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:

SEC. 2. TRANSPARENCY OF DEFENSE-FUNDED RESEARCH AND ENGINEERING ACTIVITIES.

(a) Identification of Foreign Persons Participating in Department of Defense Research Projects.—

(1) In general.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall require institutions of higher education that perform defense-funded research and engineering activities to identify all foreign persons participating in Department of Defense research projects within the existing Student Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) to fulfill the objectives of section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note)
and section 1089 of this Act (pertaining to Securing
American Science and Technology).

(2) **SEMIANNUAL INFORMATION REQUIRED.**—
The information required by paragraph (1) shall be
provided to the Department of Homeland Security
on a semianual basis within the Student Exchange
Visitor Information System.

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

(b) **MEMORANDUM OF UNDERSTANDING.**—

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

(2) PROHIBITION.—The memorandum of understanding under paragraph (1) shall not allow the use or release of data otherwise forbidden by rules governing the Student Exchange Visitor Information System.

(3) LIMITATION.—The Secretary of Defense may not enter into a Memorandum of Understanding under paragraph (1) until a period of 30 days has elapsed following the date on which the Secretary of Defense submits to the appropriate congressional committees a draft of the proposed Memorandum of Understanding and an explanation of how the Department of Defense expects to use data, as appropriate, from the Student Exchange Visitor Information System.

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to grant any new authorities to the Department of Defense, the Department of Homeland Security, or the Department of Justice regarding issuance of student visas, collection or storage of information on foreign students, other than as authorized in section (a), or regarding the
participation of foreign students in Department of
Defense research.

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

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

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

c) ANNUAL REPORT.—

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

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

(A) The total amount of Department of
Defense research funds distributed to each in-
stitution of higher education, set forth separately by—

(i) the amount of such funds distributed by grant, contact, subcontract, cooperative agreement, or through other means, respectively;

(ii) the amount of such funds distributed for basic research, applied research, advanced technology development, or other level of research, development, testing, or evaluation, respectively.

(B) Identification of any research integrity breaches, including security, cybersecurity, or theft of property or intellectual property relating to defense-funded projects.

(d) DEFINITIONS.—In this section:

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

(2) The term “foreign person” means an individual who is not a United States citizen, not a legal permanent resident holding a green card, and not an
individual with protected status including refugees and asylees.

(3) The term “participating”, when used with respect to a foreign person’s participation in an activity at an institution of higher education under subsection (c)(1), does not include the person’s participation, as a student, in—

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

(B) a research project for which the student conducts unpaid research.