

AMENDMENT TO RULES COMMITTEE PRINT 119-8

OFFERED BY MR. MOOLENAAR OF MICHIGAN

At the end of title XVII, add the following new subtitle:

1 Subtitle C—SAFE Research Act

2 SEC. 1731. SHORT TITLE.

3 This subtitle may be cited as the “Securing American
4 Funding and Expertise from Adversarial Research Exploi-
5 tation Act of 2025” or the “SAFE Research Act”.

6 SEC. 1732. PROHIBITION ON CERTAIN FEDERAL AWARDS.

7 (a) GOVERNMENT-WIDE PROHIBITION.—Except as
8 provided in subsection (c), no research agency may provide
9 a covered award to support research and development ac-
10 tivities by a covered individual if the covered individual
11 or the covered individual’s research collaborator(s) is af-
12 filiated with a hostile foreign entity—

13 (1) as of the date of application for the award;

14 or

15 (2) at any time in the period of five years pre-
16 ceding the date of application for the award unless
17 such affiliation was terminated on or before the date
18 that is 90 days after the date of enactment of this
19 Act.

1 (b) DOD-SPECIFIC PROHIBITION.—Except as pro-
2 vided in subsection (c), none of the funds authorized to
3 be appropriated or otherwise made available for any fiscal
4 year for the Department of Defense may be provided to
5 an institution of higher education that maintains a covered
6 partnership with a hostile foreign entity.

7 (c) NATIONAL SECURITY WAIVER.—

8 (1) IN GENERAL.—The head of a research
9 agency, or an official designated by such agency
10 head at or above the level of an Assistant Secretary
11 (or the equivalent), may waive the prohibitions
12 under subsections (a) and (b) on a case-by-case
13 basis if the head of the agency or the designated of-
14 ficial concerned determines that such waiver is in
15 the national security interests of the United States.

16 (2) CONGRESSIONAL NOTICE.—Not later than
17 30 days after the date on which an award is made
18 by a research agency with respect to which a waiver
19 is made under paragraph (1), the head of the agency
20 or the designated official concerned shall submit to
21 Congress notice of such waiver and a written jus-
22 tification for such waiver.

23 **SEC. 1733. DISCLOSURES.**

24 (a) IN GENERAL.—In any application for a covered
25 award from a research agency, a covered individual shall

1 disclose, with respect to the period of five years preceding
2 the date of such application, the following with respect to
3 the covered individual:

4 (1) All covered research collaborators who are
5 located in or have an affiliation with an institution
6 located in a foreign adversary country.

7 (2) Any funding, gift, property (including intel-
8 lectual property), resources, or award received from
9 an individual or entity located in a foreign adversary
10 country.

11 (3) Any conference participation, professorship,
12 talent program participation, or other academic, re-
13 search, or corporate affiliation with an entity located
14 in a foreign adversary country.

15 (4) Any travel to a foreign adversary country.

16 (5) For each item disclosed under paragraphs
17 (1) through (4)—

18 (A) the foreign adversary country associ-
19 ated with that item, and any affiliated individ-
20 uals or entities;

21 (B) the total value of any benefits received
22 by the covered individual from such country, in-
23 dividuals, or entities whether monetary or non-
24 monetary; and

1 (C) details pertaining to the item disclosed,
2 including—

3 (i) the nature of the actions per-
4 formed or association entered into by the
5 covered individual;

6 (ii) any terms, conditions, and bene-
7 fits associated with such item; and

8 (iii) such other relevant information
9 as the head of the research agency deter-
10 mines appropriate.

11 (6) An explanation of any instance in which the
12 covered individual requested permission to share in-
13 formation with a hostile foreign entity or research
14 collaborator affiliated with such an entity pursuant
15 to section 1734(b), including a description of any in-
16 formation proposed to be shared and the results of
17 such request.

18 (b) USE OF DISCLOSED INFORMATION.—The re-
19 search agency that receives disclosures under subsection
20 (a)—

21 (1) shall use the information disclosed to ensure
22 compliance with the prohibitions under sections
23 1732 and 1734; and

24 (2) may use such information to analyze poten-
25 tial research security, national security, or economic

1 security risks and the assessment of such risks may
2 be used as factor in determining the allocation of
3 relevant grants, contracts, and other awards.

4 (b) RELATIONSHIP TO OTHER LAW.—The disclo-
5 sures required under subsection (a) are in addition to any
6 disclosures that may otherwise be required under section
7 223 of the William M. (Mac) Thornberry National De-
8 fense Authorization Act for Fiscal Year 2021 (42 U.S.C.
9 6605),

10 **SEC. 1734. CONCURRENT AND POST-AWARD RESTRICTIONS.**

11 (a) CONCURRENT AWARD RESTRICTIONS.—As a con-
12 dition of receiving a covered award, a covered individual
13 may not maintain an affiliation with a hostile foreign enti-
14 ty or a covered research collaborator affiliated with such
15 an entity for the duration of the award period.

16 (b) POST-AWARD RESTRICTIONS.—As a condition of
17 receiving a covered award, during the five year period fol-
18 lowing the conclusion of the award period—

19 (1) a covered individual may not share with a
20 hostile foreign entity or a covered research collabo-
21 rator affiliated with such an entity any nonpublished
22 results, expertise, or intellectual property arising
23 from or related to the covered award unless—

24 (A) the covered individual submits to the
25 research agency that made the award a request

1 for permission to share such information with
2 such an entity or collaborator; and

3 (B) such request is approved, in writing,
4 by the head of the research agency or an offi-
5 cial designated by such agency head at or above
6 the level of an Assistant Secretary (or the
7 equivalent); and

8 (2) on an annual basis during such five year pe-
9 riod, the institution to which the covered award was
10 made shall submit to the research agency that made
11 the award an annual certification, signed by an au-
12 thorized official of the institution, attesting that nei-
13 ther the institution nor any covered individual has
14 shared with a hostile foreign entity or a covered re-
15 search collaborator affiliated with such an entity any
16 nonpublished results, expertise, or intellectual prop-
17 erty arising from or related to the award, except as
18 expressly approved under paragraph (1)(B).

19 **SEC. 1735. DEFINITIONS.**

20 In this subtitle:

21 (1) The term “affiliation” means any affili-
22 ation, partnership, agreement, other research or
23 teaching relationship (including guest or visiting
24 professorships), or similar transaction.

1 (2) The term “covered award” means support
2 provided to a covered individual affiliated with an in-
3 stitution of higher education by a research agency to
4 carry out research and development activities within
5 any science, technology, engineering, or mathematics
6 field, which may include support in the form of a
7 grant, contract, cooperative agreement, or other
8 such transaction. The term does not include—

9 (A) a grant, contract, agreement or other
10 transaction for the procurement of goods or
11 services to meet the administrative needs of a
12 research agency; or

13 (B) an award made under the Small Busi-
14 ness Innovation Research Program or the Small
15 Business Technology Transfer Program (as
16 those terms are defined in section 9(e) of the
17 Small Business Act (15 U.S.C. 638(e))).

18 (3) The term “covered individual” has the
19 meaning given that term in section 223(d) of the
20 William M. (Mac) Thornberry National Defense Au-
21 thorization Act for Fiscal Year 2021 (42 U.S.C.
22 6605), as interpreted in accordance with the guid-
23 ance of the National Science and Technology Coun-
24 cil titled “Guidance for Implementing National Se-
25 curity Presidential Memorandum 33 (NSPM–33) on

1 National Security Strategy for United States Gov-
2 ernment-Supported Research and Development”,
3 dated January 2022, or any successor guidance.

4 (4) The term “covered partnership” means an
5 agreement between an institution of higher edu-
6 cation and a hostile foreign entity that involves—

7 (A) the provision of educational services;

8 (B) collaboration related to scientific or
9 technical research;

10 (C) any agreement related to the research,
11 development, sale, licensing, or other arrange-
12 ment involving university-developed, owned, or
13 controlled research, venture, intellectual prop-
14 erty (including any assignment or license of a
15 granted patent, trademark, or copyright not
16 listed in the Commerce Control List under Sup-
17 plement No. 1 to part 774 of title 15, Code of
18 Federal Regulations), or other asset;

19 (D) access to university assets, such as re-
20 search, data, models, software, or facilities; or

21 (E) direct support or coordination by for-
22 eign adversary country-linked entities of stu-
23 dent groups, language or cultural centers, or
24 other on-campus entities (including Confucius

1 Institutes and Chinese Student and Scholars
2 Associations).

3 (5) The term “covered research collaborator”
4 means a person located in or affiliated with an enti-
5 ty located in or organized under the laws of a for-
6 eign adversary country with whom the covered indi-
7 vidual has, in the five years preceding the date of
8 application for a covered award—

9 (A) conducted joint research;

10 (B) co-authored publications;

11 (C) collaborated on grants or other
12 awards; or

13 (D) formally advised as a graduate student
14 or post-doctoral fellow.

15 (6) The term “foreign adversary country”
16 means a covered nation as defined in section 4872(f)
17 of title 10, United States Code, and includes any
18 special administrative region or territory under the
19 control of such a nation.

20 (7) The term “hostile foreign entity” means an
21 entity, or any subsidiary or affiliate of an entity that
22 is located in or organized under the laws of a foreign
23 adversary country, and that—

24 (A) is included on—

1 (i) the Non-SDN Chinese Military-In-
2 dustrial Complex Companies List main-
3 tained by the Office of Foreign Assets
4 Control of the Department of the Treas-
5 ury;

6 (ii) the list of specially designated na-
7 tionals and blocked persons maintained by
8 the Office of Foreign Assets Control of the
9 Department of the Treasury (commonly
10 known as the “SDN list”);

11 (iii) the annual list published in the
12 Federal Register by the Department of De-
13 fense of Chinese military companies oper-
14 ating in the United States pursuant to sec-
15 tion 1260H of the William M. (Mac)
16 Thornberry National Defense Authoriza-
17 tion Act for Fiscal Year 2021 (10 U.S.C.
18 113 note);

19 (iv) the most recently updated list de-
20 veloped pursuant to 1286(c)(9) of the
21 John S. McCain National Defense Author-
22 ization Act for Fiscal Year 2019 (Public
23 Law 115–32; 10 U.S.C. 4001 note);

24 (v) the UFLPA Entity List main-
25 tained by the Department of Homeland Se-

1 curity pursuant to the Uyghur Forced
2 Labor Prevention Act (Public Law 117–
3 78);

4 (vi) the Military End-User List main-
5 tained by the Department of Commerce
6 and set forth in Supplement No. 7 to part
7 744 of the Export Administration Regula-
8 tions;

9 (vii) the Entity List maintained by
10 the Bureau of Industry and Security of the
11 Department of Commerce and set forth in
12 Supplement No. 4 to part 744 of title 15,
13 Code of Federal Regulations;

14 (viii) the Denied Persons List main-
15 tained by the Department of Commerce
16 and described in section 764.3(a)(2) of the
17 Export Administration Regulations;

18 (ix) the Debarred Parties List main-
19 tained by the Directorate of Defense Trade
20 Controls of the Department of State;

21 (x) the list of telecommunications
22 companies of the People’s Republic of
23 China designated under section 889 of the
24 John S. McCain National Defense Author-
25 ization Act for Fiscal Year 2019 (Public

1 Law 115– 232; 41 U.S.C. note prec. 3901)
2 as posing national security risks to the
3 United States;

4 (xi) the list of semiconductor compa-
5 nies of the People’s Republic of China and
6 affiliates designated under section 5949 of
7 the James M. Inhofe National Defense Au-
8 thorization Act for Fiscal Year 2023 (Pub-
9 lic Law 117–263; 41 USC 4713 note) as
10 posing national security risks to the United
11 States; or

12 (xii) the list maintained by the Fed-
13 eral Communications Commission of equip-
14 ment and services covered by section 2 of
15 the Secure and Trusted Communications
16 Networks Act of 2019 (commonly referred
17 to as the FCC Covered List);

18 (B) is an entity that—

19 (i) is owned, controlled, directed by,
20 or subject to the jurisdiction or influence
21 of a government of a foreign adversary
22 country; and

23 (ii) performs or supports functions in-
24 volving—

1 (I) national defense or military
2 modernization, including the develop-
3 ment, application, or integration of ci-
4 vilian capabilities for military, para-
5 military, or security purposes;

6 (II) intelligence, surveillance, or
7 cyber operations, including activities
8 intended to collect, exploit, disrupt, or
9 influence information systems or com-
10 munications infrastructure;

11 (III) the development, produc-
12 tion, testing, or proliferation of weap-
13 ons systems, critical technologies, or
14 dual-use items, as defined under ap-
15 plicable United States law or regula-
16 tion;

17 (IV) foreign malign influence or
18 interference, involving subversive,
19 undeclared, coercive, or criminal ac-
20 tivities, which may include propa-
21 ganda, censorship, information manip-
22 ulation, or efforts to influence aca-
23 demic, political, or civic institutions,
24 whether conducted directly by foreign
25 governments, state-linked entities, or

1 through affiliated non-state actors, or
2 their proxies;

3 (V) human rights abuses or simi-
4 larly unethical practices, such as the
5 use of forced labor, repression of eth-
6 nic or religious groups, or violations of
7 international human rights standards;

8 (VI) illicit technology transfer ef-
9 forts that threaten United States re-
10 search integrity or economic competi-
11 tiveness; or

12 (VII) academic, scientific, or
13 technical collaboration that materially
14 contributes to or supports any of the
15 functions described in subclauses (I)
16 through (VI); or

17 (C) participates in a foreign talent recruit-
18 ment program as that term is defined by the
19 Director of the Office of Science and Tech-
20 nology Policy pursuant to section 10631(c) of
21 the Research and Development, Competition,
22 and Innovation Act (division B of Public Law
23 117–167; 42 U.S.C. 19231))) from a foreign
24 adversary country or has participated in such a
25 program at any time in the period of 10 years

1 preceding the date of application for a covered
2 award.

3 (8) The term “institution of higher education”
4 has the meaning given that term in section 102 of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1002).

7 (9) The term “research agency” means any
8 Federal agency with an annual extramural research
9 expenditure.

