

AMENDMENT TO RULES COMMITTEE PRINT 116-

19

OFFERED BY MR. BANKS OF INDIANA

At the end of subtitle B of title II, add the following
new section:

1 **SEC. 2___.** **TRANSPARENCY OF DEFENSE-FUNDED RE-**
2 **SEARCH AND ENGINEERING ACTIVITIES.**

3 (a) IDENTIFICATION OF FOREIGN PERSONS PARTICI-
4 PATING IN DEPARTMENT OF DEFENSE RESEARCH
5 PROJECTS.—

6 (1) IN GENERAL.—The Secretary of Homeland
7 Security, in consultation with the Secretary of De-
8 fense, shall require institutions of higher education
9 that perform defense-funded research and engineer-
10 ing activities to identify all foreign persons partici-
11 pating in Department of Defense research projects
12 within the existing Student Exchange Visitor Infor-
13 mation System established under section 641 of the
14 Illegal Immigration Reform and Immigrant Respon-
15 sibility Act of 1996 (8 U.S.C. 1372) to fulfill the ob-
16 jectives of section 1286 of the John S. McCain Na-
17 tional Defense Authorization Act for Fiscal Year
18 2019 (Public Law 115–232; 10 U.S.C. 2358 note)

1 and section 1089 of this Act (pertaining to Securing
2 American Science and Technology).

3 (2) SEMIANNUAL INFORMATION REQUIRED.—

4 The information required by paragraph (1) shall be
5 provided to the Department of Homeland Security
6 on a semiannual basis within the Student Exchange
7 Visitor Information System.

8 (3) TIMELINE FOR REPORTING.—The informa-
9 tion required by paragraph (1) shall be required to
10 be reported not earlier than October 1, 2020.

11 (b) MEMORANDUM OF UNDERSTANDING.—

12 (1) IN GENERAL.—To facilitate more efficient
13 and effective government coordination, and to re-
14 quire students and universities to only submit infor-
15 mation once, the Department of Defense may nego-
16 tiate a memorandum of understanding with the De-
17 partment of Homeland Security and the Department
18 of Justice to outline the processes, procedures, and
19 mechanisms required to share and to permit use of
20 the information required in subsection (a)(1) in the
21 Student Exchange Visitor Information System, as
22 appropriate, to fulfill the objectives of section 1286
23 of the John S. McCain National Defense Authoriza-
24 tion Act for Fiscal Year 2019 (Public Law 115–232;
25 10 U.S.C. 2358 note) and section 1089 of this Act

1 (pertaining to Securing American Science and Tech-
2 nology).

3 (2) PROHIBITION.—The memorandum of un-
4 derstanding under paragraph (1) shall not allow the
5 use or release of data otherwise forbidden by rules
6 governing the Student Exchange Visitor Information
7 System.

8 (3) LIMITATION.—The Secretary of Defense
9 may not enter into a Memorandum of Under-
10 standing under paragraph (1) until a period of 30
11 days has elapsed following the date on which the
12 Secretary of Defense submits to the appropriate con-
13 gressional committees a draft of the proposed Memo-
14 randum of Understanding and an explanation of
15 how the Department of Defense expects to use data,
16 as appropriate, from the Student Exchange Visitor
17 Information System.

18 (4) RULE OF CONSTRUCTION.—Nothing in this
19 section shall be construed to grant any new authori-
20 ties to the Department of Defense, the Department
21 of Homeland Security, or the Department of Justice
22 regarding issuance of student visas, collection or
23 storage of information on foreign students, other
24 than as authorized in section (a), or regarding the

1 participation of foreign students in Department of
2 Defense research.

3 (5) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES DEFINED.—In this subsection, the term “ap-
5 propriate congressional committees” means—

6 (A) the Committee on Armed Services, the
7 Committee on Homeland Security, and the
8 Committee on the Judiciary of the House of
9 Representatives; and

10 (B) the Committee on Armed Services, the
11 Committee on Homeland Security and Govern-
12 mental Affairs, and the Committee on the Judi-
13 ciary of the Senate.

14 (c) ANNUAL REPORT.—

15 (1) IN GENERAL.—Not later than April 31,
16 2020, and each year thereafter, the Secretary of De-
17 fense shall submit to the congressional defense com-
18 mittees a report on the integrity of defense-funded
19 academic research at institutions of higher edu-
20 cation.

21 (2) ELEMENTS.—Each report under paragraph
22 (1) shall include, with respect to the year covered by
23 the report, the following:

24 (A) The total amount of Department of
25 Defense research funds distributed to each in-

1 stitution of higher education, set forth sepa-
2 rately by—

3 (i) the amount of such funds distrib-
4 uted by grant, contract, subcontract, coop-
5 erative agreement, or through other means,
6 respectively;

7 (ii) the amount of such funds distrib-
8 uted for basic research, applied research,
9 advanced technology development, or other
10 level of research, development, testing, or
11 evaluation, respectively.

12 (B) Identification of any research integrity
13 breaches, including security, cybersecurity, or
14 theft of property or intellectual property relat-
15 ing to defense-funded projects.

16 (d) DEFINITIONS.—In this section:

17 (1) The term “institution of higher education”
18 means an institution of higher education described
19 in section 102 of the Higher Education Act of 1965
20 (20 U.S.C. 1002) that receives Federal funds in any
21 amount and for any purpose.

22 (2) The term “foreign person” means an indi-
23 vidual who is not a United States citizen, not a legal
24 permanent resident holding a green card, and not an

1 individual with protected status including refugees
2 and asylees.

3 (3) The term “participating”, when used with
4 respect to a foreign person’s participation in an ac-
5 tivity at an institution of higher education under
6 subsection (c)(1), does not include the person’s par-
7 ticipation, as a student, in—

8 (A) a research project that is required for
9 completion of a course by the institution in
10 which the student is enrolled; or

11 (B) a research project for which the stu-
12 dent conducts unpaid research.

