

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

Mr. PORTMAN (for himself, Mr. CARPER, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. COONS, Ms. CORTEZ MASTO, Ms. HASSAN, Mr. HAWLEY, Mr. MANCHIN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of Florida, Mrs. SHAHEEN, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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 transfer 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 fiscal year 2020.

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) IN GENERAL.—The Chairperson of the Council  
24 shall consider the missions and responsibilities of Council  
25 members in determining the lead agencies for Council

1 functions. The Council shall perform the following func-  
2 tions:

3           “(1) Developing and implementing, across all  
4 Executive agencies that award research and develop-  
5 ment grants, a uniform application process for  
6 grants in accordance with subsection (b).

7           “(2) Developing and implementing a uniform  
8 and regular reporting process for identifying persons  
9 participating in federally funded research and devel-  
10 opment or that have access to nonpublic federally  
11 funded information, data, research findings, and re-  
12 search and development grant proposals.

13           “(3) Identifying or developing criteria, in ac-  
14 cordance with subsection (c), for sharing and receiv-  
15 ing information with respect to Federal research se-  
16 curity risks in order to mitigate such risks with—

17                   “(A) members of the United States re-  
18 search community; and

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

21           “(4) Identifying an appropriate Executive agen-  
22 cy—

23                   “(A) to accept and protect information  
24 submitted by Executive agencies and non-Fed-

1           eral entities based on the processes established  
2           under paragraphs (1) and (2); and

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

6                           “(i) oversight of federally funded re-  
7                           search and development;

8                           “(ii) criminal and civil investigations  
9                           of misappropriated Federal funds, re-  
10                          sources, and information; and

11                          “(iii) counterintelligence investiga-  
12                          tions.

13                   “(5) Identifying, as appropriate, Executive  
14           agencies to provide—

15                           “(A) shared services, such as support for  
16                           conducting Federal research security risk as-  
17                           sessments, activities to mitigate such risks, and  
18                           oversight and investigations with respect to  
19                           grants awarded by Executive agencies; and

20                           “(B) common contract solutions to support  
21                           enhanced information collection and sharing  
22                           and the verification of the identities of persons  
23                           participating in federally funded research and  
24                           development.

1           “(6) Identifying and issuing guidance, in ac-  
2           cordance with subsection (d) and in coordination  
3           with the National Insider Threat Task Force estab-  
4           lished by Executive Order 13587 (50 U.S.C. 3161  
5           note) for developing and implementing insider threat  
6           programs for Executive agencies to deter, detect,  
7           and mitigate insider threats, including the safe-  
8           guarding of sensitive information from exploitation,  
9           compromise, or other unauthorized disclosure, taking  
10          into account risk levels and the distinct needs, mis-  
11          sions, and systems of each such agency.

12          “(7) Identifying and issuing guidance for devel-  
13          oping compliance and oversight programs for Execu-  
14          tive agencies to ensure that research and develop-  
15          ment grant recipients accurately report conflicts of  
16          interest and conflicts of commitment in accordance  
17          with subsection (b)(1). Such programs shall include  
18          an assessment of—

19                 “(A) a grantee’s support from foreign  
20                 sources and affiliations with foreign funding in-  
21                 stitutions or laboratories; and

22                 “(B) the impact of such support and affili-  
23                 ations on United States national security and  
24                 economic interests.

1           “(8) Assessing and making recommendations  
2 with respect to whether openly sharing certain types  
3 of federally funded research and development is in  
4 the economic and national security interests of the  
5 United States.

6           “(9) Identifying and issuing guidance to the  
7 United States research community, and other recipi-  
8 ents of Federal research and development funding,  
9 to ensure that such institutions and recipients adopt  
10 existing best practices to reduce the risk of mis-  
11 appropriation of research data.

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

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

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

1           “(b) REQUIREMENTS FOR UNIFORM GRANT APPLI-  
2    CATION PROCESS.—In developing the uniform application  
3    process for Federal research and development grants re-  
4    quired under subsection (a)(1), the Council shall—

5           “(1) ensure that the process—

6           “(A) requires principal investigators, co-  
7    principal investigators, and senior personnel as-  
8    sociated with the proposed Federal research or  
9    development grant project—

10           “(i) to disclose biographical informa-  
11           tion, all affiliations, including any foreign  
12           military and foreign government-related or-  
13           ganizations, and all current and pending  
14           support, including affiliations with foreign  
15           funding institutions or laboratories, and all  
16           support received from foreign sources; and

17           “(ii) to certify the accuracy of the re-  
18           quired disclosures under penalty of per-  
19           jury; and

20           “(B) uses a machine-readable application  
21           form to assist in identifying fraud and ensuring  
22           the eligibility of applicants;

23           “(2) design the process—



1           “(A) to reduce the administrative burden  
2           on persons applying for Federal research and  
3           development funding; and

4           “(B) to promote information sharing  
5           across the United States research community,  
6           while safeguarding sensitive information; and

7           “(3) complete the process not later than 1 year  
8           after the date of the enactment of the Safeguarding  
9           American Innovation Act.

10          “(c) REQUIREMENTS FOR INFORMATION SHARING  
11          CRITERIA.—In identifying or developing criteria and pro-  
12          cedures for sharing information with respect to Federal  
13          research security risks under subsection (a)(3), the Coun-  
14          cil shall ensure that such criteria address, at a min-  
15          imum—

16                 “(1) the information to be shared;

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

19                 “(3) the circumstances under which it is appro-  
20                 priate for an Executive agency to rely on informa-  
21                 tion made available through such sharing in exer-  
22                 cising the responsibilities and authorities of the  
23                 agency under applicable laws relating to the award  
24                 of grants;

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

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

5           “(d) REQUIREMENTS FOR INSIDER THREAT PRO-  
6 GRAM GUIDANCE.—In identifying or developing guidance  
7 with respect to insider threat programs under subsection  
8 (a)(6), the Council shall ensure that such guidance pro-  
9 vides for, at a minimum—

10           “(1) such programs—

11               “(A) to deter, detect, and mitigate insider  
12 threats; and

13               “(B) to leverage counterintelligence, secu-  
14 rity, information assurance, and other relevant  
15 functions and resources to identify and counter  
16 insider threats; and

17           “(2) the development of an integrated capability  
18 to monitor and audit information for the detection  
19 and mitigation of insider threats, including  
20 through—

21               “(A) monitoring user activity on computer  
22 networks controlled by Executive agencies;

23               “(B) providing employees of Executive  
24 agencies with awareness training with respect

1 to insider threats and the responsibilities of em-  
2 ployees to report such threats;

3 “(C) gathering information for a central-  
4 ized analysis, reporting, and response capa-  
5 bility; and

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

9 “(3) the development and implementation of  
10 policies and procedures under which the insider  
11 threat program of an Executive agency accesses,  
12 shares, and integrates information and data derived  
13 from offices within the agency;

14 “(4) the designation of senior officials with au-  
15 thority to provide management, accountability, and  
16 oversight of the insider threat program of an Execu-  
17 tive agency and to make resource recommendations  
18 to the appropriate officials; and

19 “(5) such additional guidance as is necessary to  
20 reflect the distinct needs, missions, and systems of  
21 each Executive agency.

22 “(e) ISSUANCE OF WARNINGS RELATING TO RISKS  
23 AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC  
24 COOPERATION.—

1           “(1) IN GENERAL.—The Council, in conjunction  
2 with the lead security advisor under section  
3 7902(c)(4), shall establish a process for informing  
4 members of the United States research community  
5 and the public, through the issuance of warnings de-  
6 scribed in paragraph (2), of potential risks and  
7 vulnerabilities in international scientific cooperation  
8 that may undermine the integrity and security of the  
9 United States research community or place at risk  
10 any federally funded research and development.

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

14           “(A) activities by the national government,  
15 local governments, research institutions, or uni-  
16 versities of a foreign country—

17           “(i) to exploit, interfere, or undermine  
18 research and development by the United  
19 States research community; or

20           “(ii) to misappropriate scientific  
21 knowledge resulting from federally funded  
22 research and development;

23           “(B) efforts by strategic competitors to ex-  
24 ploit the research enterprise of a foreign coun-  
25 try that may place at risk—

1 “(i) the science and technology of that  
2 foreign country; or

3 “(ii) federally funded research and de-  
4 velopment; and

5 “(C) practices within the research enter-  
6 prise of a foreign country that do not adhere to  
7 the United States scientific values of openness,  
8 transparency, reciprocity, integrity, and merit-  
9 based competition.

10 “(f) PROGRAM OFFICE AND COMMITTEES.—The  
11 interagency working group established under section 1746  
12 of the National Defense Authorization Act for Fiscal Year  
13 2020 (Public Law 116–92) shall be a working group under  
14 the Council performing duties authorized under such sec-  
15 tion and as directed by the Council. The Council may also  
16 establish a program office and any committees, working  
17 groups, or other constituent bodies the Council deems ap-  
18 propriate, in its sole and unreviewable discretion, to carry  
19 out its functions.

20 “(g) EXCLUSION ORDERS.—To reduce Federal re-  
21 search security risk, the Interagency Suspension and De-  
22 barment Committee shall provide quarterly reports to the  
23 Council that detail—

24 “(1) the number of ongoing investigations by  
25 Council Members related to Federal research secu-

1 rity that may result, or have resulted, in agency pre-  
2 notice letters, suspensions, proposed debarments,  
3 and debarments;

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

6 “(3) efforts by the Interagency Suspension and  
7 Debarment Committee to mitigate Federal research  
8 security risk;

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

11 “(5) other current suspension and debarment  
12 related issues.

13 **“§ 7904. Strategic plan**

14 “(a) IN GENERAL.—Not later than 180 days after  
15 the date of the enactment of this chapter, the Council shall  
16 develop a strategic plan for addressing Federal research  
17 security risks and for managing such risks, that in-  
18 cludes—

19 “(1) the criteria and processes required under  
20 section 7903(a), including a threshold and require-  
21 ments for sharing relevant information about such  
22 risks with all Executive agencies and, as appro-  
23 priate, with other Federal entities, foreign govern-  
24 ments, and non-Federal entities;

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

3           “(3) an identification and promulgation of best  
4           practices and procedures, and an identification of  
5           available resources, for Executive agencies to assess  
6           and mitigate such risks;

7           “(4) recommendations for any legislative, regu-  
8           latory, or other policy changes to improve efforts to  
9           address such risks;

10          “(5) recommendations for any legislative, regu-  
11          latory, or other policy changes to incentivize the  
12          adoption of best practices for avoiding and miti-  
13          gating Federal research security risks by the United  
14          States research community and key United States  
15          foreign research partners;

16          “(6) an evaluation of the effect of implementing  
17          new policies or procedures on existing Federal grant  
18          processes, regulations, and disclosures of conflicts of  
19          interest and conflicts of commitment;

20          “(7) a plan for engaging with Executive agen-  
21          cies, the private sector, and other nongovernmental  
22          stakeholders to address such risks and share infor-  
23          mation between Executive agencies, the private sec-  
24          tor, and nongovernmental stakeholders; and

1           “(8) a plan for identification, assessment, miti-  
2           gation, and vetting of Federal research security  
3           risks.

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

9           **“§ 7905. Annual report**

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

13                 “(1) the activities of the Council during the  
14                 preceding fiscal year; and

15                 “(2) the progress made toward implementing  
16                 the strategic plan required under section 7904 after  
17                 such plan has been submitted to Congress.

18          **“§ 7906. Requirements for Executive agencies**

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

21                 “(1) assessing Federal research security risks  
22                 posed by persons participating in federally funded  
23                 research and development;

24                 “(2) avoiding or mitigating such risks, as ap-  
25                 propriate and consistent with the standards, guide-



1 lines, requirements, and practices identified by the  
2 Council under section 7903(a);

3 “(3) prioritizing Federal research security risk  
4 assessments conducted under paragraph (1) based  
5 on the applicability and relevance of the research  
6 and development to the national security and eco-  
7 nomic competitiveness of the United States; and

8 “(4) ensuring that all agency initiatives impact-  
9 ing Federally funded research grant making policy  
10 and management to protect the national and eco-  
11 nomic security interests of the United States are in-  
12 tegrated with the activities of the Council.

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

16 “(1) developing an overall Federal research se-  
17 curity risk management strategy and implementation  
18 plan and policies and processes to guide and govern  
19 Federal research security risk management activities  
20 by the Executive agency;

21 “(2) integrating Federal research security risk  
22 management practices throughout the lifecycle of the  
23 grant programs of the Executive agency;

24 “(3) sharing relevant information with other  
25 Executive agencies, as determined appropriate by

1 the Council in a manner consistent with section  
2 7903; and

3 “(4) reporting on the effectiveness of the Fed-  
4 eral research security risk management strategy of  
5 the Executive agency consistent with guidance issued  
6 by the Office of Management and Budget and the  
7 Council.”.

8 (b) CLERICAL AMENDMENT.—The table of chapters  
9 at the beginning of title 31, United States Code, is amend-  
10 ed by inserting after the item relating to chapter 77 the  
11 following new item:

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

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

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

16 “**§ 1041. Federal grant application fraud**

17 “(a) DEFINITIONS.—In this section:

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

21 “(2) FEDERAL GRANT.—The term ‘Federal  
22 grant’—

23 “(A) means a grant awarded by a Federal  
24 agency;

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

4           “(C) does not include—

5                 “(i) direct United States Government  
6 cash assistance to an individual;

7                 “(ii) a subsidy;

8                 “(iii) a loan;

9                 “(iv) a loan guarantee; or

10                “(v) insurance.

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

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

18                 “(A) a foreign government;

19                 “(B) a foreign government institution; or

20                 “(C) a foreign public enterprise.

21           “(5) FOREIGN GOVERNMENT.—The term ‘for-  
22 eign government’ includes a person acting or pur-  
23 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 12  
23                         of the Inspector General Act of 1978 (5  
24                         U.S.C. App.)) or a designated Federal en-  
25                         tity (as defined in section 8G(a) of the In-

1           spector General Act of 1978 (5 U.S.C.  
2           App.)); and

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

6                   “(9) OUTSIDE COMPENSATION.—The term ‘out-  
7           side compensation’ means any compensation that is  
8           not received from the primary employer of an indi-  
9           vidual.

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

12                   “(1) prepare or submit a Federal grant applica-  
13          tion that fails to disclose the receipt of any outside  
14          compensation, including foreign compensation, by  
15          the individual;

16                   “(2) forge, counterfeit, or otherwise falsify a  
17          document for the purpose of obtaining a Federal  
18          grant; or

19                   “(3) prepare, submit, or assist in the prepara-  
20          tion or submission of a Federal grant application or  
21          document in connection with a Federal grant appli-  
22          cation that—

23                           “(A) contains a false statement;

24                           “(B) contains a material misrepresenta-  
25          tion;

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

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

3           “(c) EXCEPTION.—Subsection (b) does not apply to  
4 an activity—

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

8                   “(A) a law enforcement agency; or

9                   “(B) a Federal intelligence agency; or

10                   “(2) authorized under chapter 224.

11           “(d) PENALTY.—Any individual who violates sub-  
12 section (b)—

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

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

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

“1041. Federal grant application fraud.”.

1 **SEC. 5. RESTRICTING THE TRANSFER OF GOODS, TECH-**  
2 **NOLOGIES, AND SENSITIVE INFORMATION TO**  
3 **CERTAIN ALIENS.**

4 (a) **GROUND**S OF **INADMISSIBILITY**.—Section  
5 212(a)(3)(A)(i) of the Immigration and Nationality Act  
6 (8 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

7 “(i) any activity—

8 “(I) to violate any law of the  
9 United States relating to espionage or  
10 sabotage;

11 “(II) to violate or evade any law  
12 prohibiting the export from the  
13 United States of goods, technologies,  
14 or sensitive information; or

15 “(III) to acquire export-con-  
16 trolled goods, technologies, or sen-  
17 sitive information (notwithstanding  
18 any exclusions for items not normally  
19 subject to export controls) if the Sec-  
20 retary of State has determined that  
21 the acquisition of those goods, tech-  
22 nologies, or sensitive information by a  
23 category of aliens that includes such  
24 alien would be contrary to an  
25 articulable national security (including

1 economic security) interest of the  
2 United States;”.

3 (b) DETERMINING FACTORS.—

4 (1) IN GENERAL.—In establishing criteria for  
5 determining whether an alien is included in a cat-  
6 egory of aliens that may be inadmissible under sec-  
7 tion 212(a)(3)(A)(i)(III) of the Immigration and  
8 Nationality Act, as amended by subsection (a), offi-  
9 cials of the Department of State shall—

10 (A) seek advice and assistance from offi-  
11 cials at the Office of the Director of National  
12 Intelligence, the Office of Science and Tech-  
13 nology Policy, the Department of Health and  
14 Human Services, the Department of Defense,  
15 the Department of Homeland Security, the De-  
16 partment of Energy, the Department of Com-  
17 merce, and other appropriate Federal agencies;

18 (B) consider factors such as the alien’s  
19 past or likely employment or cooperation with—

20 (i) foreign military and security re-  
21 lated organizations that are adversarial to  
22 the United States;

23 (ii) foreign institutions involved in the  
24 theft of United States research;



1 (iii) entities involved in export control  
2 violations or the theft of intellectual prop-  
3 erty; and

4 (iv) a government that seeks to under-  
5 mine the integrity and security of the  
6 United States research community; and

7 (C) weigh the proportionality of risk for  
8 the factors listed in subparagraph (B).

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

12 (A) use a machine-readable visa applica-  
13 tion form; and

14 (B) make available documents submitted in  
15 support of a visa application in a machine read-  
16 able format to assist in—

17 (i) identifying fraud;

18 (ii) conducting lawful law enforcement  
19 activities; and

20 (iii) determining the eligibility of ap-  
21 plicants for a visa under the Immigration  
22 and Nationality Act (8 U.S.C. 1101 et  
23 seq.).

24 (c) REPORTING REQUIREMENT.—Not later than 180  
25 days after the date of the enactment of this Act, and annu-

1 ally thereafter, the Secretary of State, in coordination with  
2 the Director of National Intelligence, the Director of the  
3 Office of Science and Technology Policy, the Secretary of  
4 Homeland Security, the Secretary of Defense, the Sec-  
5 retary of Energy, the Secretary of Commerce, and the  
6 heads of other appropriate Federal agencies, shall submit  
7 a report to Congress that identifies—

8 (1) the criteria used to describe the category of  
9 aliens to which such section 212(a)(3)(A)(i)(III)  
10 may apply; and

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

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

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

23 (2) is necessary to further the purposes of this  
24 Act.

1 (e) REPORT.—Not later than 45 days after date of  
2 the enactment of this Act, the Secretary of State shall sub-  
3 mit a report to the Committee on Homeland Security and  
4 Governmental Affairs of the Senate, the Committee on  
5 Commerce, Science, and Transportation of the Senate, the  
6 Select Committee on Intelligence of the Senate, the Com-  
7 mittee on Foreign Relations of the Senate; the Committee  
8 on Oversight and Reform of the House of Representatives,  
9 the Committee on Homeland Security of the House of  
10 Representatives, the Committee on Energy and Commerce  
11 of the House of Representatives, the Permanent Select  
12 Committee on Intelligence of the House of Representa-  
13 tives, and the Committee on Foreign Affairs of the House  
14 of Representatives that—

15 (1) describes how supplementary documents  
16 provided by a visa applicant in support of a visa ap-  
17 plication are stored and shared by the Department  
18 of State with authorized Federal agencies;

19 (2) identifies the sections of a visa application  
20 that are machine-readable and the sections that are  
21 not machine-readable;

22 (3) provides cost estimates, including personnel  
23 costs and a cost-benefit analysis for adopting dif-  
24 ferent technologies, including optical character rec-  
25 ognition, for—

- 1 (A) making every element of a visa appli-  
2 cation, and documents submitted in support of  
3 a visa application, machine-readable; and  
4 (B) ensuring that such system—  
5 (i) protects personally-identifiable in-  
6 formation; and  
7 (ii) permits the sharing of visa infor-  
8 mation with Federal agencies in accord-  
9 ance with existing law; and  
10 (4) includes an estimated timeline for com-  
11 pleting the implementation of subsection (b)(2).

12 **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**  
13 **CHANGE PROGRAMS.**

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

22 “(A) to disclose to the Department of  
23 State whether an exchange visitor, as a primary  
24 part of his or her exchange program, will have  
25 released to them controlled technology or tech-

1 nical data regulated by export control laws at  
2 sponsor organizations through research activi-  
3 ties, lectures, course work, sponsor employees,  
4 officers, agents, third parties at which the spon-  
5 sor places the exchange visitor, volunteers, or  
6 other individuals or entities associated with a  
7 sponsor's administration of the exchange visitor  
8 program;

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

19 “(C) to demonstrate, to the satisfaction of  
20 the Secretary of State, that programs that will  
21 release controlled technology or technical data  
22 to an exchange visitor at the sponsor organiza-  
23 tion through exchange visitor programs have re-  
24 ceived appropriate authorization from the De-  
25 partment of State, the Department of Com-

1           merce, other cognizant Federal agency before  
2           the sponsor releases controlled technology or  
3           technical data;”.

4 **SEC. 7. AMENDMENTS TO DISCLOSURES OF FOREIGN**  
5 **GIFTS.**

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

8           (1) by amending subsection (a) to read as fol-  
9           lows:

10          “(a) DISCLOSURE REPORT.—

11           “(1) IN GENERAL.—An institution shall file a  
12           disclosure report with the Secretary not later than  
13           the sooner of the first March 31 or September 30  
14           occurring after the date on which—

15           “(A) a foreign source gains ownership of,  
16           or control over, the institution; or

17           “(B) the institution receives a gift from, or  
18           enters into a contract with, a foreign source,  
19           the value of which is \$50,000 or more, consid-  
20           ered alone or in combination with all other gifts  
21           from or contracts with that foreign source with-  
22           in a calendar year.

23          “(2) REVISIONS; UPDATES.—The Secretary  
24           shall permit institutions to revise and update disclo-  
25           sure reports previously filed to ensure that such re-

1       ports are accurate and in compliance with applicable  
2       requirements.”;

3           (2) by amending subsection (e) to read as fol-  
4       lows:

5       “(e) PUBLIC INSPECTION.—Not later than 30 days  
6       after receiving a disclosure report under this section, the  
7       Secretary shall make such report electronically available  
8       to the public for downloading on a searchable database  
9       under which institutions can be individually identified and  
10      compared.”;

11           (3) in subsection (f), by adding at the end the  
12      following:

13           “(3) WARNINGS; FINES.—

14           “(A) WARNINGS.—The Secretary shall  
15           issue a warning to any institution that fails to  
16           file a disclosure report for a receipt of a gift  
17           from or contract with a foreign source.

18           “(B) FINES.—The Secretary may impose a  
19           fine on any institution that repeatedly fails to  
20           file a disclosure report for a receipt of a gift  
21           from or contract with a foreign source in ac-  
22           cordance with subsection (a) in an amount that  
23           is not more than 3 times the amount of the gift  
24           or contract with the foreign source.”;

1           (4) by amending subsection (g) to read as fol-  
2 lows:

3           “(g) RULEMAKING.—

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

9           “(2) ELEMENTS.—Regulations issued pursuant  
10 to paragraph (1) shall—

11           “(A) incorporate instructions for—

12           “(i) reporting structured gifts and  
13 contracts; and

14           “(ii) reporting contracts that balances  
15 the need for transparency, while protecting  
16 the proprietary information of institutes of  
17 higher education; and

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

20           (5) by redesignating subsection (h) as sub-  
21 section (i);

22           (6) by inserting after subsection (g) the fol-  
23 lowing:

24           “(h) TREATMENT OF TUITION PAYMENT.—A tuition  
25 and related fees and expenses payment to an institution



1 by a foreign source made on behalf of a student enrolled  
2 at such institution shall not be considered a gift from or  
3 contract with a foreign source under this section.”; and

4 (7) in subsection (i), as redesignated—

5 (A) in paragraph (3), by striking “or prop-  
6 erty” and inserting “, property, human re-  
7 sources, or payment of any staff”; and

8 (B) in paragraph (5)(B), by inserting “in-  
9 stitutes, instructional programs,” after “cen-  
10 ters,”.