

118TH CONGRESS
2D SESSION

S. 4722

To prohibit the United States from collaborating with certain foreign countries of concern on fundamental research intended to support the military, intelligence, or security capabilities of the United States, to strengthen the security and integrity of the United States scientific and research enterprise, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. RUBIO (for himself, Ms. ERNST, Mr. HAGERTY, Mr. RICKETTS, and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the United States from collaborating with certain foreign countries of concern on fundamental research intended to support the military, intelligence, or security capabilities of the United States, to strengthen the security and integrity of the United States scientific and research enterprise, and for other purposes.

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 “Furthering Operations for Resiliency, Transparency, and

1 Integrity to Fortify (FORTIFY) United States Research
2 Act”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Working group on understanding scale and scope of problematic research collaboration between China and recipients of Federal research funding.
- Sec. 3. Research integrity and security.
- Sec. 4. Study on United States research partnerships with the People’s Republic of China.
- Sec. 5. Federal grant application fraud.
- Sec. 6. Restricting the acquisition of emerging technologies by certain aliens.
- Sec. 7. Machine readable visa documents.
- Sec. 8. Certifications regarding access to export controlled technology in educational and cultural exchange programs.
- Sec. 9. Mandatory placement of research and development applicants failing to disclose required information in the Federal Awardee Performance and Integrity Information System.
- Sec. 10. Privacy and confidentiality.

5 **SEC. 2. WORKING GROUP ON UNDERSTANDING SCALE AND**
6 **SCOPE OF PROBLEMATIC RESEARCH COL-**
7 **LABORATION BETWEEN CHINA AND RECIPI-**
8 **ENTS OF FEDERAL RESEARCH FUNDING.**

9 (a) REQUIREMENT TO CONVENE WORKING
10 GROUP.—Pursuant to section 904(e)(7)(B) of the Coun-
11 terintelligence Enhancement Act of 2002 (50 U.S.C.
12 3383(e)(7)(B)), the Director of the National Counterintel-
13 ligence and Security Center shall convene a working group
14 of officials and individuals in the intelligence community
15 (as defined in section 3 of the National Security Act of
16 1947 (50 U.S.C. 3003)), Federal grant-making agencies,
17 and outside experts to better understand the scale and
18 scope of problematic research collaboration between the

1 People's Republic of China and recipients of funds from
2 the Federal Government.

3 (b) ACTIVITIES.—The working group convened pur-
4 suant to subsection (a) shall—

5 (1) expand the scope of previous counterintel-
6 ligence efforts relating to research security threats,
7 which focused primarily on foreign talent recruit-
8 ment programs;

9 (2) conduct open-source research for counter-
10 intelligence efforts on published research,
11 bibliometric data, and other publicly available data;

12 (3) identify the problematic research collabora-
13 tions described in subsection (a) that pose the high-
14 est potential risk to the national security of the
15 United States from entities within the defense indus-
16 trial base of China and other entities the working
17 group determines present a high-risk to the Federal
18 Government; and

19 (4) publish, on a semiannual basis, a database
20 in accordance with subsection (c).

21 (c) THREATS TO RESEARCH, UNIVERSITIES,
22 SCIENCE, AND TECHNOLOGY DATABASE.—

23 (1) ESTABLISHMENT.—

24 (A) IN GENERAL.—The working group
25 convened pursuant to subsection (a) shall estab-

lish an unclassified database to serve as a comprehensive resource for the Department of Defense, the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), and other Federal grant-making agencies for conducting due diligence and risk review determinations for fundamental, controlled, or classified research grant award approvals, denials, or revocations.

(B) DESIGNATION.—The database established pursuant to subparagraph (A) shall be known as the “Threats to Research, Universities, Science, and Technology” database or the “TRUST” database (referred to in this subsection as the “Database”).

(2) CONTENTS.—The Database shall include—

(A) a catalog of entities, with supporting open-source documentation, that support the defense research, development, and industrial bases of China, including—

(i) universities and their subdivisions;

(ii) state and national defense key laboratories;

(iii) provincial-level key laboratories;

1 (iv) research institutes subordinate to
2 defense state-owned enterprises; and

3 (v) other business enterprises involved
4 in military-civil fusion programs that are
5 partially or majority owned by universities
6 or the Chinese Academy of Sciences;

7 (B) mapping of the People's Republic of
8 China's State Administration for Science and
9 Technology Industry for National Defense, in-
10 cluding a focus on developing defense-related
11 academic disciplines, key laboratories, and re-
12 search groups at the universities;

13 (C) identifying entities of the People's Re-
14 public of China engaging in critical technology
15 research, including institutions, centers of excel-
16 lence, laboratories, or personnel that conduct
17 research in disciplines or subdisciplines of crit-
18 ical importance to the national and economic
19 security of the United States;

20 (D) mapping research institution links to
21 the defense industry of the People's Republic of
22 China, including subsidiaries and research insti-
23 tutes subordinate to major People's Republic of
24 China state-owned defense enterprises; and

1 (E) identifying other research entities and
 2 programs of the People’s Republic of China tied
 3 to defense, including civilian universities and
 4 government research organizations that engage
 5 in defense research projects through formal
 6 partnerships or research collaboration with Peo-
 7 ple’s Republic of China defense entities, state-
 8 owned enterprises, or receipt of People’s Repub-
 9 lic of China defense program funding.

10 (d) ANNUAL REPORT.—The working group convened
 11 pursuant to subsection (a) shall submit an annual report
 12 to Congress containing a description of the progress and
 13 findings of the database.

14 **SEC. 3. RESEARCH INTEGRITY AND SECURITY.**

15 (a) SHORT TITLE.—This section may be cited as the
 16 “Research Integrity and Security Act of 2024”.

17 (b) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 19 TEES.—The term “appropriate congressional com-
 20 mittees” means—

21 (A) the Committee on Armed Services of
 22 the Senate;

23 (B) the Committee on Commerce, Science,
 24 and Transportation of the Senate;

1 (C) the Committee on Energy and Natural
2 Resources of the Senate;

3 (D) the Committee on Homeland Security
4 and Governmental Affairs of the Senate;

5 (E) the Committee on Small Business and
6 Entrepreneurship of the Senate;

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

9 (G) the Select Committee on Intelligence of
10 the Senate;

11 (H) the Committee on Armed Services of
12 the House of Representatives;

13 (I) the Committee on Education and the
14 Workforce of the House of Representatives;

15 (J) the Committee on Energy and Com-
16 merce of the House of Representatives;

17 (K) the Committee on Small Business of
18 the House of Representatives;

19 (L) the Committee on Science, Space, and
20 Technology of the House of Representatives;
21 and

22 (M) the Permanent Select Committee on
23 Intelligence of the House of Representatives.

24 (2) COUNTRY OF CONCERN.—The term “coun-
25 try of concern” means—

1 (A) any country (including any special ad-
2 ministrative region of such country) identified
3 as a threat to the national security of the
4 United States in the most recent report sub-
5 mitted to Congress by the Director of National
6 Intelligence pursuant to section 108B of the
7 National Security Act of 1947 (50 U.S.C.
8 3043b) (commonly referred to as the “Annual
9 Threat Assessment”); or

10 (B) any covered nation (as defined in sec-
11 tion 4872(d)(2) of title 10, United State Code).

12 (3) FEDERAL AGENCY.—The term “Federal
13 agency” has the meaning given the term “agency”
14 in section 551 of title 5, United States Code.

15 (4) FEDERAL GRANT.—The term “Federal
16 grant”—

17 (A) means a grant awarded by a Federal
18 agency; and

19 (B) includes a subgrant awarded by a non-
20 Federal entity to carry out a Federal grant pro-
21 gram.

22 (5) FEDERAL GRANT APPLICATION.—The term
23 “Federal grant application” means an application
24 for a Federal grant.

1 (6) FOREIGN COMPENSATION.—The term “for-
 2 eign compensation” means a title, monetary com-
 3 pensation, access to a laboratory or other resource,
 4 or other benefit received from—

5 (A) a foreign government;

6 (B) a foreign government institution; or

7 (C) a foreign public enterprise.

8 (7) FOREIGN GOVERNMENT.—The term “for-
 9 eign government” includes a person acting or pur-
 10 porting to act on behalf of a faction, party, depart-
 11 ment, agency, bureau, subnational administrative en-
 12 tity, or military of a country of concern.

13 (8) FOREIGN GOVERNMENT INSTITUTION.—The
 14 term “foreign government institution” means any
 15 foreign entity owned by, subject to the control of, or
 16 subject to the laws or regulations of a country of
 17 concern.

18 (9) FOREIGN GOVERNMENT ENTERPRISE.—The
 19 term “foreign government enterprise” means an en-
 20 terprise over which a foreign government directly or
 21 indirectly exercises a dominant influence.

22 (10) FUNDAMENTAL RESEARCH.—The term
 23 “fundamental research” means basic and applied re-
 24 search in science, engineering, or mathematics, the
 25 results of which ordinarily are published and shared

1 broadly within the scientific community, and for
 2 which the researchers have not accepted restrictions
 3 for proprietary or national security concerns.

4 (11) INSTITUTION OF HIGHER EDUCATION.—

5 The term “institution of higher education” has the
 6 meaning given the term in section 101(a) of the
 7 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

8 (12) LAW ENFORCEMENT AGENCY.—The term
 9 “law enforcement agency”—

10 (A) means a Federal, State, local, or Trib-
 11 al law enforcement agency; and

12 (B) includes—

13 (i) the Office of Inspector General of
 14 an establishment (as defined in section 401
 15 of title 5, United States Code) or a des-
 16 ignated Federal entity (as defined in sec-
 17 tion 415 of title 5, United States Code);
 18 and

19 (ii) the Office of Inspector General, or
 20 similar office, of a State or unit of local
 21 government.

22 (13) OUTSIDE COMPENSATION.—The term

23 “outside compensation” means any compensation,
 24 resource, or support (regardless of monetary value)
 25 made available to the applicant in support of, or re-

1 lated to, any research endeavor, including a title, re-
2 search grant, cooperative agreement, contract, insti-
3 tutional award, access to a laboratory, or other re-
4 source, including materials, travel compensation, or
5 work incentives.

6 (c) PROTECTION OF FEDERALLY FUNDED RE-
7 SEARCH.—

8 (1) IN GENERAL.—The United States Govern-
9 ment may not collaborate with a country of concern
10 on fundamental research intended to support the
11 military, intelligence, or security capabilities of the
12 United States.

13 (2) PROHIBITION.—Neither the Secretary of
14 Defense nor the Secretary of Energy may approve a
15 Federal grant application for fundamental research
16 that—

17 (A) is ultimately intended to further the
18 military, security, or intelligence capabilities of
19 the United States;

20 (B) is used to support the defense indus-
21 trial base of the United States; and

22 (C) will be jointly reviewed by or conducted
23 with—

(i) a foreign government, foreign government institution, or foreign government enterprise from a country of concern; or

(ii) any person that is receiving foreign compensation or outside compensation from a country of concern.

(3) EXCEPTION.—The prohibition under paragraph (2) shall not apply to an activity that is—

(A) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

(i) a law enforcement agency; or

(ii) a Federal intelligence agency; or

(B) authorized under chapter 224 of title 5, United States Code.

(4) NATIONAL SECURITY WAIVER FOR RESEARCH.—The Secretary of Defense and the Secretary of Energy may waive the prohibition under paragraph (2) if either Secretary determines and certifies to the appropriate congressional committees that approving such Federal grant application—

(A) is in the national security interest of the United States; and

(B) does not pose an intelligence or national security risk.

1 (d) PENALTIES AND REPORTING.—

2 (1) PENALTY ON INSTITUTIONS.—Any institu-
3 tion of higher education that has been awarded a
4 Federal grant by the Department of Defense or the
5 Department of Energy for research intended to sup-
6 port the military, security, or intelligence capabilities
7 of the United States and is found by the Inspector
8 General of the agency concerned to be collaborating
9 with a foreign government, a foreign government in-
10 stitution, or a foreign government enterprise from a
11 country of concern with respect to such research
12 shall repay the full value of such grant to the Fed-
13 eral agency that originally approved the Federal
14 grant application.

15 (2) REPORTS BY INSPECTORS GENERAL.—Not
16 later than 2 years after the date of the enactment
17 of this Act, and annually thereafter, the Inspector
18 General of the Department of Defense and the In-
19 spector General of the Department of Energy shall
20 each submit to the appropriate congressional com-
21 mittees a report, which shall include, with respect to
22 the reporting period—

23 (A) a list of projects that have received a
24 Federal grant from the Federal agency con-
25 cerned; and

(B) a description of each project included in the list described in subparagraph (A) that indicates whether, in connection with such project—

(i) a foreign government, foreign government institution, or foreign government enterprise from a country of concern has received a Federal grant; or

(ii) a person receiving foreign compensation or outside compensation from a country of concern has received a Federal grant.

(3) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall—

(A) review each report submitted for the calendar year pursuant to paragraph (2); and

(B) determine if a foreign government, a foreign government institution, or a foreign government enterprise from a country of concern has received a Federal grant.

(4) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—The chairperson and ranking member of

1 each appropriate congressional committee may joint-
2 ly submit to the Comptroller General of the United
3 States a written request to audit any Federal agency
4 that has approved a Federal grant application for
5 fundamental research ultimately intended to support
6 the military, security, or intelligence capabilities of
7 the United States.

8 **SEC. 4. STUDY ON UNITED STATES RESEARCH PARTNER-**
9 **SHIPS WITH THE PEOPLE’S REPUBLIC OF**
10 **CHINA.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, the Under Secretary
13 of Defense for Research and Engineering shall complete
14 a study concerning United States Government-funded re-
15 search conducted by United States persons who conduct
16 such research in the United States and in the People’s
17 Republic of China.

18 (b) ASSESSMENT.—The study conducted pursuant to
19 subsection (a) shall assess—

20 (1) whether the United States Government has
21 benefitted from similar research partnerships, publi-
22 cations, accommodations, or access to resources
23 while conducting research in the People’s Republic
24 of China that is funded by the United States Gov-
25 ernment; and

1 (2) the principles of fundamental research and
 2 the open research enterprise by United States per-
 3 sons while conducting research in the United States
 4 and in the People’s Republic of China.

5 (c) BRIEFING.—Not later than 30 days after com-
 6 pleting the study pursuant to this section, the Under Sec-
 7 retary of Defense for Research and Engineering shall brief
 8 the Committee on Armed Services of the Senate, the Se-
 9 lect Committee on Intelligence of the Senate, the Com-
 10 mittee on Armed Services of the House of Representatives,
 11 and the Permanent Select Committee on Intelligence of
 12 the House of Representatives regarding the results of such
 13 study.

14 **SEC. 5. FEDERAL GRANT APPLICATION FRAUD.**

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

18 **“§ 1041. Federal grant application fraud**

19 “(a) DEFINITIONS.—In this section:

20 “(1) FEDERAL AGENCY.—The term ‘Federal
 21 agency’ has the meaning given the term ‘agency’ in
 22 section 551 of title 5.

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

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

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

6 “(C) does not include—

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

9 “(ii) a subsidy;

10 “(iii) a loan;

11 “(iv) a loan guarantee; or

12 “(v) insurance.

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

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

20 “(A) a foreign government;

21 “(B) a foreign government institution; or

22 “(C) a foreign public enterprise.

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

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

4 “(B) a foreign government or a person
5 purporting to act as a foreign government, re-
6 gardless of whether the United States recog-
7 nizes the government.

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

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

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

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

20 “(B) includes—

21 “(i) the Office of Inspector General of
22 an establishment (as defined in section 401
23 of title 5) or a designated Federal entity
24 (as defined in section 415 of title 5); and

1 “(ii) the Office of Inspector General,
2 or similar office, of a State or unit of local
3 government.

4 “(9) OUTSIDE COMPENSATION.—The term ‘out-
5 side compensation’ means any compensation, re-
6 source, or support (regardless of monetary value)
7 made available to the applicant in support of, or re-
8 lated to, any research endeavor, including a title, re-
9 search grant, cooperative agreement, contract, insti-
10 tutional award, access to a laboratory, or other re-
11 source, including materials, travel compensation, or
12 work incentives.

13 “(b) PROHIBITION.—Except as provided in sub-
14 section (c), it shall be unlawful for any individual to know-
15 ingly—

16 “(1) prepare or submit a Federal grant applica-
17 tion that fails to disclose the receipt of any outside
18 compensation, including foreign compensation, by
19 the individual;

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

23 “(3) prepare, submit, or assist in the prepara-
24 tion or submission of a Federal grant application or

1 document in connection with a Federal grant appli-
2 cation that—

3 “(A) contains a false statement;

4 “(B) contains a material misrepresenta-
5 tion;

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

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

8 “(c) EXCEPTION.—Subsection (b) shall not apply to
9 an activity—

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

13 “(A) a law enforcement agency; or

14 “(B) a Federal intelligence agency; or

15 “(2) authorized under chapter 224.

16 “(d) PENALTY.—Any individual who violates sub-
17 section (b)—

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

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

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 47 of title 18, United States Code, is amended by add-
3 ing at the end the following:

“1041. Federal grant application fraud.”.

4 **SEC. 6. RESTRICTING THE ACQUISITION OF EMERGING**
5 **TECHNOLOGIES BY CERTAIN ALIENS.**

6 (a) REPORT.—Not later than 3 months after the date
7 of the enactment of this Act, and semiannually thereafter,
8 the Secretary of State, in consultation with the Director
9 of National Intelligence, and the heads of other relevant
10 Federal agencies, shall submit a classified report to the
11 congressional committees listed in subsection (d)(1) that
12 identifies any alien that—

13 (1) is employed by or collaborates with—

14 (A) a foreign military and security related
15 organization that is adversarial to the United
16 States;

17 (B) a foreign institution that is involved in
18 the theft of United States research;

19 (C) any entity involved in export control
20 violations or the theft of intellectual property;

21 (D) a foreign government that seeks to un-
22 dermine the integrity and security of the United
23 States research community; or

1 (2) associates or collaborates with any entity
2 that poses a national security threat based on intel-
3 ligence assessments.

4 (b) DESIGNATIONS OF CERTAIN ALIENS SEEKING TO
5 ACQUIRE EMERGING TECHNOLOGIES.—

6 (1) IN GENERAL.—The Secretary of State, in
7 coordination with other relevant Federal depart-
8 ments and agencies, shall identify persons identified
9 pursuant to subsection (a) who are seeking to know-
10 ingly acquire sensitive or emerging technologies to
11 undermine national security interests of the United
12 States by benefitting an adversarial foreign govern-
13 ment’s security or strategic capabilities.

14 (2) RELEVANT FACTORS.—To determine if an
15 alien identified pursuant to subsection (a) is seeking
16 to knowingly acquire sensitive or emerging tech-
17 nologies to undermine national security interests of
18 the United States by benefitting an adversarial for-
19 eign government’s security or strategic capabilities,
20 the Secretary of State shall—

21 (A) consider information and analyses rel-
22 evant to implementing subsection (a) from the
23 Office of the Director of National Intelligence,
24 the Department of Health and Human Services,
25 the Department of Defense, the Department of

1 Homeland Security, the Department of Energy,
 2 the Department of Commerce, and other appro-
 3 priate Federal agencies; and

4 (B) consider the continual expert assess-
 5 ments of evolving sensitive or emerging tech-
 6 nologies that foreign adversaries are targeting.

7 (c) INELIGIBILITY FOR VISAS, ADMISSION, OR PA-
 8 ROLE.—

9 (1) VISAS, ADMISSION, AND PAROLE.—Except
 10 as provided in subsection (f), any alien identified
 11 pursuant to subsection (b)(1) is—

12 (A) inadmissible to the United States;

13 (B) ineligible to receive a visa or other doc-
 14 umentation to enter the United States; and

15 (C) otherwise ineligible to be admitted or
 16 paroled into the United States or to receive any
 17 other benefit under the Immigration and Na-
 18 tionality Act (8 U.S.C. 1101 et seq.).

19 (2) CURRENT VISAS REVOKED.—

20 (A) IN GENERAL.—Except as provided in
 21 subsection (f), any alien identified pursuant to
 22 subsection (b)(1) is subject to revocation of any
 23 visa or other entry documentation, regardless of
 24 when the visa or other entry documentation is
 25 or was issued.

1 (B) IMMEDIATE EFFECT.—A revocation
2 authorized under subparagraph (A)—

3 (i) shall take effect immediately; and

4 (ii) shall automatically cancel any
5 other valid visa or entry documentation
6 that is in the alien's possession.

7 (C) PUBLIC AVAILABILITY OF INFORMA-
8 TION.—Information about the denial or revoca-
9 tion of a visa or other documentation under this
10 paragraph shall be made available to the public.

11 (d) REPORTING REQUIREMENT.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, and an-
14 nually thereafter, the Secretary of State, in coordi-
15 nation with the Director of National Intelligence, the
16 Director of the Office of Science and Technology
17 Policy, the Secretary of Homeland Security, the Sec-
18 retary of Defense, the Secretary of Energy, the Sec-
19 retary of Commerce, and the heads of other relevant
20 Federal agencies, shall submit a report to the Com-
21 mittee on the Judiciary of the Senate, the Com-
22 mittee on Foreign Relations of the Senate, the Com-
23 mittee on Homeland Security and Governmental Af-
24 fairs of the Senate, the Committee on the Judiciary
25 of the House of Representatives, the Committee on

1 Foreign Affairs of the House of Representatives,
2 and the Committee on Oversight and Accountability
3 of the House of Representatives that identifies—

4 (A) any criteria, if relevant used to de-
5 scribe the aliens to which the grounds of inad-
6 missibility described in subsection (c) may
7 apply; and

8 (B) the number of individuals identified
9 pursuant to subsection (b)(1), including the na-
10 tionality of each such individual and the rea-
11 sons for each such identification.

12 (2) CLASSIFICATION OF REPORT.—Each report
13 required under paragraph (1) shall be submitted, to
14 the extent practicable, in an unclassified form, but
15 may be accompanied by a classified annex.

16 (e) CONGRESSIONAL NOMINATION DETERMINA-
17 TION.—Not later than 60 days after receiving a request
18 from the chairman and ranking member of a congressional
19 committee listed in subsection (d)(1) with respect to
20 whether an alien is seeking to knowingly acquire sensitive
21 or emerging technologies to undermine national security
22 interests of the United States by benefitting an adversarial
23 foreign government's security or strategic capabilities, the
24 President shall—

1 (1) determine if such alien meets such criteria;
2 and

3 (2) submit a classified or unclassified report to
4 such chairman and ranking member with respect to
5 such determination that includes a statement of
6 whether or not the President imposed or intends to
7 impose sanctions with respect to such alien.

8 (f) WAIVER.—

9 (1) IN GENERAL.—The President, on a case-by-
10 case basis and for a period of not more than 180
11 days, may waive a requirement under subsection (c)
12 to impose or maintain sanctions with respect to an
13 alien if the President—

14 (A) determines that such waiver is in the
15 national security interest of the United States;
16 and

17 (B) not less than 30 days before such
18 waiver takes effect, submits a report to the con-
19 gressional committees listed in subsection (d)(1)
20 that describes and justifies such waiver.

21 (2) RENEWAL OF WAIVER.—The President
22 may, on a case-by-case basis, renew a waiver under
23 paragraph (1) for additional periods of not more
24 than 180 days if the President—

1 (A) determines that the renewal of the
2 waiver is in the national security interest of the
3 United States; and

4 (B) not less than 15 days before the waiv-
5 er expires, submits a report to the congressional
6 committees listed in subsection (d)(1) that de-
7 scribes and justifies such renewal.

8 **SEC. 7. MACHINE READABLE VISA DOCUMENTS.**

9 (a) MACHINE-READABLE DOCUMENTS.—Except as
10 provided in subsection (b), not later than 1 year after the
11 date of the enactment of this Act, the Secretary of State
12 shall—

13 (1) require the use of a machine-readable visa
14 application form; and

15 (2) make available documents submitted in sup-
16 port of a visa application in a machine readable for-
17 mat to assist in—

18 (A) identifying fraud;

19 (B) conducting lawful law enforcement ac-
20 tivities; and

21 (C) determining the eligibility of applicants
22 for a visa under the Immigration and Nation-
23 ality Act (8 U.S.C. 1101 et seq.).

24 (b) WAIVER.—The Secretary of State may waive the
25 requirement under subsection (a) by providing to Con-

gress, not later than 30 days before the effective date of such waiver—

(1) a detailed explanation for why such waiver is being issued; and

(2) a timeframe for the implementation of the requirement under subsection (a).

(c) REPORT.—Not later than 45 days after date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Oversight and Accountability of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

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

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

4 (3) provides cost estimates, including personnel
 5 costs and a cost-benefit analysis for adopting dif-
 6 ferent technologies, including optical character rec-
 7 ognition, for—

8 (A) making every element of a visa appli-
 9 cation, and documents submitted in support of
 10 a visa application, machine-readable; and

11 (B) ensuring that such system—

12 (i) protects personally-identifiable in-
 13 formation; and

14 (ii) permits the sharing of visa infor-
 15 mation with Federal agencies in accord-
 16 ance with existing law; and

17 (4) includes an estimated timeline for com-
 18 pleting the implementation of subsection (a).

19 **SEC. 8. CERTIFICATIONS REGARDING ACCESS TO EXPORT**
 20 **CONTROLLED TECHNOLOGY IN EDU-**
 21 **CATIONAL AND CULTURAL EXCHANGE PRO-**
 22 **GRAMS.**

23 Section 102(b)(5) of the Mutual Educational and
 24 Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5))
 25 is amended to read as follows:

1 “(5) promoting and supporting medical, sci-
2 entific, cultural, and educational research and devel-
3 opment—

4 “(A) by developing exchange programs for
5 foreign researchers and scientists, while pro-
6 tecting technologies regulated by export control
7 laws important to the national security and eco-
8 nomic interests of the United States; and

9 “(B) by requiring the sponsor of an ex-
10 change visitor program—

11 “(i) to certify to the Department of
12 State that the sponsor, after reviewing all
13 regulations related to the Export Controls
14 Act of 2018 (50 U.S.C. 4811 et seq.) and
15 the Arms Export Control Act (22 U.S.C.
16 2751 et seq.), has determined that—

17 “(I) a license is not required
18 from the Department of Commerce or
19 the Department of State to release
20 such technology or technical data to
21 the exchange visitor; or

22 “(II)(aa) a license is required
23 from the Department of Commerce or
24 the Department of State to release

1 such technology or technical data to
2 the exchange visitor; and

3 “(bb) the sponsor will prevent ac-
4 cess to the controlled technology or
5 technical data by the exchange visitor
6 until the sponsor—

7 “(AA) has received the re-
8 quired license or other authoriza-
9 tion to release it to the visitor;
10 and

11 “(BB) has provided a copy
12 of such license or authorization
13 to the Department of State; and

14 “(ii) if the sponsor maintains export
15 controlled technology or technical data, to
16 submit to the Department of State the
17 sponsor’s plan to prevent unauthorized ex-
18 port or transfer of any controlled items,
19 materials, information, or technology at
20 the sponsor organization or entities associ-
21 ated with a sponsor’s administration of the
22 exchange visitor program.”.

1 **SEC. 9. MANDATORY PLACEMENT OF RESEARCH AND DE-**
 2 **VELOPMENT APPLICANTS FAILING TO DIS-**
 3 **CLOSE REQUIRED INFORMATION IN THE FED-**
 4 **ERAL AWARDEE PERFORMANCE AND INTEG-**
 5 **RITY INFORMATION SYSTEM.**

6 Section 223(c)(2) of the William M. (Mac) Thorn-
 7 berry National Defense Authorization Act for Fiscal Year
 8 2021 (42 U.S.C. 6605(c)(2)) is amended—

9 (1) by redesignating subparagraphs (A) through
 10 (G) as clauses (i) through (vii) and moving such
 11 clauses 2 ems to the right;

12 (2) in the matter preceding clause (i), as redes-
 13 igned, by striking “may take” and inserting the
 14 following: “—

15 “(A) shall—

16 “(i) indicate, in the Federal Awardee
 17 Performance and Integrity Information
 18 System, that such individual or entity is
 19 noncompliant to give notice to other Fed-
 20 eral grant-making agencies; and

21 “(ii) disclose, in such system, any
 22 business relationship between such indi-
 23 vidual or entity and any foreign country of
 24 concern (as defined in section 9901(7) (15
 25 U.S.C. 4651(7))), including any funding

1 received by such individual or entity from
 2 any agent of such country; and
 3 “(B) may take”; and
 4 (3) in subparagraph (B), as redesignated—
 5 (A) by striking clause (vi); and
 6 (B) by redesignating clause (vii) as clause
 7 (vi).

8 **SEC. 10. PRIVACY AND CONFIDENTIALITY.**

9 Nothing in this Act, or in any amendment made by
 10 this Act, may be construed as affecting the rights and re-
 11 quirements provided in—

12 (1) section 552a of title 5, United States Code
 13 (commonly known as the “Privacy Act of 1974”); or
 14 (2) subchapter III of chapter 35 of title 44,
 15 United States Code (commonly known as the “Con-
 16 fidential Information Protection and Statistical Effi-
 17 ciency Act of 2018”).

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