

**Calendar No. 681**117TH CONGRESS  
2D SESSION**S. 1351****[Report No. 117-282]**

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

DECEMBER 19, 2022

Reported by Mr. PETERS, without amendment

**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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Safeguarding American Innovation Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

13 (2) RESEARCH AND DEVELOPMENT.—

14 (A) IN GENERAL.—The term “research  
15 and development” means all research activities,  
16 both basic and applied, and all development ac-  
17 tivities.

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

20 (C) EXPERIMENTAL DEVELOPMENT.—The  
21 term “experimental development” means cre-  
22 ative and systematic work, drawing upon knowl-

1 edge gained from research and practical experi-  
2 ence, which—

3 (i) is directed toward the production  
4 of new products or processes or improving  
5 existing products or processes; and

6 (ii) like research, will result in gaining  
7 additional knowledge.

8 (D) RESEARCH.—The term “research”—

9 (i) means a systematic study directed  
10 toward fuller scientific knowledge or under-  
11 standing of the subject studied; and

12 (ii) includes activities involving the  
13 training of individuals in research tech-  
14 niques if such activities—

15 (I) utilize the same facilities as  
16 other research and development activi-  
17 ties; and

18 (II) are not included in the in-  
19 struction function.

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

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

1           **“CHAPTER 79—FEDERAL RESEARCH**  
2                           **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.

3   **“§ 7901. Definitions**

4           “In this chapter:

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

8                   “(A) the Committee on Homeland Security  
9                   and Governmental Affairs of the Senate;

10                   “(B) the Committee on Commerce,  
11                   Science, and Transportation of the Senate;

12                   “(C) the Select Committee on Intelligence  
13                   of the Senate;

14                   “(D) the Committee on Foreign Relations  
15                   of the Senate;

16                   “(E) the Committee on Armed Services of  
17                   the Senate;

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

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

1           “(H) the Committee on Homeland Security  
2 of the House of Representatives;

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

5           “(J) the Permanent Select Committee on  
6 Intelligence of the House of Representatives;

7           “(K) the Committee on Foreign Affairs of  
8 the House of Representatives;

9           “(L) the Committee on Armed Services of  
10 the House of Representatives; and

11           “(M) the Committee on Education and  
12 Labor of the House of Representatives.

13           “(2) COUNCIL.—The term ‘Council’ means the  
14 Federal Research Security Council established under  
15 section 7902(a).

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

19           “(4) FEDERAL RESEARCH SECURITY RISK.—  
20 The term ‘Federal research security risk’ means the  
21 risk posed by malign state actors and other persons  
22 to the security and integrity of research and develop-  
23 ment conducted using grants awarded by Executive  
24 agencies.

1           “(5) INSIDER.—The term ‘insider’ means any  
2 person with authorized access to any United States  
3 Government resource, including personnel, facilities,  
4 information, research, equipment, networks, or sys-  
5 tems.

6           “(6) INSIDER THREAT.—The term ‘insider  
7 threat’ means the threat that an insider will use his  
8 or her authorized access (wittingly or unwittingly) to  
9 harm the national and economic security of the  
10 United States or negatively affect the integrity of a  
11 Federal agency’s normal processes, including dam-  
12 aging the United States through espionage, sabo-  
13 tage, unauthorized disclosure of national security in-  
14 formation or non-public information, or through the  
15 loss or degradation of departmental resources, capa-  
16 bilities, and functions.

17           “(7) RESEARCH AND DEVELOPMENT.—

18           “(A) IN GENERAL.—The term ‘research  
19 and development’ means all research activities,  
20 both basic and applied, and all development ac-  
21 tivities.

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

24           “(C) EXPERIMENTAL DEVELOPMENT.—  
25 The term ‘experimental development’ means

1 creative and systematic work, drawing upon  
2 knowledge gained from research and practical  
3 experience, which—

4 “(i) is directed toward the production  
5 of new products or processes or improving  
6 existing products or processes; and

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

9 “(D) RESEARCH.—The term ‘research’—

10 “(i) means a systematic study directed  
11 toward fuller scientific knowledge or under-  
12 standing of the subject studied; and

13 “(ii) includes activities involving the  
14 training of individuals in research tech-  
15 niques if such activities—

16 “(I) utilize the same facilities as  
17 other research and development activi-  
18 ties; and

19 “(II) are not included in the in-  
20 struction function.

21 “(8) UNITED STATES RESEARCH COMMU-  
22 NITY.—The term ‘United States research commu-  
23 nity’ means—

24 “(A) research and development centers of  
25 Executive agencies;

1           “(B) private research and development  
2 centers in the United States, including for-prof-  
3 it and nonprofit research institutes;

4           “(C) research and development centers at  
5 institutions of higher education (as defined in  
6 section 101(a) of the Higher Education Act of  
7 1965 (20 U.S.C. 1001(a)));

8           “(D) research and development centers of  
9 States, United States territories, Indian tribes,  
10 and municipalities;

11           “(E) government-owned, contractor-oper-  
12 ated United States Government research and  
13 development centers; and

14           “(F) any person conducting federally fund-  
15 ed research or receiving Federal research grant  
16 funding.

17 **“§ 7902. Federal Research Security Council establish-**  
18 **ment and membership**

19           “(a) ESTABLISHMENT.—There is established, in the  
20 Office of Management and Budget, a Federal Research  
21 Security Council, which shall develop federally funded re-  
22 search and development grant making policy and manage-  
23 ment guidance to protect the national and economic secu-  
24 rity interests of the United States.

25           “(b) MEMBERSHIP.—



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

3           “(A) The Office of Management and  
4 Budget.

5           “(B) The Office of Science and Technology  
6 Policy.

7           “(C) The Department of Defense.

8           “(D) The Department of Homeland Secu-  
9 rity.

10          “(E) The Office of the Director of Na-  
11 tional Intelligence, including the National Coun-  
12 terintelligence and Security Center.

13          “(F) The Department of Justice, including  
14 the Federal Bureau of Investigation.

15          “(G) The Department of Energy.

16          “(H) The Department of Commerce, in-  
17 cluding the National Institute of Standards and  
18 Technology.

19          “(I) The Department of Health and  
20 Human Services, including the National Insti-  
21 tutes of Health.

22          “(J) The Department of State.

23          “(K) The Department of Transportation.

24          “(L) The National Aeronautics and Space  
25 Administration.

1           “(M) The National Science Foundation.

2           “(N) The Department of Education.

3           “(O) The Small Business Administration.

4           “(P) The Council of Inspectors General on  
5 Integrity and Efficiency.

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

8           “(2) LEAD REPRESENTATIVES.—

9           “(A) DESIGNATION.—Not later than 45  
10 days after the date of the enactment of this  
11 chapter, the head of each agency represented on  
12 the Council shall designate a representative of  
13 that agency as the lead representative of the  
14 agency on the Council.

15           “(B) FUNCTIONS.—The lead representa-  
16 tive of an agency designated under subpara-  
17 graph (A) shall ensure that appropriate per-  
18 sonnel, including leadership and subject matter  
19 experts of the agency, are aware of the business  
20 of the Council.

21           “(c) CHAIRPERSON.—

22           “(1) DESIGNATION.—Not later than 45 days  
23 after the date of the enactment of this chapter, the  
24 Director of the Office of Management and Budget  
25 shall designate a senior-level official from the Office

1 of Management and Budget to serve as the Chair-  
2 person of the Council.

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

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

7 “(B) designating Executive agencies to be  
8 represented on the Council under subsection  
9 (b)(1)(Q);

10 “(C) in consultation with the lead rep-  
11 resentative of each agency represented on the  
12 Council, developing a charter for the Council;  
13 and

14 “(D) not later than 7 days after comple-  
15 tion of the charter, submitting the charter to  
16 the appropriate congressional committees.

17 “(3) LEAD SCIENCE ADVISOR.—The Director of  
18 the Office of Science and Technology Policy shall be  
19 the lead science advisor to the Chairperson for pur-  
20 poses of this chapter.

21 “(4) LEAD SECURITY ADVISOR.—The Director  
22 of the National Counterintelligence and Security  
23 Center shall be the lead security advisor to the  
24 Chairperson for purposes of this chapter.

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

4       **“§ 7903. Functions and authorities**

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

6               “(1) IMPLEMENTING.—The term ‘imple-  
7 menting’ means working with the relevant Federal  
8 agencies, through existing processes and procedures,  
9 to enable those agencies to put in place and enforce  
10 the measures described in this section.

11               “(2) UNIFORM APPLICATION PROCESS.—The  
12 term ‘uniform application process’ means a process  
13 employed by Federal science agencies to maximize  
14 the collection of information regarding applicants  
15 and applications, as determined by the Council.

16       “(b) IN GENERAL.—The Chairperson of the Council  
17 shall consider the missions and responsibilities of Council  
18 members in determining the lead agencies for Council  
19 functions. The Council shall perform the following func-  
20 tions:

21               “(1) Developing and implementing, across all  
22 Executive agencies that award research and develop-  
23 ment grants, a uniform application process for  
24 grants in accordance with subsection (c).

1           “(2) Developing and implementing a uniform  
2           and regular reporting process for identifying persons  
3           participating in federally funded research and devel-  
4           opment or that have access to nonpublic federally  
5           funded information, data, research findings, and re-  
6           search and development grant proposals.

7           “(3) Identifying or developing criteria, in ac-  
8           cordance with subsection (d), for sharing and receiv-  
9           ing information with respect to Federal research se-  
10          curity risks in order to mitigate such risks with—

11                   “(A) members of the United States re-  
12                   search community; and

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

15          “(4) Identifying an appropriate Executive agen-  
16          cy—

17                   “(A) to accept and protect information  
18                   submitted by Executive agencies and non-Fed-  
19                   eral entities based on the processes established  
20                   under paragraphs (1) and (2); and

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

24                           “(i) oversight of federally funded re-  
25                           search and development;

1           “(ii) criminal and civil investigations  
2           of misappropriated Federal funds, re-  
3           sources, and information; and

4           “(iii) counterintelligence investiga-  
5           tions.

6           “(5) Identifying, as appropriate, Executive  
7           agencies to provide—

8           “(A) shared services, such as support for  
9           conducting Federal research security risk as-  
10          sessments, activities to mitigate such risks, and  
11          oversight and investigations with respect to  
12          grants awarded by Executive agencies; and

13          “(B) common contract solutions to support  
14          enhanced information collection and sharing  
15          and the verification of the identities of persons  
16          participating in federally funded research and  
17          development.

18          “(6) Identifying and issuing guidance, in ac-  
19          cordance with subsection (e) and in coordination  
20          with the National Insider Threat Task Force estab-  
21          lished by Executive Order 13587 (50 U.S.C. 3161  
22          note) for developing and implementing insider threat  
23          programs for Executive agencies to deter, detect,  
24          and mitigate insider threats, including the safe-  
25          guarding of sensitive information from exploitation,

1       compromise, or other unauthorized disclosure, taking  
2       into account risk levels and the distinct needs, mis-  
3       sions, and systems of each such agency.

4               “(7) Identifying and issuing guidance for devel-  
5       oping compliance and oversight programs for Execu-  
6       tive agencies to ensure that research and develop-  
7       ment grant recipients accurately report conflicts of  
8       interest and conflicts of commitment in accordance  
9       with subsection (c)(1). Such programs shall include  
10      an assessment of—

11                   “(A) a grantee’s support from foreign  
12                   sources and affiliations with foreign funding in-  
13                   stitutions or laboratories; and

14                   “(B) the impact of such support and affili-  
15                   ations on United States national security and  
16                   economic interests.

17               “(8) Assessing and making recommendations  
18       with respect to whether openly sharing certain types  
19       of federally funded research and development is in  
20       the economic and national security interests of the  
21       United States.

22               “(9) Identifying and issuing guidance to the  
23       United States research community, and other recipi-  
24       ents of Federal research and development funding,  
25       to ensure that such institutions and recipients adopt

1 existing best practices to reduce the risk of mis-  
2 appropriation of research data.

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

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

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

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

20 “(1) ensure that the process—

21 “(A) requires principal investigators, co-  
22 principal investigators, and senior personnel as-  
23 sociated with the proposed Federal research or  
24 development grant project—



1           “(i) to disclose biographical informa-  
2           tion, all affiliations, including any foreign  
3           military, foreign government-related orga-  
4           nizations, and foreign-funded institutions,  
5           and all current and pending support, in-  
6           cluding from foreign institutions, foreign  
7           governments, or foreign laboratories, and  
8           all support received from foreign sources;  
9           and

10           “(ii) to certify the accuracy of the re-  
11           quired disclosures under penalty of per-  
12           jury; and

13           “(B) uses a machine-readable application  
14           form to assist in identifying fraud and ensuring  
15           the eligibility of applicants;

16           “(2) design the process—

17           “(A) to reduce the administrative burden  
18           on persons applying for Federal research and  
19           development funding; and

20           “(B) to promote information sharing  
21           across the United States research community,  
22           while safeguarding sensitive information; and

23           “(3) complete the process not later than 1 year  
24           after the date of the enactment of the Safeguarding  
25           American Innovation Act.

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

7               “(1) the information to be shared;

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

10              “(3) the circumstances under which it is appro-  
11 priate for an Executive agency to rely on informa-  
12 tion made available through such sharing in exer-  
13 cising the responsibilities and authorities of the  
14 agency under applicable laws relating to the award  
15 of grants;

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

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

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

25              “(1) such programs—

1           “(A) to deter, detect, and mitigate insider  
2 threats; and

3           “(B) to leverage counterintelligence, secu-  
4 rity, information assurance, and other relevant  
5 functions and resources to identify and counter  
6 insider threats;

7           “(2) the development of an integrated capability  
8 to monitor and audit information for the detection  
9 and mitigation of insider threats, including  
10 through—

11           “(A) monitoring user activity on computer  
12 networks controlled by Executive agencies;

13           “(B) providing employees of Executive  
14 agencies with awareness training with respect  
15 to insider threats and the responsibilities of em-  
16 ployees to report such threats;

17           “(C) gathering information for a central-  
18 ized analysis, reporting, and response capa-  
19 bility; and

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

23           “(3) the development and implementation of  
24 policies and procedures under which the insider  
25 threat program of an Executive agency accesses,

1 shares, and integrates information and data derived  
2 from offices within the agency;

3 “(4) the designation of senior officials with au-  
4 thority to provide management, accountability, and  
5 oversight of the insider threat program of an Execu-  
6 tive agency and to make resource recommendations  
7 to the appropriate officials; and

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

11 “(f) ISSUANCE OF WARNINGS RELATING TO RISKS  
12 AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC  
13 COOPERATION.—

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

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

4           “(A) activities by the national government,  
5 local governments, research institutions, or uni-  
6 versities of a foreign country—

7           “(i) to exploit, interfere, or undermine  
8 research and development by the United  
9 States research community; or

10           “(ii) to misappropriate scientific  
11 knowledge resulting from federally funded  
12 research and development;

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

16           “(i) the science and technology of that  
17 foreign country; or

18           “(ii) federally funded research and de-  
19 velopment; and

20           “(C) practices within the research enter-  
21 prise of a foreign country that do not adhere to  
22 the United States scientific values of openness,  
23 transparency, reciprocity, integrity, and merit-  
24 based competition.

1       “(g) PROGRAM OFFICE AND COMMITTEES.—The  
2 interagency working group established under section 1746  
3 of the National Defense Authorization Act for Fiscal Year  
4 2020 (Public Law 116–92) shall be a working group under  
5 the Council performing duties authorized under such sec-  
6 tion and as directed by the Council. The Council shall use  
7 any findings or work product, existing or forthcoming, by  
8 such working group. The Council may also establish a pro-  
9 gram office and any committees, working groups, or other  
10 constituent bodies the Council deems appropriate, in its  
11 sole and unreviewable discretion, to carry out its func-  
12 tions.

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

17               “(1) the number of ongoing investigations by  
18 Council Members related to Federal research secu-  
19 rity that may result, or have resulted, in agency pre-  
20 notice letters, suspensions, proposed debarments,  
21 and debarments;

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

1           “(3) efforts by the Interagency Suspension and  
2           Debarment Committee to mitigate Federal research  
3           security risk;

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

6           “(5) other current suspension and debarment  
7           related issues.

8           “(i) SAVINGS PROVISION.—Nothing in this section  
9           may be construed to alter or diminish the authority of any  
10          Federal agency or to alter any procedural requirements  
11          or remedies that were in place before the date of the enact-  
12          ment of this chapter.

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(b), 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(b);

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           spectator 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, re-  
8                   source, or support regardless of monetary value  
9                   made available to the applicant in support of or re-  
10                  lated to any research endeavor, including, but not  
11                  limited to, a title, research grant, cooperative agree-  
12                  ment, contract, institutional award, access to a lab-  
13                  oratory, or other resource, including, but not limited  
14                  to, materials, travel compensation, or work incen-  
15                  tives.

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

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

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

1           “(3) prepare, submit, or assist in the prepara-  
2           tion or submission of a Federal grant application or  
3           document in connection with a Federal grant appli-  
4           cation that—

5                   “(A) contains a false statement;

6                   “(B) contains a material misrepresenta-  
7           tion;

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

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

10          “(c) EXCEPTION.—Subsection (b) does not apply to  
11          an activity—

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

15                   “(A) a law enforcement agency; or

16                   “(B) a Federal intelligence agency; or

17                   “(2) authorized under chapter 224.

18          “(d) PENALTY.—Any individual who violates sub-  
19          section (b)—

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

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

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

“1041. Federal grant application fraud.”.

4 **SEC. 5. RESTRICTING THE ACQUISITION OF GOODS, TECH-**  
 5 **NOLOGIES, AND SENSITIVE INFORMATION TO**  
 6 **CERTAIN ALIENS.**

7 (a) GROUNDS OF INADMISSIBILITY.—Section  
 8 212(a)(3)(A)(i) of the Immigration and Nationality Act  
 9 (8 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

10 “(i) any activity—

11 “(I) to violate any law of the  
 12 United States relating to espionage or  
 13 sabotage;

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

18 “(III) to acquire export-con-  
 19 trolled goods, technologies, or sen-  
 20 sitive information through any exclu-  
 21 sions for items normally subject to ex-  
 22 port controls if the Secretary of State  
 23 has determined that the acquisition of  
 24 those goods, technologies, or sensitive  
 25 information by that alien would be



1                   contrary to an articulable national se-  
2                   curity (including economic security)  
3                   interest of the United States;”.

4           (b) DETERMINING FACTORS.—

5               (1) IN GENERAL.—To determine whether an  
6           alien     is     inadmissible     under     section  
7           212(a)(3)(A)(i)(III) of the Immigration and Nation-  
8           ality Act, as amended by subsection (a), officials of  
9           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) make a determination of the alien’s  
19                   past, current, or intended employment or co-  
20                   operation with—

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

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

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

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

7 (v) other associations or collaborations  
8 that pose a national or economic security  
9 threat based on intelligence assessments;  
10 and

11 (C) weigh the proportionality of risk for  
12 the factors listed in subparagraph (B).

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

16 (A) use a machine-readable visa applica-  
17 tion form; and

18 (B) make available documents submitted in  
19 support of a visa application in a machine read-  
20 able format to assist in—

21 (i) identifying fraud;

22 (ii) conducting lawful law enforcement  
23 activities; and

24 (iii) determining the eligibility of ap-  
25 plicants for a visa under the Immigration

1                   and Nationality Act (8 U.S.C. 1101 et  
2                   seq.).

3           (c) REPORTING REQUIREMENT.—Not later than 180  
4 days after the date of the enactment of this Act, and annu-  
5 ally thereafter, the Secretary of State, in coordination with  
6 the Director of National Intelligence, the Director of the  
7 Office of Science and Technology Policy, the Secretary of  
8 Homeland Security, the Secretary of Defense, the Sec-  
9 retary of Energy, the Secretary of Commerce, and the  
10 heads of other appropriate Federal agencies, shall submit  
11 a report to Congress that identifies—

12           (1) any criteria used to describe the aliens to  
13           which such section 212(a)(3)(A)(i)(III) may apply;  
14           and

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

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

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

3           (2) is necessary to further the purposes of this  
4           Act.

5           (e) REPORT.—Not later than 45 days after the date  
6 of the enactment of this Act, the Secretary of State shall  
7 submit a report to the Committee on Homeland Security  
8 and Governmental Affairs of the Senate, the Committee  
9 on Commerce, Science, and Transportation of the Senate,  
10 the Select Committee on Intelligence of the Senate, the  
11 Committee on Foreign Relations of the Senate, the Com-  
12 mittee on Oversight and Reform of the House of Rep-  
13 resentatives, the Committee on Homeland Security of the  
14 House of Representatives, the Committee on Energy and  
15 Commerce of the House of Representatives, the Perma-  
16 nent Select Committee on Intelligence of the House of  
17 Representatives, and the Committee on Foreign Affairs of  
18 the House of Representatives that—

19           (1) describes how supplementary documents  
20           provided by a visa applicant in support of a visa ap-  
21           plication are stored and shared by the Department  
22           of State with authorized Federal agencies;

23           (2) identifies the sections of a visa application  
24           that are machine-readable and the sections that are  
25           not machine-readable;

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

5                   (A) making every element of a visa appli-  
6 cation, and documents submitted in support of  
7 a visa application, machine-readable; and

8                   (B) ensuring that such system—

9                           (i) protects personally identifiable in-  
10 formation; and

11                           (ii) permits the sharing of visa infor-  
12 mation with Federal agencies in accord-  
13 ance with existing law; and

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

16 **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**  
17 **CHANGE PROGRAMS.**

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

1           “(A) to disclose to the Department of  
2 State whether an exchange visitor, as a primary  
3 part of his or her exchange program, will have  
4 released to them controlled technology or tech-  
5 nical data regulated by export control laws at  
6 sponsor organizations through research activi-  
7 ties, lectures, course work, sponsor employees,  
8 officers, agents, third parties at which the spon-  
9 sor places the exchange visitor, volunteers, or  
10 other individuals or entities associated with a  
11 sponsor’s administration of the exchange visitor  
12 program;

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

23           “(C) to demonstrate, to the satisfaction of  
24 the Secretary of State, that programs that will  
25 release controlled technology or technical data

1 to an exchange visitor at the sponsor organiza-  
 2 tion through exchange visitor programs have re-  
 3 ceived appropriate authorization from the De-  
 4 partment of State, the Department of Com-  
 5 merce, other cognizant Federal agency before  
 6 the sponsor releases controlled technology or  
 7 technical data;”.

8 **SEC. 7. AMENDMENTS TO DISCLOSURES OF FOREIGN**  
 9 **GIFTS.**

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

12 (1) by amending subsection (a) to read as fol-  
 13 lows:

14 “(a) DISCLOSURE REPORT.—

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

18 “(A) the calendar year in which a foreign  
 19 source gains ownership of, or control over, the  
 20 institution; or

21 “(B) the calendar year in which the insti-  
 22 tution receives a gift from, or enters into a con-  
 23 tract with, a foreign source, the value of which  
 24 is \$50,000 or more, considered alone or in com-

1            bination with all other gifts from or contracts  
2            with that foreign source within a calendar year.

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

7            (2) by amending subsection (b) to read as fol-  
8            lows:

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

12            “(1) For gifts received from or contracts en-  
13            tered into with a foreign source other than a foreign  
14            government, the aggregate dollar amount of such  
15            gifts and contracts attributable to a particular coun-  
16            try and the legal or formal name of the foreign  
17            source. The country to which a gift is attributable  
18            is the country of citizenship, or if unknown, the  
19            principal residence for a foreign source who is a nat-  
20            ural person, and the country of incorporation, or if  
21            unknown, the principal place of business, for a for-  
22            eign source which is a legal entity.

23            “(2) For gifts received from or contracts en-  
24            tered into with a foreign government, the aggregate



1 amount of such gifts and contracts received from  
2 each foreign government.

3 “(3) In the case of an institution which is  
4 owned or controlled by a foreign source, the identity  
5 of the foreign source, the date on which the foreign  
6 source assumed ownership or control, and any  
7 changes in program or structure resulting from the  
8 change in ownership or control.

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

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

18 (3) by amending subsection (e) to read as fol-  
19 lows:

20 “(e) PUBLIC INSPECTION.—Not later than 30 days  
21 after receiving a disclosure report under this section, the  
22 Secretary shall make such report electronically available  
23 to the public for downloading on a searchable database  
24 under which institutions can be individually identified and  
25 compared.”;

1 (4) in subsection (f), by adding at the end the  
2 following:

3 “(3) FINES.—

4 “(A) IN GENERAL.—The Secretary may  
5 impose a fine on any institution that repeatedly  
6 fails to file a disclosure report for a receipt of  
7 a gift from or contract with a foreign source in  
8 accordance with subsection (a) in an amount  
9 that is not more than 3 times the amount of  
10 the gift or contract with the foreign source.

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

17 (5) by amending subsection (g) to read as fol-  
18 lows:

19 “(g) RULEMAKING.—

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

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

3           “(A) incorporate instructions for—

4                   “(i) reporting structured gifts and  
5 contracts; and

6                   “(ii) reporting contracts that balances  
7 the need for transparency, while protecting  
8 the proprietary information of institutes of  
9 higher education; and

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

12           (6) by redesignating subsection (h) as sub-  
13 section (i);

14           (7) by inserting after subsection (g) the fol-  
15 lowing:

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

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

23                   (A) in paragraph (3), by striking “or prop-  
24 erty” and inserting “, property, resources, or  
25 staff, including any funds provided to the insti-

1           tution and used to pay, or designated for the  
2           payment of, staff”; and

3           (B) in paragraph (5)(B), by inserting “in-  
4           stitutes, instructional programs,” after “cen-  
5           ters,”.



Calendar No. 681

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1351**

[Report No. 117-282]

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## **A BILL**

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

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DECEMBER 19, 2022

Reported without amendment