

turing. The Secretary of Commerce may award financial assistance to any Manufacturing USA Institute for work relating to semiconductor manufacturing.” for “is focused on semiconductor manufacturing.”, and “Such institutes may emphasize” for “Such institute may emphasize”.

Subsec. (h). Pub. L. 117–167, §103(c)(5), added subsec. (h).

§ 4657. Prohibition relating to foreign entities of concern

None of the funds authorized to be appropriated to carry out this chapter may be provided to a foreign entity of concern.

(Pub. L. 116–283, div. H, title XCIX, §9907, Jan. 1, 2021, 134 Stat. 4860.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subtitle” and was translated as reading “this title”, meaning title XCIX of div. H of Pub. L. 116–283, to reflect the probable intent of Congress.

§ 4658. Defense Production Act of 1950 efforts

(a) In general

Not later than 180 days after January 1, 2021, the President shall submit to Congress a report on a plan of action for any use of authorities available in title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to establish or enhance a domestic production capability for microelectronics technologies and related technologies, subject to—

(1) the availability of appropriations for that purpose; and

(2) a determination made under the plan pursuant to such title III that such technologies are essential to the national defense and that domestic industrial capabilities are insufficient to meet these needs.

(b) Coordination

The President shall develop the plan of action required by subsection (a) in consultation with any relevant head of a Federal agency, an advisory committee established under section 708(d) of the Defense Production Act of 1950 (50 U.S.C. 4558(d)), and appropriate stakeholders in the private sector.

(Pub. L. 116–283, div. H, title XCIX, §9908, Jan. 1, 2021, 134 Stat. 4860.)

Editorial Notes

REFERENCES IN TEXT

The Defense Production Act of 1950, referred to in subsec. (a), is act Sept. 8, 1950, ch. 932, 64 Stat. 798, which is classified principally to chapter 55 (§4501 et seq.) of Title 50, War and National Defense. Title III of the Act is classified generally to subchapter II (§4531 et seq.) of chapter 55. For complete classification of this Act to the Code, see section 4501 of Title 50 and Tables.

§ 4659. Additional authorities

(a) In general

In carrying out the responsibilities of the Department of Commerce under this chapter, the Secretary may—

(1) enter into agreements, including contracts, grants and cooperative agreements,

and other transactions as may be necessary and on such terms as the Secretary considers appropriate;

(2) make advance payments under agreements and other transactions authorized under paragraph (1) without regard to section 3324 of title 31;

(3) require a person or other entity to make payments to the Department of Commerce upon application and as a condition for receiving support through an award of assistance or other transaction;

(4) procure temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5;

(5) notwithstanding section 3104 of title 5 or the provisions of any other law relating to the appointment, number, classification, or compensation of employees, make appointments of scientific, engineering, and professional personnel, and fix the basic pay of such personnel at a rate to be determined by the Secretary at rates not in excess of the highest total annual compensation payable at the rate determined under section 104 of title 3, except that the Secretary shall appoint not more than 25 personnel under this paragraph;

(6) with the consent of another Federal agency, enter into an agreement with that Federal agency to use, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency; and

(7) establish such rules, regulations, and procedures as the Secretary considers appropriate.

(b) Requirement

Any funds received from a payment made by a person or entity pursuant to subsection (a)(3) shall be credited to and merged with the account from which support to the person or entity was made¹

(c) Lead Federal agency and cooperating agencies

(1) Definition

In this subsection, the term “lead agency” has the meaning given the term in section 111 of NEPA (42 U.S.C. 4336e).

(2) Option to serve as lead agency

With respect to a covered activity that is a major Federal action under NEPA, and with respect to which the Department of Commerce is authorized or required by law to issue an authorization or take action for or relating to that covered activity, the Department of Commerce shall have the first right to serve as the lead agency with respect to that covered activity under NEPA.

(d) Categorical exclusions

(1) Establishment of categorical exclusions

Each of the following categorical exclusions is established for the National Institute of Standards and Technology with respect to a covered activity and, beginning on October 2, 2024, is available for use by the Secretary with respect to a covered activity:

(A) Categorical exclusion 17.04.d (relating to the acquisition of machinery and equip-

¹ So in original. Probably should be followed by a period.