

117TH CONGRESS  
1ST SESSION

# S. 1351

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

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

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## 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,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Safeguarding American Innovation Act”.

6       (b) **TABLE OF CONTENTS.**—The table of contents for  
7       this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Federal Research Security Council.

Sec. 4. Federal grant application fraud.

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

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

Sec. 7. Amendments to disclosures of foreign gifts.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) FEDERAL SCIENCE AGENCY.—The term  
4 “Federal science agency” means any Federal depart-  
5 ment or agency to which more than \$100,000,000 in  
6 research and development funds were appropriated  
7 for the previous fiscal year.

8 (2) RESEARCH AND DEVELOPMENT.—

9 (A) IN GENERAL.—The term “research  
10 and development” means all research activities,  
11 both basic and applied, and all development ac-  
12 tivities.

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

15 (C) EXPERIMENTAL DEVELOPMENT.—The  
16 term “experimental development” means cre-  
17 ative and systematic work, drawing upon knowl-  
18 edge gained from research and practical experi-  
19 ence, which—

20 (i) is directed toward the production  
21 of new products or processes or improving  
22 existing products or processes; and

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

3 (D) RESEARCH.—The term “research”—

4 (i) means a systematic study directed  
5 toward fuller scientific knowledge or under-  
6 standing of the subject studied; and

7 (ii) includes activities involving the  
8 training of individuals in research tech-  
9 niques if such activities—

10 (I) utilize the same facilities as  
11 other research and development activi-  
12 ties; and

13 (II) are not included in the in-  
14 struction function.

15 **SEC. 3. FEDERAL RESEARCH SECURITY COUNCIL.**

16 (a) IN GENERAL.—Subtitle V of title 31, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing:

19 **“CHAPTER 79—FEDERAL RESEARCH**  
20 **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.

21 **“§ 7901. Definitions**

22 “In this chapter:

1           “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term ‘appropriate congressional com-  
3           mittees’ means—

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

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

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

10                  “(D) the Committee on Foreign Relations  
11                  of the Senate;

12                  “(E) the Committee on Armed Services of  
13                  the Senate;

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

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

18                  “(H) the Committee on Homeland Security  
19                  of the House of Representatives;

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

22                  “(J) the Permanent Select Committee on  
23                  Intelligence of the House of Representatives;

24                  “(K) the Committee on Foreign Affairs of  
25                  the House of Representatives;

1           “(L) the Committee on Armed Services of  
2           the House of Representatives; and

3           “(M) the Committee on Education and  
4           Labor of the House of Representatives.

5           “(2) COUNCIL.—The term ‘Council’ means the  
6           Federal Research Security Council established under  
7           section 7902(a).

8           “(3) EXECUTIVE AGENCY.—The term ‘Execu-  
9           tive agency’ has the meaning given that term in sec-  
10          tion 105 of title 5.

11          “(4) FEDERAL RESEARCH SECURITY RISK.—  
12          The term ‘Federal research security risk’ means the  
13          risk posed by malign state actors and other persons  
14          to the security and integrity of research and develop-  
15          ment conducted using grants awarded by Executive  
16          agencies.

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

22          “(6) INSIDER THREAT.—The term ‘insider  
23          threat’ means the threat that an insider will use his  
24          or her authorized access (wittingly or unwittingly) to  
25          harm the national and economic security of the

1 United States or negatively affect the integrity of a  
2 Federal agency's normal processes, including dam-  
3 aging the United States through espionage, sabo-  
4 tage, unauthorized disclosure of national security in-  
5 formation or non-public information, or through the  
6 loss or degradation of departmental resources, capa-  
7 bilities, and functions.

8 “(7) RESEARCH AND DEVELOPMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18           “(b) MEMBERSHIP.—

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

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

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

25           “(C) The Department of Defense.



1           “(D) The Department of Homeland Secu-  
2           rity.

3           “(E) The Office of the Director of Na-  
4           tional Intelligence, including the National Coun-  
5           terintelligence and Security Center.

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

8           “(G) The Department of Energy.

9           “(H) The Department of Commerce, in-  
10          cluding the National Institute of Standards and  
11          Technology.

12          “(I) The Department of Health and  
13          Human Services, including the National Insti-  
14          tutes of Health.

15          “(J) The Department of State.

16          “(K) The Department of Transportation.

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

19          “(M) The National Science Foundation.

20          “(N) The Department of Education.

21          “(O) The Small Business Administration.

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

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

1           “(2) LEAD REPRESENTATIVES.—

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

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

14           “(c) CHAIRPERSON.—

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

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

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

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

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

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

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

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

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

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

23           “(a) DEFINITIONS.—In this section:

24           “(1) IMPLEMENTING.—The term ‘imple-  
25 menting’ means working with the relevant Federal

1 agencies, through existing processes and procedures,  
2 to enable those agencies to put in place and enforce  
3 the measures described in this section.

4 “(2) UNIFORM APPLICATION PROCESS.—The  
5 term ‘uniform application process’ means a process  
6 employed by Federal science agencies to maximize  
7 the collection of information regarding applicants  
8 and applications, as determined by the Council.

9 “(b) IN GENERAL.—The Chairperson of the Council  
10 shall consider the missions and responsibilities of Council  
11 members in determining the lead agencies for Council  
12 functions. The Council shall perform the following func-  
13 tions:

14 “(1) Developing and implementing, across all  
15 Executive agencies that award research and develop-  
16 ment grants, a uniform application process for  
17 grants in accordance with subsection (c).

18 “(2) Developing and implementing a uniform  
19 and regular reporting process for identifying persons  
20 participating in federally funded research and devel-  
21 opment or that have access to nonpublic federally  
22 funded information, data, research findings, and re-  
23 search and development grant proposals.

24 “(3) Identifying or developing criteria, in ac-  
25 cordance with subsection (d), for sharing and receiv-

1 ing information with respect to Federal research se-  
2 curity risks in order to mitigate such risks with—

3 “(A) members of the United States re-  
4 search community; and

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

7 “(4) Identifying an appropriate Executive agen-  
8 cy—

9 “(A) to accept and protect information  
10 submitted by Executive agencies and non-Fed-  
11 eral entities based on the processes established  
12 under paragraphs (1) and (2); and

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

16 “(i) oversight of federally funded re-  
17 search and development;

18 “(ii) criminal and civil investigations  
19 of misappropriated Federal funds, re-  
20 sources, and information; and

21 “(iii) counterintelligence investiga-  
22 tions.

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

1           “(A) shared services, such as support for  
2           conducting Federal research security risk as-  
3           sessments, activities to mitigate such risks, and  
4           oversight and investigations with respect to  
5           grants awarded by Executive agencies; and

6           “(B) common contract solutions to support  
7           enhanced information collection and sharing  
8           and the verification of the identities of persons  
9           participating in federally funded research and  
10          development.

11          “(6) Identifying and issuing guidance, in ac-  
12          cordance with subsection (e) and in coordination  
13          with the National Insider Threat Task Force estab-  
14          lished by Executive Order 13587 (50 U.S.C. 3161  
15          note) for developing and implementing insider threat  
16          programs for Executive agencies to deter, detect,  
17          and mitigate insider threats, including the safe-  
18          guarding of sensitive information from exploitation,  
19          compromise, or other unauthorized disclosure, taking  
20          into account risk levels and the distinct needs, mis-  
21          sions, and systems of each such agency.

22          “(7) Identifying and issuing guidance for devel-  
23          oping compliance and oversight programs for Execu-  
24          tive agencies to ensure that research and develop-  
25          ment grant recipients accurately report conflicts of

1 interest and conflicts of commitment in accordance  
2 with subsection (c)(1). Such programs shall include  
3 an assessment of—

4 “(A) a grantee’s support from foreign  
5 sources and affiliations with foreign funding in-  
6 stitutions or laboratories; and

7 “(B) the impact of such support and affili-  
8 ations on United States national security and  
9 economic interests.

10 “(8) Assessing and making recommendations  
11 with respect to whether openly sharing certain types  
12 of federally funded research and development is in  
13 the economic and national security interests of the  
14 United States.

15 “(9) Identifying and issuing guidance to the  
16 United States research community, and other recipi-  
17 ents of Federal research and development funding,  
18 to ensure that such institutions and recipients adopt  
19 existing best practices to reduce the risk of mis-  
20 appropriation of research data.

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

1           “(11) Engaging with the United States re-  
2           search community in performing the functions de-  
3           scribed in paragraphs (1), (2), and (3) and with re-  
4           spect to issues relating to Federal research security  
5           risks.

6           “(12) Carrying out such other functions, as de-  
7           termined by the Council, that are necessary to re-  
8           duce Federal research security risks.

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

13                 “(1) ensure that the process—

14                         “(A) requires principal investigators, co-  
15                         principal investigators, and senior personnel as-  
16                         sociated with the proposed Federal research or  
17                         development grant project—

18                                 “(i) to disclose biographical informa-  
19                                 tion, all affiliations, including any foreign  
20                                 military, foreign government-related orga-  
21                                 nizations, and foreign-funded institutions,  
22                                 and all current and pending support, in-  
23                                 cluding from foreign institutions, foreign  
24                                 governments, or foreign laboratories, and



1 all support received from foreign sources;  
2 and

3 “(ii) to certify the accuracy of the re-  
4 quired disclosures under penalty of per-  
5 jury; and

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

9 “(2) design the process—

10 “(A) to reduce the administrative burden  
11 on persons applying for Federal research and  
12 development funding; and

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

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

19 “(d) REQUIREMENTS FOR INFORMATION SHARING  
20 CRITERIA.—In identifying or developing criteria and pro-  
21 cedures for sharing information with respect to Federal  
22 research security risks under subsection (b)(3), the Coun-  
23 cil shall ensure that such criteria address, at a min-  
24 imum—

25 “(1) the information to be shared;

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

3           “(3) the circumstances under which it is appro-  
4 priate for an Executive agency to rely on informa-  
5 tion made available through such sharing in exer-  
6 cising the responsibilities and authorities of the  
7 agency under applicable laws relating to the award  
8 of grants;

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

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

13           “(e) REQUIREMENTS FOR INSIDER THREAT PRO-  
14 GRAM GUIDANCE.—In identifying or developing guidance  
15 with respect to insider threat programs under subsection  
16 (b)(6), the Council shall ensure that such guidance pro-  
17 vides for, at a minimum—

18           “(1) such programs—

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

21                   “(B) to leverage counterintelligence, secu-  
22 rity, information assurance, and other relevant  
23 functions and resources to identify and counter  
24 insider threats;

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

5                   “(A) monitoring user activity on computer  
6 networks controlled by Executive agencies;

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

11                   “(C) gathering information for a central-  
12 ized analysis, reporting, and response capa-  
13 bility; and

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

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

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

1       tive agency and to make resource recommendations  
2       to 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       “(f) ISSUANCE OF WARNINGS RELATING TO RISKS  
7       AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC  
8       COOPERATION.—

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

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

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

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

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

7 “(B) efforts by strategic competitors to ex-  
8 ploit the research enterprise of a foreign coun-  
9 try 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 enter-  
15 prise of a foreign country that do not adhere to  
16 the United States scientific values of openness,  
17 transparency, reciprocity, integrity, and merit-  
18 based competition.

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

1 such working group. The Council may also establish a pro-  
2 gram office and any committees, working groups, or other  
3 constituent bodies the Council deems appropriate, in its  
4 sole and unreviewable discretion, to carry out its func-  
5 tions.

6 “(h) EXCLUSION ORDERS.—To reduce Federal re-  
7 search security risk, the Interagency Suspension and De-  
8 barment Committee shall provide quarterly reports to the  
9 Council that detail—

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

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

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

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

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

24 “(i) SAVINGS PROVISION.—Nothing in this section  
25 may be construed to alter or diminish the authority of any

1 Federal agency or to alter any procedural requirements  
2 or remedies that were in place before the date of the enact-  
3 ment of this chapter.

4 **“§ 7904. Strategic plan**

5 “(a) IN GENERAL.—Not later than 180 days after  
6 the date of the enactment of this chapter, the Council shall  
7 develop a strategic plan for addressing Federal research  
8 security risks and for managing such risks, that in-  
9 cludes—

10 “(1) the criteria and processes required under  
11 section 7903(b), including a threshold and require-  
12 ments for sharing relevant information about such  
13 risks with all Executive agencies and, as appro-  
14 priate, with other Federal entities, foreign govern-  
15 ments, and non-Federal entities;

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

18 “(3) an identification and promulgation of best  
19 practices and procedures, and an identification of  
20 available resources, for Executive agencies to assess  
21 and mitigate such risks;

22 “(4) recommendations for any legislative, regu-  
23 latory, or other policy changes to improve efforts to  
24 address such risks;

1           “(5) recommendations for any legislative, regu-  
2           latory, or other policy changes to incentivize the  
3           adoption of best practices for avoiding and miti-  
4           gating Federal research security risks by the United  
5           States research community and key United States  
6           foreign research partners;

7           “(6) an evaluation of the effect of implementing  
8           new policies or procedures on existing Federal grant  
9           processes, regulations, and disclosures of conflicts of  
10          interest and conflicts of commitment;

11          “(7) a plan for engaging with Executive agen-  
12          cies, the private sector, and other nongovernmental  
13          stakeholders to address such risks and share infor-  
14          mation between Executive agencies, the private sec-  
15          tor, and nongovernmental stakeholders; and

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

19          “(b) SUBMISSION TO CONGRESS.—Not later than 7  
20          calendar days after completion of the strategic plan re-  
21          quired by subsection (a), the Chairperson of the Council  
22          shall submit the plan to the appropriate congressional  
23          committees.



1 **“§ 7905. Annual report**

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

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

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

10 **“§ 7906. Requirements for Executive agencies**

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

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

16 “(2) avoiding or mitigating such risks, as ap-  
17 propriate and consistent with the standards, guide-  
18 lines, requirements, and practices identified by the  
19 Council under section 7903(b);

20 “(3) prioritizing Federal research security risk  
21 assessments conducted under paragraph (1) based  
22 on the applicability and relevance of the research  
23 and development to the national security and eco-  
24 nomic competitiveness of the United States; and

25 “(4) ensuring that all agency initiatives impact-  
26 ing federally funded research grant making policy

1 and management to protect the national and eco-  
2 nomic security interests of the United States are in-  
3 tegrated with the activities of the Council.

4 “(b) INCLUSIONS.—The responsibility of the head of  
5 an Executive agency for assessing Federal research secu-  
6 rity risk described in subsection (a) includes—

7 “(1) developing an overall Federal research se-  
8 curity risk management strategy and implementation  
9 plan and policies and processes to guide and govern  
10 Federal research security risk management activities  
11 by the Executive agency;

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

15 “(3) sharing relevant information with other  
16 Executive agencies, as determined appropriate by  
17 the Council in a manner consistent with section  
18 7903; and

19 “(4) reporting on the effectiveness of the Fed-  
20 eral research security risk management strategy of  
21 the Executive agency consistent with guidance issued  
22 by the Office of Management and Budget and the  
23 Council.”.

24 (b) CLERICAL AMENDMENT.—The table of chapters  
25 at the beginning of title 31, United States Code, is amend-

1 ed by inserting after the item relating to chapter 77 the  
 2 following new item:

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

3 **SEC. 4. FEDERAL GRANT APPLICATION FRAUD.**

4 (a) IN GENERAL.—Chapter 47 of title 18, United  
 5 States Code, is amended by adding at the end the fol-  
 6 lowing:

7 **“§ 1041. Federal grant application fraud**

8 “(a) DEFINITIONS.—In this section:

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

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

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

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

19 “(C) does not include—

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

22 “(ii) a subsidy;

23 “(iii) a loan;

24 “(iv) a loan guarantee; or

25 “(v) insurance.

1           “(3) FEDERAL GRANT APPLICATION.—The  
2 term ‘Federal grant application’ means an applica-  
3 tion for a Federal grant.

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

8                   “(A) a foreign government;

9                   “(B) a foreign government institution; or

10                   “(C) a foreign public enterprise.

11           “(5) FOREIGN GOVERNMENT.—The term ‘for-  
12 eign government’ includes a person acting or pur-  
13 porting to act on behalf of—

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

17                   “(B) a foreign government or a person  
18 purporting to act as a foreign government, re-  
19 gardless of whether the United States recog-  
20 nizes the government.

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

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

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

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

9                   “(B) includes—

10                   “(i) the Office of Inspector General of  
11                   an establishment (as defined in section 12  
12                   of the Inspector General Act of 1978 (5  
13                   U.S.C. App.)) or a designated Federal en-  
14                   tity (as defined in section 8G(a) of the In-  
15                   spector General Act of 1978 (5 U.S.C.  
16                   App.)); and

17                   “(ii) the Office of Inspector General,  
18                   or similar office, of a State or unit of local  
19                   government.

20           “(9) OUTSIDE COMPENSATION.—The term ‘out-  
21           side compensation’ means any compensation, re-  
22           source, or support regardless of monetary value  
23           made available to the applicant in support of or re-  
24           lated to any research endeavor, including, but not  
25           limited to, a title, research grant, cooperative agree-

1       ment, contract, institutional award, access to a lab-  
2       oratory, or other resource, including, but not limited  
3       to, materials, travel compensation, or work incen-  
4       tives.

5       “(b) PROHIBITION.—It shall be unlawful for any in-  
6       dividual to knowingly—

7               “(1) prepare or submit a Federal grant applica-  
8       tion that fails to disclose the receipt of any outside  
9       compensation, including foreign compensation, by  
10      the individual;

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

14              “(3) prepare, submit, or assist in the prepara-  
15      tion or submission of a Federal grant application or  
16      document in connection with a Federal grant appli-  
17      cation that—

18                      “(A) contains a false statement;

19                      “(B) contains a material misrepresenta-  
20      tion;

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

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

23       “(c) EXCEPTION.—Subsection (b) does not apply to  
24      an activity—

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

4 “(A) a law enforcement agency; or

5 “(B) a Federal intelligence agency; or

6 “(2) authorized under chapter 224.

7 “(d) PENALTY.—Any individual who violates sub-  
8 section (b)—

9 “(1) shall be fined in accordance with this title,  
10 imprisoned for not more than 5 years, or both; and

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

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

“1041. Federal grant application fraud.”.

18 **SEC. 5. RESTRICTING THE ACQUISITION OF GOODS, TECH-**  
19 **NOLOGIES, AND SENSITIVE INFORMATION TO**  
20 **CERTAIN ALIENS.**

21 (a) GROUNDS OF INADMISSIBILITY.—Section  
22 212(a)(3)(A)(i) of the Immigration and Nationality Act  
23 (8 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

24 “(i) any activity—

1                   “(I) to violate any law of the  
2                   United States relating to espionage or  
3                   sabotage;

4                   “(II) to violate or evade any law  
5                   prohibiting the export from the  
6                   United States of goods, technologies,  
7                   or sensitive information; or

8                   “(III) to acquire export-con-  
9                   trolled goods, technologies, or sen-  
10                  sitive information through any exclu-  
11                  sions for items normally subject to ex-  
12                  port controls if the Secretary of State  
13                  has determined that the acquisition of  
14                  those goods, technologies, or sensitive  
15                  information by that alien would be  
16                  contrary to an articulable national se-  
17                  curity (including economic security)  
18                  interest of the United States;”.

19                  (b) DETERMINING FACTORS.—

20                   (1) IN GENERAL.—To determine whether an  
21                  alien is inadmissible under section  
22                  212(a)(3)(A)(i)(III) of the Immigration and Nation-  
23                  ality Act, as amended by subsection (a), officials of  
24                  the Department of State shall—



1 (A) seek advice and assistance from offi-  
2 cials at the Office of the Director of National  
3 Intelligence, the Office of Science and Tech-  
4 nology Policy, the Department of Health and  
5 Human Services, the Department of Defense,  
6 the Department of Homeland Security, the De-  
7 partment of Energy, the Department of Com-  
8 merce, and other appropriate Federal agencies;

9 (B) make a determination of the alien's  
10 past, current, or intended employment or co-  
11 operation with—

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

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

17 (iii) entities involved in export control  
18 violations or the theft of intellectual prop-  
19 erty;

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

23 (v) other associations or collaborations  
24 that pose a national or economic security

1 threat based on intelligence assessments;  
2 and

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

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

8 (A) use a machine-readable visa applica-  
9 tion form; and

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

13 (i) identifying fraud;

14 (ii) conducting lawful law enforcement  
15 activities; and

16 (iii) determining the eligibility of ap-  
17 plicants for a visa under the Immigration  
18 and Nationality Act (8 U.S.C. 1101 et  
19 seq.).

20 (c) REPORTING REQUIREMENT.—Not later than 180  
21 days after the date of the enactment of this Act, and annu-  
22 ally thereafter, the Secretary of State, in coordination with  
23 the Director of National Intelligence, the Director of the  
24 Office of Science and Technology Policy, the Secretary of  
25 Homeland Security, the Secretary of Defense, the Sec-

1   retary of Energy, the Secretary of Commerce, and the  
2   heads of other appropriate Federal agencies, shall submit  
3   a report to Congress that identifies—

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

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

10          (d) CLASSIFICATION OF ANNUAL REPORT.—Each  
11          annual report required under subsection (c) shall be sub-  
12          mitted, to the extent practicable, in an unclassified form,  
13          but may be accompanied by a classified appendix detailing  
14          the criteria used to describe the aliens to which such sec-  
15          tion 212(a)(3)(A)(i)(III) applies if the Secretary of State  
16          determines that such action—

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

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

21          (e) REPORT.—Not later than 45 days after the date  
22          of the enactment of this Act, the Secretary of State shall  
23          submit a report to the Committee on Homeland Security  
24          and Governmental Affairs of the Senate, the Committee  
25          on Commerce, Science, and Transportation of the Senate,

1 the Select Committee on Intelligence of the Senate, the  
2 Committee on Foreign Relations of the Senate, the Com-  
3 mittee on Oversight and Reform of the House of Rep-  
4 resentatives, the Committee on Homeland Security of the  
5 House of Representatives, the Committee on Energy and  
6 Commerce of the House of Representatives, the Perma-  
7 nent Select Committee on Intelligence of the House of  
8 Representatives, and the Committee on Foreign Affairs of  
9 the House of Representatives that—

10           (1) describes how supplementary documents  
11           provided by a visa applicant in support of a visa ap-  
12           plication are stored and shared by the Department  
13           of State with authorized Federal agencies;

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

17           (3) provides cost estimates, including personnel  
18           costs and a cost-benefit analysis for adopting dif-  
19           ferent technologies, including optical character rec-  
20           ognition, for—

21                   (A) making every element of a visa appli-  
22                   cation, and documents submitted in support of  
23                   a visa application, machine-readable; and

24                   (B) ensuring that such system—

1 (i) protects personally identifiable in-  
2 formation; and

3 (ii) permits the sharing of visa infor-  
4 mation with Federal agencies in accord-  
5 ance with existing law; and

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

8 **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**  
9 **CHANGE PROGRAMS.**

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

18 “(A) to disclose to the Department of  
19 State whether an exchange visitor, as a primary  
20 part of his or her exchange program, will have  
21 released to them controlled technology or tech-  
22 nical data regulated by export control laws at  
23 sponsor organizations through research activi-  
24 ties, lectures, course work, sponsor employees,  
25 officers, agents, third parties at which the spon-

1           sor places the exchange visitor, volunteers, or  
2           other individuals or entities associated with a  
3           sponsor’s administration of the exchange visitor  
4           program;

5                   “(B) to provide a plan to the Department  
6           of State that establishes appropriate program  
7           safeguards to prevent the unauthorized release  
8           of controlled technology or technical data regu-  
9           lated by export control laws at sponsor organi-  
10          zations or through their employees, officers,  
11          agents, third parties, volunteers, or other indi-  
12          viduals or entities associated with a sponsor’s  
13          administration of the exchange visitor program;  
14          and

15                   “(C) to demonstrate, to the satisfaction of  
16          the Secretary of State, that programs that will  
17          release controlled technology or technical data  
18          to an exchange visitor at the sponsor organiza-  
19          tion through exchange visitor programs have re-  
20          ceived appropriate authorization from the De-  
21          partment of State, the Department of Com-  
22          merce, other cognizant Federal agency before  
23          the sponsor releases controlled technology or  
24          technical data;”.

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

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

5 (1) by amending subsection (a) to read as fol-  
6 lows:

7 “(a) DISCLOSURE REPORT.—

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

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

14 “(B) the calendar year in which the insti-  
15 tution receives a gift from, or enters into a con-  
16 tract with, a foreign source, the value of which  
17 is \$50,000 or more, considered alone or in com-  
18 bination with all other gifts from or contracts  
19 with that foreign source within a calendar year.

20 “(2) REVISIONS; UPDATES.—The Secretary  
21 shall permit institutions to revise and update disclo-  
22 sure reports previously filed to ensure accuracy,  
23 compliance, and the ability to cure.”;

24 (2) by amending subsection (b) to read as fol-  
25 lows:

1       “(b) CONTENTS OF REPORT.—Each report to the  
2 Secretary required by this section shall contain the fol-  
3 lowing:

4           “(1) For gifts received from or contracts en-  
5 tered into with a foreign source other than a foreign  
6 government, the aggregate dollar amount of such  
7 gifts and contracts attributable to a particular coun-  
8 try and the legal or formal name of the foreign  
9 source. The country to which a gift is attributable  
10 is the country of citizenship, or if unknown, the  
11 principal residence for a foreign source who is a nat-  
12 ural person, and the country of incorporation, or if  
13 unknown, the principal place of business, for a for-  
14 eign source which is a legal entity.

15           “(2) For gifts received from or contracts en-  
16 tered into with a foreign government, the aggregate  
17 amount of such gifts and contracts received from  
18 each foreign government.

19           “(3) In the case of an institution which is  
20 owned or controlled by a foreign source, the identity  
21 of the foreign source, the date on which the foreign  
22 source assumed ownership or control, and any  
23 changes in program or structure resulting from the  
24 change in ownership or control.



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

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

10           (3) by amending subsection (e) to read as fol-  
11 lows:

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

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

20           “(3) FINES.—

21           “(A) IN GENERAL.—The Secretary may  
22 impose a fine on any institution that repeatedly  
23 fails to file a disclosure report for a receipt of  
24 a gift from or contract with a foreign source in  
25 accordance with subsection (a) in an amount

1           that is not more than 3 times the amount of  
2           the gift or contract with the foreign source.

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

9           (5) by amending subsection (g) to read as fol-  
10          lows:

11          “(g) RULEMAKING.—

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

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

19           “(A) incorporate instructions for—

20           “(i) reporting structured gifts and  
21           contracts; and

22           “(ii) reporting contracts that balances  
23           the need for transparency, while protecting  
24           the proprietary information of institutes of  
25           higher education; and

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

3           (6) by redesignating subsection (h) as sub-  
4           section (i);

5           (7) by inserting after subsection (g) the fol-  
6           lowing:

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

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

14                 (A) in paragraph (3), by striking “or prop-  
15                 erty” and inserting “, property, resources, or  
16                 staff, including any funds provided to the insti-  
17                 tution and used to pay, or designated for the  
18                 payment of, staff”; and

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

○