EOP/OMB ; Jones, Lauren H. EOP/OMB ; Hoy, Peter G. EOP/OMB ; Clark, Michael C. EOP/OMB ; McNeal, Chris G. EOP/OMB ; Gonzalez, Anthony A. EOP/OMB ; Curtis, Tyler T. EOP/OMB ; Klein, Robert T. EOP/OMB ; Salazar, Adam N. EOP/OMB ; Ghavalyan, Mariam EOP/OMB ; Allred, Victoria L. EOP/OMB ; Stratton, Terry W. EOP/OMB ; Meier, Edward F. EOP/OMB ; Pipan, Joseph G. EOP/OMB ; DL OMB NSP IAD STATE ; Lilac, Kristina E. EOP/OMB ; DL OMB NSP IAD ECON ; Sandy, Mark S. EOP/OMB ; O'Kane, Matt J. EOP/OMB ; DL OMB NSD INTEL ; Nassif, Rob J. EOP/OMB ; DL OMB NSP NSD FSIB ; Falk Curtin, Edna T. EOP/OMB ; DL OMB NSP NSD OPS ; Kinneen, Kelly A. EOP/OMB ; O'Brien, Erin L. EOP/OMB ; DL OMB BRD PAYGO CREW ; Jun, Hee K. EOP/OMB ; Yagan, Danny F. EOP/OMB ; Taber, Jamie R. EOP/OMB ; Epstein, Diana F. EOP/OMB ; DL OMB OFFM ; Blum, Mathew C. EOP/OMB ; Field, Lesley A. EOP/OMB ; Wade, James A. EOP/OMB ; Wise, Julie A. EOP/OMB ; McCrary, Jeremy P. EOP/OMB ; DL OMB PPM Personnel Team ; DL OMB PPM Performance Team ; Greenwald, Elyse F. EOP/OMB ; Mancini, Dominic J. EOP/OMB ; Moncada, Kirsten J. EOP/OMB ; Hill, Jonathan W. EOP/OMB ; Hunt, Alex T. EOP/OMB ; Fraser, Nicholas A. EOP/OMB ; Seehra, Jasmeet K. EOP/OMB ; Bestani, William E. EOP/OMB ; Goodenough, Alex W. EOP/OMB ; Ahmed, Shagufta I. EOP/OMB ; Schwab, Margo EOP/OMB ; Martorana, Clare A. EOP/OMB ; DL OMB OFCIO Legislative ; DL OMB OGC ; DL-CEA-LRM ; DL NSC Legal ; DL NSC Legislative ; DPC ExecSec ; DL WHO NEC LRM ; DL IPEC LRM ; Etter, Robert L. EOP/OMB ; Heaton, Kelly A. EOP/OMB ; Ward, Benjamin A. EOP/OMB ; DL WHO WHCO LRM ; Deeks, Ashley S. EOP/WHO ; Schwartztol, Larry M. EOP/WHO ; Slevin, Christopher J. EOP/WHO ; Demers, Kaitlyn H. EOP/WHO ; Dodin, Reema EOP/WHO ; Buetow, Zephrahanie N. EOP/WHO ; Metzler, Chad EOP/WHO ; Black, Jonathan Y. EOP/WHO ; Goff, Shuwanza R. EOP/WHO ; Vaeth, Matt J. EOP/OMB ; Menard, Barbara A. EOP/OMB ; Leon, Bryan P. EOP/OMB ; Ventura, Alexandra EOP/OMB ; Matsuo, Kimie L. EOP/OMB

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

DEADLINE: 11:00 AM Wednesday, Jun 30 2021

S. 1260, the "United States Innovation and Competition Act of 2021", passed the Senate on 6/8/21 by a vote of 68-32. Text of the bill as passed by the Senate is available here<<https://www.congress.gov/bill/117th-congress/senate-bill/1260/text>>. The bill contains a wide range of provisions aimed at strengthening the United States' economic resilience and competitiveness. Please see below for a list of the divisions in the bill.

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

DIVISION A--CHIPS and O-RAN 5G Emergency Appropriations

DIVISION B--Endless Frontier Act

DIVISION C--Strategic Competition Act of 2021

DIVISION D--Homeland Security and Governmental Affairs Committee Provisions

DIVISION E--Meeting the China Challenge Act of 2021

DIVISION F--Other Matters

DIVISION G--Trade Act of 2021

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

Legislative Liaison Officer - See Distribution

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

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

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

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

RE: S1260 Matrix

From: "Matsuo, Kimie L. EOP/OMB" <[REDACTED]>
To: "Ventura, Alexandra EOP/OMB" <[REDACTED]>
Date: Mon, 12 Jul 2021 11:27:02 -0400
Attachments: S. 1260 Agency Comments Matrix_7.12.21.xlsx (159.91 kB)

Hi Alex,

Updated matrix is attached with the changes as discussed. I also added in OMB SSB comments that came in on Friday. I added a column in the Master sheet to note [REDACTED] but didn't have time to go all the way through it. Here was the original list I had suggested last month:

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

From: Ventura, Alexandra EOP/OMB
Sent: Monday, July 12, 2021 9:49 AM
To: Matsuo, Kimie L. EOP/OMB <[REDACTED]>
Subject: S1260 Matrix

RE: For review: DOD comments on SPACE Act -- Please respond by 9:30 AM tomorrow, 7/20

From: "O'Kane, Matt J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED]) >, "Miller, Kimberly A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Clark, Michael C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "August, Lisa L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED]) >, "Black, Sam J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED]) >
Cc: "Ventura, Alexandra EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Jefferson O. EOP/OMB Crowder" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Brandon H. EOP/OMB Greene" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Date: Mon, 19 Jul 2021 16:35:27 -0400
Attachments: s1260es.pdf (2.92 MB)

+Jeff and Brandon

Kimie, is there any concern with Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

From: Matsuo, Kimie L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >
Sent: Monday, July 19, 2021 4:28 PM
To: Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >; Black, Sam J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >; O'Kane, Matt J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: For review: DOD comments on SPACE Act -- Please respond by 9:30 AM tomorrow, 7/20

Good afternoon,

OMBLA received a 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)) but the SPACE Act is included as Division B, Title VI, Subtitle A in 1260, USICA (Sec. 2601-2605; 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.

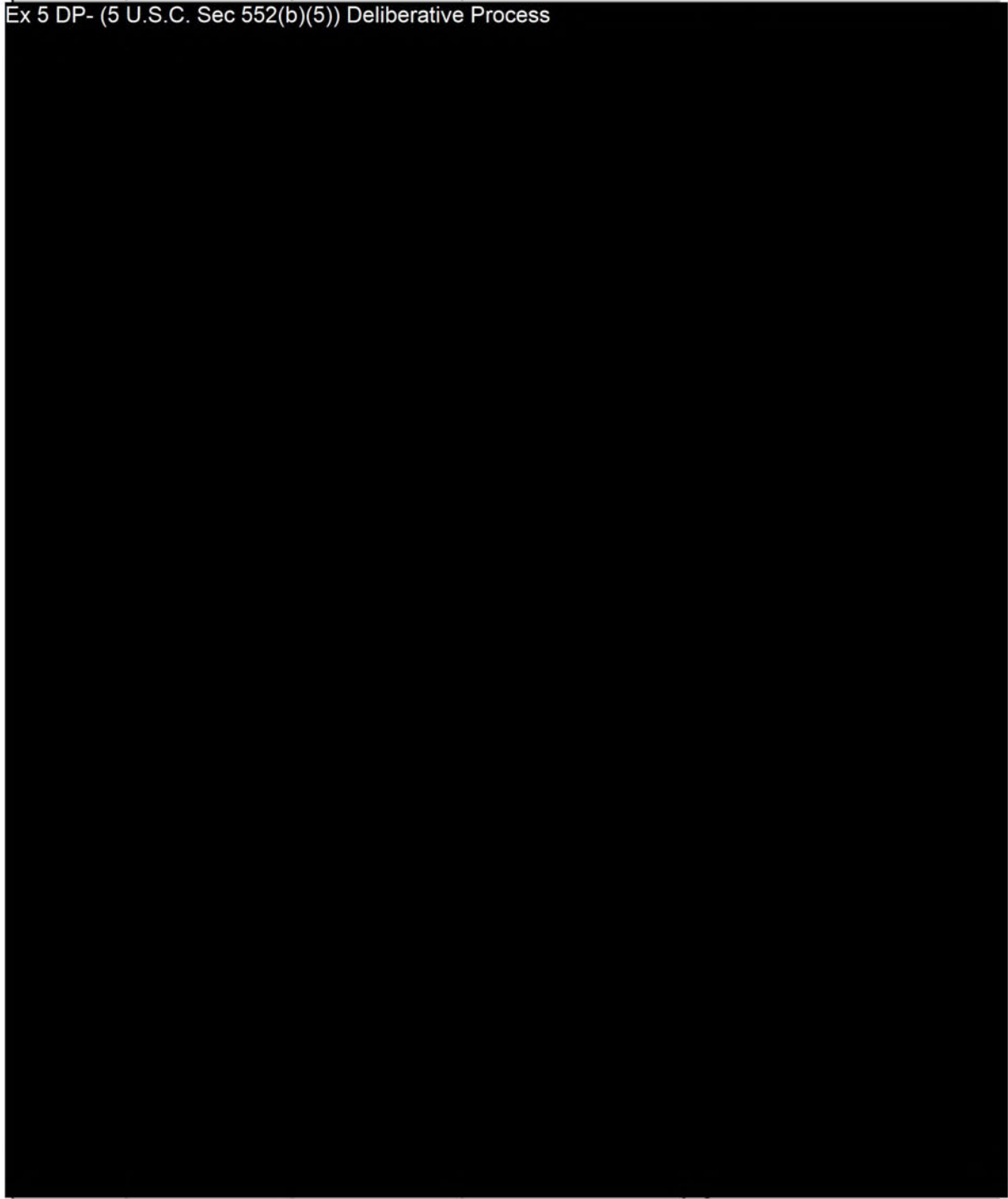
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Please also let me know Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please respond as soon as possible and no later than tomorrow morning.

Thank you,
Kimie

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



FW: Buy America/n NPRM and Bipart Infrastructure Bill

From: "Lallemand, Chad A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Donatelli, Angela M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Skidmore, Ben J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Barrick, Carl W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Korovesis, Andrea G. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Solano, Silvana EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Petro, Andrea M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Nelson, Kimberly P. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: "Connolly, David C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Date: Thu, 29 Jul 2021 15:07:26 -0400
Attachments: DAV21H05-omb ofpp.docx (52.27 kB); S. 1260 Agency Comments Matrix.v2.xlsx (160.5 kB)

I think this touches everyone's portfolio. I'm happy to consolidate comments if you all have any. Please try to provide by noon tomorrow. Looks like the comments in the matrix <Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process > Thanks.

My comments so far:

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

From: Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Sent: Thursday, July 29, 2021 2:56 PM
To: Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: RE: Buy America/n NPRM and Bipart Infrastructure Bill

Honestly I'm not sure – I literally was just forwarded what I sent you with a request to provide comments. Rhea informed me 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 > We're going to likely discuss at our 4:30 grants team meeting so perhaps I'll have more info after that.

From: Lallemand, Chad A. EOP/OMB
Sent: Thursday, July 29, 2021 2:54 PM
To: Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: RE: Buy America/n NPRM and Bipart Infrastructure Bill

Sorry, one more question. <Ex 5 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: Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Sent: Thursday, July 29, 2021 2:37 PM
To: Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: RE: Buy America/n NPRM and Bipart Infrastructure Bill

I haven't seen an NPRM. I'll get back to you have if there is a faster turnaround than the deadline you provided. Thanks!

From: Lallemand, Chad A. EOP/OMB
Sent: Thursday, July 29, 2021 2:33 PM
To: Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: RE: Buy America/n NPRM and Bipart Infrastructure Bill

Okay, I'll aim to send you all any major comments by noon tomorrow? Is there also an NPRM?

From: Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Sent: Thursday, July 29, 2021 2:29 PM
To: Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: RE: Buy America/n NPRM and Bipart Infrastructure Bill

Hi Chad – not sure of the final deadline, but sooner rather than later if you had any major issues that might have flagged before and are still present in this version. Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Thanks, Steve

From: Lallemand, Chad A. EOP/OMB
Sent: Thursday, July 29, 2021 2:26 PM
To: Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: RE: Buy America/n NPRM and Bipart Infrastructure Bill

I don't think I've seen this version. By when do you need to hear back? Thanks.

From: Mackey, Steven P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Sent: Thursday, July 29, 2021 2:08 PM
To: Lallemand, Chad A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Subject: FW: Buy America/n NPRM and Bipart Infrastructure Bill
Importance: High

Hi Chad,

Rhea and I were just discussing this draft legislation on Build America, Buy America and Ex 5 DP- Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process. We wanted to know if you had seen it and had any concerns or comments that would be helpful for us to know.

Thanks!

Steve

RE: LRM: [HWM-117-65] Due 09/30/2021 Thursday at 10:00 AM -- EDUCATION Questions for the Record on Policies and Priorities

From: "Hunt, Alex T. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Myers, Hayley W. 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))>, "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Thu, 23 Sep 2021 10:32:42 -0400
Attachments: HWM065 - ED QFRs Ed & Labor.docx (98.82 kB)

Hayley – Please add Shagufta to your ED distro.

Thanks.

From: Myers, Hayley W. EOP/OMB
Sent: Thursday, September 23, 2021 9:46 AM
To: 'ogc.legislation@ed.gov' <ogc.legislation@ed.gov>; 'justice' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 'dol' <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB Education <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; O'Brien, Erin L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB BRD PAYGO CREW <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB EvidenceTeam <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Abate, Lindsay M. 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))>; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Sivinski, Robert G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB OGC <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Etter, Robert L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Heaton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL-OVP-LRM <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))>; Clark, Ashley N. EOP/WHO <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))>; Klein, Jennifer L. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Phadke, Shilpa D. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Volin, Lina L. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 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 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))>; Myers, Hayley W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
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. Sec 552(b)(6))
PHONE: Ex 6 - (5
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.

Today

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 >
Date: Mon, 27 Sep 2021 09:09:05 -0400
Attachments: FW: ED Draft Fall 2021 Unified Agenda - Comments due Tuesday (9/28) at 12 PM (173.57 kB)

Good morning –

Today I've got:

- Check-in
- Priorities discussion
- Ex 5 DP- stuff
- Review Ex 5 DP- (5 U.S.C. Sec from Susanna

Reminders:

- Tomorrow Noah and I will be in the Ex 5 DP- (5 U.S.C. Sec basically all day
- Please review the Unified Agenda comments today – it is due tomorrow at noon (see attached).

That's it for now.

Thanks!

Katherine

REMINDER: LRM: [HWM-117-65] Due 09/30/2021 Thursday at 10:00 AM -- EDUCATION Questions for the Record on Policies and Priorities

From: "Myers, Hayley W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: justice <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: "O'Brien, Erin L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, DL OMB BRD PAYGO CREW <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, DL OMB EvidenceTeam <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Greenwald, Elyse F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Abate, Lindsay M. 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)) >, "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Sivinski, Robert G. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, DL OMB OGC <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Etter, Robert L. EOP/OMB" <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)) >, DL-OVP-LRM <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)) >, "Clark, Ashley N. EOP/WHO" <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)) >, "Klein, Jennifer L. EOP/WHO" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Phadke, Shilpa D. EOP/WHO" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Volin, Lina L. EOP/WHO" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, 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 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)) >, "McKinney, Jessica A. EOP/WHO" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Bcc: "LaVine, Jessie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Date: Thu, 30 Sep 2021 10:50:45 -0400
Attachments: HWM065 - ED QFRs Ed & Labor.docx (98.82 kB)

Please submit all comments on the attached ED QFRs. Thank you.

From: Myers, Hayley W. EOP/OMB
Sent: Thursday, September 23, 2021 9:46 AM
To: 'ogc.legislation@ed.gov' <ogc.legislation@ed.gov>; 'justice <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 'dol <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB Education <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; O'Brien, Erin L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB BRD PAYGO CREW <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB EvidenceTeam <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Greenwald, Elyse F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Abate, Lindsay M. 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)) >; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sivinski, Robert G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB OGC <Ex 6 - (5 U.S.C. Sec >; Etter, Robert L. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Heaton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; 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. 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 552(b)(6))>; 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 U.S.C. Sec >; 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)) >; Myers, Hayley W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

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

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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. Sec 552(b)(6)) >
PHONE: <Ex 6 - (5 >
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

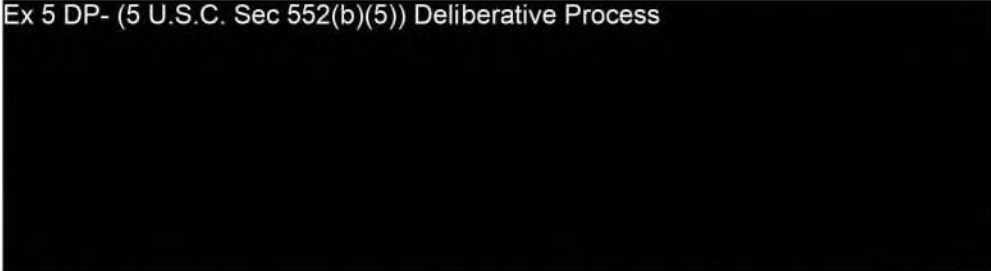
Enclosure

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)

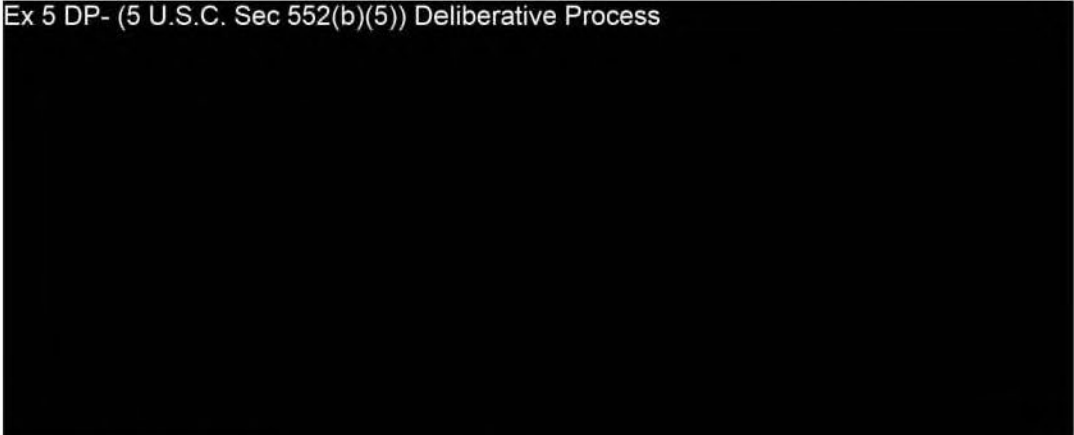
1. Secretary Cardona, many for-profit colleges repeatedly suggest that all institutions, regardless of tax status, should be treated the same for the purposes of participating in federal financial aid. However, this argument obscures the reality that the three sectors of higher education already operate 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

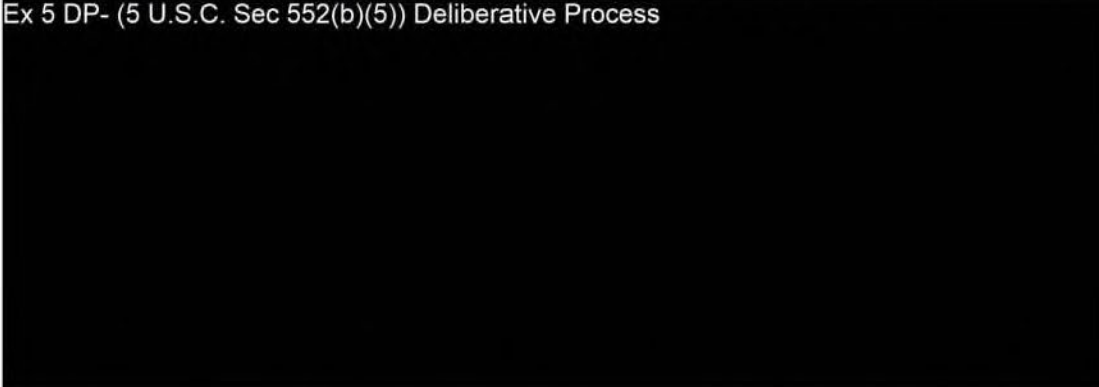


Representative Susan Wild (D – PA)

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 areas follows:

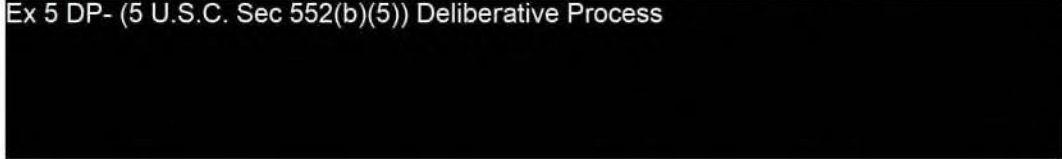
1. What analysis did you do prior to suggesting the assignment of these loans to the Department of Education to ascertain the impact on vulnerable borrowers?

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

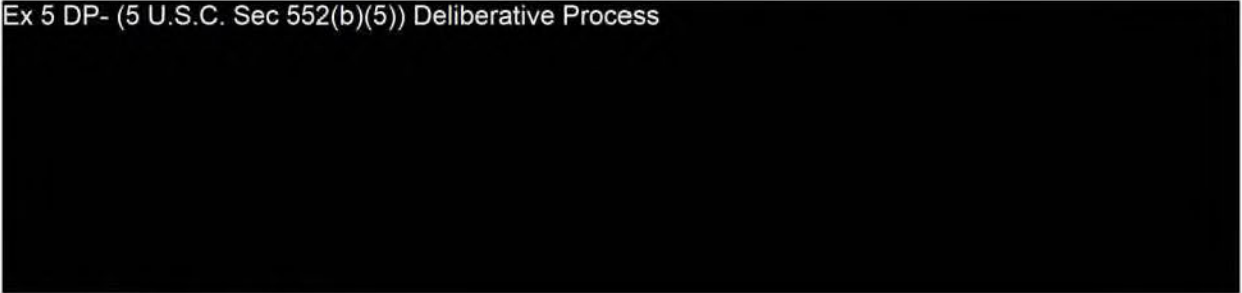


3. Student Loan Servicers

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 of interest rules provided to all of the NACIQI members?

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



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

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.

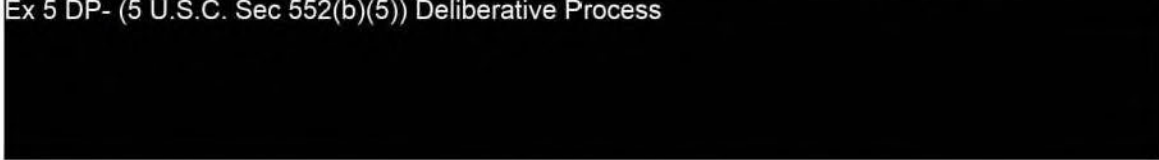
Do you believe that our postsecondary education system should be reformed in such a way that will force our education providers to meet students where they are and provide the skills they need rather than force students to rearrange their lives to attend the traditional, brick and mortar college? Will 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



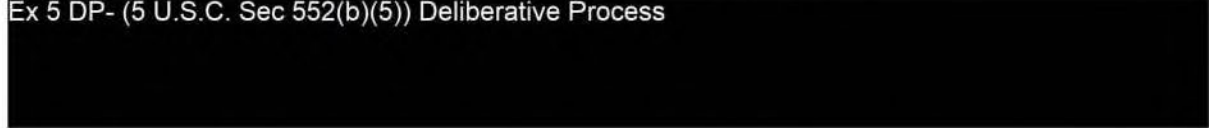
6. Returning borrowers back into repayment status for their student loans is critical for both our nation's recovery from the pandemic, as well as for the stability of the loan program. Before President Biden was sworn in, what date were loan payments set to begin?

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



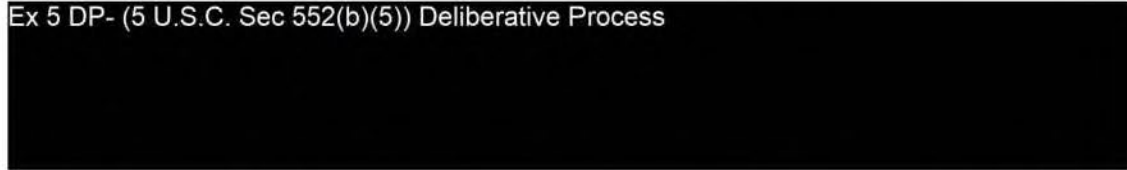
And upon executive action the president pushed that date back to what?

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



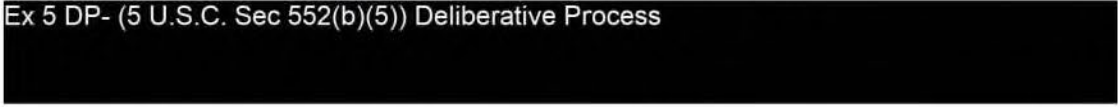
Now, knowing the date that repayment was to begin, I'm interested in learning what you have done to ensure the Department was ready for that to happen.

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

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

Title IX

7. Your Department has begun a review of the Trump administration's regulations outlining how schools must address accusations of sexual harassment under Title IX. Most of the Trump administration's regulations were based on court precedent. Most notably, in a 2018 decision involving the University of Michigan, the U.S. Court of Appeals for the Sixth Circuit reiterated earlier rulings that, when credibility is at issue, [quote] "the university must give the accused student or his agent an opportunity to cross-examine the accuser and adverse witnesses in the presence of a neutral fact-finder." [unquote] In other words, accused students must have the opportunity to contest claims against them, with appropriate safety protocols for alleged survivors. And so-called single investigator models are inappropriate. What in the Sixth Circuit's ruling do you disagree with?

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

8. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The Obama administration made Title IX policy by issuing letters that did not go through any public comment process. Will you commit to keeping the Trump administration regulations in place unless and until the department undertakes a formal regulatory process in which you issue draft regulations, accept public comments, review those comments, and then issue a final regulation?

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

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)

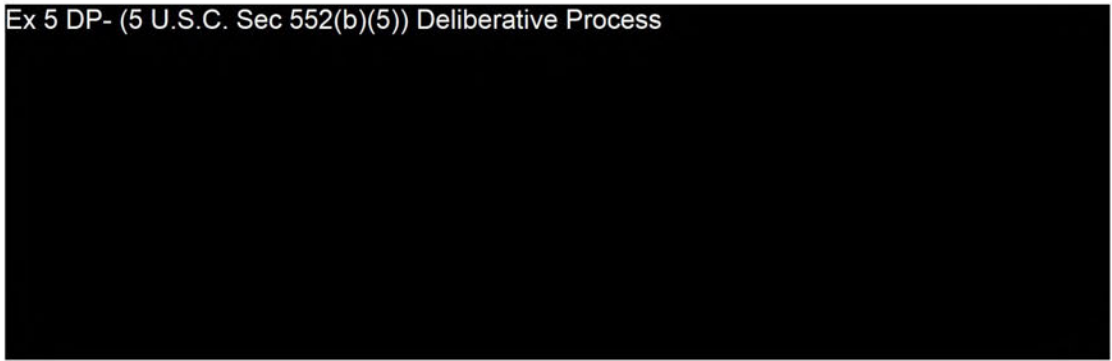
1. In March 2020, the Department of Education paused federal student loan payments at the onset of the pandemic and set the interest rates to 0% during the pause. Federal borrowers are scheduled to resume payments on October 1, 2021. The Department's Federal Student Aid Office (FSA) has stated multiple 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: EOP comments on ED Fall 2021 Unified Agenda and Plan

From: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5))>
To: "Mahaffie, Lynn" <lynn.mahaffie@ed.gov>, "Schlichter, Levon" <levon.schlichter@ed.gov>, "Malawer, Hilary" <hilary.malawer@ed.gov>, "Amann, Amanda" <amanda.amann@ed.gov>
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))>
Date: Wed, 13 Oct 2021 12:35:53 -0400
Attachments: ORIGINAL ED Reg Plan Entries (2021 Fall)-(Unreviewed) EOP 10.7.21_ED Responses clean - EOP 10.13.21.docx (51.57 kB); ORIGINAL ED Agenda Entries (2021 Fall)-(Unreviewed) EOP 10.7.21_ED Responses clean_EOP 10.13.21.docx (80.18 kB)

Hi Lynn,

Attached please find additional EOP comments on the UA and regulatory plan. All comments are labeled **EOP 10/13**. **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process** but given our OIRA/ED meeting scheduled for Monday, we understand if it makes sense to receive your response after that meeting. If you can respond by **COB next Tuesday 10/19**, we would appreciate it.

Best,
Lindsay

From: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Sent: Thursday, October 7, 2021 5:16 PM
To: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Schlichter, Levon <Levon.Schlichter@ed.gov>; Malawer, Hilary <Hilary.Malawer@ed.gov>; Amann, Amanda <Amanda.Amann@ed.gov>
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))>
Subject: RE: EOP comments on ED Fall 2021 Unified Agenda and Plan

Great. Thank you!

From: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Sent: Thursday, October 7, 2021 5:12 PM
To: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Schlichter, Levon <Levon.Schlichter@ed.gov>; Malawer, Hilary <Hilary.Malawer@ed.gov>; Amann, Amanda <Amanda.Amann@ed.gov>
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))>
Subject: RE: EOP comments on ED Fall 2021 Unified Agenda and Plan

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Thanks, Lynn! I requested that comments be added to the clean documents. Comments are due next Wednesday (10/13). I'll be in touch soon with more information about scheduling the OIRA/ED UA meeting.

Best,
Lindsay

From: Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>
Sent: Thursday, October 7, 2021 5:05 PM
To: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>; Schlichter, Levon <Levon.Schlichter@ed.gov>; Malawer, Hilary <Hilary.Malawer@ed.gov>; Amann, Amanda <Amanda.Amann@ed.gov>
Cc: Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>
Subject: RE: EOP comments on ED Fall 2021 Unified Agenda and Plan

Clean copies are attached. Thank you!

From: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>
Sent: Thursday, October 7, 2021 5:01 PM
To: Schlichter, Levon <Levon.Schlichter@ed.gov>; Malawer, Hilary <Hilary.Malawer@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Amann, Amanda <Amanda.Amann@ed.gov>
Cc: Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>
Subject: RE: EOP comments on ED Fall 2021 Unified Agenda and Plan

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Hi Levon,

Would you like to provide clean versions of the two agenda documents to start fresh for new comments, or do you prefer to add to the redline?

Thanks!
Lindsay

From: Schlichter, Levon <Levon.Schlichter@ed.gov>
Sent: Thursday, October 7, 2021 4:43 PM
To: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>; Malawer, Hilary <Hilary.Malawer@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Amann, Amanda <Amanda.Amann@ed.gov>
Cc: Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5 Ex)>
Subject: RE: EOP comments on ED Fall 2021 Unified Agenda and Plan

All,

Attached please find ED's responses to EOP comments on the regulatory agenda and plan. We'll be in touch about scheduling the meeting to discuss the overall pace and timing of the agenda.

Thanks!

Levon

From: Abate, Lindsay M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5 Ex)>
Sent: Thursday, September 30, 2021 3:51 PM
To: Malawer, Hilary <Hilary.Malawer@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Schlichter, Levon <Levon.Schlichter@ed.gov>; Amann, Amanda <Amanda.Amann@ed.gov>
Cc: Ahmed, Shagufta I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5 Ex)>; Hunt, Alex T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 6 - (5 Ex)>
Subject: EOP comments on ED Fall 2021 Unified Agenda and Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

Attached please find EOP comments regarding ED's agenda and reg plan. We are aiming Ex 5 DP- (5 Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) so if you are able to provide a response by next Thursday, October 7, that would allow Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5

Thank you!

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 6 - (5
Cell: Ex 6 - (5

ED Agency Agenda Index - date sorted 10.12.21.xlsx

From: "Abate, Lindsay M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Mahaffie, Lynn" <lynn.mahaffie@ed.gov>
Cc: "Amann, Amanda" <amanda.amann@ed.gov>, "Schlichter, Levon" <levon.schlichter@ed.gov>, "Hilary Malawer (Hilary.Malawer@ed.gov)" <hilary.malawer@ed.gov>, "Shagufta I. EOP/OMB Ahmed" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Thu, 14 Oct 2021 17:05:07 -0400
Attachments: ED Agency Agenda Index - date sorted 10.12.21.xlsx (791.13 kB)

Hi Lynn,

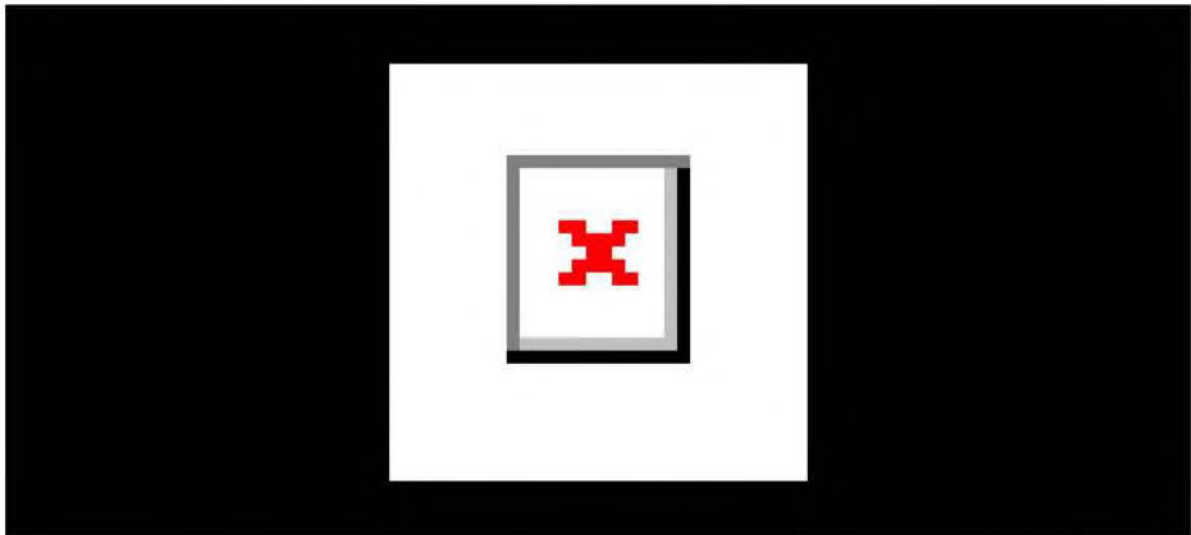
As discussed this afternoon, attached is the RISC generated Agenda Index, which Ex 5 DP- (5 [REDACTED])
Ex 5 DP- [REDACTED] The file is organized as Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process I suggest
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec [REDACTED])
552(b)(5) Deliberative [REDACTED]

FW: Five takeaways from Marten, Kvaal House appearance on Covid relief spending

From: "Sydor, Katherine M. 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: Wed, 17 Nov 2021 21:32:42 -0500

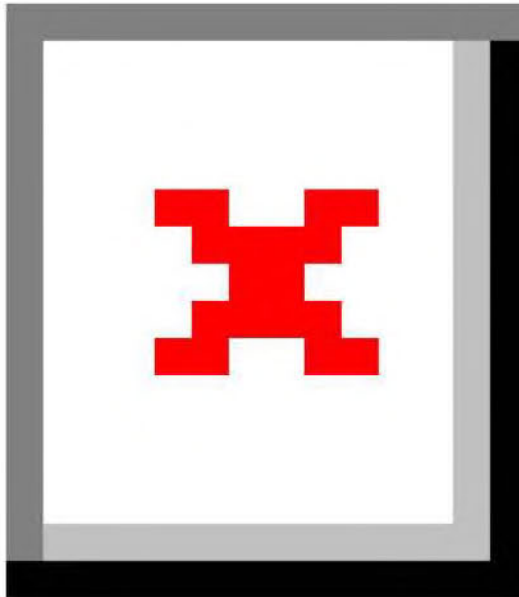
From: POLITICO Pro Education <alert@email.politicopro.com>
Sent: Wednesday, November 17, 2021 9:21 PM
To: Foss, Ian <Ian.Foss@ed.gov>
Subject: Five takeaways from Marten, Kvaal House appearance on Covid relief spending

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Five takeaways from Marten, Kvaal House appearance on Covid relief spending

BY LAURINE GENOTA, JUAN PEREZ JR. | 11/17/2021 09:19 PM EST



Several Republican lawmakers asked whether Covid relief funds would be withheld from states that don't allow schools to require mask-wearing. | Rick Bowmer/AP Photo

Deputy Education Secretary Cindy Marten and Undersecretary James Kvaal testified on Wednesday before the House Education and Labor's pre-K-12 and higher education panels on the implementation of Covid-19 education funds.

School districts and colleges have received more than \$160 billion in Covid-related federal aid to address campus and student resources.

"We owe it to our students to create educational experiences that are safe, healthy, inspiring and that they can connect to," Marten said in her opening remarks. "We have

more work to do but the progress made is evidenced in the joy and experiences of teachers and students around the country sitting in their classrooms right now."

Marten and Kvaal were grilled for nearly 3.5 hours on learning loss, resources for underserved students, mask mandate requirements and other issues that have affected classrooms since the pandemic started. Here are five takeaways from the hearing:

The amount of relief money

Republican Reps. [Glenn Grothman](#) of Wisconsin and [Bob Good](#) of Virginia raised concerns that only a small percentage of Covid relief funds have been spent so far. Grothman estimated about 22 percent had been spent, but Good said just 2 percent of \$111 billion went to elementary and secondary schools.

"We're seeing a thoughtful, engaged approach to how to spend the dollars," Marten said. "Those dollars will be spent. It's about recovering, but it's about long-term, sustainable investment.

Marten explained that states and districts have until Sept. 30, 2024 to spend the dollars according to the law. She said 81 percent of the first round of Elementary and Secondary School Emergency Relief funds have been spent. The rest of the money is for addressing learning losses, social-emotional and mental health needs, and other disparate impacts that students experienced.

Oversight of states' use of relief money

Multiple lawmakers asked Marten about how the Education Department is monitoring states' use of relief funds. Marten said that besides making sure states' plans include efforts intended by the law before approving them, the department will also continue to monitor the money and provide that information to the public through a transparency portal.

"When we hear an example of a misuse, we will go in and better understand what's happening," Marten said. "It's part of why we have the transparency portal so that the dollars are very clear on how they're being spent."

Rep. [Lisa McClain](#) (R-Mich.) asked if the department is open to extending the deadline to spend the money because of supply chain and workforce shortages. Marten said her staff has worked and will continue to work with states on any of the issues around implementation and compliance that they're facing.

Mask mandates

Several Republican lawmakers asked Marten whether Covid relief funds would be withheld from states that don't allow schools to require mask-wearing.

Marten underscored that following public health experts' guidance on mitigation strategies is the best way for schools to stay open and for students to keep learning in person.

"Safely reopening schools includes wearing masks — that is proven to help," Marten said. "We're following the science so schools can open and stay open."

When the guidance is not being used, "we will investigate," Marten said. "It is not about being political. It is about safety for the schools and their communities."

"Will you share with us the science that backs up what you're saying, since you say you're following the science?" House Education and Labor ranking member [Virginia Foxx](#) said. "We know that you all are selective in following science, so we want to see the science you're following."

Higher ed online learning programs

Rep. [Suzanne Bonamici](#) (D-Ore.) asked Kvaal how the department will monitor education tech providers and online program managers that help schools manage their digital curriculum — and have seen big business since the pandemic began.

"In my conversations with college presidents, it doesn't sound like they're planning to go back to traditional classrooms — at least to the full extent that it was before — but they're exploring hybrid and other options," Kvaal said.

"This is a real interest of ours," Kvaal said of online program managers. "We're working very hard to highlight the good practices in the areas of online, and trying to make the most out of it. And where online is not serving students well, we're going to be very aggressive."

In October, the Biden administration selected the Consumer Financial Protection Bureau's former enforcement director to oversee [a revamped enforcement unit](#) at the Education Department aimed at combating fraud and other misconduct by colleges and universities. Rich Cordray, the head of the department's Office of Federal Student Aid, named Kristen Donoghue as the agency's new chief enforcement officer.

“I imagine that will be an area that [Cordray] is looking at,” Kvaal said. “We’re also starting a new regulatory process in just a couple of months that will look at some related issues.”

Trump-era probes of college foreign funding

Colleges and universities are required to report foreign gifts and contracts valued at more than \$250,000 under Section 117 of the Higher Education Act, and the Education Department [upped its scrutiny](#) on foreign gifts reporting during former President Donald Trump’s administration. During Trump’s presidency, the department launched [at least 10 investigations into universities](#) as part of a broader effort to gather information on schools’ overseas support.

Kvaal addressed colleges accepting money from overseas during the hearing.

“I agree that there is real reason for concern about federal governments seeking to inappropriately or secretly access U.S. research and technology,” Kvaal told Rep. [Jim Banks](#) (R-Ind.).

“When it comes to Section 117, my belief is that most universities want to comply with these requirements. I talk to college presidents who are confused about [what] the requirements are, so we are committed to working with them to make sure that they fully and completely follow the law. And of course, if they willfully refuse to follow the law there will be consequences,” he added.

At the same time, Kvaal said he’s “not familiar” with whether the department has launched new investigations into school compliance with the law. He also said he did not know if the department’s current administration had continued existing probes started under the previous administration.

[View this article online.](#)

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POLITICO, LLC
1000 Wilson Blvd.
Arlington, VA 22209
USA

RE: research security standardization discussion

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: "Mok, Emily A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
Date: Mon, 06 Dec 2021 17:59:31 -0500
Attachments: NSPM-33 Implementation Guidance_20211201 to Subcmtee.docx (201.68 kB)

Hi Libby –

Sorry for the delay in circling back with you. Here is the draft that was circulated last week at the NSTC Research Security Subcommittee for your awareness Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative not the word document page count).

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process but thanks again for all of your help and feedback.

If you have any questions or see anything problematic with how your edits were treated, please let me and Emily (cc'd) know.

Thanks,
Bill

From: Hennemuth, Elizabeth I. EOP/OMB
Sent: Thursday, December 2, 2021 6:13 PM
To: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >
Subject: RE: research security standardization discussion

Thank you, Bill and Ryan. That's good to hear. From looking at those sections Ex 5 DP- (5 U.S.C. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Best,
Libby

From: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Sent: Thursday, December 2, 2021 3:08 PM
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >
Subject: RE: research security standardization discussion

Fully agree with this assessment. Thanks for the Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Best,
Ryan

From: McNavage, William EOP/OMB
Sent: Thursday, December 2, 2021 2:59 PM
To: Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >
Subject: RE: research security standardization discussion

Hi Libby –

Attached is the most current draft that was reviewed this morning. Your proposed language 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)) Please reply all if you have any additional changes that were inadvertently omitted.

Ryan –

If my summary above differs from your takeaway, please chime in.

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: Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Sent: Thursday, December 2, 2021 14:38
To: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >
Subject: RE: research security standardization discussion

Ryan, I'm from OIRA and appreciate your having kept me in the loop.

Based on Bill's note Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. however, please let me know if you have any questions for me. I also would be interested in seeing the version that includes our edits when feasible.

Thank you,
Libby Hennemuth
OMB | OIRA | Privacy Branch

From: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Sent: Thursday, December 2, 2021 1:49 PM
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >
Cc: Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >

Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 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 >

Subject: RE: research security standardization discussion

Sure thing. I included everyone because my notes fail to mention who was in which office. 😊 Could someone clarify who is OFFM vs OIRA?

Best,
Ryan

From: McNavage, William EOP/OMB

Sent: Thursday, December 2, 2021 12:53 PM

To: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >

Cc: Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 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 >

Subject: RE: research security standardization discussion

Hi Ryan –

No worries. I can do after 2:30 tomorrow. Based on today's discussion, it's most essential ^{Ex 5 DP} ~~Ex 5 DP- (5 U.S.C. Sec 552(b)(5))~~. Based on today's productive subcommittee discussion ^{Ex 5 DP- (5 U.S.C. Sec 552(b)(5))} ~~Ex 5 DP- (5 U.S.C. Sec 552(b)(5))~~ Deliberative Process ^{Ex 5 DP- (5 U.S.C. Sec 552(b)(5))} ~~Ex 5 DP- (5 U.S.C. Sec 552(b)(5))~~ but I leave that up to decide.

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

<https://www.whitehouse.gov/omb>

From: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

Sent: Thursday, December 2, 2021 12:06

To: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

Cc: Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 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)) >

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

Subject: RE: research security standardization discussion

Apologies for not adding you, Bill!

OK Emily, thanks. We'll see how others' schedules allow.

Best,

Ryan

From: Mok, Emily A. EOP/OMB

Sent: Thursday, December 2, 2021 12:03 PM

To: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >

Subject: RE: research security standardization discussion

+Bill McNavage.

Hi Ryan - Sorry, my schedule is not up-to-date on outlook. I actually won't be available this afternoon (nor tomorrow morning). I could do a time tomorrow afternoon (such as 2:30pm and later). However, others should feel to proceed with meeting today (or tomorrow AM) if that works best for them.

Thanks,
Emily

From: Donohue, Ryan C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

Sent: Thursday, December 2, 2021 11:54 AM

To: Tran, Hai M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [redacted]) >; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [redacted]) >; Collin, Victoria W. 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 [redacted]) >; Eller, Christina Ciocca C. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [redacted]) >; DeBlanc-Knowles, Tess K. EOP/OSTP <Ex 6 - (5 U.S.C. Sec [redacted]) >

Subject: research security standardization discussion

Hi all,

Following last week's discussion, OSTP would like to touch base to talk through the standardization and certification of research security programs. Ex 5 DP- (5 U.S.C. [redacted]) we think that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [redacted] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [redacted] We'd also like to discuss a timeframes.

It looks like *most* are available at the below times. I'll try for **today 3:30-4p**, unless folks suggest otherwise.

Other close-consensus availabilities

Today:

3:30-4p

5p – onward

Friday:

8:30-9a

2:30pm onward

Best,

Ryan

Question on NSPM-33 guidance

From: "Dorgelo, Cristin A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Koizumi, Kei EOP/OSTP" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Aidinoff, Marc F. EOP/OSTP" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: "Welch, Lily M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Mon, 13 Dec 2021 10:07:39 -0500
Attachments: NSPM-33 Implementation Guidance_ForClearance.docx (190.74 kB)

Hey Kei and Marc:

Happy Monday!

My Office of Federal Financial Management team raised up some questions Ex 5 DP- (5 U.S.C. [REDACTED])
Ex 5 DP- (5 [REDACTED]) NSPM-33 implementation guidance Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) [REDACTED]
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [REDACTED] Does one of you have time to connect with me on it?

Lily can help us find 15 minutes.

Thanks in advance!
Cristin

Cristin Dorgelo
(she/her)
Senior Advisor for Management
Office of Management and Budget
Ex 6 - (5 U.S.C. Sec 552(b)(6)) [REDACTED]

FW: [review by 11 AM Mon 12/20] NSTC implementation guidance on research security

From: "Schmitt, Tricia A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Sandy, Mark S. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Meier, Edward F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: "Sullivan, Patrick K. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Mon, 20 Dec 2021 08:03:28 -0500
Attachments: NSPM-33 Implementation Guidance_ForClearance.docx (190.74 kB)

Good Morning, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) [REDACTED] the NSTC guidance on research security. Mark, after NSD reviews, could you respond for NSP? Thanks, Tricia

From: Dorgelo, Cristin A. EOP/OMB
Sent: Friday, December 17, 2021 8:23 PM
To: Meier, Edward F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Sandy, Mark S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Spiro, Topher J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Schmitt, Tricia A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Harrison, Deidre 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))>; Block, Sharon I. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Mancini, Dominic J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Crow, Rose C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Martorana, Clare A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DeRusha, Chris J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Cc: Wallace, Rachel L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hansen, Anna K. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
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)) [REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [REDACTED]

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. Sec 552(b)(6))

FW: DUE COB TUESDAY MARCH 8TH: -- OMB Request for Views on HR4521 - America COMPETES Act of 2022

From: "Hebbeler, Andrew M. EOP/OSTP" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Bailey, Drew M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
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)) >
Date: Thu, 24 Feb 2022 15:37:44 -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)

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 >
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

For Kei and NatSec: I have your previous comments on COMPETES (attached) Ex 5 DP- (5 U.S.C. 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' <Ex 6 - (5 U.S.C. Sec >; 'General Services Administration' <Ex 6 - (5 U.S.C. Sec >; 'HEALTH & HUMAN SERVICES' <lrn@hhs.gov>; 'HOMELAND SECURITY' <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 'HOUSING & URBAN DEVELOPMENT' <HUDLRM@hud.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <Ex 6 - (5 U.S.C. Sec >; 'LABOR' <Ex 6 - (5 U.S.C. >; 'National Aeronautics and Space Administration' <nasa_lrm@hq.nasa.gov>; 'National Science Foundation' <olpalrm@nsf.gov>; DL NSC LRM <Ex 6 - (5 U.S.C. Sec >; 'Office of Personnel Management' <CLA@opm.gov>; DL-OSTP-LRM <Ex 6 - (5 U.S.C. Sec >; 'Office of the Director of National Intelligence' <Ex 6. Ex 6 - (5 >; 'STATE' <Ex 6 - (5@state.gov>; 'Small Business Administration' <cla@sba.gov>; 'Social Security Administration' <Ex 6 - (5 U.S.C. Sec >; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'TREASURY' <llr@treasury.gov>; 'US Agency for International Development' <Ex 6 - (5 U.S.C. >; 'US International Development Finance Corporation' <Ex 6 - (5 >; 'VETERANS AFFAIRS' <ogcvalrm@va.gov>

Cc: Aron-Dine, Aviva R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Linden, Michael S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Vahlsing, Candace M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec >; McDonald, Christine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Bar-Shalom, Tali EOP/OMB <Ex 6 - (5 Ex 6 - (5 U.S.C. Sec >; Dick, John H. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Hettinger, Alex G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sierra, Leticia EOP/OMB

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EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Matsuo, Kimie L. EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED])>

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

DEADLINE: 3:00 PM Wednesday, Mar 09 2022

H.R. 4521, the "America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and

Economic Strength Act of 2022" or "America COMPETES Act of 2022," passed the House on 2/4/22 by a vote of 222-210. The text of the bill as passed by the House is available [here](#). The bill contains a wide range of provisions aimed at strengthening the United States' economic resilience and competitiveness. Please see below for a list of the divisions in the bill.

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

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

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. Sec [REDACTED])
PHONE: Ex 6 - (5 [REDACTED])
FAX: Ex 6 - (5 [REDACTED])

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

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

**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 [REDACTED])>
To: DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Bcc: "Cheese, Erin M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Mon, 14 Mar 2022 15:24:29 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB); HR4521 DOE comments.docx (2.35 MB)

Hi Energy Branch,

I included DOE's comments on H.R. 4521 in the Excel file, but also wanted to share their comments with you in their original format – the Word doc is much easier to follow.

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 [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 [REDACTED])>; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>

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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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<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Bains, Chiraag EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] >;
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EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sanchez, Roque T. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hayes, David J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED] >;
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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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 [REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] >; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] >;
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Ventura, Alexandra EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED] >; Gonzalez, Oscar EOP/OMB
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<Ex 6 - (5 U.S.C. Sec [REDACTED] 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.

America Competes Act -- Comments on AI in CT Oversight Enhancement

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

From: "Hunnicutt, Sally J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Romero, Samantha R. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Cahill, Steve E. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Scheyer, Kirsten M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >, "Diedrick, Rachel M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
Date: Tue, 15 Mar 2022 10:12:19 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB); BILLS-117hr4521eh.pdf (5.46 MB)

All,

Good morning! Flagging 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 This requires covered agencies to provide written notice of use or potential use of all AI in the CT context.

In their objection, Ex 5 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 (that did not receive input from your agencies).

I was planning to respond to Kimie noting Ex 5 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

before I do so I wanted to check to see if you had any additional comments/concerns on this section. Responses are due back to Kimie on Friday.

Thanks,
Sally

Sally Hunnicutt

Program Examiner, Intelligence Branch
Office of Management and Budget | National Security Division

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

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

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)(6)) >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB

<Ex 6 - (5 U.S.C. Sec [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 [REDACTED])>; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Cassell, Mary I. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Derbes, Catherine A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Sierra, Leticia EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Spavins, Rebecca L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Weisshaar, David M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Spiro, Topher J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hill, Frankie F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB HHSB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB PHB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; De Los Santos, Karen EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Abrams, Andrew D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Berger, Joseph J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Brant, Alex M. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hourigan, Clinton T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Cathopoulos, Terry J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mergen, Margaret C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Crow, Rose C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; MacMaster, Ryan J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Roy, Amanda E. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Connolly, David C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Petro, Andrea M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Barrick, Carl W. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Nelson, Kimberly P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Skidmore, Ben J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Donatelli, Angela M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 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 552(b)(6))>; Schmitt, Tricia A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB NSP IAD STATE <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB NSP IAD ECON <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Sandy, Mark S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>;

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EOP/OSTP <Ex 6 - (5 U.S.C. Sec >; DL NSC LRM <Ex 6 - (5 U.S.C. Sec >; DL NSC
CLIMATE <Ex 6 - (5 U.S.C. Sec >; DL NSC CHINA <Ex 6 - (5 U.S.C. Sec >; DL NSC
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Legal <Ex 6 - (5 U.S.C. Sec >; DL NSC Legislative <Ex 6 - (5 U.S.C. Sec >; DL NSC HealthSecBio
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<Ex 6 - (5 U.S.C. Sec >; Gupta, Pronita EOP/WHO <Ex 6 - (5 U.S.C. Sec >;
Landrieu, Grace G. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Smith, Melissa K. EOP/WHO
<Ex 6 - (5 U.S.C. Sec >; Stich, Brittany A. EOP/WHO <Ex 6 - (5 U.S.C. Sec >;
Blazek, Kelliann M. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Kovacs, Tricia S. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. >
<Ex 6 - (5 U.S.C. Sec >; Young, Christen Linke L. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;
Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 U.S.C. Sec >; Oakar, Catherine R. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Bains, Chiraag EOP/WHO <Ex 6 - (5 U.S.C. Sec >;
Washburn, Libby R. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DPImmigration
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL-OVP-LRM <Ex 6 - (5 U.S.C. Sec >; Irby, Ike D.
EOP/OVP <Ex 6 - (5 U.S.C. Sec >; DL-CEA-LRM <Ex 6 - (5 U.S.C. Sec >; DL-CEQ-LRM
<Ex 6 - (5 U.S.C. Sec >; DL IPEC LRM <Ex 6 - (5 U.S.C. Sec >; Thomas, Maggie M.
EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sanchez, Roque T. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hayes, David J. EOP/WHO <Ex 6 - (5 U.S.C. Sec >;

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 >; 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 >; DL WHO NEC LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Wu, Tim EOP/WHO <Ex 6 - (5 U.S.C. Sec >; DL WHO WHCO LRM <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Deeks, Ashley S. EOP/WHO <Ex 6 - (5 U.S.C. Sec >; 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)) >; Healton, Kelly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec >; 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 >; 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 >

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)(7)(C))

**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: "Clark, Michael C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
To: "Turner, Austin F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: "Gonzalez, Anthony A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Tue, 15 Mar 2022 17:16:49 -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 552(b)(5)).docx (30.53 kB)

First, I don't have Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

On #2, I agree 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 Those are my
thoughts.

On Mar 15, 2022, at 5:00 PM, Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
wrote:

MC – what do you think about this?

From: McNavage, William EOP/OMB
Sent: Tuesday, March 15, 2022 4:54 PM
To: Nassif, Rob J. 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))>; O'Kane, Matt J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Diedrick, Rachel M. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Michael C. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Gonzalez, Anthony A. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Romero, Samantha R. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>
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 –

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 [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 (unless you think helpful), but Austin it would be [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

Bill

Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch
Office of Management and Budget

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

Cc: Chhabra, Tarun EOP/NSC [redacted] Ex 6 - (5 U.S.C. Sec [redacted]; McNavage, William EOP/OMB [redacted] Ex 6 - (5 U.S.C. Sec 552(b)(6))

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 the proposed changes in the attached DoD document, our responses in red:

[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

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)(6)) >
Cc: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
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
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)(6)) >; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Pei, Yi EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; August, Lisa L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hu, Grace EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >;

Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >; Clark, Damon J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED]) >; Enger, Michelle A. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Turner, Austin F. EOP/OMB
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<Ex 6 - (5 U.S.C. Sec [REDACTED]) >; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >;
Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; McNeal, Chris G. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Curtis, Tyler T. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Ghavalyan, Mariam EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >;
Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Feldman, Iris T. EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED]) >; Bomberger, Melissa B. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Cassell, Mary I. EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED]) >; Derbes, Catherine A. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Patel, Jagir D. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >;
Branson, Michael D. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Sierra, Leticia EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED]) >; Spavins, Rebecca L. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Weisshaar, David M. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Spiro, Tophier J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hill, Frankie F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED]) >;
Reilly, Tom M. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; DL OMB HHSB
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<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; De Los Santos, Karen EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Abrams, Andrew D. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Berger, Joseph J. EOP/OMB
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Cramer, Drew W. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Hourigan, Clinton T. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Cathopoulos, Terry J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Mergen, Margaret C. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Crow, Rose C. EOP/OMB
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<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Roy, Amanda E. EOP/OMB
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Korovesis, Andrea G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Nelson, Kimberly P.
EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Skidmore, Ben J. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Donatelli, Angela M. EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; 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 552(b)(6)) >; Schmitt, Tricia A. EOP/OMB
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O'Brien, Erin L. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL OMB BRD PAYGO CREW
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Blum, Mathew C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Field, Lesley A. EOP/OMB
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Joel R. 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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NSC Legal <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL NSC Legislative <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL NSC
HealthSecBio <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL NSC Cyber <Ex 6 - (5 U.S.C. Sec [REDACTED])>; MBX
NCD LRM <Ex 6 - (5 U.S.C. [REDACTED])>; DPC ExecSec <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Martin, Carmel M.
EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Gupta, Pronita EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; Landrieu, Grace G. EOP/WHO
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<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Tracey-Mooney, Maureen EOP/WHO <Ex 6 - (5 U.S.C. [REDACTED])>;
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Ford, Sandi E. M.D. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Oakar, Catherine R. EOP/WHO
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Cc: Slevin, Christopher J. EOP/WHO [Redacted]; Demers, Kaitlyn H.
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 [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]

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

Here's a rundown of agency responses --

- Comments
- Agencies: [Redacted]
- [Redacted]
- OMB comments: [Redacted]
- [Redacted]
- Other EOP comments: [Redacted]
- [Redacted]
- Agencies with no comments: [Redacted]
- Late comments expected: [Redacted]

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. Sec [REDACTED])>
To: DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Bcc: "Cheese, Erin M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Mon, 21 Mar 2022 10:14:12 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB)

Good morning,

Following up to see if the Energy Branch has any feedback on the DOE or other interagency comments we've received on H.R. 4521 America COMPETES Act of 2022.

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)(6))>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [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 [REDACTED])>; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Klein, Robert T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lachman, Sherry E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Feldman, Iris T. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Bomberger, Melissa B. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Cassell, Mary I. EOP/OMB

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EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >; Heaton, Kelly 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)) >; 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))

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: "Matsuo, Kimie L. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Turner, Austin F. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Clark, Michael C. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Gonzalez, Anthony A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "Hoy, Peter G. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Jones, Lauren H. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>, "Miller, Kimberly A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>, "McNeal, Chris G. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Date: Mon, 21 Mar 2022 10:24:01 -0400
Attachments: H.R. 4521 America COMPETES Act of 2022_Interagency comments.xlsx (112.77 kB);
BILLS-117hr4521eh.pdf (5.46 MB)

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)(6))>; Schory, Daniel K. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Pasquantino, John C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [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 [REDACTED])>; DL OMB ESWD EB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Lucas, Adrienne E. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hickey, Mike J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Burgess, Scott H. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ross, Andrea L. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL OMB NRD AB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Fischietto, Mary S. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Connors, Kyle F. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Berrey, Katherine R. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Glass, Jacob S. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Patterson, Tia B. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Clark, Damon J. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Enger, Michelle A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Turner, Austin F. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Clark, Michael C. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Gonzalez, Anthony A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hoy, Peter G. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Jones, Lauren H. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Miller, Kimberly A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNeal, Chris G. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Curtis, Tyler T. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Ghavalyan, Mariam EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>

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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
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Landrieu, Grace G. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Smith, Melissa K. EOP/WHO
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; Stich, Brittany A. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>;
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 [REDACTED])>; Oakar, Catherine R. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bains, Chiraag EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>;
Washburn, Libby R. EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DPCImmigration
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; DL-OVP-LRM <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Irby, Ike D.
EOP/OVP <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL-CEA-LRM <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL-CEQ-LRM
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL IPEC LRM <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Thomas, Maggie M.
EOP/WHO <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Sanchez, Roque T. EOP/WHO
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Hayes, David J. EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>;
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
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Wu, Tim EOP/WHO <Ex 6 - (5 U.S.C. Sec [REDACTED])>; DL WHO
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))>; Healton, Kelly A. EOP/OMB
<Ex 6 - (5 U.S.C. Sec [REDACTED])>; Ward, Benjamin A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>;
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 552(b)(6))>; Gonzalez, Oscar EOP/OMB
<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Bronack, Candice M. EOP/OMB
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<Ex 6 - (5 U.S.C. Sec 552(b)(6))>; 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 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.