

Subtitle D – Safeguarding American Innovation

Sec. 4491. Short title.

This subtitle may be cited as the “Safeguarding American Innovation Act”.

Sec. 4492. Definitions.

This section defines a Federal science agency as any federal department that was appropriated more than \$100,000,000 in basic and applied research and development funds during the previous fiscal year. This section also defines the terms “research and development,” “development,” “experimental development,” and “research” for the purposes of this subtitle.

Sec. 4493. Federal Research Security Council.

This section adds Chapter 79 – Federal Research Council, to the end of Subtitle V of title 31, United States Code. This section establishes a Federal Research Security Council in the Office of Management and Budget, which “shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.” The section further defines membership requirements, designation of a chairperson, designations of lead science and security advisors, and requirements to hold meetings. The section also defines functions and authorities of the Council. This section further outlines requirements for a uniform grant application process, requirements for information sharing criteria, requirements for insider threat program guidance, and establishing a process to issue warnings related to risks and vulnerabilities in international scientific cooperation. Finally, this section defines an annual reporting requirement and requirements for executive agencies.

Sec. 4494. Federal grant application fraud.

This section amends Chapter 47 of title 18, United States Code, by adding a provision on federal grant application fraud. The added provision makes it unlawful for any individual to knowingly:

- (1) Prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by an individual;
- (2) Forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or;
- (3) Prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that:
 - a. Contains a false statement;
 - b. Contains a material misrepresentation;
 - c. Has no basis in law or fact; or
 - d. Fails to disclose a material fact.

This section further provides exemptions to certain activities carried out in connection with a legally authorized investigative, protective, activity of a law enforcement agency or Federal intelligence agency. The section also provides penalties for violating the subsection on prohibition. Finally, this section adds a clerical amendment to the he analysis for chapter 47 of title 18, United States Code.

Sec. 4495. Restricting the acquisition of emerging technologies by certain aliens.

This section allows the Secretary of State to determine that an alien is inadmissible if the Secretary determines such alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities. The section addresses relevant factors for the Secretary to determine if an alien is inadmissible and establishes a requirement for a report to be submitted to appropriate congressional committees regarding alien inadmissibility. The section provides a sunset of this section 2 years after the date of enactment.

Sec. 4496. Machine readable visa documents.

This section requires the Secretary of State to use a machine-readable visa application form one year after enactment in order to identify fraud, conduct lawful law enforcement activities; and determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). This section also provides a waiver for that requirement.

Sec. 4497. Certifications regarding access to export controlled technology in educational and cultural exchange programs.

This section amends Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)). The section requires a sponsor to certify to the Department of State whether an exchange visitor will have access to export controlled technologies and, if so, provide that license to the Department. This section also requires a sponsor that maintains export controlled technologies to provide its plan to prevent unauthorized access of those technologies to the Department.

Sec. 4498. Privacy and confidentiality.

This section clarifies that nothing in this subtitle may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974") or subchapter III of chapter 35 of title 44, United States Code (commonly known as the "Confidential Information Protection and Statistical Efficiency Act of 2018").