

# AMERICA COMPETES ACT OF 2022

January 25, 2022

## H.R. 4521, The America COMPETES Act of 2022

### Key Points:

- **The House will consider H.R. 4521, the America Creating Opportunities for Manufacturing Pre-Eminence in Technology and Economic Strength (America COMPETES) Act of 2022 – a bold legislative package that makes transformational new investments in research, innovation and American manufacturing that will ensure that America can outcompete any nation in the world, now and for decades to come. The package will accelerate U.S. production of critical semiconductor chips, strengthen the supply chain to make more goods in America, turbocharge our research capacity to lead the technologies of the future, and advance our global competitiveness, while supporting strong labor standards and human rights, among other key provisions.**
- **The legislation reflects bipartisan work across committees: its major components include many bills that have already passed the House by strong bipartisan votes or have bipartisan cosponsors.**
- **The America COMPETES Act of 2022 is a bold, comprehensive package to strengthen America’s competitiveness, including:**
  - **Creating the CHIPS for America Fund**  
Includes \$52 billion for CHIPS for America Act which will incentivize private-sector investments and continued American leadership in semiconductor fabrication and will help address supply chain disruptions and ensure that more semiconductors are produced here at home.
  - **Strengthening the Supply Chain & American Manufacturing**  
Authorizes \$45 billion to improve our nation’s supply chains and strengthen our economy and national security by preventing shortages of critical goods and ensuring that more of these goods are made right here in the United States.
  - **Advancing American Scientific Research, Technology & Innovation Excellence**  
Makes major new solutions-driven investments in every aspect of innovation and scientific research, making the kind of investments that will lead to breakthrough discoveries.
  - **Securing America’s Global Competitiveness & Leadership Through Economic Development; Diplomacy, Human Rights & Alliances**  
Includes numerous provisions to strengthen and promote America’s leadership around the globe, including in such areas as investing in partnerships and alliances, investing in standing up for America’s values, expanding our investments in diplomacy, and promoting human rights.
- **The United States has long been a beacon of excellence in science and technology in the world. Since the last major investment in innovation and competitiveness, the original COMPETES Act, was passed nearly 15 years ago, America has fallen behind in terms of global science and innovation leadership. The need to reinvest in and reimagine our approach to science and innovation has become a national imperative.**
- **Now is the time to recommit to boldly and strategically investing in our nation’s future – to promote America’s economic strength, the well-being of our communities, our national security and our leadership in the world. This transformative legislation will ensure that America can out-compete any nation, for decades to come.**

## **DIVISION A: Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America**

Semiconductors are essential to our national security and our economic competitiveness – but over the past 30 years the United States’ share of global semiconductor manufacturing has significantly decreased, putting our national and economic security at risk. The America COMPETES Act of 2022 appropriates \$52 billion for the CHIPS for America Act – critical investments to support continued American technological leadership in semiconductor fabrication, address supply chain disruptions and ensure more semiconductors are produced here at home.

- In December 2020, Congress enacted the landmark CHIPS Act to help rebuild U.S. semiconductor manufacturing capacity and to advance U.S. semiconductor research and innovation, through new partnerships among industry, Federal science agencies, National Labs and academia.
- The America COMPETES Act of 2022 provides urgently needed funding to the R&D programs authorized in the CHIPS Act, including funding to stand up the National Semiconductor Technology Center, expand semiconductor manufacturing R&D under the Manufacturing USA Program, and establish an advanced packaging R&D program.
- This bill provides substantial financial assistance to incentivize investment in facilities and equipment for semiconductor fabrication, assembly, testing, advanced packaging, and research and development.
  - The financial assistance may be used for the construction, expansion or modernization of semiconductor facilities, support workforce development, and pay the reasonable costs of operating a semiconductor facility.
- It invests \$2 billion to support critical components in the production of many automobiles, consumer electronics and defense systems.

## **DIVISION B: Research & Innovation**

The America COMPETES Act of 2022 includes a suite of bipartisan science, innovative and technology bills led by: the National Science Foundation for the Future Act, the Department of Energy Office of Science for the Future Act, and the National Institute of Standards and Technology for the Future Act as well as several provisions to strengthen and expand our nation’s STEM workforce to better represent the diversity of our nation.

### **Department of Energy Science for the Future**

- Provides comprehensive authorization for the Department of Energy’s Office of Science. The Office of Science accounts for over half of DOE’s non-defense R&D budget and supports a wide range of research facilities and activities that are critical to U.S. competitiveness and to enabling our clean energy future.
- Ensures Office of Science construction projects and upgrades of major scientific user facilities have the resources they need to be completed on time and on budget and that program funding ensures support for core research is able to grow annually, independent of each project schedule.
- Invests in the fight against climate change – supporting research to advance the next generation of energy storage, solar, hydrogen, critical materials, fusion energy, manufacturing, carbon removal, and bioenergy technologies, among many other areas.
- Revitalizes nanoscience centers and bolsters support and guidance for research in emerging areas, including quantum information science and artificial intelligence.
- Prepares the next generation of diverse clean energy researchers, scientists, and professionals.
- Ensures coordination and collaboration with other relevant programs supported by DOE as well as with other relevant federal agencies.

### **National Institute of Standards and Technology for the Future**

- Supports important research and standards support for industries of the future, including quantum information science, artificial intelligence, cybersecurity, privacy, engineering biology, advanced communications technologies, semiconductors and more.
- Authorizes a significant increase in funding and expansion of the Hollings Manufacturing Extension Partnership (MEP) program, including to address the resilience of domestic supply chains, and authorizes two new competitively awarded Manufacturing USA Institutes.

- Supports agency activities for software supply chain security to address SolarWinds style cyberattacks
- Expands NIST testing and standards activities for biometric identification systems, including facial recognition systems, helping to identify and mitigate bias in such systems.
- Expands NIST’s greenhouse gas measure activities to help governments and organizations accurately measure emissions at a local scale.
- Authorizes funding to help NIST address its large construction and maintenance backlog.

#### **National Science Foundation for Future**

- In carrying out its fundamental science and engineering mission over the past seven decades, the National Science Foundation has delivered enormous benefits to society and to our national competitiveness. This bill builds on that legacy and moves the NSF forward by comprehensively reauthorizing it and establishing a new directorate, the Directorate for Science and Engineering Solutions (SES), to accelerate collaborative, purpose-driven R&D to advance solutions to pressing societal challenges including climate change and environmental sustainability, global competitiveness, cybersecurity, national security, STEM education and workforce, and social and economic inequality.
  - The House bill takes a “do no harm” approach to NSF’s seventy-year-old fundamental research and education mission, structuring the SES so that the NSF’s ongoing work is not put at risk by the creation of a new Directorate while also encouraging collaboration across the agency.
  - The SES is formulated in this bill support new kinds of partnerships with the private sector, local communities and other diverse stakeholders use real-world problems as the inspiration for scientific research which will both strengthen our national competitiveness and ensure the benefits of technological leadership are enjoyed by more Americans.
- Increases overall funding for the National Science Foundation and directs investments in critical research-enabling infrastructure, including the Mid-Scale Research Infrastructure program, support for helium conservation equipment and a roadmap for meeting the research community’s growing need for advanced computing capabilities.
- Supports the next generation of diverse STEM teachers, researchers, scientists, and professionals:
  - Pre-K-12: Establishes a new initiative to support translational research and development to help scale up effective pre-K-12 STEM education innovations
  - Undergraduate: Supports R&D to improve the alignment of undergraduate STEM education and training with workforce needs
  - Graduate: Expands requirement for funding proposals to include a mentoring plan for graduate students and supports activities to help graduate students explore workforce opportunities in STEM fields

#### **Bioeconomy Research and Development**

- Establishes a National Engineering Biology Research and Development Initiative to advance engineering biology research and to support risk research to address ethical, safety, security and other societal implications of engineering biology.
- Requires an external review of ethical, legal, environmental, safety, security and societal issues related to engineering biology research and development by the National Academy of Sciences

#### **Broadening Participation in Science**

- STEM Opportunities: Empowers Federal agencies and universities to identify and lower barriers to the recruitment, retention and advancement of women, minorities and other groups underrepresented in STEM studies and careers. Requires agencies to collect comprehensive demographic data on the grant review process and STEM faculty at U.S. universities. Provides supports for grant recipients who also have caregiving responsibilities.
- Rural STEM Education Research: Provides for research and development to increase access to STEM education in rural schools and to provide teachers with the resources they need to teach more effectively. Directs the Secretary of Commerce to develop a prize competition to advance research and development of creative technologies for expanded broadband access.
- MSI STEM Achievement: Provides for increased transparency, accountability and accessibility of Federal STEM education and research funding for MSIs – opening up greater opportunities for students to access STEM education and related careers.

- Combatting Sexual Harassment in Science: Directs the Office of Science and Technology Policy to issue uniform guidance to all Federal science agencies to implement reporting requirements for all grantees and to update these policies going forward – making clear that sexual harassment should be considered as important as research misconduct.

#### **Other Science and Technology Provisions**

- Supporting Early-Career Researchers: Establishes a two-year pilot program within the NSF to support early career scientists to conduct research at the institution of their choice.
- National Science and Technology Strategy: Directs the Office of Science and Technology Policy to complete a comprehensive quadrennial review of the nation’s innovation landscape enabling a cross-cutting national science and technology strategy. \_
- Energizing Technology Transfer Act: Allows universities and private sector companies the opportunity to capitalize on the Department of Energy’s research to accelerate the commercial application of clean energy technologies.
- Regional Innovation Act: Establishes a regional technology and innovation hub program at the Department of Commerce – incentivizing collaborative partnerships between local governments, colleges and universities, private industry, non-profits and community organizations to promote and support regional technology and innovation hubs.
- Microelectronics Research for Energy Innovation: Requires the Department of Energy to establish a program on the development, demonstration and commercial application of microelectronics to drive the nation’s global competitiveness in the field of microelectronics. Establishes up to four Microelectronic Science Research Centers to conduct mission driven research to address foundational challenges in the design, development and fabrication of microelectronics to facilitate the translation of research results to industry.

### **DIVISION C: Committee on Energy and Commerce**

**The America COMPETES Act of 2022 will strengthen our economy and national security by preventing shortages of critical goods and ensuring that more of these goods are made right here in the United States.**

#### **Strengthening Our Supply Chains**

- Improves our nation’s supply chains to strengthen our economy and national security by preventing shortages of critical goods and ensuring that more of these goods are made right here in the United States.
- Establishes a new Office within the Department of Commerce to lead a governmentwide effort to strengthen supply chains critical to the nation’s economic vitality and national security, specifically charged with:
  - **monitoring supply chains** to identify vulnerabilities or gaps that may disrupt the availability of critical goods;
  - **supporting the availability of critical goods** to prevent shortages that could imperil our national security and economy;
  - **preparing for and responding to supply chain shocks**;
  - **reducing reliance on critical goods from countries of concern and encouraging the relocation of manufacturing facilities out of these countries**;
  - **supporting the creation of jobs with competitive wages**, including by preserving existing collective bargaining agreements and supporting union organizing efforts; and
  - **promoting the health of the economy and competitiveness of American manufacturing** by creating the market conditions necessary to improve supply chain resilience and allow American manufacturers to compete on a level-playing field.
- Authorizes \$45 billion for grants, loans, and loan guarantees to support supply chain resilience and manufacturing of critical goods, industrial equipment, and manufacturing technology:
  - **support the manufacturing or acquisition of critical goods or industrial equipment that are essential for the national security and economic vitality.** Critical goods, as designated by the Office, may include key components and products for public health and biological preparedness, information and communications technology, the energy and transportation sector’s industrial base, and agricultural commodities and food product supply chains;

- **develop or acquire manufacturing technology that improves the ability of manufacturers to produce critical goods.** Such technologies may include information technology needed to optimize manufacturing efficiency, flexibility, speed, quality, and sustainability;
- **construct or enhance critical infrastructure or a manufacturing facility,** which may include factories, telecommunications infrastructure, and water systems necessary to support the production of critical goods;
- **relocate a manufacturing facility out of countries of concern,** including countries that pose a significant economic or national security threat to the United States;
- **manufacture or acquire a substitute for critical goods, industrial equipment, or manufacturing technology** to provide a viable alternative to scarce or vulnerable critical goods;
- **establish or preserve surge capacity or stockpiles** to provide the redundancies and reserves necessary to maintain the availability of critical goods during supply chain shocks; and
- **establish diverse and secure sources and locations for the production of critical goods** to ensure that regional conflicts or disasters – such as tsunamis, hurricanes, or cold waves – do not incapacitate the nation’s ability to produce and acquire critical goods.
- Creates a program within the new Office at the Department of Commerce to map and monitor supply chains, identify supply chain gaps and vulnerabilities, and identify opportunities to address supply chain risk.
  - The resources required for comprehensive supply chain mapping and monitoring can be [expensive](#), presenting barriers for individual firms seeking to identify and address vulnerabilities alone. The government can foster greater supply chain [transparency and information sharing](#) to assist individual firms detect, respond to, and recover from supply chain shocks for critical goods.
- America COMPETES authorizes \$500 million to the Office for supply chain mapping and monitoring in order to: designate critical industries, supply chains, and critical goods that have a significant effect on the national security or economic security of the United States; produce quadrennial reviews on the state of supply chain resilience and domestic manufacturing; and establish a coordination group to identify and assess the resilience of supply chains and inform supply chain management.
- Equips the private sector with best practices and guidelines needed to proactively identify and mitigate supply chain vulnerabilities. America COMPETES authorizes \$500 million for the Office at the Department of Commerce to coordinate with stakeholders and incorporate industry expertise to identify approaches that may be voluntarily adopted by domestic manufacturers and entities purchasing or using a critical good to manage supply chain risks and value supply chain resilience.

#### **Investing in Solar Manufacturing Supply Chain & Enhancing Grid Resilience**

- Reduces our reliance on China by investing in building our nation’s solar manufacturing supply chain and keeps our electric grid secure and resilient in the face of evolving cybersecurity and physical security threats.
- Authorizes \$3 billion to fund the establishment of a domestic solar manufacturing supply chain – incentivizing the new construction of solar manufacturing capacity and providing grants and direct loans to retool, retrofit or expand existing solar manufacturing facilities.
- Authorizes \$375 million to reduce the vulnerability of the electric grid by establishing a Strategic Transformer Reserve and for the development, testing and monitoring of critical electric grid equipment.

#### **Improving Our Medical Product Supply Chain & Strengthening Our Strategic National Stockpile**

- Increases the domestic drug manufacturing base by expanding the use of advanced and continuous manufacturing practices.
- Gives FDA authority to require a manufacturer to cease distributing or recall drugs when a drug is known to cause serious adverse health consequences or death.
- Provides transparency in the drug supply chain – requiring manufacturers to provide additional information to FDA about manufacturing sites and the quantity of drugs they produce.
- Cracks down on drug manufacturers that falsify data and destroy important documents ahead of planned inspections.
- Establishes a \$1.5 billion supply chain manufacturing pilot in order to enhance medical supply chain elasticity and maintain domestic reserves of critical medical supplies.
- Strengthens the overall management of the Strategic National Stockpile including by requiring contents remain in good working order, improving the process for requesting supplies and exploring stable funding sources.

- Establishes a \$10.5 billion pilot program that awards grants to states to expand or maintain a strategic stockpile of commercially available drugs, medical equipment, PPE and other products deemed by the state to be essential in the event of a public health emergency.

#### **Innovating Our Wireless Supply Chain & Network Security**

- Ensures that the next-generation mobile wireless networks and technologies are safe and secure from foreign adversaries by funding the deployment of cutting-edge technology, enhancing the competitiveness of trusted suppliers of information and communication technology and supporting American thought leadership in network and supply chain security.
- Appropriates \$1.5 billion for the Public Wireless Supply Chain Innovation Fund to deploy Open Radio Access Network (Open RAN) network equipment to spur movement toward open architecture, software-based wireless technologies and funding innovative leap-ahead technologies in the U.S. mobile broadband market.
- Examines the cybersecurity of mobile wireless networks
- Determines the elements of the information and communication technology supply chain critical to the economic competitiveness of the U.S.
- Identifies and develops solutions for potential emerging issues with 6G networks
- Codifies the responsibility of the National Telecommunications and Information Administration with respect to cybersecurity of communication networks
- Provides American consumers with the tools necessary to minimize cybersecurity risks
- Establishes a permanent advisory council at the FCC to increase the security, reliability and interoperability of communications networks
- Promotes U.S. wireless leadership abroad

### **DIVISION D: Committee on Foreign Affairs**

#### **Investing in American Competitiveness**

##### **Authorization to Assist United States Companies with Global Supply Chain Diversification and Management**

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

##### **Report on National Technology and Industrial Base**

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

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

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

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

- Expresses the sense of Congress that the dominance of the dollar yields significant benefits, allowing the U.S. to maintain economic independence, better control its monetary policy, and finance government outlays. Requires the Secretary of State and Secretary of the Treasury to submit a report to the appropriate committees that lists and examines benefits from U.S. global financial leadership to American foreign policy and identifies steps the U.S. can take to preserve its status as the world's leading financial center.

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

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

#### **Investing in Alliances and Partnerships**

##### **Establishment of Quad Intra-Parliamentary Working Group**

- The bill directs the Secretary of State to enter negotiations with the governments of Japan, Australia, and India with the goal of establishing a Quad Intra-Parliamentary Working Group to facilitate closer cooperation on shared interests and values. Authorizes \$4 million to the United States Group for the next four fiscal years.

#### **Young Southeast Asian Leaders Initiative.**

- Directs the Secretary of State to submit a strategy for implementing the YSEALI program, an annual report on the program's progress and an assessment of the metrics, goals, targets, and outcomes and recommendations for improvements or amendments to the YSEALI program and strategy, and a final assessment report that evaluates the program's implementation and outcomes during the entire duration of its program operation

#### **Provisions on Taiwan**

- **Enhancing the United States-Taiwan Partnership:** provides a statement of policy reiterating the U.S. commitment to Taiwan and recognizing Taiwan as a vital part of the U.S. approach to the Indo-Pacific.
- **Taiwan Peace and Stability Act:** provides a statement of policy of U.S. interests in maintaining the peace and stability and deter military acts or other forms of coercive behavior in the Indo-Pacific.
- **Taiwan International Solidarity Act:** amends the TAIPEI Act of 2019 by adding that the UN recognition of the PRC did not address the issue of Taiwan representation at the UN or any related organizations, nor take a position on the relationship between the PRC and Taiwan or Taiwan's sovereignty, and that the U.S. opposes any initiative that seeks to change Taiwan's status without the consent of the people.

#### **Increasing Department of State Personnel and Resources Devoted to the Indo-Pacific Region**

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

#### **Report on Bilateral Efforts to Address Chinese Fentanyl Trafficking**

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

#### **Supporting Independent Media and Countering Misinformation**

- The bill authorizes \$500 million for the United States Agency for Global Media for ongoing and new programs to support local media, build independent media, combat PRC disinformation inside and outside of China, invest in technology to subvert censorship, and monitor and evaluate these programs.

#### **Report on origins of the COVID-19 pandemic.**

- Directs the President to submit a report that assesses the most likely source or origin of the SARS-CoV-2 virus, the level of confidence in the assessment, and challenges identified to the USG's ability to make such an assessment.

#### **Liu Xiaobo Fund for Study of the Chinese Language**

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

#### **International Security Matters**

##### **Additional Funding for International Military Education and Training in the Indo-Pacific**

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

##### **Statement of policy on maritime freedom of operations in the South China Sea.**

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

##### **Report on Capability Development of Indo-Pacific Allies and Partners**

- Expresses the sense of Congress that the Secretary of State should expand measures under the U.S. Conventional Arms Transfer Policy to provide capabilities to allies and partners in the Indo-Pacific region. Also requires a report from the Secretary of State on U.S. priorities for building more capable security partners in the Indo-Pacific.

## **Multilateral Strategies to Bolster American Power**

### **Support for Americans at the United Nations**

- Authorizes the Secretary of State to establish an Office for American Citizens, which will advocate for the employment of U.S. citizens by all international organizations of which the U.S. is a member, coordinate the interagency support of non-American candidates for leadership roles when no American candidate has been nominated and when it is in the U.S. interest, and establish and implement a standard operating procedure for the promotion and efficient tracking of U.S. citizen employment at international organizations.

### **Junior Professional Officers**

- Calls on the Secretary of State to increase the number of Junior Professional Officer positions sponsored by the U.S. within the UN system to compete with the PRC's growing influence at the UN.

## **Regional Strategies**

### **Part 1 – Western Hemisphere**

#### **Strategy to Strengthen Economic Competitiveness, Governance, Human Rights, and the Rule of Law in Latin America and the Caribbean.**

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

#### **Caribbean Energy Initiative As Alternative to China's Belt and Road Initiative**

- Requires the Department of State in coordination with USAID to submit a multi-year strategy to Congress to promote regional cooperation with Caribbean countries for improving energy security, grid reliability, and energy efficiency, as well as reforming energy markets and investing in cleaner energy technologies.

#### **U.S.-Caribbean Resilience Partnership**

- Seeks to promote long-term resilience in the Caribbean to natural disasters, severe weather events, and a changing ocean environment by authorizing appropriations in support of the U.S. Caribbean Resilience Partnership.

#### **Countering China's Educational and Cultural Diplomacy in Latin America**

- Directs the Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs, to devise a strategy that evaluates and expands existing people-to-people programs and creates new exchanges and people-to-people programs that advance U.S. foreign policy goals and promote U.S. national security interests and values.

### **Part 2 – Transatlantic Relationships**

#### **Enhancing Transatlantic Cooperation on Promoting Private Sector Finance**

Calls for the President to work with transatlantic development partners to foster private sector-led development and provide market-based alternatives to the PRC's state-directed financing in emerging markets, particularly as it pertains to the Belt and Road Initiative. Calls for a joint United States – European Union strategy to enhance cooperation with the OECD and Paris Club to ensure the highest possible standards on Belt and Road Initiative contracts with developing countries. **Part 3 – South and Central Asia**

#### **Indian Ocean region strategic review**

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

### **Part 4 -- Africa**

#### **Assessment of Political, Economic, and Security Activity of the People's Republic of China in Africa**

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

#### **Increasing the Competitiveness of the United States in Africa**

- Requires the Secretary of State, in consultation with other top federal government officials to submit a report to Congress setting forth a multi-year strategy for increasing U.S. economic competitiveness and



promoting improvements in the investment climate in Africa, including through support for democratic institutions, the rule of law and improved transparency.

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

### **Strategy to Counter Chinese Influence in, and Access to, the Middle East and North Africa**

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

## **Part 6 – Arctic Region**

### **Arctic diplomacy**

- Requires the United States to conduct periodic comprehensive evaluations of present and ongoing disruptions to the global climate system and account for global climate disruptions in National Security Planning. Directs the United States to develop a strategy for protecting national interests in the Arctic and establishes an Ambassador at Large for Arctic Affairs appointed by the President, by and with the advice and consent of the Senate, who would coordinate United States policies related to the Arctic and Chair the Arctic Council when the United States holds such Chairmanship.

## **Part 7 – Oceania**

### **Statement of Policy on United States Engagement in Oceania**

- Establishes that it shall be the policy of the U.S. to elevate the countries of Oceania as a strategic national security and economic priority; to promote civil society, rule of law, and democratic governance in the region, and deepen the U.S. relationship with Palau, the Marshall Islands, and Micronesia.

## **Part 8 – Pacific Islands**

### **Blue Pacific Act**

- The bill requires specified departments and agencies to develop and implement strategies in the region to expand the coverage of the International Law Enforcement Academies program; help build the capacity of local civilian and national security institutions; assist in preparing for natural disasters and other emergencies; assist in building public health capacity and improving outcomes, including in response to COVID-19; address climate change, with a focus on improving critical infrastructure and supporting ecosystem conservation efforts; and provide expanded media content to the Pacific Islands and partner with journalists; and more. The bill also requires the Department of State to prioritize efforts to help the Pacific Islands ratify and implement international legal conventions related to transnational crime.

### **Investing in Our Values**

#### **Sense of Congress on the Continued Violation of Rights and Freedoms of the People of Hong Kong**

- Puts forward findings on the PRC's abrogation of its obligations and commitments under international law and agreements and the erosion of Hong Kong's autonomy, undermining the democratic norms and human rights, and the use of violence and excessive force after the imposition of the national security law.

#### **Authorization of Appropriations for Promotion of Democracy in Hong Kong**

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

#### **Hong Kong people's freedom and choice**

- Provides temporary protected status and refugee status for qualifying Hong Kong residents for the 18-month period beginning after enactment. Stipulates that Hong Kong continue to be considered a foreign state separate and apart from the PRC for purposes of the numerical limitations on immigrant visas. Authorizes the Secretary of Homeland Security and the Secretary of State in consultation with the Secretary of Homeland Security to provide special immigrant status admission for certain priority highly skilled Hong Kong residents, not to exceed 5,000 per year for each of the 5 FYs.

#### **Sense of Congress on Treatment of Uyghurs and Other Ethnic Minorities in the Xinjiang Uyghur Autonomous Region**

- Expresses the sense of Congress that the ongoing atrocities in Xinjiang must be condemned; the President, Secretary of State, and the U.S. Ambassador to the UN should speak publicly about the

ongoing human rights abuses and appeal to the UN Secretary General to take a more proactive and public stance on the situation in the Xinjiang Uyghur Autonomous Region.

### **Uyghur Human Rights Protection**

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

### **Modifications to and Reauthorization of Sanctions with Respect to Human Rights Violations**

- Amends the Global Magnitsky Human Rights Accountability Act to express the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs, to make modifications to the President's sanctions authority, to add additional criteria to the reporting requirements to Congress, and to repeal the sunset.

### **Review and controls on exports with critical capabilities to enable human rights abuses.**

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

### **Imposition of Sanctions for Certain Offenses in Xinjiang**

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

### **Investing in Our Economic Statecraft**

#### **Sense of Congress Regarding the People's Republic of China's Industrial Policy**

- Expresses the sense of Congress that the U.S. must adopt policies to expose the detrimental aspects of the PRC's nonmarket policies, provide options for those affected by unreasonable and discriminatory industrial policies, ensure that PRC companies face costs and consequences for anticompetitive behavior, and strengthen the protection of critical technology and sensitive data.

#### **Countering Overseas Kleptocracy**

- Establishes an Anti-Corruption Action Fund at the Department of the Treasury in furtherance of these objectives to be funded from fines and penalties pursuant to criminal prosecutions under the Foreign Corrupt Practices Act. Creates an interagency anti-corruption task force at the Department of State to improve government coordination in promoting overseas good governance and countering public corruption. Requires USAID to consolidate existing reports having anti-corruption components into a single online, public platform.

### **Investing in A Sustainable Future**

#### **Balancing Accountability and Cooperation with China**

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

#### **Promoting Responsible Development Alternatives to The People's Republic of China's Belt and Road Initiative.**

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

### **Using Climate Diplomacy to Better Serve National Security and Economic Interests.**

- Charges the Secretary of State to ensure each mission has a climate diplomacy strategy and to utilize resources within the bureau. Specifically, creates Climate Change Officer positions within the Foreign Service responsible for convening stakeholders and supporting U.S. engagement on climate change and requires corresponding curriculum at the Foreign Service Institute. Additionally, requires Chiefs of Mission to have a strategy on addressing climate change and to certify that, to the extent practicable, they have integrated climate considerations into mission activities, management, and operations.

### **Reducing The Negative Impacts from Black Carbon, Methane, and High-GWP Hydrofluorocarbons**

- Establishes a policy and instructs U.S. representatives to multilateral institutions, and other U.S. diplomats, to advance international efforts to control highly potent environmental pollutants consisting of or deriving from black carbon, methane, and high-GWP hydrofluorocarbons.

### **Building United States Economic Growth and Technological Innovation Through the Green Climate Fund.**

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

## **DIVISION E – Committee on Oversight and Reform**

**The America COMPETES Act of 2022 ensures U.S. innovation and global leadership in emerging technology by developing and fostering programs within the federal government to attract top cyber talent. At the same time, it protects the privacy and civil liberties of Americans as we explore new technological frontiers.**

### **Artificial Intelligence in Counterterrorism Oversight Enhancement Act**

- This provision would strengthen oversight and governance related to the use of Artificial Intelligence (AI) technologies by giving the Privacy and Civil Liberties Oversight Board access to the AI-enabled programs in use at federal agencies.
- With the rise of emerging technologies, the provision would ensure that the rights of Americans are protected.

### **Federal Rotational Cyber Workforce Program**

- This provision in the America COMPETES Act of 2022 would improve the federal government's ability to respond to cyberattacks by creating a cadre of cybersecurity professionals at federal agencies and creating valuable career development opportunities.

## **DIVISION F – Committee on Homeland Security**

### **Homeland Procurement Reform**

- Requires the Secretary of Homeland Security to ensure that procurement of uniforms and other clothing and protective equipment for a DHS operational component, such as TSA or CBP, meet the following criteria:
  - To the maximum extent possible, at least one-third of the funds obligated for the procurement of uniforms and related gear be used to purchase goods manufactured or supplied by entities that qualify as a U.S. small business.
  - Each contractor is registered in the System for Award Management and is in compliance with quality control standards deemed appropriate by the Secretary.
  - Each supplier of covered items bearing DHS insignia that are not produced, applied, or assembled within the U.S. secures such items in a manner established by the Secretary.

### **DHS Software Supply Chain Risk Management**

- Directs the Secretary of Homeland Security to bolster cybersecurity within DHS by issuing Department-wide guidance for contractors providing new information and communications technology or services contracts for DHS. Such guidance shall require contractors to certify to the Department that each item listed on a submitted bill of materials (software and hardware) is free from all known cyber vulnerabilities and defects affecting the security of the end product or service supplied to DHS. It also requires the contract to notify DHS of any identified vulnerability or defect and provide information on how such vulnerability or defect will be mitigated, repaired or resolved.

### **Department of Homeland Security Mentor-Protégé Program**

- Authorizes a mentor protégé program within the Department of Homeland Security to enhance opportunities for U.S. small businesses to compete in the Federal marketplace. Under the program, a large contractor or “mentor firm” enters into an agreement with a protégé firm for the purpose of assisting a small business or “protégé firm” to compete for prime contracts and subcontracts of the Department.

### **Unmanned Aerial Security**

- Prohibits the Secretary of Homeland Security from operating, procuring, or providing financial assistance for an unmanned aircraft system (UAS) that is (1) manufactured in a covered foreign country, (2) uses devices manufactured in a foreign country, (3) uses a ground control systems or operating software developed in a foreign covered country, or (4) uses network connectivity or data storage located in a covered foreign country. It also prohibits the use of any of those technologies if they are manufactured, developed, or administered by a corporation domiciled in a covered foreign country. On a limited basis, the DHS Secretary may waive such prohibition with certification to Congress.

## **DIVISION G – Committee on Financial Services**

**The America COMPETES Act of 2022 protects U.S. financial stability and the global economy against bad actors and strengthens U.S. competitiveness abroad.**

### **World Bank Group and Asian Development Bank Loans to the People’s Republic of China**

- The America COMPETES Act of 2022 instructs the United States Executive Directors at the World Bank and Asian Development Bank to use the voice and vote of the U.S. to vote against any assistance to the People’s Republic of China unless it can be certified that the PRC or PRC-controlled lenders participate in debt relief initiatives on terms comparable to other G-20 governments, and that such assistance contributes significantly to the provision of a global public good that serves the national interest of the United States.
- For years, the PRC has received loans from the World Bank and the Asian Development Bank at the same time it flouts multilateral standards and principles, such as transparency in its lending practices and its refusal to participate in sovereign debt workout initiatives. The U.S. should continue to oppose World Bank and Asian Development lending to the PRC, unless certain conditions are met and such assistance provides a global public good that is in the interest of the U.S. and the world, such as mitigating the impacts of climate change.

### **Combatting Ransomware Attacks**

- In recent years, ransomware attacks against the United States by bad actors, in China and elsewhere, have increased dramatically. In order to effectively combat ransomware attacks, we must modernize the Treasury Department’s Financial Crimes Enforcement Network (FinCEN) authorities, so it is thoroughly prepared to combat 21st Century financial crime.
- This bill modernizes FinCEN authority by adding a special measure that allows it to pursue bad actors, like those laundering the proceeds of Chinese ransomware, or are declared a Primary Money Laundering Concern due to their actions to evade sanctions against North Korea.

### **Strengthening Protections for Investors and U.S. Markets**

- While most foreign jurisdictions ensure that companies seeking to list their stock in U.S. capital markets open their auditing books for U.S. inspection, the PRC consistently has not.
- The America COMPETES Act shortens the grace period, from three to two years, U.S. stock exchange listed companies have to comply with the Public Company Accounting Oversight Board’s auditor inspection requirements.
- Updating the Holding Foreign Company Accountable (HFCA) Act makes clear that every single foreign company issuing public securities in the U.S. must play by our rules or risk being delisted from U.S. stock exchanges.
- As of May 2021, there were 248 Chinese companies, including eight national-level Chinese state-owned enterprises, listed on U.S. exchanges with a total market capitalization of \$2.1 trillion. None of these companies permits the PCAOB to inspect working-documents of the U.S.-registered auditors that audit the financial statements of these China-based companies.

### **Combatting Wildlife Trafficking Financing and Proceeds**

- Right now, the PRC is one of the largest players in global wildlife trade, a practice that is driving endangered species into extinction and helping criminals turn a profit at the expense of the world's ecosystem and America's national security. It is critical that the Treasury and its partners adjust how they approach this problem to better collaborate and crack down on trafficking of all kinds.
- The America COMPETES Act of 2022 requires the Treasury Secretary to conduct a study about global wildlife trafficking and its proceeds much of which is fueled by criminal activity and demand from the PRC.

### **PRC Support for Afghan Illicit Finance**

- With the Taliban in control of Afghanistan, it's critical that the Treasury Department inform Congress on the nature of the economic, commercial, and financial connections between China and Afghanistan, to keep an eye on illicit activity that may have implications for our economy.
- This bill directs the Treasury Department's Office of Terrorism and Financial Intelligence to brief Congress on the PRC's economic, commercial and financial connections to Afghanistan which fuel both Chinese and Taliban interests – including illicit financial networks involved in narcotics trafficking, official corruption, natural resource exploitation and terrorist networks.

### **Co-Financing Arrangements at the Multilateral Development Banks**

- The China-led Asian Infrastructure Investment Bank (AIIB) does not provide grants or concessional loans to poorer countries. Instead, it seeks to inject a degree of subsidy into its lending operations by co-financing projects with other multilateral development banks that do offer concessional assistance, which is paid for by the regular, ongoing contributions of its member countries, including the U.S.
- This bill instructs the United States Executive Directors at the multilateral development banks to vote against any project if it includes co-financing provided by the Asian Infrastructure Investment Bank unless the Treasury Secretary has certified that the AIIB has begun to provide grants and concessional assistance on terms similar to the terms provided by the World Bank's International Development Association.

### **China Financial Threat Mitigation**

- The size of China's economy and financial system, along with its interconnectedness with the rest of the world, means financial risks from China could have serious implications for the United States.
- This bill requires the Treasury Department issue a report analyzing risks to U.S. financial stability and the global economy from the People's Republic of China and provide recommendations to Congress by December 31, 2022.

### **Support for Debt Relief for Developing Countries**

- The America COMPETES Act directs the Treasury Department to work with U.S. representatives at the International Monetary Fund and the World Bank to engage with the global financial community to advocate for the effective implementation of the G-20's Common Framework aimed at easing the unsustainable debt burdens of developing countries through the establishment of clear procedures and a commitment to transparency and equitable burden-sharing through broad creditor participation.

### **Securing America's Vaccines for Emergencies (SAVE Act)**

- As the COVID-19 pandemic continues to disrupt our nation's supply chain, the President may need to ramp up domestic production of vaccines and other medical equipment.
- This bill gives the President the flexibility to utilize the Defense Production Act of 1950 to ensure the availability of medical materials essential to our national defense.

### **COVID-19 Emergency Medical Supplies Enhancement Act**

- The COVID-19 pandemic has taken the lives of so many Americans, making it increasingly important for the federal government to work cooperatively with state and local governments to protect the lives of all Americans.
- This bill streamlines engagement between the federal government, the private sector, and state, local, and tribal governments to ensure that all Americans have access to lifesaving personal protective equipment and other medical supplies.

## **DIVISION H – Committee on Natural Resources**

**The America COMPETES Act of 2022 prioritizes environmental and labor standards – protecting our oceans, wildlife, workers and consumers – which is crucial to our role as a global leader in international trade and**

**competitiveness. The provisions in this division highlight our strong contrast with the PRC's long history of illegal and unreported fishing, wildlife trafficking, human rights abuses, environmental destructiveness and use of slave labor.**

#### **Illegal Fishing and Forced Labor Provision**

- U.S. is the largest seafood importer in the world and despite efforts to deny illegally and unethically harvested seafood access to U.S. markets, nearly 11 percent of our total seafood imports in 2019 – worth \$2.9 billion – were products of illegal or unreported fishing.
- Authorizes \$20 million per year through FY 2026 for the Secretary of Commerce to combat human trafficking through seafood import monitoring and strengthening international fisheries management.
- Prioritizes audits of imports from countries identified by other Federal agencies as having human trafficking, forced labor and child labor in any part of the seafood supply chain.
- Expands the United States' authority to withhold or revoke U.S. port privileges for fishing vessels from nations that have been identified for illegal or unreported fishing.

#### **Driftnet Modernization and Bycatch Reduction**

- Large-scale driftnet fishing – a method of fishing that results in large bycatch of non-target fish and other marine animals – is already illegal on the high seas.
- This bill amends the definition of large-scale driftnet fishing in the Magnuson-Stevens Fishery Conservation and Management Act to phase it out in the U.S. Exclusive Economic Zone within five years.

#### **Marine Mammal Research and Response**

- Increasing activity in the Arctic, including new ice breakers and shipping lanes by China, Russia and other countries, threatens the fragile Arctic ecosystem and the marine mammal species that depend upon it.
- Directs analysis, planning and cooperation to expand Arctic mammal rescue and response capabilities
- Creates a Marine Mammal Health Monitoring and Analysis Platform to collect and report data about the death of marine mammals, promoting interdisciplinary research, facilitating communication and improving collaboration among scientists and observation networks.

#### **Restoring Resilient Reefs**

- Reauthorizes and amends the Coral Reef Conservation Act to better address climate change, ecosystem loss, disease outbreaks and other threats to corals.
- Establishes new programs and funding opportunities for states and territories for coral research, conservation and restoration and authorizes the Coral Reef task force and Department of Interior coral reef activities focusing on U.S. insular areas.

#### **Buy American Seafood**

- Expresses the sense of Congress that the U.S. government agencies that purchase seafood should prioritize buying seafood caught or harvested in the U.S.
- Authorizes the Secretary of Commerce to make grants to promote the consumption of seafood products that are local or domestic, climate-friendly for from well-managed but less known species.

#### **Ocean and Coastal Mapping Integration**

- Adds an assessment of progress in the study of Insular Areas and the effects of climate change as an element of the biennial report to Congress on progress in coverage and modernization of ocean and coastal mapping required by the Ocean and Coastal Mapping Integration Act.

#### **Law Enforcement Attaché Deployment**

- The U.S. Fish and Wildlife Service (FWS) is a global leader in the effort to stop wildlife trafficking, which is driven by the global demand for wildlife products.
- The FWS attachés program includes criminal investigators who work with nations throughout the globe to combat wildlife trafficking.
- Expands the U.S. Fish and Wildlife Service law enforcement attaché program to 50 attachés. This section authorizes \$150,000,000 for each fiscal year 2022-2030.

#### **Lacey Act Amendments**

- Addresses threats from wildlife disease and invasive species by amending the Lacey Act to allow for up to a three-year emergency ban on the importation of wildlife that poses imminent threats to human health.
- Prohibits the transportation of injurious species across state lines in response to a circuit court ruling that limited the scope of the Lacey Act.

### **Shark Fin Sales Elimination**

- Prohibits the domestic sale of shark fins and creates a violation penalty under the Magnuson-Stevens Fishery Conservation and Management Act.

## **DIVISION I – Committee on the Judiciary**

### **Basic Research**

- Prevents the disclosure of the identities of any member of a review panel to applicants by any agency that awards federal research grants.

### **Collection of Demographic Information for Patent Inventors**

- Provides that the Director of the Patent and Trademark Office shall allow for the collection, on a voluntary basis, of information on gender, race, military, or veteran status, and any other demographic category that the Director determines is appropriate from patent applicants.
- Requires the Director to keep demographic information confidential and separate from the rest of the patent application as it is considered by the patent examiner.
- Requires annual reporting from the Director on patent applicants and inventors on issued patents broken down by demographics, technology class of the invention, and country and state (if in the United States) of residence and the Director must make an anonymized version of the underlying data available to the public.

### **Stopping Harmful Offers on Platforms by Screening Against Fakes in E-Commerce**

- Amends the Trademark Act of 1946 to append a new paragraph that provides expressly for contributory liability for electronic commerce platforms for sales of counterfeit products that pose a risk to consumer health and safety unless certain best practices are followed by the platform.

### **Premerger Notification Filing Fees**

- Updates filing fees for mergers for the first time in two decades. The legislation helps ensure that the Department of Justice and Federal Trade Commission have the resources they need to aggressively enforce the antitrust law.
- Large, complex mergers typically require more agency staff and resources to review. These deals are also more likely to raise antitrust concerns. However, the largest transactions only account for a small percentage of the filing fees under the current fee schedule. The provisions increase filing fees on the types of acquisitions that consume significant agency time and resources, while also reducing fees on smaller and mid-sized transactions. Mergers valued at \$1 billion and over will pay higher fees, while those valued under \$500,000 will pay lower fees. Filing fees will remain a tiny fraction of the value of the transaction. To ensure this legislation is not just a one-time fix, these filing fees will be linked to increases in the Consumer Price Index.

### **Authorization of Appropriations for the DOJ Antitrust Division and the Federal Trade Commission for FY 2022.**

- Provides that \$252,000,000 is authorized to be appropriated for the Antitrust Division of the Department of Justice and \$418,000,000 is authorized to be appropriated for the Federal Trade Commission for FY 2022.

### **Start-Up Visas**

- Amends the Immigration and Nationality Act to create a new classification of “W” nonimmigrants as follows:
  - W-1: Entrepreneurs with an ownership interest in a start-up entity.
  - W-2: Essential employees of a start-up entity.
  - W-3: The spouses and children of W-1 and W-2 nonimmigrants.

### **Admission of Nonimmigrant Entrepreneurs and Employees**

- Directs the Secretary of Homeland Security to establish procedures for certain aliens with an ownership interest in a start-up entity to self-petition for classification as a W-1 nonimmigrant, and to receive extensions of such classification for up to 8 years if the entity meets certain growth benchmarks.
- Provides for a limited number of W-2 visas for personnel who are essential to the growth and success of the start-up entity if the entity serves as the basis for the W-1 status of a founder.
- Provides for W-3 visas for the spouses and children of W-1 and W-2 nonimmigrants.

### **Admission of Immigrant Entrepreneurs**

- Directs the Secretary to establish procedures for certain aliens with an ownership interest in a start-up entity to self-petition for lawful permanent resident status as an immigrant entrepreneur if the entity demonstrates a proven track record of success through job creation and significant revenue generation or receipt of investment capital.

#### **Doctoral STEM Graduates**

- Exempts from the numerical limits on immigrant visas, certain aliens (and the spouses and children of such aliens) who have earned a doctoral degree in science, technology, engineering, or mathematics (STEM) from a qualified U.S. research institution or a foreign institution if the degree is the equivalent to a doctoral degree issued by a qualified U.S. research institution.

#### **Supplemental Fees for STEM Scholarships**

- Requires individuals seeking classification as W-1 nonimmigrants, immigrant entrepreneurs, or immigrant STEM doctoral recipients to pay a \$1,000 supplemental fee, which will fund STEM scholarships for low-income U.S. students.

#### **Start-Up Entities; Admission of Nonimmigrant Entrepreneurs and Employees**

- Directs the Secretary of Homeland Security to establish procedures for aliens to self-petition for classification as a W-1 immigrant. Provides the Secretary discretion to classify an individual as a W-1 nonimmigrant for an initial 3-year period if:
  - The individual possesses an ownership interest of not less than 10 percent in a start-up entity.
  - The individual will play a central and active role in the management or operations of the start-up entity.
  - The individual possesses the knowledge, skills, or experience to substantially assist the start-up entity with the growth and success of the business.
- During the 18-month period preceding the filing of the petition, the start-up entity received at least \$250,000 in qualifying investments from one or more qualified investors, or at least \$100,000 in qualifying government awards or grants.

## **DIVISION J – Committee on Education and Labor**

### **National Apprenticeship Act of 2022**

- Contains the National Apprenticeship Act of 2022, which is a slightly revised version of the National Apprenticeship Act of 2021, which the House passed on February 5, 2021.
- Registered Apprenticeships – which provide workers with paid, on-the-job-training – are the nation’s most successful approach to a workforce training program.
- According to the Department of Labor, apprentices earn an average of \$15 an hour during their earn-and-learn program, and 94 percent of people who complete Registered Apprenticeships are employed upon completion and earn an average starting wage of more than \$70,000 annually.
- The National Apprenticeship Act of 2022 will create nearly 1 million additional apprenticeship opportunities over the next five years.
- This legislation would also accelerate our economic recovery by providing employers a pipeline of talented workers they need to succeed and grow.

### **Postsecondary STEM Pathways Grants**

- Authorizes a new competitive grant program operated by the U.S. Department of Education to support equitable access to postsecondary STEM pathways that expose students to high-quality STEM coursework, reduce college costs, and improve postsecondary credit transfers. Under this program, an eligible entity (which includes the state educational agency, one or more school districts, and the state’s public higher education system) will be eligible to receive a grant to support the development and implementation of postsecondary STEM pathways.

### **Improving Access to Elementary and Secondary Computer Science Education**

- Authorizes a new competitive grant program operated by the U.S. Department of Education to improve the United States’ global competitiveness by increasing equitable access to computer science education and computational thinking skills for students enrolled in elementary schools and secondary schools operated by local educational agencies. Under this new program, state educational agencies will be eligible to receive a grant.

### **Reauthorization of International Education Programs Under Title VI of the Higher Education Act**



- Reauthorizes the international education programs under Title VI of the Higher Education Act of 1965 to increase and expand existing foreign language and area studies programs across the country; build international education capacity at minority-serving institutions; and promote opportunities for students and professionals to increase their knowledge of world regions, international business, and over 200 foreign languages at all levels of higher education.

#### **Confucius Institutes**

- Creates new transparency requirements and protections related to Confucius Institutes.
- Requires the U.S. Department of Education, in collaboration with the National Academies of Science, Engineering, and Medicine, to review Confucius Institutes to ensure they protect academic freedom, and for institutions to post their agreements with Confucius Institutes publicly. Institutions that fail to comply would lose access to federal grants provided under the Higher Education Act, except for federal student aid under Title IV of the Higher Education Act.

#### **Disclosures of Foreign Gifts and Contracts at Institutions of Higher Education**

- Comprehensively updates requirements of institutional reporting of foreign gifts and contracts.
- Amends Section 117 of the Higher Education Act to capture additional foreign gifts and contracts received by institutions of higher education totaling more than \$100,000 in any given year and \$250,000 in three years.
- Adds a new reporting requirement for faculty and staff that receive gifts or enter into a contract with a foreign entity of which the value is \$50,000 or more.
- Under this section, both institutions of higher education and the U.S. Department of Education will see new requirements designed to promote compliance and provide clarity and consistency to institutions to ensure appropriate reporting.

#### **Telecommunications Workforce Training Grant Program**

- Authorizes a telecommunications sector workforce training program entitled the Improving Minority Participation and Careers Telecommunications Act (IMPACT) administered by the Department of Labor in coordination with the Commerce Department's Director of the Office of Minority Broadband Initiatives and the Secretary of Education.
- Authorizes \$100 million to be available over 6 years for Historically Black Colleges and Universities (HBCUS), Tribal Colleges and Universities (TCUs), and Minority Serving Institutions (MSIs) to develop job training programs in partnership with industry, Registered Apprenticeships, or labor organizations to prepare students for jobs in the telecommunications workforce.

### **DIVISION K – Committee on Ways and Means**

#### **Trade Adjustment Assistance Modernization Act of 2021**

- On June 17, 2021, Rep. Earl Blumenauer (D-OR), Chair of the Ways and Means Subcommittee on Trade and 22 other Members introduced the Trade Adjustment Assistance Modernization Act of 2021, which makes key improvements in all of the various TAA programs, as outlined below.
- Trade Adjustment Assistance provides a lifeline of key workforce development services and monetary support to workers who have lost their jobs due to trade.
- Last year, the COVID-19 pandemic's disruption of trade and critical U.S. supply chains played a key role in the economy's downturn and the hardship that workers endured.
- To respond strongly to the needs of our trade-impacted workforce, the Trade Adjustment Assistance Modernization Act is legislation that modernizes the TAA programs, to ensure benefits reach the most severely affected communities. In addition, the TAA's funding proposals in this legislation help ensure that the program helps address inherent racial disparities and inequities in our economy.
- This legislation makes key improvements to ensure that each of the TAA programs meet the challenges American workers, firms, farmers, and communities face.

#### **TAA for Workers**

- TAA for Workers provides a lifeline of key workforce development services and monetary support to workers who have lost their jobs due to trade. However, the program falls short in significant ways. It lacks funding to address the economic crisis; its support levels for covered workers have been stagnant for decades; and it unfairly limits workers' eligibility and unnecessarily restricts their flexibility.
- The bill makes substantial improvements to the TAA for Workers program, including the following:

- Reauthorizes the program for 7 years and significantly increases the funding to \$1 billion a year.
- Increases respective allowances for job search and relocations to \$2,000 and establishes a new \$2,000 childcare allowance.
- Automatically extends income support for up to 6 months for workers who complete training during periods of heightened unemployment and are unable to find suitable employment.
- Reforms eligibility criteria so that all workers impacted by trade are eligible.
- Restores program flexibility so that workers in different circumstances are better able to take advantage of the program.
- Requires new outreach to historically underserved communities to ensure that all workers are able to take advantage of the program.

### **TAA for Communities**

- Congress created a TAA for Communities program that was meant to provide financial and strategic assistance to communities seeking to revitalize in the wake of trade disruption. That program faced operational and funding challenges that prevented its success. This legislation would rectify the issues with the previous version of the program and ensure that significant funding reaches trade-impacted communities. Among its provisions, the bill does the following:
  - Establishes the TAA for Communities Program: To address issues related to the 2009 implementation, the program uses existing competencies and establishes a separate pool of funding within the Department of Commerce’s Economic Development Administration for trade-affected communities.
  - Initiates Proactive Outreach to Communities: Provides outreach directly to those communities that qualify for assistance but may not have the means of identifying and applying for funding opportunities.
  - Institutes a Whole of Government Approach: Assists communities in developing a plan for applying to a suite of existing grants and other funding opportunities from the local, state, and federal government.

### **TAA for Community Colleges**

- In 2010, the TAA for Community Colleges and Career Training Program devoted \$2 billion in funding to support the development of U.S. community colleges across the country. Although the program was widely viewed as a great success, U.S. community colleges have received little to no resources since the initial funding more than a decade ago.
- This legislation would build on the success of the previous program and deliver a new injection of funds that community colleges desperately need. The bill would provide \$9 billion over 7 years to fill the funding vacuum that has persisted since the beginning of the Obama Administration.

### **TAA for Firms**

- The TAA for Firms program has a decades-long history of providing support to firms facing increased competition from abroad. The program proactively provides these firms with a resource before they are forced to go out of business and has a fantastic record of success. It also has bipartisan support in Congress.
- This legislation builds on this foundation and provides new funding to ensure that more firms can access the program and stay in business.
- The bill includes significant improvements to the program, including the following:
  - Expands Eligibility & Streamlines Certification: Like TAA for Workers, eligibility for TAA for Firms is limited, and the certification process can take six months. This bill expands eligibility and tightens deadlines related to the certification process.
  - Improves Outreach: The bill requires improved outreach to underserved communities and firms that may be eligible to receive assistance under the program, including the development of a strategy to better serve minority- and women-owned businesses. i.
  - Increases Funding: Given the current backlog of petitions, the overall success of the program and previous funding levels (\$50 million per year in 2009), the bill reauthorizes the program for 7 years and provides \$50 million in funding each year.

### **TAA for Farmers**

- The TAA for Farmers program has provided critical resources to both large and small farmers facing import competition, but it hasn't received any new funding in a decade. When funded, TAA for Farmers provides targeted assistance to farmers who face increasing competition from abroad to support their continued ability to grow.
- This bill makes improvements in the program, including the following:
  - Increases Benefits: The current program provides modest support (up to \$4,000 for short-term and \$8,000 for long-term plans) to enact a business plan. Many farmers state that these levels simply are not sufficient to respond to increasing import competition. The bill increases these amounts to ensure the program is providing enough support to make a meaningful difference for a farmer.
  - Improves Outreach: The bill requires the USDA to improve its outreach and support to small and historically disadvantaged farmers, groups that federal government agricultural support policies have too often overlooked.

### **Generalized System of Preferences and Miscellaneous Tariff Bill Act of 2021**

- On June 17, 2021, Rep. Earl Blumenauer (D-OR), Chair of the Ways and Means Trade Subcommittee on Trade, and 13 other Members introduced the Generalized System of Preferences and Miscellaneous Tariff Bill Act of 2021. The Generalized System of Preferences (GSP) is an outdated program that inadequately addresses serious labor violations, omits criteria related to the environment, lacks needed transparency and fails to meet the standards of our more recent preference programs.
- This legislation modernizes the program's eligibility criteria by adding an environmental criterion and updating the labor criteria. It also adds new criteria on human rights, rules of law, anti-corruption, and equitable economic development. It also adds new annual country eligibility reviews and transparency requirements while enhancing public access and participation in the program.
- The Miscellaneous Tariff Bill (MTB) eliminates or reduces duties on certain eligible U.S. imports through December 31, 2023, retroactive for four months, to support domestic manufacturers. The bill reauthorizes the American Manufacturing Competitiveness Act of 2016 (AMCA) for two more MTB cycles and excludes finished products from future MTBs authorized under the AMCA.

### **Import Security and Fairness Act**

- On January 18, 2022, Rep. Earl Blumenauer (D-OR), Chair of the Ways and Means Subcommittee on Trade, introduced the Import Security and Fairness Act. This legislation strengthens U.S. international trade import laws to stop non-market economies from exploiting the de minimis threshold that allows imports valued under \$800 to come into the United States without paying duties, taxes, or fees. Imports that do not have to pay duties, taxes, and fees at the border gain a significant competitive advantage over other similar products, particularly when imported from countries with markets distorted by government intervention.
- To address concerns related to U.S. competitiveness, this legislation specifically prohibits goods from countries that are both non-market economies and on the U.S. Trade Representative's (USTR) Priority Watch List, regarding violations of intellectual property standard from benefitting from de minimis treatment, such as China. The U.S. government has found that such countries provide unfair benefits to their companies. This change ensures that shipments from these countries don't benefit further under U.S. law.
- To address concerns regarding compliance with U.S. laws, this legislation makes common-sense changes that would require U.S. Customs and Border Protection (CBP) to collect more information on de minimis shipments and prohibit importers that have been suspended or debarred from being able to use de minimis. This provision provides statutory support for the ongoing work that multiple administrations at CBP have already started.

### **National Critical Capabilities Defense Act**

- On December 20, 2021, Reps. Rosa DeLauro (D-CT), Bill Pascrell (D-NJ), Brian Fitzpatrick (R-PA), and Victoria Spartz (R-IN) introduced the National Critical Capabilities Defense Act.
- This critical bill would establish a review process that would protect the United States supply chain from foreign adversaries like China and Russia. It would create a whole-of-government screening process for outbound investments and the offshoring of critical capacities and supply chains to ensure that the United States can quickly detect supply chain vulnerabilities.

- Companies at a minimum should be required to report on their proposed offshoring of supply chains so the United States can better protect critical manufacturing capacity here at home and safeguard American workers and our national, economic, and health security.
- The frayed American supply chain and our continued bleeding of industrial capacity offshore represents a dangerous national security threat to the United States. This watershed, bipartisan, bicameral legislation will take a major step to provide needed transparency and tools to prevent supply chains and critical industries from being offshored to our adversaries.

### **The Level the Playing Field Act 2.0**

- On December 2, 2021, Reps. Terri Sewell (D-AL) and Bill Johnson (R-OH) introduced the bipartisan Level the Playing Field Act 2.0 in order to level the playing field for American workers. The Level the Playing Field Act 2.0 would strengthen U.S. trade remedy laws to protect American workers and combat China's unfair, anti-free market trade practices that distort the global market. The bill has the support of the United Steelworkers and the American Iron and Steel Institute.
- The bill is designed to combat many of China's most egregious practices, such as the following:
  - **Country Hopping to Escape U.S. Trade Remedies:** After all the work of winning an anti-dumping and countervailing duty case, relief can be temporary as foreign producers move their factories to other countries to evade the Anti-Dumping/Countervailing Duty Orders. This bill creates a new successive Anti-Dumping/Countervailing Duty investigation to combat repeat offenders by making it easier for petitioners to bring new cases when production moves to another country. The bill also outlines expedited timelines for successive investigations.
  - **Belt and Road Initiative Subsidies:** Currently, the Department of Commerce can only consider subsidies provided by the government under investigation. However, with the expansion of China's Belt and Road Initiative, China is beginning to subsidize production in countries outside of China. This bill would give the Department of Commerce the authority to apply countervailing duties law to subsidies provided by a government to a company operating in a different country.
  - **Circumventing U.S. Laws:** The bill imposes statutory requirements for anti-circumvention inquiries to clarify the process and timeline. It also specifies the deadlines for preliminary and final determinations, which currently lack statutory deadlines.

### **House WTO Resolution Reaffirming the Commitment of the United States as A Member of the World Trade Organization**

- The House WTO Resolution resolves that it is the sense of the House of Representatives that:
  - The United States should continue to lead reform efforts to ensure that the World Trade Organization functions as agreed by the membership and is updated appropriately for the 21st century.
  - The United States should continue to urge other WTO members to work with the United States to achieve needed reforms so that the WTO and its members can address unjustified barriers to trade and promote economic norms that improve the standard of living across the world.
  - The United States Trade Representative should continue to lead and work with other countries to pursue reforms at the WTO that create new rules and structures that can serve the United States interests while promoting peace, prosperity, and open markets and societies.

## **DIVISION L – Committee on Transportation and Infrastructure**

### **Rebuilding Economies and Creating Opportunities for More People to Excel (RECOMPETE) Pilot Program**

- Authorizes \$4 billion to establish the RECOMPETE pilot grant program at the Economic Development Administration. The pilot program will provide predevelopment and planning grants, and 10-year place-based economic development grants to persistently distressed local labor markets, local communities, and Tribes for use in developing and implementing economic development strategies and supporting long-term economic growth, creating lasting, quality jobs, and increasing prime-age employment rates and per capita earnings.