

Tracking Directives from 2021 Appropriations

From: "Sydor, Katherine M. EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Simpson, Daniel" <Ex 6 - (5 U.S.C. Sec >
Cc: "Cassell, Mary I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
Date: Thu, 11 Mar 2021 13:59:49 -0500
Attachments: 2021 Consolidated Appropriations Directives Spreadsheet-3-2-21.xlsx (88.9 kB)

Hi Daniel,

Lauren from FSA shared the 2021 appropriations directives tracker and I wanted to see if there would be a good time for us to meet with you and your team about the various pieces. My thought is that we go through the tracker with your team providing a quick status update and then we could ask questions and coordinate where appropriate.

Let me know what you think and when you think it might be a good time to do this. I don't think there is a particular rush but some time in the next few weeks seems right to me.

Best,
Katherine

FY 2021 Non-Deliverable Directives

This tab includes language that isn't associated with a discrete, specific action item for completion. NOTE: Non-deliverable directives MAY include explicit instructions or directions, but if there's no separate deliverable associated, they'll remain in this section.

FY	ID#	ED Account under which directive appears in report language	Program/Activity	Specific topic language	Language	House Rept. 116-359	Senate Explanatory Statement	H.L. 116-359 or Explanatory Statement
2021	1	Education for the Disadvantaged	Grants to LEAs		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	233-233		
2021	2	Education for the Disadvantaged	Grants to LEAs		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	233		
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2021	8	Education for the Disadvantaged	Innovative Approaches to Literacy		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process		184	
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2021	10	Education for the Disadvantaged	Innovative Approaches to Literacy		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process			Explanatory Statement 111

2021	11	Impact Aid	Payments for Federal Property	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	186
2021	12	School Improvement Programs	Supporting Effective Instruction State Grants	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	236-237
2021	13	School Improvement Programs	Supplemental Education Grants	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	186-187
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2021	16	School Improvement Programs	Education for Native Hawaiians	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	188
2021	17	School Improvement Programs	Alaska Native Education	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	188
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2021	22	School Improvement Programs	Rural Education	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	188-189
2021	23	School Improvement Programs	Comprehensive Centers	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	239

2021	24	School Improvement Programs	Student Support and Academic Enrichment State Grants	Arts and Entertainment pipeline programs	239	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	25	School Improvement Programs	Student Support and Academic Enrichment State Grants	Diversity in accelerated learning programs	239-240	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	26	School Improvement Programs	Student Support and Academic Enrichment State Grants	Well-rounded education/mental health	240	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	27	School Improvement Programs	Student Support and Academic Enrichment State Grants	STEAM enrollment and achievement gaps	240	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	28	School Improvement Programs	Student Support and Academic Enrichment State Grants	TA/Capacity Building Set Aside	240-241	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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2021	39	Innovation and Improvement	Education Innovation and Research		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process		Explanatory Statement 112
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2021	42	Innovation and Improvement	Supporting Effective Educator Development	SEL	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process		Explanatory Statement 113
2021	43	Innovation and Improvement	Supporting Effective Educator Development	Rural and Native students and computer science	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	245	
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2021	58	Safe Schools and Citizenship Education	School Safety National Activities	Trauma-informed Care	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	195	

2021	59	Safe Schools and Citizenship Education	Full-Service Community Schools	Support to SEAs and LEAs using program to meet school improvement needs.	250	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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2021	74	Student Aid Administration		Borrowers with Severe Disabilities and Total and Permanent Disability Discharge	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	Explanatory Statement 115
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2021	85	Student Aid Administration		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	PL 116-260 page 423
2021	86	Student Aid Administration		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	PL 116-260 page 423-424
2021	87	Higher Education	CCAMPIS	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	Explanatory Statement 110
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2021	90	Higher Education	TRIO	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	208
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2021	97	Institute of Education Sciences		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	212
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2021	102	Institute of Education Sciences	Statewide Data Systems	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	213
2021	103	Program Administration	Communication with the committee	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	279
2021	104	Program Administration	Vaping/CDC coordination	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	281
2021	105	Program Administration	Broadband connectivity gaps	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	282
2021	106	Program Administration	Foreign gift reporting	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	283
2021	107	Program Administration	Childhood poverty	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	284
2021	108	Program Administration	Competitive Grant Priorities for Rural Areas	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	214
2021	109	Program Administration	Evidence-based Grant Making	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	214
2021	110	Program Administration	IPEDS Finance Survey	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	214
2021	111	Program Administration	Performance Partnerships	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	214-215
2021	112	Program Administration	Post-Secondary Transfer Articulation Agreements	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	215 Explanatory Statement 122
2021	113	Program Administration	Work-based learning	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	216

2021	114	Program Administration	Geographically diverse grant recipients	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	286	Explanatory Statement 121
2021	115	Office for Civil Rights	Expulsions and Suspensions in Preschool and Primary Education	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	287	
2021	116	Office for Civil Rights	Disaggregated Data Collection and Reporting on Bullying	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process	288	
2021	117	Office of Inspector General		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process		
2021	118	N/A (General Provisions)	Student Aid Admin Loan discharge-related outreach	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process		PL 116-260 page 427
2021	119	N/A (General Provisions)	Student Aid Admin Loan discharge application methodology	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process		PL 116-260 page 428
2021	120	N/A (General Provisions)	Communications	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process		PL 116-260 page 444

FY 2021 Deliverable Directives: Reports, Briefings, CI Significant Items

This tab includes all directives for which there's a concrete, specific deliverable – a report, a briefing, content to include in the upcoming CI, etc. In other words, if there's something to turn in or complete, where it's easy to determine "yes, this is done," or "no, this isn't done", it's in this tab.

FY	ID	Type of Deliverable	Due	Lead/Staff	Component/Division	Budget Service/Line	Project/Service/Program	Deliverable	Included in FY 2021 CI	Item for inclusion in 2022 CI	Impact/Ad	Program/Activity	Subject	Notes
2021	1	2022 CI	CI		Budget Service/ESDA	ESDA	Edly Rhoads	Item for inclusion in 2022 CI	No	Education for the Disadvantaged	Grants to LEAs	Program of Activity	TA to state/LEAs on how to use federal funds to improve results in low-performing schools	235-204
2021	2	2022 CI	CI		Budget Service/ESDA	ESDA	Jim Cooper	Item for inclusion in 2022 CI	No	Impact Ad	Basic Support Payments	Program of Activity	Student readiness, retention and associated challenges	235-206
2021	3	None specified	N/A		DACA	ESDA	Judith Ackerman	Guidance or technical assistance	No	School Improvement Programs	Supporting Effective Instruction State Grants	Program of Activity	Three grants this in a 1st cycle	237
2021	4	30 days prior to Deadline	CI		Budget Service/ESDA	ESDA	Larry Cohen	Branding	No	School Improvement Programs	Training and Advisory Services	Program of Activity	New awards NA	387-338
2021	5	2022 CI	CI		Budget Service/ESDA	ESDA	Larry Cohen	Item for inclusion in 2022 CI	No	School Improvement Programs	Training and Advisory Services	Program of Activity	ESAC support and contributions to changes in customer policy/practices	338
2021	6	One year prior to implementing program change	CI		Budget Service/ESDA	ESDA	Mike Zambis	One year advance notice	No	School Improvement Programs	Basic Education	Program of Activity	Three and guidance for all other changes to program	239
2021	7	2022 CI	CI		Budget Service/ESDA	ESDA	Edly Rhoads	Item for inclusion in 2022 CI	No	School Improvement Programs	Special Support and Academic Enrichment State Grants	Program of Activity	State-driven efforts to combat absenteeism	240

2021-14	Within 9 months of completion of contracts	Linda Wilson	DCLC	DEVA	Mills Linvaux	No	Publicizing and power videos	Innovation and Improvement	Education Innovation and Research	Publication of research findings	343-301	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021-15	None specified /N/A	Linda Wilson	DCLC	DEVA	Mills Linvaux	No	Summaries to Appropriators	Innovation and Improvement	Education Innovation and Research	Publication of research findings	243	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021-16	None specified /N/A	Linda Wilson	DCLC	DEVA	Mills Linvaux	No	Subjcty/Howcasing	Innovation and Improvement	Education Innovation and Research	Research findings on successful program outcomes	244	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021-17	None specified /N/A	Linda Wilson	Budget Service	DEVA	Justin Anderson	No	Reported use of funds	Innovation and Improvement	Supporting Effective Educator Development	Competitive preference awards	243	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021-18	None specified /N/A	Linda Wilson	Budget Service	DEVA	Justin Anderson	No	Reported use of funds	Innovation and Improvement	Supporting Effective Educator Development	Competitive preference awards	243	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021-19	Actions are provided in memorandum of understanding regarding program funds	Jamie Forster	Budget Service	DEVA	Yelva Kivela	No	Building	Innovation and Improvement	Charter Schools	Reprogramming plans	391-190	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021-20	2021 Q1	Jamie Forster	Budget Service	DEVA	Katy Hovatt	No	Item for inclusion in 2022 CF	Innovation and Improvement	Charter Schools	Self-serve funds to provide services for all students including those with disabilities	391-190	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	31	180 days post-enactment	6/25/2021 (This is a Friday)	8/25/2021	Linda Wilson	Budget Service for High CELX - DEVA - Budget B	Larry Cohen	Report	State Schools and Citizenship Education	Project SEVY	Use of funds and recommendations for improvements	249	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	22	None specified	N/A		Linda Wilson	Budget Service - DEVA	Larry Cohen	NA with National Academies of Science, Engineering and Medicine	State Schools and Citizenship Education	Project SEVY	Science or general terms of active shooter drills, lockdowns, lock-downs, etc.	249	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	23	None specified	N/A		Kim Zinab-Bachouff	Budget Service - DEVA	All Hesse	NA with state schools and English Language Acquisition - directive specific - Acquisition TBLA would	English Language Acquisition		Information dissemination under 49 CFR of ESEA	250	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	24	270 days post-enactment	9/23/2021 (This is a Thursday)	9/23/2021	Kim Zinab-Bachouff	Budget Service - DEVA - Budget B	All Hesse	Reading	English Language Acquisition		State report card data as it relates to EL students	251	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	25	2022 CY	CY		Kim Zinab-Bachouff	Budget Service - DEVA	All Hesse	Item for inclusion in 2022 CI	English Language Acquisition		State report card data as it relates to EL students	251	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	26	2022 CY	CY		Kim Zinab-Bachouff	Budget Service - SENIUMAD	Oswen Byrd	Item for inclusion in 2022 CI	Special Education	Grant to Oyster	Needs of students who use ASL	252	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021 27	Initial 120-day post-implementation review beginning. (This is a 90-day review every 5 months, Monday)	4/26/2021	Kim Zamb-Reardon and Iyona OLSA	OSB/ARAD	Henry Taylor	No	Rebuilding and subsequent quality services	Rehabilitation Services	Occupational Innovation Fund	Explanatory Statement 118
2021 28	ED	8/23/2021	Linda Wilson	Budget Service/ ODS/IS	Maria Linsay	No	Item for inclusion in 2022 CI	Career, Technical and Adult Education	National Programs	Youth Employment, and Financial Literacy
2021 29	ED	9/23/2021 (This is a 90-day review every 5 months, Thursday)	Bethany Holborn	DCA with Budget Service	Clark Dixon	Yes	Report	Student Financial Assistance	Peer Grants	Lifetime Eligibility Mod (LEU)
2021 30	ED	8/25/2021 (This is a 90-day review every 5 months, Friday)	Bethany Holborn	OCA	James Wilson	Yes	Report	Student Financial Assistance	External Work Study	Resources for First Generation College Students
2021 31	None specified	N/A	Bethany Holborn	OCA	Tom Gullard	No	Reduction in administration of loan programs	Federal Direct Student Loan Program Accounts	PSLE	Qualifying employers and payment counts
2021 32	None specified	N/A	Bethany Holborn	OCA	Tom Gullard	No	Communications to borrowers	Federal Direct Student Loan Program Accounts	PSLE	Combined FSL/ITPSL applications

2021	33	2022 CI	CI	Ernest Holtz	Budget Service	CEAD	James Wilson	No	Item for inclusion in 2022 CI	Federal Direct Student Loan Program PSLF Account	PSLF	Continued PSLF/TFSLF application	362.263	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	34	BI Study pack/ This is a document. Thursday	7/25/2021	Ernest Holtz	DCUA	AAB	Ther Colvard	No	Meeting	Federal Direct Student Loan Program Account	PSLF	(M) Recommendation	REI	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	35	Meeting quarterly	1/26/2021	Ernest Holtz	Budget Service	AAB	Ther Colvard	Yes	Quarterly Report	Student Aid Administration	Service	Quarterly meeting and performance report	201	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
<p>Q1 Report on Report Status: "The Department is still finalizing plans for agency staffing and submitting the servicing and performance report for the first quarter of fiscal year 2021 by the end of February"</p>														
2021	36	When 90 days of execution	3/22/2021	Ernest Holtz	DCUA	AAB	Ther Colvard	No	Review	Student Aid Administration	Ability to Benefit	Guidance on ABE implementation at SIE	201	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	37	2022 CI	CI	Ernest Holtz	Budget Service	AAB	Ther Colvard	No	Item for inclusion in 2022 CI	Student Aid Administration	Service	Meeting and Oversight	304	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	38	None specified	N/A	Barbara Johnson	DCCA	AAE	Thia Colborn	No	inform students	Student Adm. Administration	Federal Student Aid Feedback System and Onboarding Group	Developing consensus with concerns to Onboarding Group	264	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	39	None specified	6/1	Barbara Johnson	DCCA	AAE	Thia Colborn	No	Display of links on studentaid.gov	Student Aid Administration	Federal Student Aid Feedback System and Onboarding Group	Featuring links to Onboarding Group	264	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	40	8/26/2021 (Thu) 9 a.m. - 12:00 p.m.	8/26/2021 (Monday)	Barbara Johnson	DCCA	AAE	Thia Colborn	No	100896	Student Aid Administration	Federal Student Aid Feedback System and Onboarding Group	Updated materials for Feedback System and Onboarding Group	264	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	41	2021 CI	CI	Barbara Johnson	Budget Service	CCAO	James Wilson	No	Item for inclusion in 2022 CI	Student Aid Administration (SAI) Internal for TEACH	Loan consensus	Loan consensus	264	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	42	45 days post-encumbrance	2/10/2021 (This is a Wednesday)	2/10/2021	MON/Personal	OCCA	AAB	Ther Colvard	Yes	Report	Student Aid Administration	Next GEN	Report on all contracts with descriptions of accountability problems	265-266	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	41	60 days post-encumbrance	2/25/2021 (This is a Thursday)	2/25/2021	Barkley Holbyist	Budget Service	AAB	Ther Colvard	Yes	Report (issued plan)	Student Aid Administration	Spent plan	Spent plan on anticipated uses of FY 2021 funds	265-266	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	44	Recurrence quarterly for initial submission required (60 days post-encumbrance)	2/25/2021 (This is a Thursday)	2/25/2021	Barkley Holbyist	Budget Service	AAB	Ther Colvard	Yes	Quarterly report	Student Aid Administration	Spent plan	Quarterly report on anticipated uses of FY 2021 funds	265-266	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	45	120 days post-encumbrance	4/26/2021 (This is a Monday)	4/26/2021	Moynihan	OCCA	AAB	Ther Colvard	No	Working	Student Aid Administration	Screening	Screened and approved for soliciting organizations	265-266	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	46	None specified	N/A	N/A	Barkley Holbyist	OCCA	CTAD	James Wilson	No	Outreach plan	HECET Capital Financing	Screening	State and Capital Financing Agency	265-266	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	47	120 days post-encumbrance	6/25/2021 (This is a Friday)	6/25/2021	Barkley Holbyist	OCCA	SEBAPAD	Edward Frisco	Yes	Report	Higher Education	Developing Institutions	Homebased in Community College Student	266	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	48	2022 CI	CI	CI	Barkley Holbyist	Budget Service	SEBAPAD	Austin Tice	No	Item for inclusion in 2022 CI proposal update	Higher Education	Developing Institutions	K-12 and ISI Diversity Pipeline Programs in the Arts	267	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	49	2022 CI	CI	CI	Barkley Holbyist	Budget Service	SEBAPAD	Austin Tice	No	Item for inclusion in 2022 CI	Higher Education	Developing Institutions	Graduation rates	267	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	50	45 days post-encumbrance	2/10/2021 (This is a Wednesday)	2/10/2021	Barkley Holbyist	Budget Service	SEBAPAD	Steven Byrd	No	Operating Plan Item	Higher Education	TRIO	Operating plan	268	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	51	Prior to strong finance meeting applications	Deadline	Deadline	Barkley Holbyist	Budget Service	SEBAPAD	Steven Byrd	No	Building	Higher Education	TRIO	Full meeting	268	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	52	Final	15-Oct-20	10/15/2020	Burton-Holtz	OLCA	5000JAD	Seven-Byl	Closed	No	High publications for talent search	Higher Education	TRD	Funding allocation and strategy	JDI	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	53	Final	15-Nov-20	11/15/2020	Burton-Holtz	OLCA	5000JAD	Seven-Byl	Closed	No	High publications for Educational Opportunity Centers	Higher Education	TRD	Funding allocation and strategy	JDI	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	54	Final	30-Jan-21	4/20/2021	Burton-Holtz	OLCA	5000JAD	Seven-Byl	Closed	No	Award structure	Higher Education	TRD	Funding allocation and strategy	JDI	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	55	None specified	N/A		Burton-Holtz	Budget-Service	5000JAD	Seven-Byl	Closed	No	Written guidance to be published in Federal Register	Higher Education	GEAR EP	Eligibility to apply for grants	JDI	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	56	1 year post-environment	12/27/2021 (This is a Monday)	12/27/2021	Burton-Holtz	OLCA	5000JAD	Seven-Byl	Open	Yes	DD Report on Project Status is ongoing. DD Report on Project Status is available for review upon request.	Higher Education	OCAMP5	Eligibility to apply for grants	JDI	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	57	90 days prior to award announcement.	3/27/2021 (This is a Saturday)	Bulwara Holbrook	DECA	SEKAPAPAD	Justin Tula	No	Posting	Higher Education	FPSE	Centers of Excellence for Veterans Students Success Program	223	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	58	15 days prior to Deadline grant award is contingent		Bulwara Holbrook	DECA	SEKAPAPAD	Justin Tula	No	Modification	Higher Education	FPSE	Centers of Excellence for Veterans Students Success Program	223	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	58	90 days prior to award announcement. (Saturday)	3/27/2021	Bulwara Holbrook	DECA	SEKAPAPAD	Justin Tula	NA	Posting	Higher Education	FPSE	Centers of Excellence for Veterans Students Success Program	224	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	60	None specified	N/A	Bulwara Holbrook	Budget Service	SEKAPAPAD	Justin Tula	NA	Temporary use of funds	Higher Education	FPSE	Translating Change Involved Youth to Higher Education	224	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	61	None specified	N/A	Bulwara Holbrook	DECA	SEKAPAPAD	Justin Tula	NA	Special Public Review (Process to be produced by grantee)	Higher Education	FPSE	Open Textbooks Pilot	224	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	62	60 days before close of application contingent period.	Deadline contingent	Bulwara Holbrook	DECA	SEKAPAPAD	Justin Tula	No	Notice Inviting Application	Higher Education	FPSE	Open Textbooks Pilot	224	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	63	100 days post-enrollment (This is a Friday)	6/25/2021	8/25/2021	Review/Notify - DCA	SEPMAD	Justin Tice	Yes	Report	Higher Education - HPSD	275	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
<p>Q1 Report on Report Status: The Department will consult with incoming Administration officials on this directive. The proposal timeline prohibits given current staff capacity.</p> <p>Q1 Report on Report Status: The Department will consult with incoming Administration officials on this directive. The proposal timeline prohibits given current staff capacity.</p>												
2021	64	90 days post-enrollment (Tuesday)	1/25/2021	3/25/2021	James Forster - DEVA	Budget Service - DEVA	Juliah Anderson	Yes	Report	Institute of Education Science	277	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
<p>Q1 Report on Report Status: The Department published by ES on December 15, 2020. It can be found at https://www.ed.gov/news/press-releases/2020/12/15/q1-report.</p>												
2021	65	90 days post-enrollment (Saturday)	3/17/2021	3/27/2021	James Forster - DEVA	Budget Service - DEVA	Juliah Anderson	Yes	Operating Plan	Institute of Education Science	311	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
<p>Q1 Report on Report Status: The Department is working to complete the requested report.</p>												
2021	66	120 days post-enrollment	8/1/2021	8/1/2021	Budget Service - JAB	JAB	Edward A. Siles	No	Item for inclusion in 2022 EI	Program Administration - Advertising Contract	278	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
<p>Information on report status in 2021 and 2022 toward advertising.</p>												
2021	67	120 days post-enrollment (Monday)	4/26/2021	4/26/2021	Molly Pickens - DCA	DEVA & SEPMAD	TBO	Yes	Report on plan for providing data	Program Administration - ODDO/I	279-282	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
<p>Q1 Report on Report Status: The Department is exploring options for responding to the report language.</p> <p>Open Data Reporting</p>												

2021 08	<p>Within 90 days post-issuance of data availability</p>	<p>Deadline: (This is a conceptual)</p>	<p>8/25/2021 (This is a conceptual)</p>	<p>6/25/2021 (This is a conceptual)</p>	<p>8/25/2021 (This is a conceptual)</p>	<p>6/25/2021 (This is a conceptual)</p>	<p>8/25/2021 (This is a conceptual)</p>	<p>03) Report on Reports Status: "The Department continues to assess the availability of data responsive to the requested report and anticipates that additional information will be necessary to further define the scope, content, and timing of the report."</p>	<p>Report</p>	<p>Program Administration</p>	<p>Investment in Informational Areas</p>	<p>Investment in Informational Areas</p>	<p>Investment in Informational Areas</p>	<p>Investment in Informational Areas</p>	<p>Investment in Informational Areas</p>
<p>Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process</p>															
2021 09															
<p>Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process</p>															
2021 10															
<p>Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process</p>															
2021 11															

2021	73	2022 CI	CI	Linda Wilson & James Forester	Budget Service - ESVA	Larry Cohen	No	Item for inclusion in 2022 CI	Program - Administration	Public health emergencies	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	73	2022 CI	CI	Linda Wilson	Budget Service - DSVA	Larry Cohen	No	Item for inclusion in 2022 CI	Program - Administration	Lead training and recruitment	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	74	1 year post-implementation	12/07/2021 (This is a Monday)	James Forester	OEVA	Ashly Rhoads	Yes	Report	Program - Administration	Informational, Communication, Technology	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	75	30 day post-implementation	4/26/2021 (This is a Monday)	James Forester	Budget Service - ASB and DSVA	Pat James and Judith Anderson	Yes	Report	Program - Administration	National Center for Education Statistics Staffing	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	76	Recurring quarterly beginning 30 days after close of first quarter	4/26/2021 (This is a Monday)	James Forester	Budget Service - ASB and DSVA	Pat James and Judith Anderson	Yes	Quarterly Report	Program - Administration	National Center for Education-Statistics Staffing	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	77	Recurring quarterly beginning 30 days after close of first quarter	4/26/2021 (This is a Monday)	Andy Pittman	Budget Service - ASB	Leta Thomas and Keith Ford	Yes	Quarterly Report	Program - Administration	FTE and Addition	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021 78	AMP	TEB		Multiple Missions	OLCA		No	Submissions of preliminary reports	Program Administration	OLCA	Reporting Requirements	282-282	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021 79	80 days post-graduation	1/26/2021 (This is a Thursday)	3/26/2021	Judy Peterson	OLCA		Yes	Report	Program Administration	OLCA	Reporting Requirements	282-282	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021 80	2022 CI	CI		Molly Peterson	Budget Service	OLCA	No	Item for inclusion in 2022 CI	Program Administration		Evidence-based grants and policy	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021 81	2022 CI	CI		Molly Peterson	Budget Service - AME	Deliverables	No	Item for inclusion in 2022 CI	Program Administration		Customer Service	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021 82	2022 CI	CI		Molly Peterson	Budget Service - AME		No	Item for inclusion in 2022 CI	Program Administration	Multiple FOCs and accounts	Performance Metrics	283-284	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021 83	100 days post-graduation	6/25/2021 (This is a Friday)	6/25/2021	Barbara Hilschaf	OLCA		No	Briefing	Program Administration	ISAWP/IGUS	Dual Enrollment		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	84	15 days post program launch contingent	Richard Holbrooke	OUSA	AMB	Theresa Gilliland, James or Deborah Scott	No	Briefing	Program Administration	PSA/OPF/OSD	Ex Situ	234	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	85	After closing experimental site or program	Richard Holbrooke	OUSA	JAM	Theresa Gilliland, James or Deborah Scott	Yes	Report	Program Administration	PSA/OPF/OSD	Ex Situ	281	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	86	2022 CI	Richard Holbrooke	Budget Service	JAM	Deborah Scott or Theresa Gilliland	No	Item for inclusion in 2022 CI	Program Administration	PSA/OPF/OSD	Local Media	283	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	87	None specified	Alex Payne	OUSA	JAM	Deborah Scott or Theresa Gilliland	No	"Periodic Update"	Program Administration	PSA/OPF/OSD	Electronic of Foreign Gifts and Contracts	314	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	89	15 days prior to deadline for transfer contingent	Laura Wilson	Budget Service	DESA	Margaret Levy	Yes	Report	Program Administration	OEE	Periodic Evaluation	315	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	90	None specified	Richard Holbrooke	OUSA	AMB	Theresa Gilliland, James or Deborah Scott	Yes	Report	Program Administration	PSA/OPF/OSD	Public Hearing	Ex Situ	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	90	120 days post- enactment, Monday	Kim Zurek-Sweeney	OUSA	DESA	88 Cecilia Kelly	No	Report	Program Administration	OEE	ESM data report local requirement implementation	Ex Situ	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	91	None specified	Molly Peterson	Budget Service	AMB	Deborah Scott	No	Report for use of funds	Office for Civil Rights			288	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	92	180 days post-enactment.	8/25/2021 (This is a Friday)	Molly Peterson	OLCA	AAB	Deborah Schatz	Yes	Report	Office for Civil Rights	Expulsion/Suspension	286	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	93	90 days post-enactment.	3/27/2021 (This is a Saturday)	Molly Peterson	OLCA	AAB	Deborah Schatz	No	Training	Office for Civil Rights	Expulsion/Suspension	286	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	94	180 days post-enactment.	8/25/2021 (This is a Friday)	Molly Peterson	OLCA	AAB	Deborah Schatz	Yes	Report on recommendations	Office for Civil Rights	Title IX	286	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	95	2022 CI	CI	Molly Peterson	Budget Service	AAB	Deborah Schatz	No	Item for inclusion in 2022 CI	Office for Civil Rights	Cloning of civil rights cases	287	Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
2021	96	15 days prior the Deadline	handA transfer	Molly Peterson	Budget Service	AAB		No	Advance notification	Office for Civil Rights	Transfer of funds		Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021	97	30 days prior to Executive signature	Ability/Process	Budget Service	Bill	Topic/Concern	No	Advance notification	General Provisions	IT Modernization Fund(2)	PL 115-208 page 428
2021	98	15 days advance notice also written notification	Ability/Process	Budget Service			No	Advance notification	General Provisions	Reopening of funds	PL 115-208 page 442
2021	99	45 days prior to Executive signature (This is a Wednesday)	Ability/Process	Budget Service			No	Operating plan	General Provisions	Operating plan	PL 115-208 page 442, Laboratory Statement p. 1.
2021	100	Recurring quarterly beginning 30 days after end of Q1	Q1 Deadline: 4/30/2021 (This is a Thursday)	Budget Service	BEAB	Michael Smith	Yes	Quarterly report	General Provisions	Inventory/over payment and contract	PL 115-208 page 443, 444
2021	101	Recurring quarterly beginning 30 days after end of Q1	Q1 Deadline: 4/30/2021 (This is a Friday)	Budget Service	BEAB	Lizhuwan Robin	Yes	Quarterly report	General Provisions	Status of balance of appropriations	PL 115-208 page 445

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

2021 109	In Advance of procurement	Deadline contingent	Apply Personnel	EXCA	Budget Service	BPCD	Reflexia Delivery	No	QFR responses	General Provisions	QFRs	CRISM Positioning	308	311	PL 116-266 Page 465
2021 103	45 days after receipt	Deadline contingent	Apply Personnel	EXCA	Budget Service	BPCD	Reflexia Delivery	No	QFR responses	General Provisions	QFRs	CRISM Positioning	308	311	PL 116-266 Page 465
2021 104	Recurring quarterly but with submission required 90 days post enactment	Q1 Deadline: 4/30/2021 (This is a Friday)	Apply Personnel	Budget Service	BPCD	Reflexia Delivery	The Q1 Report on Report was submitted on 2/7/2021.	Yes	Report on Report	N/A	Report on Report	Reflexia on Report	308	311	PL 116-266 Page 465
2021 105	Recurring every 60 days but with initial submission due 30 days post enactment	Next Deadline: 3/15/2021 (This is a Friday)	Apply Personnel	Budget Service	Unknown	David Simon	Q1 Report on Report Status: The initial spend plan was submitted on January 28, 2021.	Yes	EBEAMA Spend Plan	N/A	EBEAMA Spend Plan	Director's Supplemental Spend Plan	308	311	PL 116-266 Page 257

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Fwd: Safeguarding American Innovation Act

From: rochelle [Ex] martinez@omb [Ex 6 -]
To: Vipin Arora <varora@nsf.gov>
Date: Tue, 06 Apr 2021 17:30:14 -0400
Attachments: Safeguarding American Innovation Act.docx (100.56 kB)

Emilda and Vipin,

Sent from my iPhone

Begin forwarded message:

From: Johnson Barry W <Barry.W.Johnson@irs.gov>
Date: April 5, 2021 at 9:49:26 AM EDT
Subject: Safeguarding American Innovation Act

Hi Shelly,

This came my way and I wondered if you'd seen it? In particular [Ex 5 DP- (5 U.S.C. Sec
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

Barry

S. _____

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

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Safeguarding American Innovation Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 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.

[A

1 SEC. 2. DEFINITIONS.**2 In this Act:**

3 (1) FEDERAL SCIENCE AGENCY.—The term
4 “Federal science agency” means any Federal depart-
5 ment or agency to which more than \$100,000,000 in
6 research and development funds were appropriated
7 for fiscal year 2020.

8 (2) RESEARCH AND DEVELOPMENT.—

9 (A) IN GENERAL.—The term “research
10 and development” means all research activities,
11 both basic and applied, and all development ac-
12 tivities.

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

15 (C) EXPERIMENTAL DEVELOPMENT.—The
16 term “experimental development” means cre-
17 ative and systematic work, drawing upon knowl-
18 edge gained from research and practical experi-
19 ence, which—

20 (i) is directed toward the production
21 of new products or processes or improving
22 existing products or processes; and

23 (ii) like research, will result in gaining
24 additional knowledge.

25 (D) RESEARCH.—The term “research”—

[A

1 (i) means a systematic study directed
 2 toward fuller scientific knowledge or under-
 3 standing of the subject studied; and

4 (ii) includes activities involving the
 5 training of individuals in research tech-
 6 niques if such activities—

7 (I) utilize the same facilities as
 8 other research and development activi-
 9 ties; and

10 (II) are not included in the in-
 11 struction function.

12 SEC. 3. FEDERAL RESEARCH SECURITY COUNCIL.

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

**16 “CHAPTER 79—FEDERAL RESEARCH
 17 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.

18 “§ 7901. Definitions

19 “In this chapter:

20 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
 21 TEES.—The term ‘appropriate congressional com-
 22 mittees’ means—

[A

1 “(A) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 “(B) the Committee on Commerce,
4 Science, and Transportation of the Senate;

5 “(C) the Select Committee on Intelligence
6 of the Senate;

7 “(D) the Committee on Foreign Relations
8 of the Senate;

9 “(E) the Committee on Armed Services of
10 the Senate;

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

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

15 “(H) the Committee on Homeland Security
16 of the House of Representatives;

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

19 “(J) the Permanent Select Committee on
20 Intelligence of the House of Representatives;

21 “(K) the Committee on Foreign Affairs of
22 the House of Representatives;

23 “(L) the Committee on Armed Services of
24 the House of Representatives; and

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1 “(M) the Committee on Education and
2 Labor of the House of Representatives.

3 “(2) COUNCIL.—The term ‘Council’ means the
4 Federal Research Security Council established under
5 section 7902(a).

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

9 “(4) FEDERAL RESEARCH SECURITY RISK.—
10 The term ‘Federal research security risk’ means the
11 risk posed by malign state actors and other persons
12 to the security and integrity of research and develop-
13 ment conducted using grants awarded by Executive
14 agencies.

15 “(5) INSIDER.—The term ‘insider’ means any
16 person with authorized access to any United States
17 Government resource, including personnel, facilities,
18 information, research, equipment, networks, or sys-
19 tems.

20 “(6) INSIDER THREAT.—The term ‘insider
21 threat’ means the threat that an insider will use his
22 or her authorized access (wittingly or unwittingly) to
23 harm the national and economic security of the
24 United States or negatively affect the integrity of a
25 Federal agency’s normal processes, including dam-

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1 aging the United States through espionage, sabo-
2 tage, unauthorized disclosure of national security in-
3 formation or non-public information, or through the
4 loss or degradation of departmental resources, capa-
5 bilities, and functions.

6 “(7) RESEARCH AND DEVELOPMENT.—

7 “(A) IN GENERAL.—The term ‘research
8 and development’ means all research activities,
9 both basic and applied, and all development ac-
10 tivities.

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

13 “(C) EXPERIMENTAL DEVELOPMENT.—
14 The term ‘experimental development’ means
15 creative and systematic work, drawing upon
16 knowledge gained from research and practical
17 experience, which—

18 “(i) is directed toward the production
19 of new products or processes or improving
20 existing products or processes; and

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

23 “(D) RESEARCH.—The term ‘research’—

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1 “(i) means a systematic study directed
2 toward fuller scientific knowledge or under-
3 standing of the subject studied; and

4 “(ii) includes activities involving the
5 training of individuals in research tech-
6 niques if such activities—

7 “(I) utilize the same facilities as
8 other research and development activi-
9 ties; and

10 “(II) are not included in the in-
11 struction function.

12 “(8) UNITED STATES RESEARCH COMMU-
13 NITY.—The term ‘United States research commu-
14 nity’ means—

15 “(A) research and development centers of
16 Executive agencies;

17 “(B) private research and development
18 centers in the United States, including for-prof-
19 it and nonprofit research institutes;

20 “(C) research and development centers at
21 institutions of higher education (as defined in
22 section 101(a) of the Higher Education Act of
23 1965 (20 U.S.C. 1001(a)));

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1

“(D) The Department of Homeland Secu-

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rity.

3

“(E) The Office of the Director of Na-

4

tional Intelligence, including the National Coun-

5

terintelligence and Security Center.

6

“(F) The Department of Justice, including

7

the Federal Bureau of Investigation.

8

“(G) The Department of Energy.

9

“(H) The Department of Commerce, in-

10

cluding the National Institute of Standards and

11

Technology.

12

“(I) The Department of Health and

13

Human Services, including the National Insti-

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tutes of Health.

15

“(J) The Department of State.

16

“(K) The Department of Transportation.

17

“(L) The National Aeronautics and Space

18

Administration.

19

“(M) The National Science Foundation.

20

“(N) The Department of Education.

21

“(O) The Small Business Administration.

22

“(P) The Council of Inspectors General on

23

Integrity and Efficiency.

24

“(Q) Other Executive agencies, as deter-

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mined by the Chairperson of the Council.

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1 “(2) LEAD REPRESENTATIVES.—

2 “(A) DESIGNATION.—Not later than 45
3 days after the date of the enactment of this
4 chapter, the head of each agency represented on
5 the Council shall designate a representative of
6 that agency as the lead representative of the
7 agency on the Council.

8 “(B) FUNCTIONS.—The lead representa-
9 tive of an agency designated under subpara-
10 graph (A) shall ensure that appropriate per-
11 sonnel, including leadership and subject matter
12 experts of the agency, are aware of the business
13 of the Council.

14 “(c) CHAIRPERSON.—

15 “(1) DESIGNATION.—Not later than 45 days
16 after the date of the enactment of this chapter, the
17 Director of the Office of Management and Budget
18 shall designate a senior-level official from the Office
19 of Management and Budget to serve as the Chair-
20 person of the Council.

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

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

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1 “(B) designating Executive agencies to be
2 represented on the Council under subsection
3 (b)(1)(Q);

4 “(C) in consultation with the lead rep-
5 resentative of each agency represented on the
6 Council, developing a charter for the Council;
7 and

8 “(D) not later than 7 days after comple-
9 tion of the charter, submitting the charter to
10 the appropriate congressional committees.

11 “(3) LEAD SCIENCE ADVISOR.—The Director of
12 the Office of Science and Technology Policy shall be
13 the lead science advisor to the Chairperson for pur-
14 poses of this chapter.

15 “(4) LEAD SECURITY ADVISOR.—The Director
16 of the National Counterintelligence and Security
17 Center shall be the lead security advisor to the
18 Chairperson for purposes of this chapter.

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

22 **“§ 7903. Functions and authorities**

23 “(a) IN GENERAL.—The Chairperson of the Council
24 shall consider the missions and responsibilities of Council
25 members in determining the lead agencies for Council

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1 functions. The Council shall perform the following func-
2 tions:

3 “(1) Developing and implementing, across all
4 Executive agencies that award research and develop-
5 ment grants, a uniform application process for
6 grants in accordance with subsection (b).

7 “(2) Developing and implementing a uniform
8 and regular reporting process for identifying persons
9 participating in federally funded research and devel-
10 opment or that have access to nonpublic federally
11 funded information, data, research findings, and re-
12 search and development grant proposals.

13 “(3) Identifying or developing criteria, in ac-
14 cordance with subsection (c), for sharing and receiv-
15 ing information with respect to Federal research se-
16 curity risks in order to mitigate such risks with—

17 “(A) members of the United States re-
18 search community; and

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

21 “(4) Identifying an appropriate Executive agen-
22 cy—

23 “(A) to accept and protect information
24 submitted by Executive agencies and non-Fed-

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1 eral entities based on the processes established
2 under paragraphs (1) and (2); and

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

6 “(i) oversight of federally funded re-
7 search and development;

8 “(ii) criminal and civil investigations
9 of misappropriated Federal funds, re-
10 sources, and information; and

11 “(iii) counterintelligence investiga-
12 tions.

13 “(5) Identifying, as appropriate, Executive
14 agencies to provide—

15 “(A) shared services, such as support for
16 conducting Federal research security risk as-
17 sessments, activities to mitigate such risks, and
18 oversight and investigations with respect to
19 grants awarded by Executive agencies; and

20 “(B) common contract solutions to support
21 enhanced information collection and sharing
22 and the verification of the identities of persons
23 participating in federally funded research and
24 development.

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1 “(6) Identifying and issuing guidance, in ac-
2 cordance with subsection (d) and in coordination
3 with the National Insider Threat Task Force estab-
4 lished by Executive Order 13587 (50 U.S.C. 3161
5 note) for developing and implementing insider threat
6 programs for Executive agencies to deter, detect,
7 and mitigate insider threats, including the safe-
8 guarding of sensitive information from exploitation,
9 compromise, or other unauthorized disclosure, taking
10 into account risk levels and the distinct needs, mis-
11 sions, and systems of each such agency.

12 “(7) Identifying and issuing guidance for devel-
13 oping compliance and oversight programs for Execu-
14 tive agencies to ensure that research and develop-
15 ment grant recipients accurately report conflicts of
16 interest and conflicts of commitment in accordance
17 with subsection (b)(1). Such programs shall include
18 an assessment of—

19 “(A) a grantee’s support from foreign
20 sources and affiliations with foreign funding in-
21 stitutions or laboratories; and

22 “(B) the impact of such support and affili-
23 ations on United States national security and
24 economic interests.

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1 “(8) Assessing and making recommendations
2 with respect to whether openly sharing certain types
3 of federally funded research and development is in
4 the economic and national security interests of the
5 United States.

6 “(9) Identifying and issuing guidance to the
7 United States research community, and other recipi-
8 ents of Federal research and development funding,
9 to ensure that such institutions and recipients adopt
10 existing best practices to reduce the risk of mis-
11 appropriation of research data.

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

17 “(11) Engaging with the United States re-
18 search community in performing the functions de-
19 scribed in paragraphs (1), (2), and (3) and with re-
20 spect to issues relating to Federal research security
21 risks.

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

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1 “(b) REQUIREMENTS FOR UNIFORM GRANT APPLI-
2 CATION PROCESS.—In developing the uniform application
3 process for Federal research and development grants re-
4 quired under subsection (a)(1), the Council shall—

5 “(1) ensure that the process—

6 “(A) requires principal investigators, co-
7 principal investigators, and senior personnel as-
8 sociated with the proposed Federal research or
9 development grant project—

10 “(i) to disclose biographical informa-
11 tion, all affiliations, including any foreign
12 military, foreign government-related orga-
13 nizations, and foreign-funded institutions,
14 and all current and pending support, in-
15 cluding from foreign institutions, foreign
16 governments, or foreign laboratories, and
17 all support received from foreign sources;
18 and

19 “(ii) to certify the accuracy of the re-
20 quired disclosures under penalty of per-
21 jury; and

22 “(B) uses a machine-readable application
23 form to assist in identifying fraud and ensuring
24 the eligibility of applicants;

25 “(2) design the process—

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1 “(A) to reduce the administrative burden
2 on persons applying for Federal research and
3 development funding; and

4 “(B) to promote information sharing
5 across the United States research community,
6 while safeguarding sensitive information; and

7 “(3) complete the process not later than 1 year
8 after the date of the enactment of the Safeguarding
9 American Innovation Act.

10 “(C) REQUIREMENTS FOR INFORMATION SHARING

11 CRITERIA.—In identifying or developing criteria and pro-
12 cedures for sharing information with respect to Federal
13 research security risks under subsection (a)(3), the Coun-
14 cil shall ensure that such criteria address, at a min-
15 imum—

16 “(1) the information to be shared;

17 “(2) the circumstances under which sharing is
18 mandated or voluntary;

19 “(3) the circumstances under which it is appro-
20 priate for an Executive agency to rely on informa-
21 tion made available through such sharing in exer-
22 cising the responsibilities and authorities of the
23 agency under applicable laws relating to the award
24 of grants;

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

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

5 “(d) REQUIREMENTS FOR INSIDER THREAT PRO-
6 GRAM GUIDANCE.—In identifying or developing guidance
7 with respect to insider threat programs under subsection
8 (a)(6), the Council shall ensure that such guidance pro-
9 vides for, at a minimum—

10 “(1) such programs—

11 “(A) to deter, detect, and mitigate insider
12 threats; and

13 “(B) to leverage counterintelligence, secu-
14 rity, information assurance, and other relevant
15 functions and resources to identify and counter
16 insider threats; and

17 “(2) the development of an integrated capability
18 to monitor and audit information for the detection
19 and mitigation of insider threats, including
20 through—

21 “(A) monitoring user activity on computer
22 networks controlled by Executive agencies;

23 “(B) providing employees of Executive
24 agencies with awareness training with respect

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1 to insider threats and the responsibilities of em-
2 ployees to report such threats;

3 “(C) gathering information for a central-
4 ized analysis, reporting, and response capa-
5 bility; and

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

9 “(3) the development and implementation of
10 policies and procedures under which the insider
11 threat program of an Executive agency accesses,
12 shares, and integrates information and data derived
13 from offices within the agency;

14 “(4) the designation of senior officials with au-
15 thority to provide management, accountability, and
16 oversight of the insider threat program of an Execu-
17 tive agency and to make resource recommendations
18 to the appropriate officials; and

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

22 “(e) ISSUANCE OF WARNINGS RELATING TO RISKS
23 AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC
24 COOPERATION.—

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1 “(1) IN GENERAL.—The Council, in conjunction
2 with the lead security advisor under section
3 7902(c)(4), shall establish a process for informing
4 members of the United States research community
5 and the public, through the issuance of warnings de-
6 scribed in paragraph (2), of potential risks and
7 vulnerabilities in international scientific cooperation
8 that may undermine the integrity and security of the
9 United States research community or place at risk
10 any federally funded research and development.

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

14 “(A) activities by the national government,
15 local governments, research institutions, or uni-
16 versities of a foreign country—

17 “(i) to exploit, interfere, or undermine
18 research and development by the United
19 States research community; or

20 “(ii) to misappropriate scientific
21 knowledge resulting from federally funded
22 research and development;

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

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1 “(i) the science and technology of that
2 foreign country; or

3 “(ii) federally funded research and de-
4 velopment; and

5 “(C) practices within the research enter-
6 prise of a foreign country that do not adhere to
7 the United States scientific values of openness,
8 transparency, reciprocity, integrity, and merit-
9 based competition.

10 “(f) PROGRAM OFFICE AND COMMITTEES.—The
11 interagency working group established under section 1746
12 of the National Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116-92) shall be a working group under
14 the Council performing duties authorized under such sec-
15 tion and as directed by the Council. The Council shall use
16 any findings or work product, existing or forthcoming, by
17 such working group. The Council may also establish a pro-
18 gram office and any committees, working groups, or other
19 constituent bodies the Council deems appropriate, in its
20 sole and unreviewable discretion, to carry out its func-
21 tions.

22 “(g) EXCLUSION ORDERS.—To reduce Federal re-
23 search security risk, the Interagency Suspension and De-
24 barment Committee shall provide quarterly reports to the
25 Council that detail—

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

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

8 “(3) efforts by the Interagency Suspension and
9 Debarment Committee to mitigate Federal research
10 security risk;

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

13 “(5) other current suspension and debarment
14 related issues.

15 **“§ 7904. Strategic plan**

16 “(a) IN GENERAL.—Not later than 180 days after
17 the date of the enactment of this chapter, the Council shall
18 develop a strategic plan for addressing Federal research
19 security risks and for managing such risks, that in-
20 cludes—

21 “(1) the criteria and processes required under
22 section 7903(a), including a threshold and require-
23 ments for sharing relevant information about such
24 risks with all Executive agencies and, as appro-

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1 priate, with other Federal entities, foreign govern-
2 ments, and non-Federal entities;

3 “(2) an identification of existing authorities for
4 addressing such risks;

5 “(3) an identification and promulgation of best
6 practices and procedures, and an identification of
7 available resources, for Executive agencies to assess
8 and mitigate such risks;

9 “(4) recommendations for any legislative, regu-
10 latory, or other policy changes to improve efforts to
11 address such risks;

12 “(5) recommendations for any legislative, regu-
13 latory, or other policy changes to incentivize the
14 adoption of best practices for avoiding and miti-
15 gating Federal research security risks by the United
16 States research community and key United States
17 foreign research partners;

18 “(6) an evaluation of the effect of implementing
19 new policies or procedures on existing Federal grant
20 processes, regulations, and disclosures of conflicts of
21 interest and conflicts of commitment;

22 “(7) a plan for engaging with Executive agen-
23 cies, the private sector, and other nongovernmental
24 stakeholders to address such risks and share infor-

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1 mation between Executive agencies, the private sec-
2 tor, and nongovernmental stakeholders; and

3 “(8) a plan for identification, assessment, miti-
4 gation, and vetting of Federal research security
5 risks.

6 “(b) SUBMISSION TO CONGRESS.—Not later than 7
7 calendar days after completion of the strategic plan re-
8 quired by subsection (a), the Chairperson of the Council
9 shall submit the plan to the appropriate congressional
10 committees.

11 “§ 7905. Annual report

12 “Not later than December 15 of each year, the Chair-
13 person of the Council shall submit a report to the appro-
14 priate congressional committees that describes—

15 “(1) the activities of the Council during the
16 preceding fiscal year; and

17 “(2) the progress made toward implementing
18 the strategic plan required under section 7904 after
19 such plan has been submitted to Congress.

20 “§ 7906. Requirements for Executive agencies

21 “(a) IN GENERAL.—The head of each Executive
22 agency on the Council shall be responsible for—

23 “(1) assessing Federal research security risks
24 posed by persons participating in federally funded
25 research and development;

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1 “(2) avoiding or mitigating such risks, as ap-
2 propriate and consistent with the standards, guide-
3 lines, requirements, and practices identified by the
4 Council under section 7903(a);

5 “(3) prioritizing Federal research security risk
6 assessments conducted under paragraph (1) based
7 on the applicability and relevance of the research
8 and development to the national security and eco-
9 nomic competitiveness of the United States; and

10 “(4) ensuring that all agency initiatives impact-
11 ing Federally funded research grant making policy
12 and management to protect the national and eco-
13 nomic security interests of the United States are in-
14 tegrated with the activities of the Council.

15 “(b) INCLUSIONS.—The responsibility of the head of
16 an Executive agency for assessing Federal research secu-
17 rity risk described in subsection (a) includes—

18 “(1) developing an overall Federal research se-
19 curity risk management strategy and implementation
20 plan and policies and processes to guide and govern
21 Federal research security risk management activities
22 by the Executive agency;

23 “(2) integrating Federal research security risk
24 management practices throughout the lifecycle of the
25 grant programs of the Executive agency;

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1 “(3) sharing relevant information with other
2 Executive agencies, as determined appropriate by
3 the Council in a manner consistent with section
4 7903; and

5 “(4) reporting on the effectiveness of the Fed-
6 eral research security risk management strategy of
7 the Executive agency consistent with guidance issued
8 by the Office of Management and Budget and the
9 Council.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
11 at the beginning of title 31, United States Code, is amend-
12 ed by inserting after the item relating to chapter 77 the
13 following new item:

 “79. Federal Research Security Council7901.”.

14 **SEC. 4. FEDERAL GRANT APPLICATION FRAUD.**

15 (a) IN GENERAL.—Chapter 47 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “§ 1041. Federal grant application fraud

19 “(a) DEFINITIONS.—In this section:

20 “(1) FEDERAL AGENCY.—The term ‘Federal
21 agency’ has the meaning given the term ‘agency’ in
22 section 551 of title 5, United States Code.

23 “(2) FEDERAL GRANT.—The term ‘Federal
24 grant’—

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1 “(A) means a grant awarded by a Federal
2 agency;

3 “(B) includes a subgrant awarded by a
4 non-Federal entity to carry out a Federal grant
5 program; and

6 “(C) does not include—

7 “(i) direct United States Government
8 cash assistance to an individual;

9 “(ii) a subsidy;

10 “(iii) a loan;

11 “(iv) a loan guarantee; or

12 “(v) insurance.

13 “(3) FEDERAL GRANT APPLICATION.—The
14 term ‘Federal grant application’ means an applica-
15 tion for a Federal grant.

16 “(4) FOREIGN COMPENSATION.—The term ‘for-
17 eign compensation’ means a title, monetary com-
18 pensation, access to a laboratory or other resource,
19 or other benefit received from—

20 “(A) a foreign government;

21 “(B) a foreign government institution; or

22 “(C) a foreign public enterprise.

23 “(5) FOREIGN GOVERNMENT.—The term ‘for-
24 eign government’ includes a person acting or pur-
25 porting to act on behalf of—

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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-

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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

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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).”.

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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 (notwithstanding
21 any exclusions for items not normally
22 subject to export controls) if the Sec-
23 retary of State has determined that
24 the acquisition of those goods, tech-
25 nologies, or sensitive information by a

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1 category of aliens that includes such
2 alien would be contrary to an
3 articulable national security (including
4 economic security) interest of the
5 United States;”.

6 (b) DETERMINING FACTORS.—

7 (1) IN GENERAL.—In establishing criteria for
8 determining whether an alien is included in a cat-
9 egory of aliens that may be inadmissible under sec-
10 tion 212(a)(3)(A)(i)(III) of the Immigration and
11 Nationality Act, as amended by subsection (a), offi-
12 cials of the Department of State shall—

13 (A) seek advice and assistance from offi-
14 cials at the Office of the Director of National
15 Intelligence, the Office of Science and Tech-
16 nology Policy, the Department of Health and
17 Human Services, the Department of Defense,
18 the Department of Homeland Security, the De-
19 partment of Energy, the Department of Com-
20 merce, and other appropriate Federal agencies;

21 (B) consider factors such as the alien’s
22 past or likely employment or cooperation with—

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

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1 (ii) foreign institutions involved in the
2 theft of United States research;

3 (iii) entities involved in export control
4 violations or the theft of intellectual prop-
5 erty; and

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

9 (C) weigh the proportionality of risk for
10 the factors listed in subparagraph (B).

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

14 (A) use a machine-readable visa applica-
15 tion form; and

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

19 (i) identifying fraud;

20 (ii) conducting lawful law enforcement
21 activities; and

22 (iii) determining the eligibility of ap-
23 plicants for a visa under the Immigration
24 and Nationality Act (8 U.S.C. 1101 et
25 seq.).

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

10 (1) the criteria used to describe the category of
11 aliens to which such section 212(a)(3)(A)(i)(III)
12 may apply; and

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

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

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

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

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

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

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

24 (3) provides cost estimates, including personnel
25 costs and a cost-benefit analysis for adopting dif-

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1 ferent technologies, including optical character rec-
2 ognition, for—

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

6 (B) ensuring that such system—

7 (i) protects personally-identifiable in-
8 formation; and

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

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

14 **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**
15 **CHANGE PROGRAMS.**

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

24 “(A) to disclose to the Department of
25 State whether an exchange visitor, as a primary

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

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

21 "(C) to demonstrate, to the satisfaction of
22 the Secretary of State, that programs that will
23 release controlled technology or technical data
24 to an exchange visitor at the sponsor organiza-
25 tion through exchange visitor programs have re-

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

5 (2) by amending subsection (b) to read as fol-
6 lows:

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

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

21 “(2) For gifts received from or contracts en-
22 tered into with a foreign government, the aggregate
23 amount of such gifts and contracts received from
24 each foreign government.

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

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

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

16 (3) by amending subsection (e) to read as fol-
17 lows:

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

24 (4) in subsection (f), by adding at the end the
25 following:

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1 “(3) FINES.—

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

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

15 (5) by amending subsection (g) to read as fol-
16 lows:

17 “(g) RULEMAKING.—

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

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

25 “(A) incorporate instructions for—

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1 “(i) reporting structured gifts and
2 contracts; and

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

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

9 (6) by redesignating subsection (h) as sub-
10 section (i);

11 (7) by inserting after subsection (g) the fol-
12 lowing:

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

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

20 (A) in paragraph (3), by striking “or prop-
21 erty” and inserting “, property, human re-
22 sources, or staff, including staff salaries”; and

23 (B) in paragraph (5)(B), by inserting “in-
24 stitutes, instructional programs,” after “cen-
25 ters,”.

DHS TA on SAIA

From: "Leon, Bryan P. EOP/OMB" <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Jones, Narda M. EOP/OSTP" <[REDACTED] Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Mon, 19 Apr 2021 16:37:50 -0400
Attachments: TDA_S__Safeguarding American Innovation Act-toOLA.docx (122.98 kB)

Narda,

Sharing with you a copy of the TA DHS conveyed for awareness. DHS also [REDACTED] Ex 5 DP- (5 U.S.C. Sec [REDACTED])
[REDACTED] Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process [REDACTED]

Bryan

FW: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

From: "Mok, Emily A. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
To: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Date: Mon, 19 Apr 2021 16:52:19 -0400
Attachments: Appendix A - OSTP TA HSGAC 4.12.2021.docx (49.17 kB); Appendix B - DHS TA on S__Safeguarding American Innovation Act.docx (122.97 kB); Appendix C - CBO Estimate SAIA.pdf (80.13 kB); SAIA - Memo for JP & MV 4.19 PM.docx (22.24 kB)

Paul, not sure what your preference is, but
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

From: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Sent: Monday, April 19, 2021 4:47 PM
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: RE: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

Thank you again for your review. Attached is an updated memo. Also attached would be the appendices.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

From: Mok, Emily A. EOP/OMB
Sent: Monday, April 19, 2021 4:00 PM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec [REDACTED])>
Subject: RE: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

Bryan,

Please see attached for edits from SSB attached. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,
Emily

Emily Mok
OMB Science and Space Branch

From: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Sent: Monday, April 19, 2021 12:24 PM
To: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

Please use the attached version instead. I was able to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please review and advise of any edits. If at all possible, it would be great to get your edits by 5PM today. While I missed my original target of getting a memo to JP and Matt by today, it would probably be good to elevate this to them soon. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Bryan

From: Leon, Bryan P. EOP/OMB
Sent: Monday, April 19, 2021 12:03 PM
To: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(6))>
Subject: Draft Memo on Safeguarding American Innovation Act

Paul, Emily & Bill,

Sorry for the delay in getting this to you. Attached is the draft that I've put together so far. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) hopefully the other portions are at least in a workable condition.

There are Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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Ex 5 DP- Attached is a copy of the redline that has already been conveyed by OSTP last week.

Would appreciate getting your edits, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

Bryan

FW: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

From: "Mok, Emily A. EOP/OMB" <Ex 6 - (5) Ex 6 - (5) >
To: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C.) Ex 6 - (5) >
Date: Mon, 19 Apr 2021 14:17:45 -0400
Attachments: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act (249.86 kB)

Paul, do you think Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

I was going to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

From: Leon, Bryan P. EOP/OMB <Ex 6 - (5) Ex 6 - (5) >
Sent: Monday, April 19, 2021 2:07 PM
To: Mok, Emily A. EOP/OMB <Ex 6 - (5) Ex 6 - (5) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C.) Ex 6 - (5) >
Subject: RE: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

Agree. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

I tried to Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Bryan

From: Mok, Emily A. EOP/OMB
Sent: Monday, April 19, 2021 1:57 PM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C.) Ex 6 - (5) >; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C.) Ex 6 - (5) >
Subject: RE: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

Bryan,

I was under the impression that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

I'm not sure that Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

. Also, the

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Emily

From: Leon, Bryan P. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>
Sent: Monday, April 19, 2021 12:24 PM
To: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C.) Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C.) Ex 6 - (5)>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5) Ex 6 - (5)>
Subject: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

Please use the attached version instead. I was able to Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Deliberative Process

Please review and advise of any edits. If at all possible, it would be great to get your edits by 5PM today. While I missed my original target of getting a memo to JP and Matt by today, it would probably be good to elevate this to them soon. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Bryan

From: Leon, Bryan P. EOP/OMB
Sent: Monday, April 19, 2021 12:03 PM
To: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C.) Ex 6 - (5)>; Mok, Emily A. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C.) Ex 6 - (5)>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5) Ex 6 - (5)>
Subject: Draft Memo on Safeguarding American Innovation Act

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Ex 5 DP- Attached is a copy of the redline that has already been conveyed by OSTP last week.

Would appreciate getting your edits, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative
Ex 5 DP- (5 U.S.C.)

Bryan

FW: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5)>
To: "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5)>
Date: Mon, 19 Apr 2021 16:47:49 -0400
Attachments: Appendix A - OSTP TA HSGAC 4.12.2021.docx (49.17 kB); Appendix B - DHS TA on S__Safeguarding American Innovation Act.docx (122.97 kB); Appendix C - CBO Estimate SAIA.pdf (80.13 kB); SAIA - Memo for JP & MV 4.19 PM.docx (22.24 kB)

Rob –

FYI.

Bill

Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch

Office of Management and Budget

(w) Ex 6 - (5)

From: Leon, Bryan P. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>
Sent: Monday, April 19, 2021 4:47 PM
To: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec: x 6 - (5)>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5) Ex 6 - (5)>
Subject: RE: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

Deliberative Process

From: Mok, Emily A. EOP/OMB
Sent: Monday, April 19, 2021 4:00 PM
To: Leon, Bryan P. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec: x 6 - (5)>
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>
Subject: RE: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

Bryan,

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Ex 5 DP- (5 U.S.C. Sec 552(b)(5))

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,
Emily

Emily Mok
OMB Science and Space Branch

From: Leon, Bryan P. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Sent: Monday, April 19, 2021 12:24 PM
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Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: PLEASE USE THIS INSTEAD: Draft Memo on Safeguarding American Innovation Act

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To: Shawcross, Paul J. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >; McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Cc: Thomas, Will III EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
Subject: Draft Memo on Safeguarding American Innovation Act

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Bryan

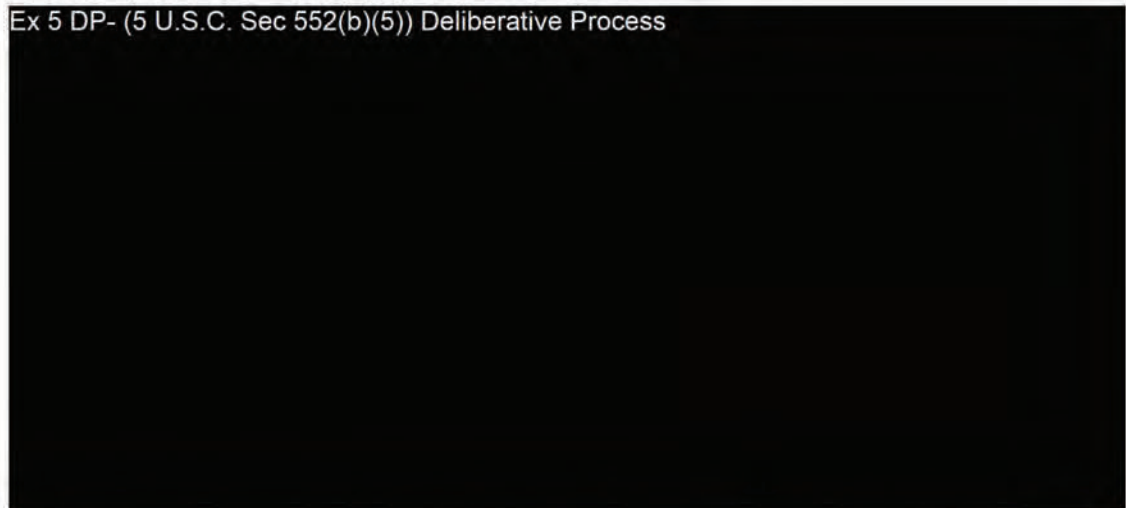
[items discussed] FW: OMB meeting on NSPM-33 implementation

From: "Mok, Emily A. EOP/OMB" <Ex 6 - (5 x 6 - (5 >
To: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5 >
Date: Wed, 28 Apr 2021 13:38:02 -0400
Attachments: DPIWG workplan 20210426.docx (15.16 kB); nspm-33.pdf (553.26 kB)

Paul, two things in follow-up to our chat about the upcoming OSTP meeting with OMB (scheduled for Monday, 5/3).

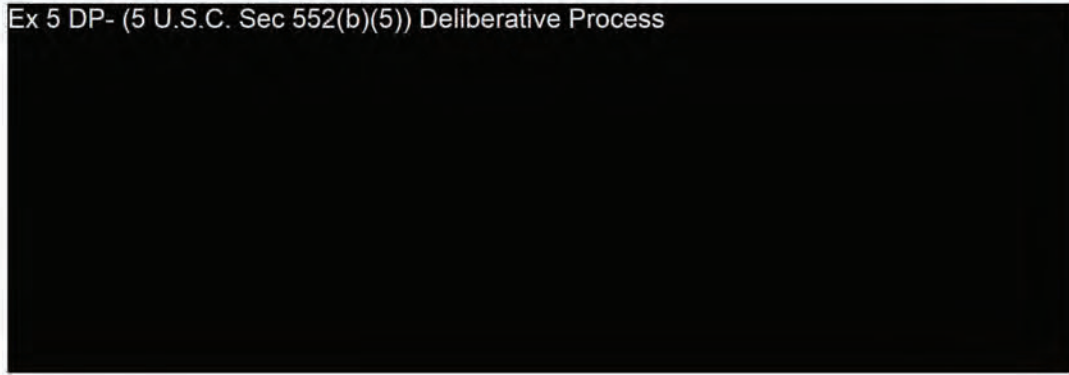
First, I looked up Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
In addition, I copied Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Second, the email forwarded below is the detail that Aaron Miles (OSTP's Research Security lead) sent over to Bill and me about their meeting objectives for 5/3. I think this Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process (The attachments include OSTP's current draft work plan and NSPM-33.) Directly below is the draft message for you to send to Cristin. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

From: Miles, Aaron R. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >
Sent: Tuesday, April 27, 2021 4:14 PM
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5 >
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5 >
Subject: RE: OMB meeting on NSPM-33 implementation

Hi Bill,

Below are the objectives and questions we would like to begin to address through this discussion. Please let me know if this gives you what you need, or if you're looking for something else. For additional detail, attached is a Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process below.

Best,
Aaron

Objective: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Questions for OMB:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process


OMB/OSTP discussion on protecting federal R&D from foreign governments

From: "Shawcross, Paul J. EOP/OMB" <Ex 6 - (5 U.S.C. x 6 - (5) >
To: "Pasquantino, John C. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Cc: "Mok, Emily A. EOP/OMB" <Ex 6 - (5) Ex 6 - (5) >
Date: Wed, 28 Apr 2021 16:40:11 -0400
Attachments: DPIWG workplan 20210426.docx (15.16 kB); nspm-33.pdf (553.26 kB)

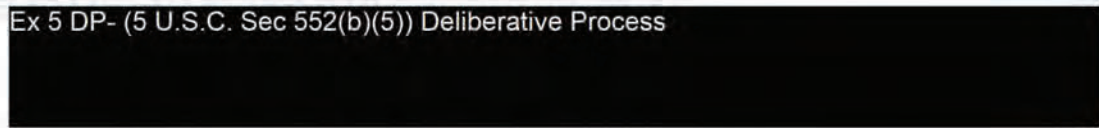
John -

Emily and I drafted the following email to Cristin Dorgelo Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) In short, we are Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec For multiple reasons I detail below, I think Ex 5 DP- (5 U.S.C. Sec
Ex 5 DP- (5 On the other hand, Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Please let us know what you think. Thanks,
- Paul

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



From: Miles, Aaron R. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >
Sent: Tuesday, April 27, 2021 4:14 PM
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5) >

Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process; Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >

Subject: RE: OMB meeting on NSPM-33 implementation

Hi Bill,

Below are the objectives and questions we would like to begin to address through this discussion.

Please let me know if this gives you what you need, or if you're looking for something else. For additional detail, attached is a Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process below.

Best,
Aaron

Objective: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Questions for OMB:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

RE: OMB meeting on NSPM-33 implementation

From: "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5) Ex 6 - (5) >
To: "Schwab, Margo EOP/OMB" <Ex 6 - (5 U.S.C.); x 6 - (5) >, "Kluever, April N. EOP/OMB" <Ex 6 - (5) x 6 - (5) >, "Martinez, Shelly W. EOP/OMB" <Ex 6 - (5 U.S.C. Sec x 6 - (5) >
Date: Fri, 30 Apr 2021 15:00:36 -0400
Attachments: nspm-33.pdf (553.26 kB); DPIWG workplan 20210426 qh.docx (15.4 kB); RE: OMB meeting on NSPM-33 implementation (116.74 kB)

Thanks, Margo and April. Adding in Shelly given Margo's note.

Shelly – nothing pressing right now, but flagging this for you given Margo's note about making sure **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative** I have attached the nspm-33, work plan with Quinn's comments, and email from Quinn to respond to Libby's note down below. Do you want me to loop you into the broader chain so you see updates from Libby?

-Kerrie

From: Schwab, Margo EOP/OMB
Sent: Friday, April 30, 2021 1:25 PM
To: Leslie, Kerrie L. EOP/OMB <Ex 6 - (5) x 6 - (5) >; Kluever, April N. EOP/OMB <Ex 6 - (5) Ex 6 - (5) >
Subject: RE: OMB meeting on NSPM-33 implementation

Not much science. And on stat's more from the **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative** **Ex 5 DP- (5 U.S.C. Sec 552(b)(5))**. Maybe Shelly can sit in.

From: Leslie, Kerrie L. EOP/OMB
Sent: Friday, April 30, 2021 1:07 PM
To: Kluever, April N. EOP/OMB <Ex 6 - (5) x 6 - (5) >; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C.); Ex 6 - (5) >
Subject: FW: OMB meeting on NSPM-33 implementation

Not having looked, is this more science? And/or do we need to loop one of us on the stats side more to take a look?

From: Hennemuth, Elizabeth I. EOP/OMB
Sent: Friday, April 30, 2021 1:03 PM
To: Higgins, Cortney J. EOP/OMB <Ex 6 - (5 U.S.C.); Ex 6 - (5) >; Leslie, Kerrie L. EOP/OMB <Ex 6 - (5) Ex 6 - (5) >; Kluever, April N. EOP/OMB <Ex 6 - (5) Ex 6 - (5) >; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5) x 6 - (5) >
Cc: Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C.); x 6 - (5) >; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C.); Ex 6 - (5) >; Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C.); Ex 6 - (5) >
Subject: RE: OMB meeting on NSPM-33 implementation

Good afternoon:

Monday's meeting has been postponed. Meanwhile, please let us know if you or someone else in OIRA can provide input on Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process raised in the thread below.

Thank you,
Libby

From: Hennemuth, Elizabeth I. EOP/OMB
Sent: Thursday, April 29, 2021 12:53 PM
To: Higgins, Cortney J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Leslie, Kerrie L. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Kluever, April N. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>; Hirsch, Quinn N. EOP/OMB <Ex 6 - (5) Ex 6 - (5)>
Cc: Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Schwab, Margo EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>; Aguilar, Brenda L. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5))>
Subject: FW: OMB meeting on NSPM-33 implementation

Hello, Cortney, Kerrie, April, and Quinn:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process so we're reaching out to see who else from OIRA should be involved before we resume meeting with others in OMB and OSTP.

There is a meeting scheduled for Monday from 2-3 p.m. with others in OMB and the NSTC Subcommittee on Research Security (chaired by Aaron Miles from OSTP), which is leading NSPM-33 implementation. When we started working on this early last year, we looped in Quinn and April initially, and then the Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

The Ask: We'd like to know whether any of you would like to attend Monday's meeting, which will Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process and/or if we'll need to see about delaying the meeting to give time to get everyone up-to-speed.

Objectives and questions for Monday's meeting, copied from Aaron's email below (highlights added):

Objective: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
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Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Questions for OMB:
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks,
Libby Hennemuth
OMB | OIRA | Privacy Branch

From: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>
Sent: Thursday, April 29, 2021 10:47 AM
To: Miles, Aaron R. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >; Tran, Hai M. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>; Hubbard, Rhea A. EOP/OMB <Ex 6 - (5 U.S.C. x 6 - (5)>; Collin, Victoria W. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Moncada, Kirsten J. EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5)>; Hennemuth, Elizabeth I. EOP/OMB <Ex 6 - (5 U.S.C. Sec Ex 6 - (5)>; Grimes, Justin M. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Burris, Jordan C. EOP/OMB <Ex 6 - (5 U.S.C. Ex 6 - (5)>; Lattimore, Tracie B. EOP/OSTP <Ex 6 - (5 U.S.C. Sec 552(b)(6))>; Diana, Grace A. EOP/OSTP <Ex 6 - (5 U.S.C. Sec >
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>
Subject: FW: OMB meeting on NSPM-33 implementation

Hi All –

I wanted to send along a note from Aaron Miles in OSTP on a few questions for OMB to guide our discussion on Monday. Also please note the Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

If there are additional staff you will need to include based on these, please feel free to forward the invite that I just updated with Zoom link.

Please let Emily Mok and I know if you have any questions.

Thanks,
Bill

From: Miles, Aaron R. EOP/OSTP
Sent: Tuesday, April 27, 2021 4:14 PM
To: McNavage, William EOP/OMB <Ex 6 - (5 U.S.C. SeEx 6 - (5)>
Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 Ex 6 - (5)>
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Below are the objectives and questions we would like to begin to address through this discussion. Please let me know if this gives you what you need, or if you're looking for something else. For additional detail, attached is a Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process below.

Best,
Aaron

Objective: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Questions for OMB:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

RE: OMB meeting on NSPM-33 implementation

From: "Hirsch, Quinn N. EOP/OMB" <Ex 6 - (5) Ex 6 - (5) >
To: "Hennemuth, Elizabeth I. EOP/OMB" <Ex 6 - (5 U.S.C. Sec Ex 6 - (5) >, "Higgins, Courtney J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Leslie, Kerrie L. EOP/OMB" <Ex 6 - (5) Ex 6 - (5) >, "Kluever, April N. EOP/OMB" <Ex 6 - (5) Ex 6 - (5) >
Cc: "Moncada, Kirsten J. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Schwab, Marco EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >, "Aguilar, Brenda L. EOP/OMB" <Ex 6 - (5 U.S.C. Ex 6 - (5) >
Date: Fri, 30 Apr 2021 13:59:55 -0400
Attachments: DPIWG workplan 20210426 qh.docx (15.4 kB)

Hi all,

I've done some highlighting on the workplan where I Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
I am happy to go to whatever meeting is necessary.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

In response to your questions:

Objective: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Questions for OMB:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Happy to connect on this, but me moving forward. Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process Please feel free to include

Thanks,
Q

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[Ex 5 DP- (5 [REDACTED])]

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

Questions for OMB:

[Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process]

Thanks,
Libby Hennemuth
OMB | OIRA | Privacy Branch

From: McNavage, William EOP/OMB <[Ex 6 - (5 U.S.C. [REDACTED]) [Ex 6 - (5 [REDACTED])]>>
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Sent: Tuesday, April 27, 2021 4:14 PM
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Cc: Mok, Emily A. EOP/OMB <Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process Ex 6 - (5 U.S.C. Sec 552(b)(5)) Deliberative Process >
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Aaron

Objective: Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Questions for OMB:
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

THE WHITE HOUSE

WASHINGTON

January 14, 2021

NATIONAL SECURITY PRESIDENTIAL MEMORANDUM - 33

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF EDUCATION
THE SECRETARY OF VETERANS AFFAIRS
THE SECRETARY OF HOMELAND SECURITY
THE ASSISTANT TO THE PRESIDENT AND CHIEF OF STAFF
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION
AGENCY
THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND
BUDGET
THE DIRECTOR OF NATIONAL INTELLIGENCE
THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY
THE ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
COUNSEL TO THE PRESIDENT
ASSISTANT TO THE PRESIDENT, DEPUTY COUNSEL TO THE
PRESIDENT FOR NATIONAL SECURITY AFFAIRS, AND
NATIONAL SECURITY COUNCIL LEGAL ADVISOR
THE DIRECTOR OF THE OFFICE OF SCIENCE AND
TECHNOLOGY POLICY
THE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION
THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
THE DIRECTOR OF THE FEDERAL BUREAU OF
INVESTIGATION
THE SECRETARY OF THE SMITHSONIAN
THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Purpose. This memorandum directs action to strengthen protections of United States Government-supported Research and Development (R&D) against foreign government interference and exploitation. The United States Government provides significant support to R&D across a broad spectrum of research institutions and programs conducted both within and outside of the United States and its territories. This R&D, including both basic and applied research, is a key contributor to American science and technology (S&T) innovation and is essential to United States economic and national security.

Much of United States Government-supported R&D is broadly shared and includes fundamental research as defined in National Security Decision Directive (NSDD)-189 as well as scientific research using publicly available data. The open and collaborative nature of the United States R&D enterprise underpins America's innovation, S&T leadership, economic competitiveness, and national security.

Unfortunately, some foreign governments, including the People's Republic of China, have not demonstrated a reciprocal dedication to open scientific exchange, and seek to exploit open United States and international research environments to circumvent the costs and risks of conducting research, thereby increasing their economic and military competitiveness at the expense of the United States, its allies, and its partners. While maintaining an open environment to foster research discoveries and innovation that benefit our Nation and the world, the United States will also take steps to protect intellectual capital, discourage research misappropriation, and ensure responsible management of United States taxpayer dollars. This includes steps to ensure that participants with significant influence on the United States R&D enterprise fully disclose information that can reveal potential conflicts of interest and conflicts of commitment.

Sec. 2. Definitions. For the purposes of this memorandum:

(a) the term "participants in the United States R&D enterprise" includes researchers at academic research institutions, independent research institutes, medical centers

and institutes, private companies, and Federal Government research centers and laboratories, as well as those who participate in the process of allocating and awarding Federal R&D funding;

(b) the term "United States Government supported R&D" includes R&D projects funded by the United States Government, in whole or in part; projects that use United States Government equipment or facilities for conducting R&D; and R&D projects in which United States Government employee and contractor personnel participate, regardless of the project's funding source;

(c) the term "conflict of interest" or "conflicts of interest" means a situation in which an individual, or the individual's spouse or dependent children, has a financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of research;

(d) the term "conflict of commitment" or "conflicts of commitments" means a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many institutional policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of institutional or funding agency policies or commitments. Other types of conflicting obligations, including obligations to share improperly information with, or to withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment;

(e) the term "foreign government-sponsored talent recruitment program" or "foreign government-sponsored talent recruitment programs" means an effort directly or indirectly organized, managed, or funded by a foreign government or institution to recruit S&T professionals or students (regardless of citizenship or national origin, and whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state

for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of Federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation;

(f) the term "Federal personnel" means officers and employees of the Government of the United States and members of the uniformed services (including members of the Reserve Components); and

(g) the term "digital persistent identifier" or "digital persistent identifiers" means a unique digital identifier that permanently and unambiguously identifies a digital object or an individual.

Sec. 3. Roles and Responsibilities. (a) The heads of executive departments and agencies (agencies) that fund R&D activities (funding agencies) shall, consistent with applicable law:

(i) require that participants in the United States R&D enterprise who significantly influence the design, conduct, reporting, reviewing, or funding of Federally-funded research disclose appropriate information, consistent with section 4(b) of this memorandum, that will enable reliable determinations of whether and where conflicts of interest and commitment exist, consistent with applicable Federal laws and regulations;

(ii) cooperate with organizations receiving Federal funds to ensure that the organizations have established and administer policies and processes to identify and manage risks to research security and integrity, including potential conflicts of interest and commitment;

(iii) identify, in cooperation with agency Inspectors General and law enforcement agencies as appropriate and as consistent with applicable law, disclosures

that have the potential negatively to impact research funding, security, or integrity;

(iv) cooperate with agency Inspectors General and law enforcement, as appropriate, in investigation of suspected instances of failure to comply with disclosure requirements; and

(v) ensure the availability and application of appropriate and effective consequences for violations of disclosure policies and for engagement in other activities that threaten the security and integrity of the United States R&D enterprise.

(b) The Secretary of Education shall ensure that the Department of Education (ED) issues bi-annual public reports of information about gifts and contracts received by institutions from foreign sources disclosed from certain institutions that participate in the Title IV student assistance programs, as required by section 117 of the Higher Education Act, as amended.

(c) The Secretary of State is responsible for ensuring that the Department of State, in conjunction with the Department of Homeland Security (DHS), screens foreign individuals seeking to obtain a visa to participate in the United States R&D enterprise for national security risk, based on all applicable standards for visa eligibility. Additionally, the Secretary of State shall engage with key foreign allies and partners to limit the potential for foreign government exploitation of the international R&D enterprise.

(d) The Secretary of Homeland Security is responsible for ensuring that DHS, in conjunction with the Department of State, screens foreign individuals who are nonimmigrant students and exchange visitors seeking to participate or participating in the United States R&D enterprise for national security risks. The Secretary of Homeland Security is also responsible, consistent with applicable law, for ensuring that DHS maintains information regarding foreign students and researchers to protect national security while supporting lawful entry and stay of foreign individuals coming to the United States for educational and cultural exchange programs.

(e) The Director of the Federal Bureau of Investigation (FBI) is responsible for investigating violations of Federal law, including those related to research security and integrity,

that are not exclusively assigned to another agency, and, as vested by law and Presidential directive, carry out investigations within the United States of threats to the national security. Additionally, the Director shall:

(i) utilize established mechanisms as appropriate, including legal process, to access information disclosed to institutions and agencies that may be of evidentiary value in an investigation;

(ii) ensure that the FBI shares information regarding research security threats, as appropriate and consistent with applicable law, with agencies and research institutions; and

(iii) ensure that FBI Field Offices expand and enhance their existing relationships with universities and research institutions or, in cases where there is no current relationship, establish and maintain relationships with universities and research institutions within their area of responsibility, in coordination with other agencies.

(f) The Attorney General is responsible for enforcing, as appropriate, criminal laws relating to activities that undermine research security and integrity, such as economic espionage, theft of trade secrets, grant fraud, false statements to Federal officials, computer intrusions, and others.

(g) The Director of National Intelligence (DNI) shall coordinate Intelligence Community efforts to identify and assess the capabilities, activities, and intentions of foreign actors as they relate to the security of the United States R&D enterprise.

(h) The Director of the Office of Science and Technology Policy (OSTP), through the National Science and Technology Council (NSTC), shall coordinate activities to protect Federally funded R&D from foreign government interference, and outreach to the United States scientific and academic communities to enhance awareness of risks to research security and Federal Government actions to address these risks.

Sec. 4. Priorities. It is the policy of the United States to:

(a) Enhance Awareness of Research Security Risks and Protections.

(i) Consistent with applicable law, the Director of OSTP, in coordination with the DNI and heads of other agencies as appropriate, shall engage with the United States R&D enterprise to enhance awareness of risks to research security and integrity and policies and measures for mitigating these risks. This outreach will seek to:

1. Explain the threats posed by some foreign government-sponsored efforts, including some foreign government-sponsored talent recruitment programs, that seek to exploit the United States R&D enterprise;
2. Explain Federal policies and actions to mitigate risks to research security and integrity;
3. Promulgate guidelines for research institutions to mitigate risks to research security and integrity; and
4. Increase awareness among agencies and research institutions about existing law, regulations, and other mechanisms that can protect against the unauthorized transfer of United States technology and intellectual property (e.g., classification, economic sanctions, export controls, trade enforcement actions), and any relevant limitations of these regulations and mechanisms.

(ii) The DNI shall develop, in coordination with the heads of other agencies, information and intelligence products related to research security that are suitable for dissemination, in accordance with applicable law, to other agencies; to Federal, State, local, and tribal officials; to research institutions; the private sector; and to allies and partners. Where appropriate, the DNI should consider declassifying or reducing the level of classification of relevant information to ensure that decision makers in and out of government have the details they need to understand

research security threats and to develop targeted risk mitigation strategies and policies. These materials will seek to:

1. Explain foreign government supported collection methods and means of exploitation;
2. Help identify R&D activities and collaborations with significant risk of exploitation; and
3. Provide counterintelligence awareness training.

(b) Strengthen Disclosure Requirements and Processes. The heads of United States research funding agencies shall require the disclosure of information related to potential conflicts of interest and commitment from participants in the Federally funded R&D enterprise. Participants' disclosures should be provided to the organization applying for or receiving the Federal funding, the funding agency, or both, consistent with the funding agency policies and applicable laws and regulations. The appropriate disclosure requirement varies depending on the individual's role in the United States R&D enterprise. Disclosure requirements outlined in this memorandum should supplement, but do not replace, existing disclosure requirements set forth in law and United States Office of Government Ethics regulations, which apply to some elements of the United States R&D enterprise.

(i) Agencies shall require disclosure, as specified in section 4(b)(iii) below and where consistent with relevant United States law, regulation, contract, agreement and award, from the following segments of the Federally funded R&D enterprise:

1. Principal investigators (PIs) and other senior/key personnel seeking or receiving Federal R&D funding (i.e., extramural funding);
2. Individuals participating in the process of allocating Federal funding: program officers, peer/merit reviewers, and members of advisory panels and committees; and

3. Researchers at Federal agency laboratories and facilities (i.e., intramural researchers, whether or not Federally employed), including government owned, contractor-operated laboratories and facilities.

(ii) Agencies shall require the following disclosures, where consistent with relevant United States law, regulation, contract, agreement and award depending on the role of the individual in the United States R&D enterprise as specified in section 4(b)(iii) below:

1. Organizational affiliations and employment;
2. Other support, contractual or otherwise, direct and indirect, including current and pending private and public sources of funding or income, both foreign and domestic. For researchers, other support includes all resources made available to a researcher in support of and/or related to all of their professional R&D efforts, including resources provided directly to the individual rather than through the research institution, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to, gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding;
3. Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs. Agencies or their Inspectors General shall require that individuals disclose associated contract(s), upon request of the recipient research institution or the funding agency, in addition to the fact of participation; and

4. Positions and appointments, both domestic and foreign, including affiliations with foreign entities or governments. This includes titled academic, professional, or institutional appointments whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).

(iii) Within 12 months of the date of this memorandum, and consistent with applicable law, the heads of United States research funding agencies shall establish policies requiring disclosure of the information reflected in the table below. Depending on their particular circumstances, agencies may also require disclosure of additional information, and/or disclosure from a broader range of R&D enterprise participants, either as a matter of course or upon agency request. Disclosures and disclosure requirements may be modified or excluded when so authorized by agencies for national security purposes.

	Affiliations /Employment	Other support	Foreign government sponsored talent recruitment programs	Positions/ Appointments
<u>Tier I</u> <ul style="list-style-type: none"> • Principal Investigators & other key personnel • Program officers • Intramural funding recipients 	Y	Y	Y	Y
<u>Tier II</u> <ul style="list-style-type: none"> • Peer reviewers • Advisory Committee/Panel members 	Y	N	Y	Y

(iv) Consistent with applicable law, agencies shall require initial disclosures and updates to disclosure reporting. Relevant agency employees and contractor personnel should provide initial disclosure when hired or assigned relevant duties. Funding applicants should provide initial disclosure as part of the proposal or award process, per agency requirements. Updates should occur annually, or more frequently where appropriate to account for individuals' changing circumstances and for additions to funded research teams. Agencies should ensure that individuals have reasonable recourse to correct or address inaccurate or incomplete information.

(v) Consistent with applicable Federal laws and statutory authorities, within 1 year of the date of this memorandum, funding agencies shall establish policies regarding requirements for individual researchers supported by or working on any Federal research grant to be registered with a service that provides a digital persistent identifier for that individual.

(vi) Agencies shall standardize disclosure processes, definitions, and forms across funding agencies to the extent practicable. The Director of the Office of Management and Budget (OMB) shall work with OSTP, the Office of Government Ethics, and other agencies to coordinate the standardization of policies and forms related to disclosure of conflicts of interest and commitment. Where appropriate and consistent with applicable Federal laws and regulation, agencies should standardize forms for initial disclosures as well as annual updates, integrating digital persistent identifiers wherever appropriate and practicable, and should provide clear instructions to accompany these forms and to minimize any associated administrative burden.

(vii) The Secretary of Education shall continue to support the balance between academic freedom and national security by promoting financial transparency in the relationship between institutions of higher education (IHEs) and foreign sources through enforcement of section 117 of the Higher Education Act. ED shall continue to ensure that it provides,

and updates as necessary, clear public guidance to IHEs on compliance with section 117 requirements, and shall continue to ensure that disclosed information is made publicly available in a format that is readily accessible and usable.

(viii) Agencies shall, as appropriate, work with their Inspector General, General Counsel, law enforcement, university program offices and security officers, and the private sector to strengthen mechanisms and capabilities to identify and investigate potential violations of agency disclosure requirements. Where appropriate, funding agencies or their Inspectors General shall cooperate and assist with administrative and law enforcement investigations and analyses aimed at uncovering violations, including sharing information from disclosure statements, to the extent that such sharing is consistent with privacy laws and other legal restrictions and does not interfere with law enforcement activities.

(ix) Agencies shall ensure appropriate and effective consequences for violation of disclosure requirements and engagement in other activities that threaten research security and integrity. Depending on the nature of the violation, agencies may consider a range of consequences including but not limited to the following:

1. Termination of Federal employment or contract;
2. Termination of a grant, cooperative agreement, contract, or award;
3. Preserving a grant, cooperative agreement, contract, or award, but requiring or otherwise ensuring that individual(s) do not perform work under the grant, contract, or award;
4. Ineligibility for participation in United States Government review panels and other activities;
5. Suspension or debarment of eligibility for Federal funding; and

6. Suspension or denial of Title IV funds. In addition to these measures, civil and criminal penalties under United States Federal and State laws may apply in some cases, such as when individuals intentionally provide incomplete or incorrect information in the grant funding process, or misappropriate trade secrets or export controlled information. Federal agencies should consult with their Inspectors General, General Counsel, security officers, and/or law enforcement agencies as appropriate, to avoid compromising ongoing investigative and law enforcement activities when evaluating actions towards those who violate disclosure requirements or otherwise threaten research security and integrity.

(c) Limit Access and Participation.

(i) Heads of agencies shall ensure that their respective agencies have policies and processes to control and track access to and utilization of United States Government research facilities, consistent with applicable law and appropriations. These should include processes for controlling and tracking physical access, vetting and securely hosting foreign visitors, and evaluating research partnerships or contracts with outside entities.

(ii) Within 12 months of the date of this memorandum, and consistent with applicable law, heads of agencies shall establish policies, or clarify existing policies where applicable, that prohibit Federal personnel currently employed by their respective agencies who are also participants in the United States R&D enterprise from participating in foreign government-sponsored talent recruitment programs. Agency heads may consider agency-specific policies that would extend this prohibition to some or all agency contractor personnel to further protect research security and integrity. Agency heads may provide exemptions from this prohibition where they determine appropriate, and shall notify the President through the Assistant to the President for National Security Affairs (APNSA) within 30 days of any

establishment of or change in exemption criteria. For any personnel exempted from these prohibitions, disclosure requirements described in section 4(b) of this memorandum shall still apply.

(d) Vetting Foreign Students and Researchers. The Secretary of State, in coordination with the Secretary of Homeland Security, shall ensure that vetting processes for foreign students and researchers reflect the changing nature of the risks to United States R&D.

(i) The Secretary of State shall continue to apply a risk-based process to vet visa applicants seeking to study or conduct research activities in the United States, based on all applicable standards for visa eligibility. The Secretary shall take such steps as are necessary to ensure consular officers may collect and consider the following information pertaining to visa applicants, wherever relevant to the consular officer's adjudication of a visa application based on relevant standards under United States law:

1. Employment and employment history;
2. Sources of financial support;
3. Education history, including academic institutes, degree(s), and research advisor(s);
4. Current and prior R&D affiliations and projects;
5. Current and pending participation in foreign government-sponsored talent recruitment programs;
6. Program of study and/or research; and
7. Facility/facilities and location(s) of expected work.

(ii) The Secretary of Homeland Security shall assess, within 3 months of the date of this memorandum, any regulatory and technical updates necessary to require that relevant institutions:

1. Report the same information specified above in section 4(d)(i) in the Student and Exchange Visitor Information System (SEVIS), for foreign students and researchers subject to reporting in that system; and,
2. Provide updates in SEVIS annually, or more frequently where appropriate.
3. Within 3 months of the completion of this assessment, the Secretary shall provide to the APNSA a plan regarding implementation of such requirements.

(iii) The Secretary of Homeland Security, in coordination with the Secretary of State, shall assess, within 1 year of the date of this memorandum, the feasibility and utility of including the information specified in section 4(d)(i) in a searchable centralized database. This database should provide the capability to flag any disclosed or otherwise identified connections to organizations listed in Department of Commerce's Entity List.

(e) Information Sharing. To strengthen the effectiveness of response measures, heads of agencies shall share information about violators (e.g., those who violate disclosure or other policies promulgated pursuant to this memorandum, participate in foreign government-sponsored talent recruitment programs contrary to policies issued pursuant to section 4(c)(ii), or whose activities clearly demonstrate an intent to threaten research security and integrity) across Federal funding institutions and with Federal law enforcement agencies, the DHS, and State, to the extent that such sharing is consistent with privacy laws and other legal restrictions, and does not interfere with law enforcement or intelligence activities. Where appropriate and consistent with due process, privacy considerations, and all other applicable law, heads of agencies should consider providing notice to other Federal funding institutions in cases where significant concerns have arisen but a final determination has not yet been made. Where appropriate and consistent with applicable law and appropriations, funding agencies shall include within grant terms and conditions provisions that allow for such information sharing.

(f) The heads of funding agencies shall ensure that Federal agency personnel conducting R&D activities or participating in the process of allocating Federal R&D funding receive research security training. Training shall include, as appropriate, risks to the United States R&D enterprise, individuals' responsibilities related to research security and integrity, and circumstances and behaviors that may indicate risk to research security and integrity. Training programs shall include an initial orientation for new personnel, and annual refresher training.

(g) Risk Identification and Analysis. Within 12 months of the date of this memorandum, heads of funding agencies shall require that research institutions receiving Federal science and engineering support in excess of 50 million dollars per year certify to the funding agency that the institution has established and operates a research security program. Institutional research security programs should include elements of cyber security, foreign travel security, insider threat awareness and identification, and, as appropriate, export control training. Heads of funding agencies shall consider whether additional research security program requirements are appropriate for institutions receiving Federal funding for R&D in critical and emerging technology areas with implications for United States national and economic security.

(h) Promote and Protect International R&D Cooperation. The Secretary of State, in coordination with the Director of OSTP and the heads of other agencies, shall engage with foreign allies and partners with the goal of promoting policies and practices that increase awareness of risks to research security and improve cooperation on international protection and response efforts. Messaging should be designed to increase awareness and encourage foreign governments to undertake effective practices to assess and mitigate risks to research security and integrity.

Sec. 5. Implementation. The APNSA, in coordination with the Director of OMB and the Director of OSTP, shall coordinate the implementation of this memorandum, and, on an annual basis, shall prepare and submit a report to the President detailing activities taken by funding agencies to implement this memorandum.

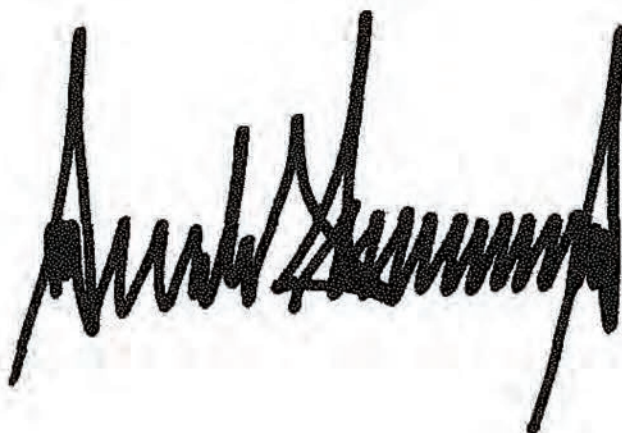
Sec. 6. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) The authority granted by law to an executive department or agency, or the head thereof; or

(ii) The functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and Presidential guidance, and subject to the availability of appropriations. The activities described in this memorandum should be conducted in a manner that is consistent with the Constitution; Executive Order 12333 of December 4, 1981 (United States Intelligence Activities), as amended; other applicable law and Presidential guidance; and policies and procedures pertaining to: (i) the appropriate handling of information about United States Persons (as defined in Executive Order 12333) and other individuals protected by United States law; (ii) the protection of sources, methods, and activities; (iii) privacy, civil rights, and civil liberties; and (iv) the protection of other sensitive information.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A large, stylized handwritten signature in black ink, appearing to be a cursive name with a prominent vertical stroke on the right side.

SAIA material

From: "McNavage, William EOP/OMB" <Ex 6 - (5 U.S.C. Sec 552(b)(6)) >
To: "Nassif, Rob J. EOP/OMB" <Ex 6 - (5 U.S.C. Sec >
Date: Mon, 03 May 2021 14:22:06 -0400
Attachments: Safeguarding American Innovation Act Interagency Comments.pdf (548.34 kB);
Safeguarding American Innovation Act Talking Points.docx (29.84 kB)

Bill McNavage, Ph.D.

Program Examiner | Defense Investments Branch

Office of Management and Budget

(w) Ex 6 - (5

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(n) Ex 6 - (5 U.S.C. Sec 552(b)(6))

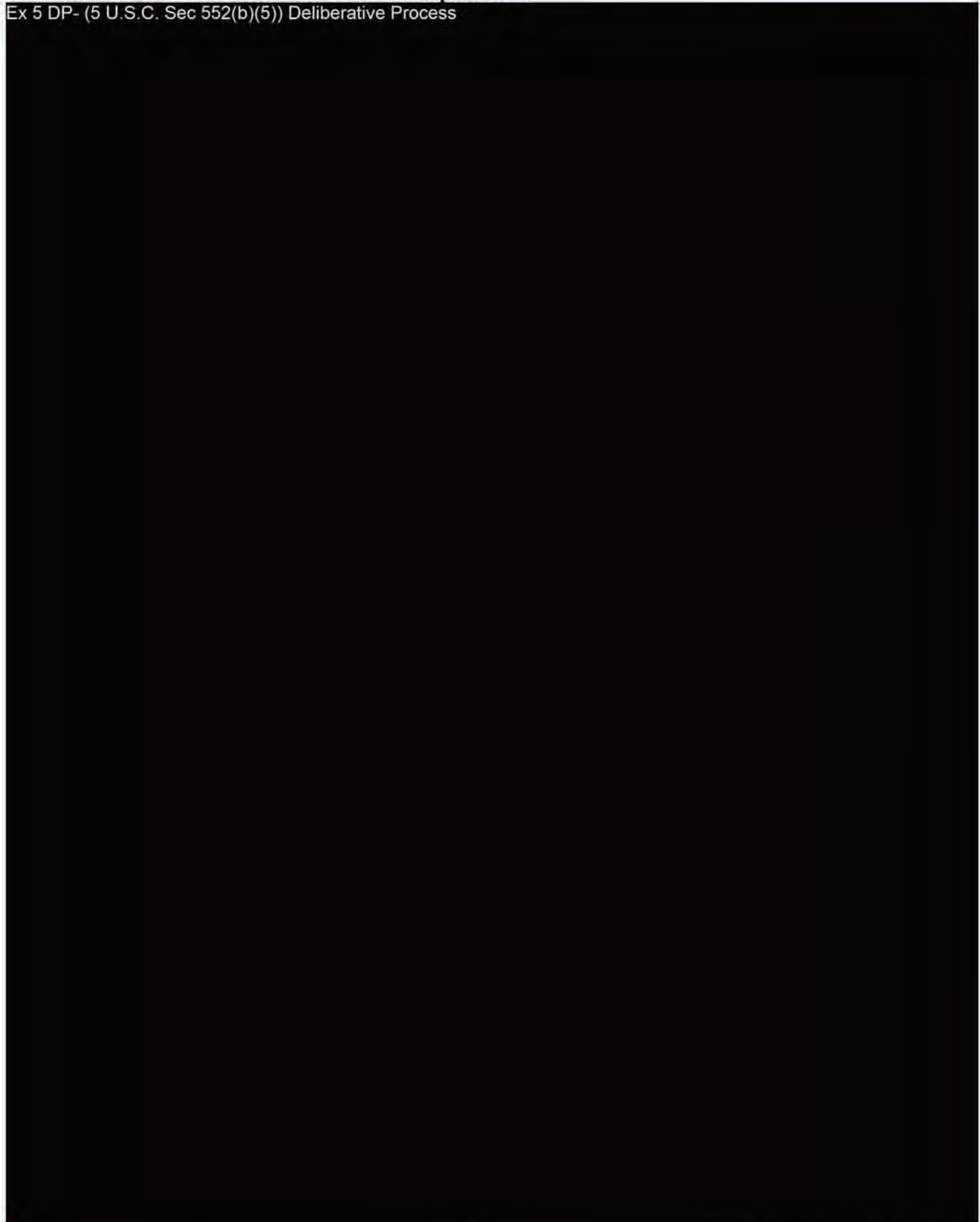
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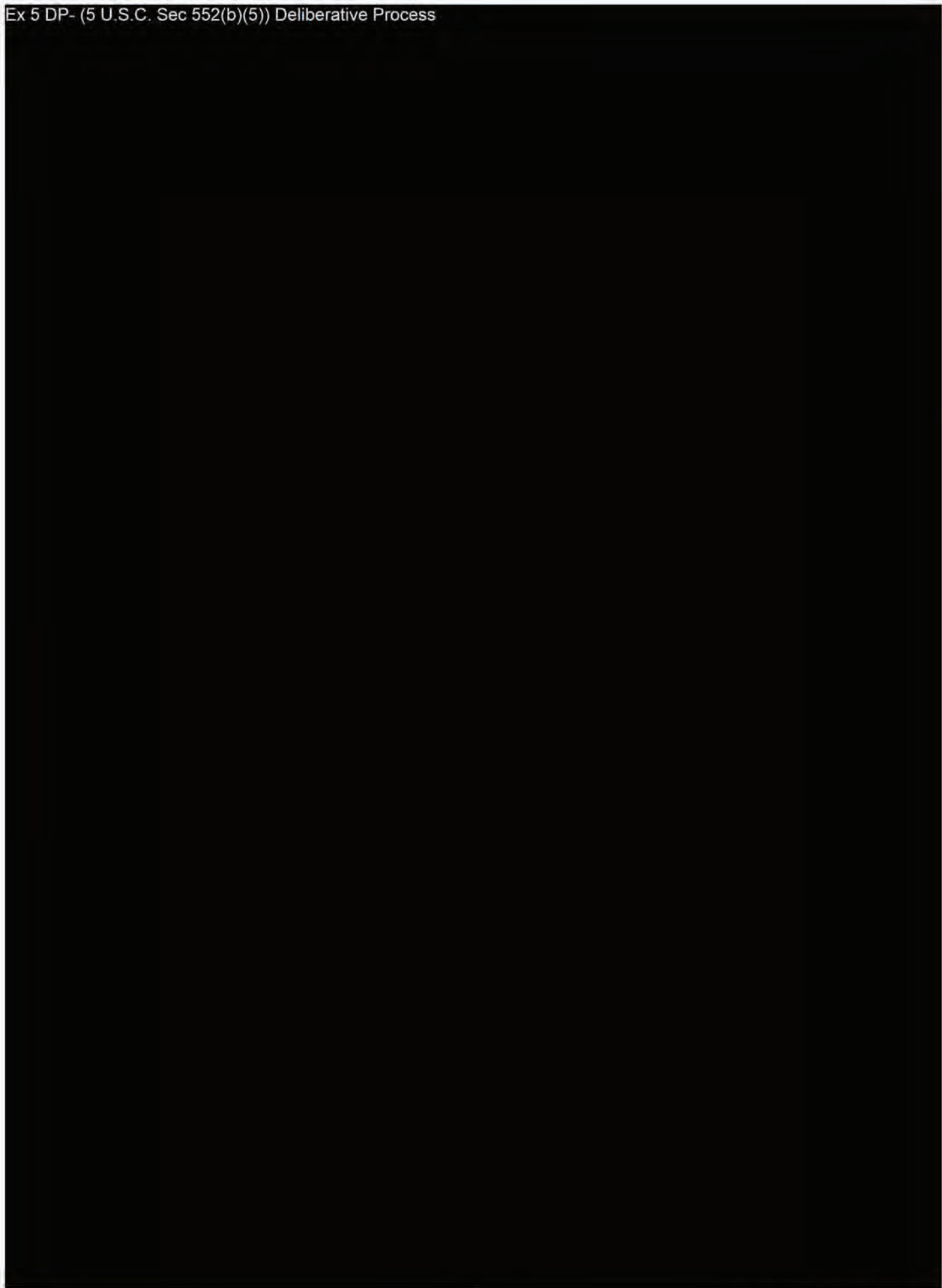
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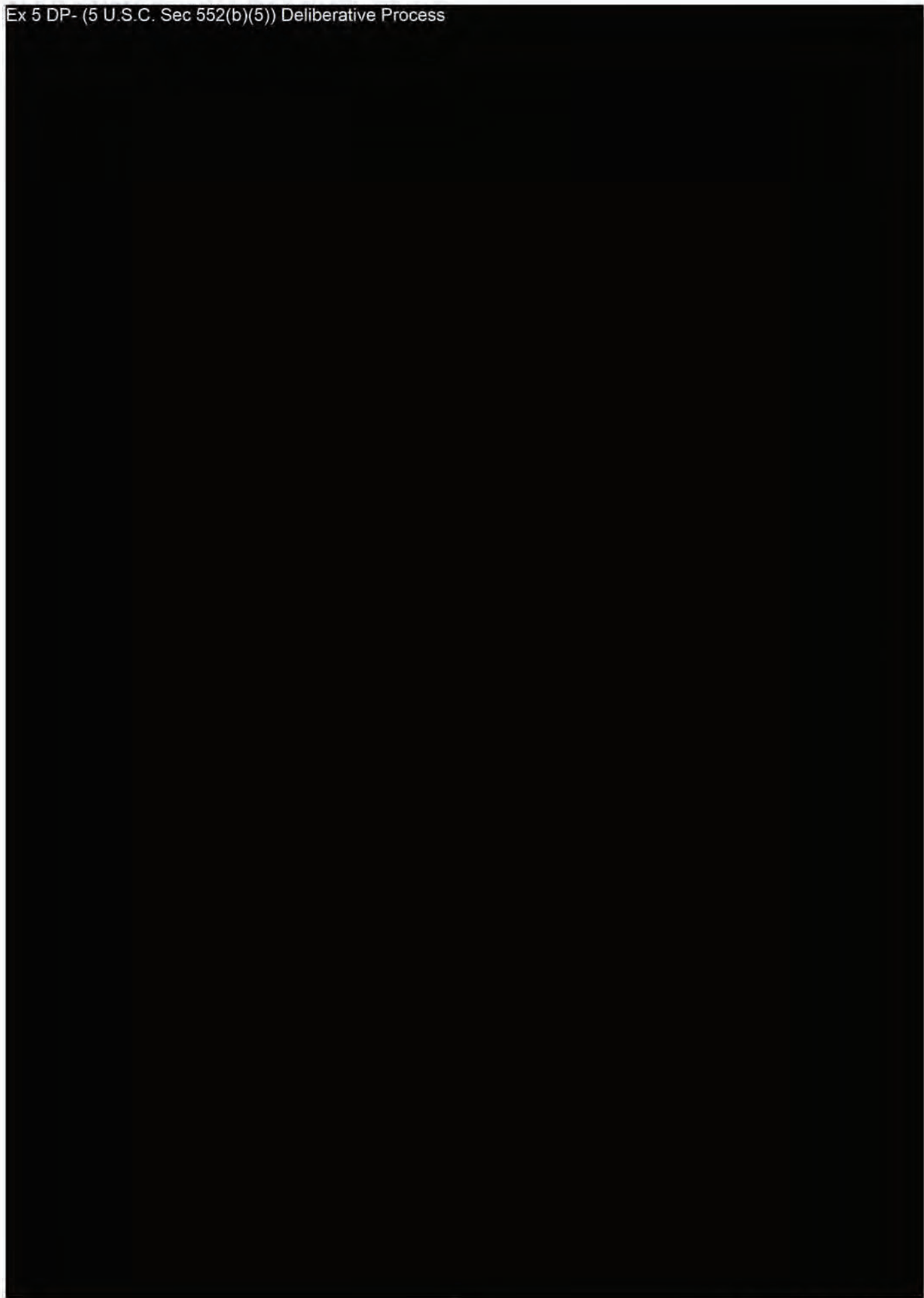
552(b)(6))

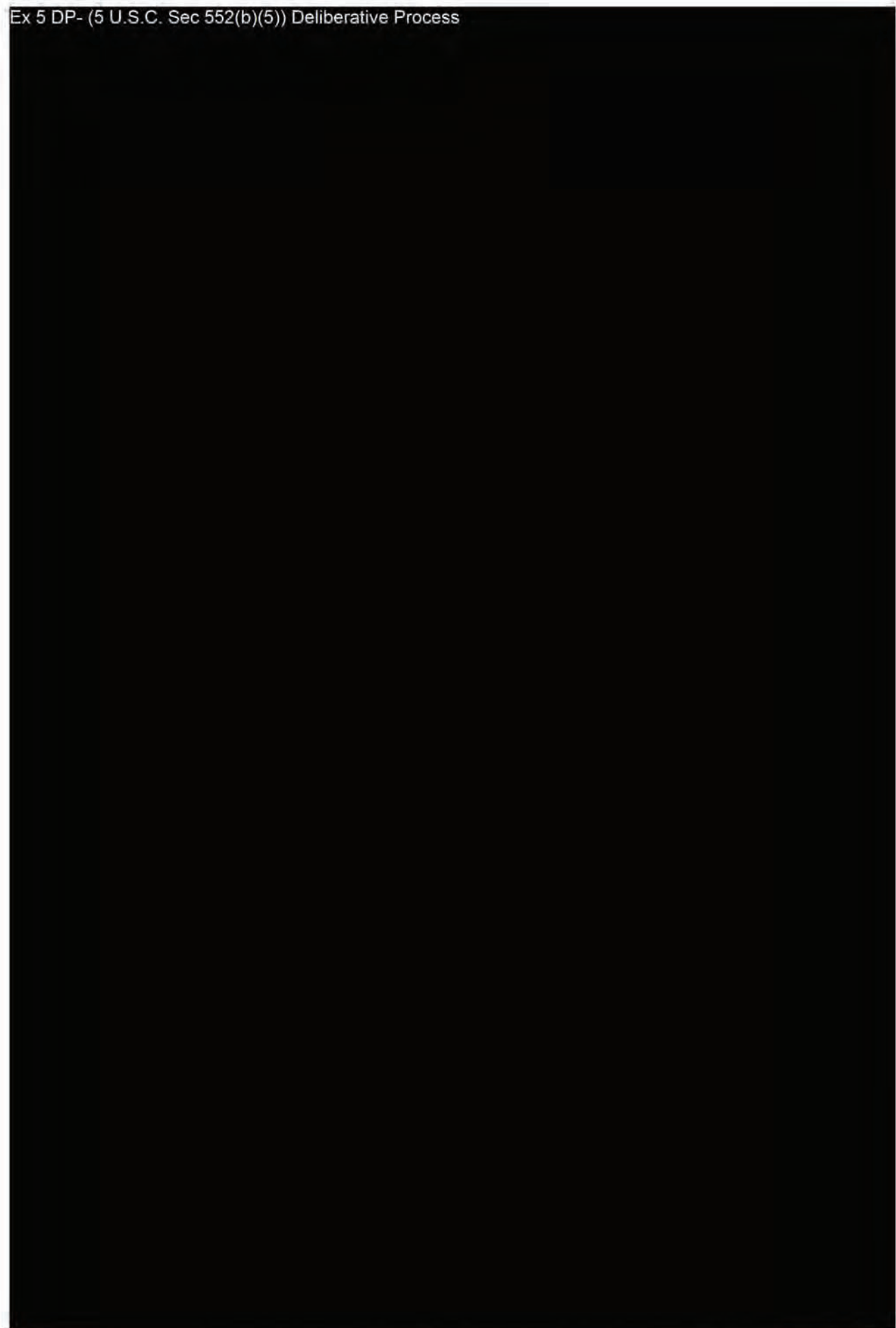
**Interagency Views on S. _____
The Safeguarding American Innovation Act
April 2021**

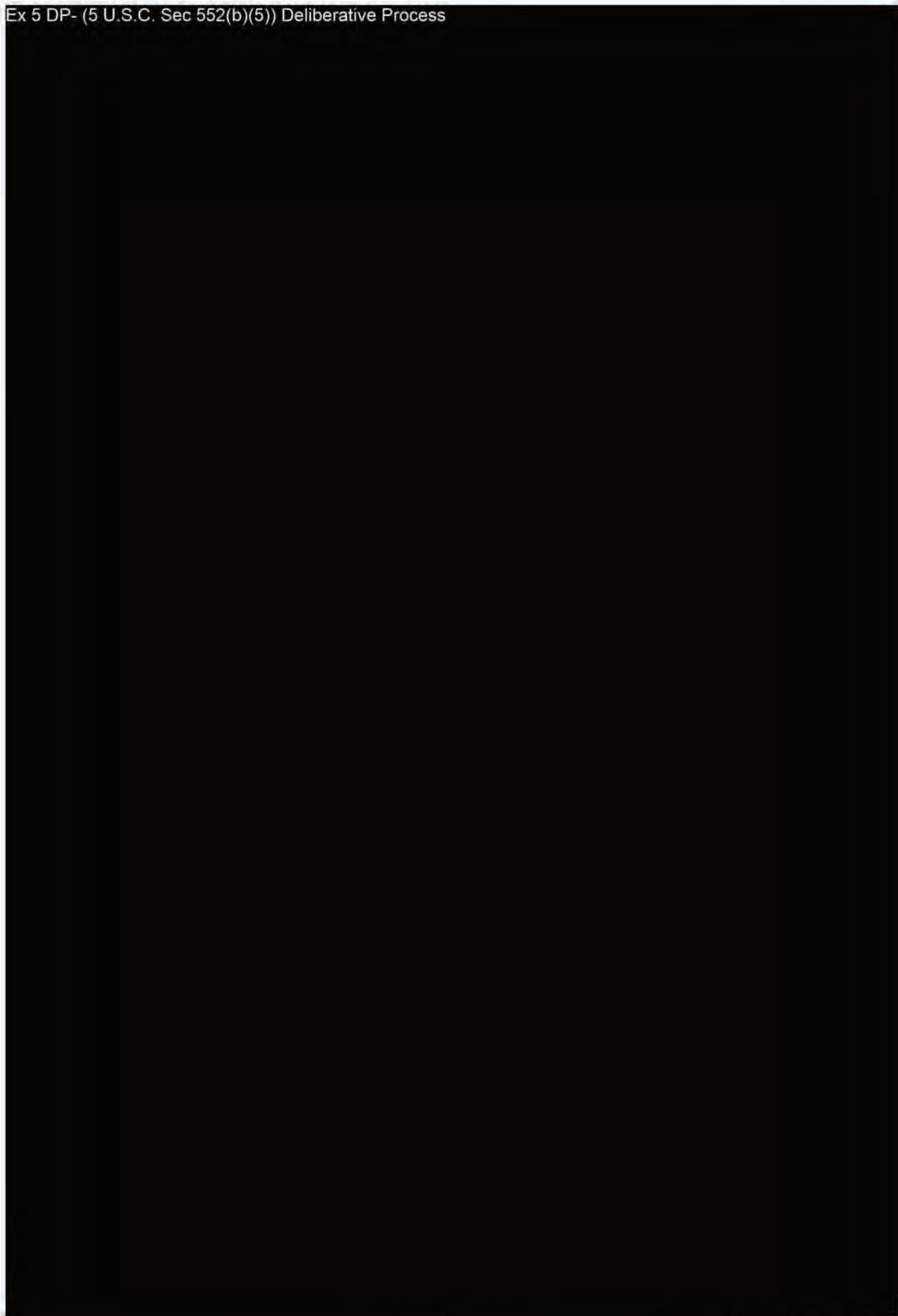
Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

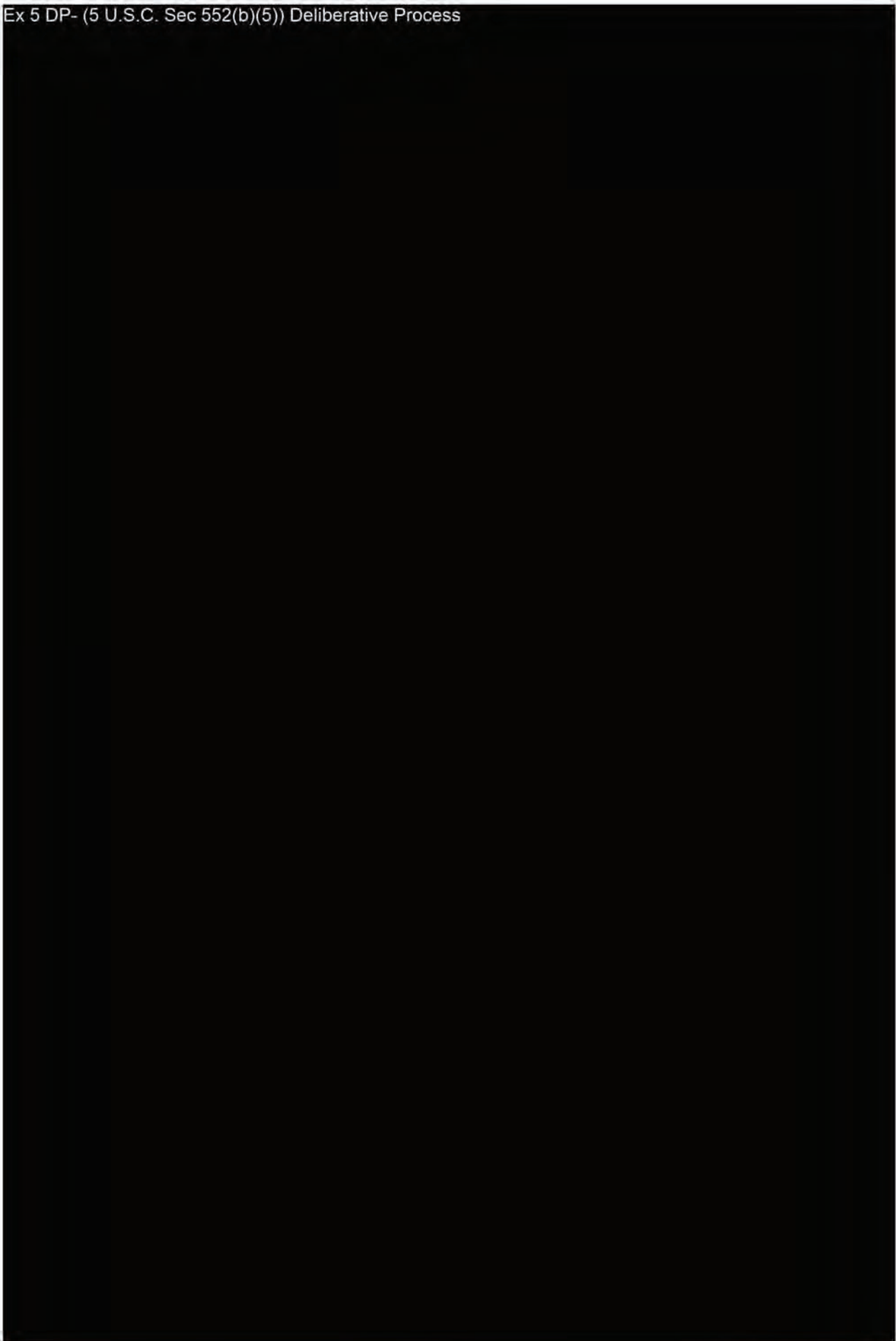


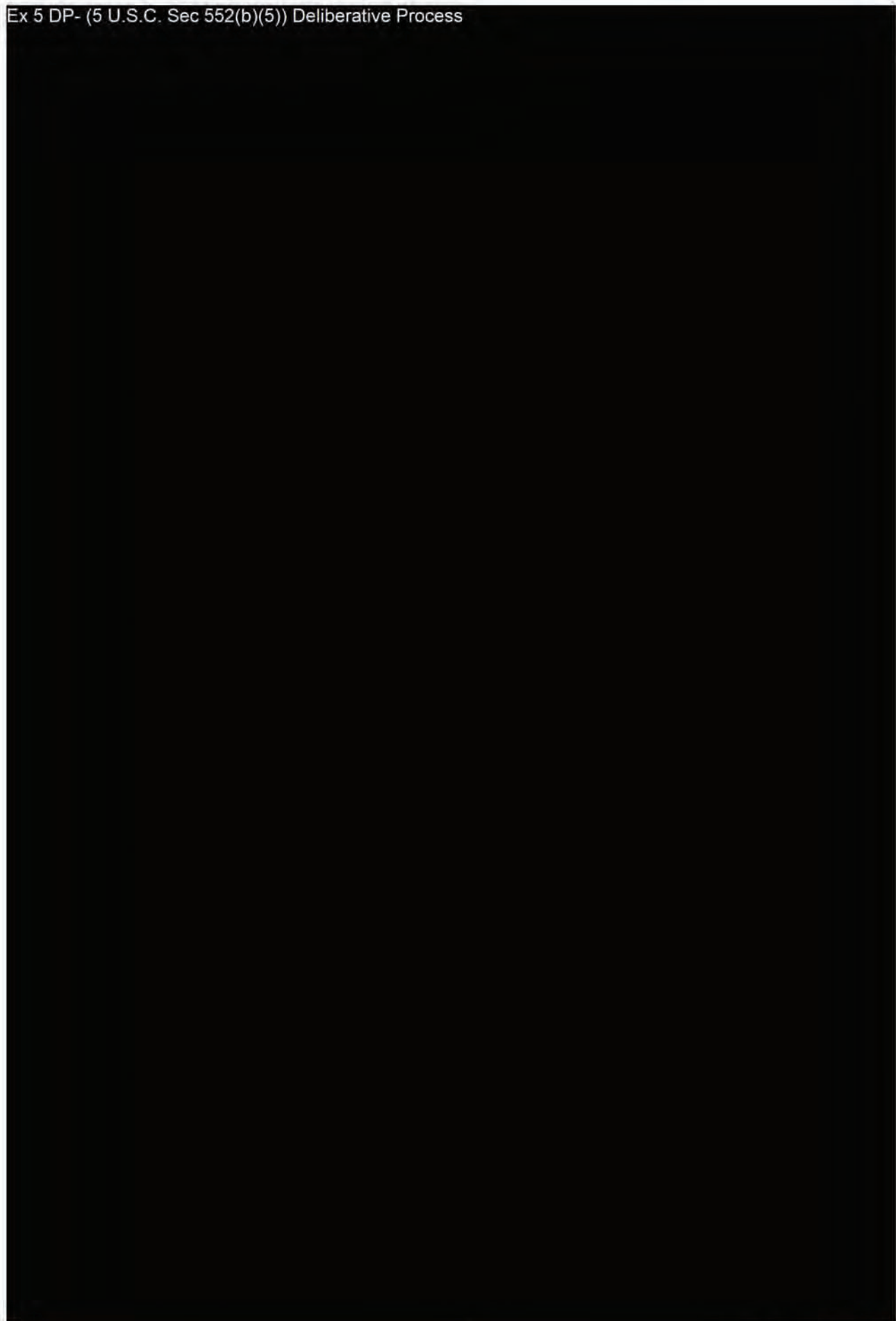


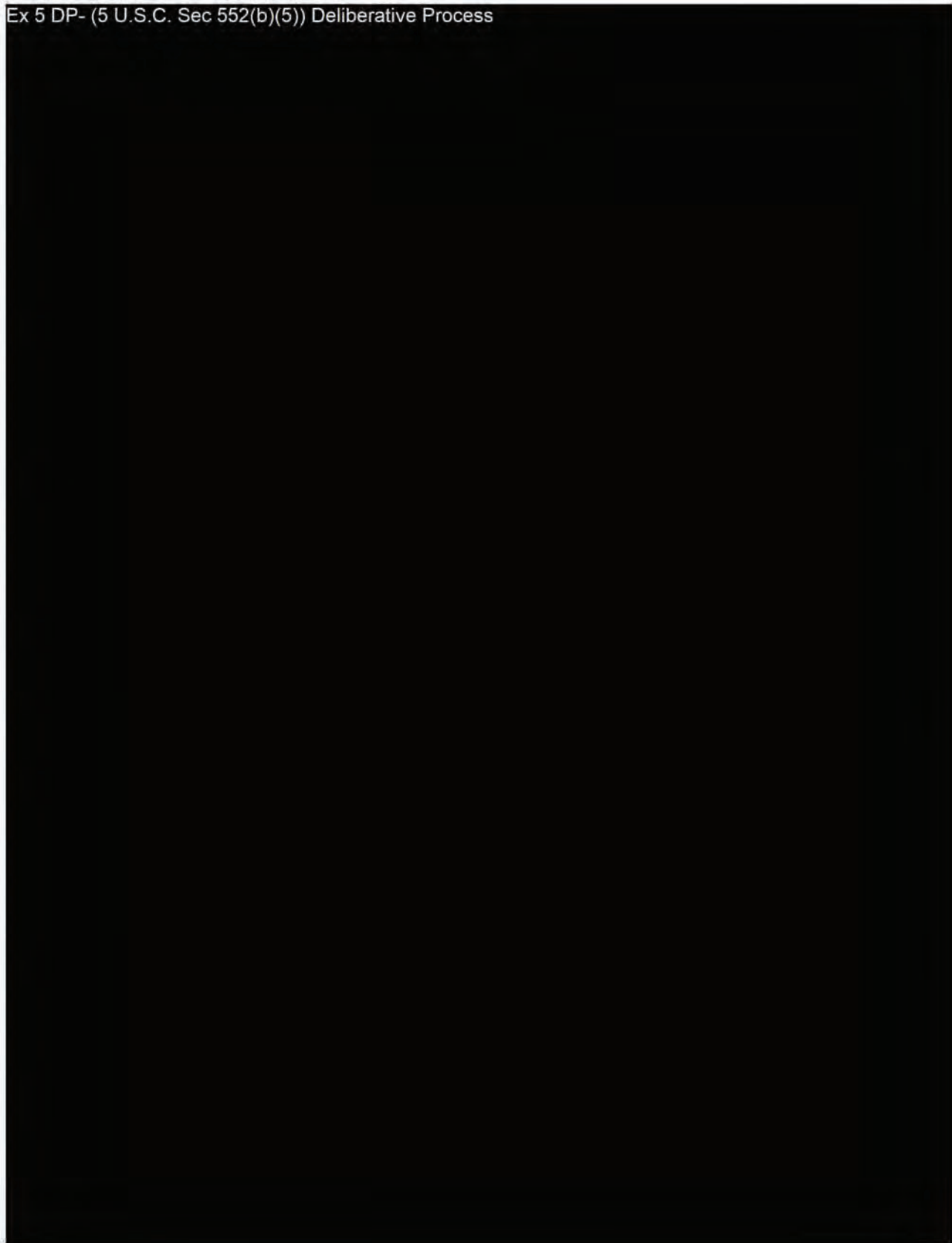












Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

S. _____

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

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Safeguarding American Innovation Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 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 informa-
tion to certain aliens.

Sec. 6. Limitations on educational and cultural exchange programs.

Sec. 7. Amendments to disclosures of foreign gifts.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) FEDERAL SCIENCE AGENCY.—The term
4 “Federal science agency” means any Federal depart-
5 ment or agency to which more than \$100,000,000 in
6 research and development funds were appropriated
7 for fiscal year 2020.

8 (2) RESEARCH AND DEVELOPMENT.—

9 (A) IN GENERAL.—The term “research
10 and development” means all research activities,
11 both basic and applied, and all development ac-
12 tivities.

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

15 (C) EXPERIMENTAL DEVELOPMENT.—The
16 term “experimental development” means cre-
17 ative and systematic work, drawing upon knowl-
18 edge gained from research and practical experi-
19 ence, which—

20 (i) is directed toward the production
21 of new products or processes or improving
22 existing products or processes; and

23 (ii) like research, will result in gaining
24 additional knowledge.

25 (D) RESEARCH.—The term “research”—

3

1 (i) means a systematic study directed
 2 toward fuller scientific knowledge or under-
 3 standing of the subject studied; and

4 (ii) includes activities involving the
 5 training of individuals in research tech-
 6 niques if such activities—

7 (I) utilize the same facilities as
 8 other research and development activi-
 9 ties; and

10 (II) are not included in the in-
 11 struction function.

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

13 (a) **IN GENERAL.**—Subtitle V of title 31, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 **“CHAPTER 79—FEDERAL RESEARCH**
 17 **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.

18 **“§ 7901. Definitions**

19 “In this chapter:

20 “(1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 21 **TEES.**—The term ‘appropriate congressional com-
 22 mittees’ means—

1 “(A) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 “(B) the Committee on Commerce,
4 Science, and Transportation of the Senate;

5 “(C) the Select Committee on Intelligence
6 of the Senate;

7 “(D) the Committee on Foreign Relations
8 of the Senate;

9 “(E) the Committee on Armed Services of
10 the Senate;

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

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

15 “(H) the Committee on Homeland Security
16 of the House of Representatives;

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

19 “(J) the Permanent Select Committee on
20 Intelligence of the House of Representatives;

21 “(K) the Committee on Foreign Affairs of
22 the House of Representatives;

23 “(L) the Committee on Armed Services of
24 the House of Representatives; and

5

1 “(M) the Committee on Education and
2 Labor of the House of Representatives.

3 “(2) COUNCIL.—The term ‘Council’ means the
4 Federal Research Security Council established under
5 section 7902(a).

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

9 “(4) FEDERAL RESEARCH SECURITY RISK.—
10 The term ‘Federal research security risk’ means the
11 risk posed by malign state actors and other persons
12 to the security and integrity of research and develop-
13 ment conducted using grants awarded by Executive
14 agencies.

15 “(5) INSIDER.—The term ‘insider’ means any
16 person with authorized access to any United States
17 Government resource, including personnel, facilities,
18 information, research, equipment, networks, or sys-
19 tems.

20 “(6) INSIDER THREAT.—The term ‘insider
21 threat’ means the threat that an insider will use his
22 or her authorized access (wittingly or unwittingly) to
23 harm the national and economic security of the
24 United States or negatively affect the integrity of a
25 Federal agency’s normal processes, including dam-

1 aging the United States through espionage, sabo-
2 tage, unauthorized disclosure of national security in-
3 formation or non-public information, or through the
4 loss or degradation of departmental resources, capa-
5 bilities, and functions.

6 “(7) RESEARCH AND DEVELOPMENT.—

7 “(A) IN GENERAL.—The term ‘research
8 and development’ means all research activities,
9 both basic and applied, and all development ac-
10 tivities.

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

13 “(C) EXPERIMENTAL DEVELOPMENT.—
14 The term ‘experimental development’ means
15 creative and systematic work, drawing upon
16 knowledge gained from research and practical
17 experience, which—

18 “(i) is directed toward the production
19 of new products or processes or improving
20 existing products or processes; and

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

23 “(D) RESEARCH.—The term ‘research’—

1 “(i) means a systematic study directed
2 toward fuller scientific knowledge or under-
3 standing of the subject studied; and

4 “(ii) includes activities involving the
5 training of individuals in research tech-
6 niques if such activities—

7 “(I) utilize the same facilities as
8 other research and development activi-
9 ties; and

10 “(II) are not included in the in-
11 struction function.

12 “(8) UNITED STATES RESEARCH COMMU-
13 NITY.—The term ‘United States research commu-
14 nity’ means—

15 “(A) research and development centers of
16 Executive agencies;

17 “(B) private research and development
18 centers in the United States, including for-prof-
19 it and nonprofit research institutes;

20 “(C) research and development centers at
21 institutions of higher education (as defined in
22 section 101(a) of the Higher Education Act of
23 1965 (20 U.S.C. 1001(a)));

1 “(D) research and development centers of
2 States, United States territories, Indian tribes,
3 and municipalities;

4 “(E) government-owned, contractor-oper-
5 ated United States Government research and
6 development centers; and

7 “(F) any person conducting federally fund-
8 ed research or receiving Federal research grant
9 funding.

10 **“§ 7902. Federal Research Security Council establish-**
11 **ment and membership**

12 “(a) ESTABLISHMENT.—There is established, in the
13 Office of Management and Budget, a Federal Research
14 Security Council, which shall develop federally funded re-
15 search and development grant making policy and manage-
16 ment guidance to protect the national and economic secu-
17 rity interests of the United States.

18 “(b) MEMBERSHIP.—

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

21 “(A) The Office of Management and
22 Budget.

23 “(B) The Office of Science and Technology
24 Policy.

25 “(C) The Department of Defense.

1

“(D) The Department of Homeland Secu-

2

rity.

3

“(E) The Office of the Director of Na-

4

tional Intelligence, including the National Coun-

5

terintelligence and Security Center.

6

“(F) The Department of Justice, including

7

the Federal Bureau of Investigation.

8

“(G) The Department of Energy.

9

“(H) The Department of Commerce, in-

10

cluding the National Institute of Standards and

11

Technology.

12

“(I) The Department of Health and

13

Human Services, including the National Insti-

14

tutes of Health.

15

“(J) The Department of State.

16

“(K) The Department of Transportation.

17

“(L) The National Aeronautics and Space

18

Administration.

19

“(M) The National Science Foundation.

20

“(N) The Department of Education.

21

“(O) The Small Business Administration.

22

“(P) The Council of Inspectors General on

23

Integrity and Efficiency.

24

“(Q) Other Executive agencies, as deter-

25

mined by the Chairperson of the Council.

10

1 “(2) LEAD REPRESENTATIVES.—

2 “(A) DESIGNATION.—Not later than 45
3 days after the date of the enactment of this
4 chapter, the head of each agency represented on
5 the Council shall designate a representative of
6 that agency as the lead representative of the
7 agency on the Council.

8 “(B) FUNCTIONS.—The lead representa-
9 tive of an agency designated under subpara-
10 graph (A) shall ensure that appropriate per-
11 sonnel, including leadership and subject matter
12 experts of the agency, are aware of the business
13 of the Council.

14 “(c) CHAIRPERSON.—

15 “(1) DESIGNATION.—Not later than 45 days
16 after the date of the enactment of this chapter, the
17 Director of the Office of Management and Budget
18 shall designate a senior-level official from the Office
19 of Management and Budget to serve as the Chair-
20 person of the Council.

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

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

1 “(B) designating Executive agencies to be
2 represented on the Council under subsection
3 (b)(1)(Q);

4 “(C) in consultation with the lead rep-
5 resentative of each agency represented on the
6 Council, developing a charter for the Council;
7 and

8 “(D) not later than 7 days after comple-
9 tion of the charter, submitting the charter to
10 the appropriate congressional committees.

11 “(3) LEAD SCIENCE ADVISOR.—The Director of
12 the Office of Science and Technology Policy shall be
13 the lead science advisor to the Chairperson for pur-
14 poses of this chapter.

15 “(4) LEAD SECURITY ADVISOR.—The Director
16 of the National Counterintelligence and Security
17 Center shall be the lead security advisor to the
18 Chairperson for purposes of this chapter.

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

22 **“§ 7903. Functions and authorities**

23 “(a) IN GENERAL.—The Chairperson of the Council
24 shall consider the missions and responsibilities of Council
25 members in determining the lead agencies for Council

1 functions. The Council shall perform the following func-
2 tions:

3 “(1) Developing and implementing, across all
4 Executive agencies that award research and develop-
5 ment grants, a uniform application process for
6 grants in accordance with subsection (b).

7 “(2) Developing and implementing a uniform
8 and regular reporting process for identifying persons
9 participating in federally funded research and devel-
10 opment .

11 “(3) Identifying or developing criteria, in ac-
12 cordance with subsection (c), for sharing and receiv-
13 ing information with respect to Federal research se-
14 curity risks in order to mitigate such risks with—

15 “(A) members of the United States re-
16 search community; and

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

19 “(4) Identifying an appropriate Executive agen-
20 cy—

21 “(A) to accept and protect information
22 submitted by Executive agencies and non-Fed-

1 eral entities based on the processes established
2 under paragraphs (1) and (2); and

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

6 “(i) oversight of federally funded re-
7 search and development;

8 “(ii) criminal and civil investigations
9 of misappropriated Federal funds, re-
10 sources, and information; and

11 “(iii) counterintelligence investiga-
12 tions.

13 “(5) Identifying, as appropriate, Executive
14 agencies to provide—

15 “(A) shared services, such as support for
16 conducting Federal research security risk as-
17 sessments, activities to mitigate such risks, and
18 oversight and investigations with respect to
19 grants awarded by Executive agencies; and

20 “(B) common contract solutions to support
21 enhanced information collection and sharing
22 and the verification of the identities of persons
23 participating in federally funded research and
24 development.

1 “(6) Identifying and issuing guidance, in ac-
2 cordance with subsection (d) and in coordination
3 with the National Insider Threat Task Force estab-
4 lished by Executive Order 13587 (50 U.S.C. 3161
5 note) for developing and implementing insider threat
6 programs for Executive agencies to deter, detect,
7 and mitigate insider threats, including the safe-
8 guarding of sensitive information from exploitation,
9 compromise, or other unauthorized disclosure, taking
10 into account risk levels and the distinct needs, mis-
11 sions, and systems of each such agency.

12 “(7) Identifying and issuing guidance for devel-
13 oping compliance and oversight programs for Execu-
14 tive agencies to ensure that research and develop-
15 ment grant recipients accurately report conflicts of
16 interest and conflicts of commitment in accordance
17 with subsection (b)(1). Such programs shall include
18 an assessment of—

19 “(A) a grantee’s support from foreign
20 sources and affiliations with foreign funding in-
21 stitutions or laboratories; and

22 “(B) the impact of such support and affili-
23 ations on United States national security and
24 economic interests.

1 “(8) Assessing and making recommendations
2 with respect to whether openly sharing certain types
3 of federally funded research and development is in
4 the economic and national security interests of the
5 United States.

6 “(9) Identifying and issuing guidance to the
7 United States research community, and other recipi-
8 ents of Federal research and development funding,
9 to ensure that such institutions and recipients adopt
10 existing best practices to reduce the risk of mis-
11 appropriation of research data.

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

17 “(11) Engaging with the United States re-
18 search community in performing the functions de-
19 scribed in paragraphs (1), (2), and (3) and with re-
20 spect to issues relating to Federal research security
21 risks.

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

1 “(b) REQUIREMENTS FOR UNIFORM GRANT APPLI-
2 CATION PROCESS.—In developing the uniform application
3 process for Federal research and development grants re-
4 quired under subsection (a)(1), the Council shall—

5 “(1) ensure that the process—

6 “(A) requires principal investigators, co-
7 principal investigators, and senior personnel as-
8 sociated with the proposed Federal research or
9 development grant project—

10 “(i) to disclose biographical informa-
11 tion, all affiliations, including any foreign
12 military, foreign government-related orga-
13 nizations, and foreign-funded institutions,
14 and all current and pending support, in-
15 cluding from foreign institutions, foreign
16 governments, or foreign laboratories, and
17 all support received from foreign sources;
18 and

19 “(ii) to certify the accuracy of the re-
20 quired disclosures under penalty of per-
21 jury; and

22 “(B) uses a machine-readable application
23 form to assist in identifying fraud and ensuring
24 the eligibility of applicants;

25 “(2) design the process—

1 “(A) to reduce the administrative burden
2 on persons applying for Federal research and
3 development funding; and

4 “(B) to promote information sharing
5 across the United States research community,
6 while safeguarding sensitive information; and

7 “(3) complete the process not later than 1 year
8 after the date of the enactment of the Safeguarding
9 American Innovation Act.

10 “(C) REQUIREMENTS FOR INFORMATION SHARING

11 CRITERIA.—In identifying or developing criteria and pro-
12 cedures for sharing information with respect to Federal
13 research security risks under subsection (a)(3), the Coun-
14 cil shall ensure that such criteria address, at a min-
15 imum—

16 “(1) the information to be shared;

17 “(2) the circumstances under which sharing is
18 mandated or voluntary;

19 “(3) the circumstances under which it is appro-
20 priate for an Executive agency to rely on informa-
21 tion made available through such sharing in exer-
22 cising the responsibilities and authorities of the
23 agency under applicable laws relating to the award
24 of grants;

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

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

5 “(d) REQUIREMENTS FOR INSIDER THREAT PRO-
6 GRAM GUIDANCE.—In identifying or developing guidance
7 with respect to insider threat programs under subsection
8 (a)(6), the Council shall ensure that such guidance pro-
9 vides for, at a minimum—

10 “(1) such programs—

11 “(A) to deter, detect, and mitigate insider
12 threats; and

13 “(B) to leverage counterintelligence, secu-
14 rity, information assurance, and other relevant
15 functions and resources to identify and counter
16 insider threats; and

17 “(2) the development of an integrated capability
18 to monitor and audit information for the detection
19 and mitigation of insider threats, including
20 through—

21 “(A) monitoring user activity on computer
22 networks controlled by Executive agencies;

23 “(B) providing employees of Executive
24 agencies with awareness training with respect

1 to insider threats and the responsibilities of em-
2 ployees to report such threats;

3 “(C) gathering information for a central-
4 ized analysis, reporting, and response capa-
5 bility; and

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

9 “(3) the development and implementation of
10 policies and procedures under which the insider
11 threat program of an Executive agency accesses,
12 shares, and integrates information and data derived
13 from offices within the agency;

14 “(4) the designation of senior officials with au-
15 thority to provide management, accountability, and
16 oversight of the insider threat program of an Execu-
17 tive agency and to make resource recommendations
18 to the appropriate officials; and

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

22 “(e) ISSUANCE OF WARNINGS RELATING TO RISKS
23 AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC
24 COOPERATION.—

1 “(1) IN GENERAL.—The Council, in conjunction
2 with the lead security advisor under section
3 7902(c)(4), shall establish a process for informing
4 members of the United States research community
5 and the public, through the issuance of warnings de-
6 scribed in paragraph (2), of potential risks and
7 vulnerabilities in international scientific cooperation
8 that may undermine the integrity and security of the
9 United States research community or place at risk
10 any federally funded research and development.

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

14 “(A) activities by the national government,
15 local governments, research institutions, or uni-
16 versities of a foreign country—

17 “(i) to exploit, interfere, or undermine
18 research and development by the United
19 States research community; or

20 “(ii) to misappropriate scientific
21 knowledge resulting from federally funded
22 research and development;

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

1 “(i) the science and technology of that
2 foreign country; or

3 “(ii) federally funded research and de-
4 velopment; and

5 “(C) practices within the research enter-
6 prise of a foreign country that do not adhere to
7 the United States scientific values of openness,
8 transparency, reciprocity, integrity, and merit-
9 based competition.

10 “(f) PROGRAM OFFICE AND COMMITTEES.—The
11 interagency working group established under section 1746
12 of the National Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116-92) shall be a working group under
14 the Council performing duties authorized under such sec-
15 tion and as directed by the Council. The Council shall use
16 any findings or work product, existing or forthcoming, by
17 such working group. The Council may also establish a pro-
18 gram office and any committees, working groups, or other
19 constituent bodies the Council deems appropriate, in its
20 sole and unreviewable discretion, to carry out its func-
21 tions.

22 “(g) EXCLUSION ORDERS.—To reduce Federal re-
23 search security risk, the Interagency Suspension and De-
24 barment Committee shall provide quarterly reports to the
25 Council that detail—

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

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

8 “(3) efforts by the Interagency Suspension and
9 Debarment Committee to mitigate Federal research
10 security risk;

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

13 “(5) other current suspension and debarment
14 related issues.

15 **“§ 7904. Strategic plan**

16 “(a) IN GENERAL.—Not later than 180 days after
17 the date of the enactment of this chapter, the Council shall
18 develop a strategic plan for addressing Federal research
19 security risks and for managing such risks, that in-
20 cludes—

21 “(1) the criteria and processes required under
22 section 7903(a), including a threshold and require-
23 ments for sharing relevant information about such
24 risks with all Executive agencies and, as appro-

1 priate, with other Federal entities, foreign govern-
2 ments, and non-Federal entities;

3 “(2) an identification of existing authorities for
4 addressing such risks;

5 “(3) an identification and promulgation of best
6 practices and procedures, and an identification of
7 available resources, for Executive agencies to assess
8 and mitigate such risks;

9 “(4) recommendations for any legislative, regu-
10 latory, or other policy changes to improve efforts to
11 address such risks;

12 “(5) recommendations for any legislative, regu-
13 latory, or other policy changes to incentivize the
14 adoption of best practices for avoiding and miti-
15 gating Federal research security risks by the United
16 States research community and key United States
17 foreign research partners;

18 “(6) an evaluation of the effect of implementing
19 new policies or procedures on existing Federal grant
20 processes, regulations, and disclosures of conflicts of
21 interest and conflicts of commitment;

22 “(7) a plan for engaging with Executive agen-
23 cies, the private sector, and other nongovernmental
24 stakeholders to address such risks and share infor-

1 mation between Executive agencies, the private sec-
2 tor, and nongovernmental stakeholders; and

3 “(8) a plan for identification, assessment, miti-
4 gation, and vetting of Federal research security
5 risks.

6 “(b) SUBMISSION TO CONGRESS.—Not later than 7
7 calendar days after completion of the strategic plan re-
8 quired by subsection (a), the Chairperson of the Council
9 shall submit the plan to the appropriate congressional
10 committees.

11 “§ 7905. Annual report

12 “Not later than December 15 of each year, the Chair-
13 person of the Council shall submit a report to the appro-
14 priate congressional committees that describes—

15 “(1) the activities of the Council during the
16 preceding fiscal year; and

17 “(2) the progress made toward implementing
18 the strategic plan required under section 7904 after
19 such plan has been submitted to Congress.

20 “§ 7906. Requirements for Executive agencies

21 “(a) IN GENERAL.—The head of each Executive
22 agency on the Council shall be responsible for—

23 “(1) assessing Federal research security risks
24 posed by persons participating in federally funded
25 research and development;

1 “(2) avoiding or mitigating such risks, as ap-
2 propriate and consistent with the standards, guide-
3 lines, requirements, and practices identified by the
4 Council under section 7903(a);

5 “(3) prioritizing Federal research security risk
6 assessments conducted under paragraph (1) based
7 on the applicability and relevance of the research
8 and development to the national security and eco-
9 nomic competitiveness of the United States; and

10 “(4) ensuring that all agency initiatives impact-
11 ing Federally funded research grant making policy
12 and management to protect the national and eco-
13 nomic security interests of the United States are in-
14 tegrated with the activities of the Council.

15 “(b) INCLUSIONS.—The responsibility of the head of
16 an Executive agency for assessing Federal research secu-
17 rity risk described in subsection (a) includes—

18 “(1) developing an overall Federal research se-
19 curity risk management strategy and implementation
20 plan and policies and processes to guide and govern
21 Federal research security risk management activities
22 by the Executive agency;

23 “(2) integrating Federal research security risk
24 management practices throughout the lifecycle of the
25 grant programs of the Executive agency;

1 “(3) sharing relevant information with other
2 Executive agencies, as determined appropriate by
3 the Council in a manner consistent with section
4 7903; and

5 “(4) reporting on the effectiveness of the Fed-
6 eral research security risk management strategy of
7 the Executive agency consistent with guidance issued
8 by the Office of Management and Budget and the
9 Council.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
11 at the beginning of title 31, United States Code, is amend-
12 ed by inserting after the item relating to chapter 77 the
13 following new item:

 “79. Federal Research Security Council.....7901.”.

14 **SEC. 4. FEDERAL GRANT APPLICATION FRAUD.**

15 (a) IN GENERAL.—Chapter 47 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 1041. Federal grant application fraud**

19 “(a) DEFINITIONS.—In this section:

20 “(1) FEDERAL AGENCY.—The term ‘Federal
21 agency’ has the meaning given the term ‘agency’ in
22 section 551 of title 5, United States Code.

23 “(2) FEDERAL GRANT.—The term ‘Federal
24 grant’—

1 “(A) means a grant or cooperative
agreement awarded by a Federal

2 agency;

3 “(B) includes a subgrant awarded by a
4 non-Federal entity to carry out a Federal grant
5 program; and

6 “(C) does not include—

7 “(i) direct United States Government
8 cash assistance to an individual;

9 “(ii) a subsidy;

10 “(iii) a loan;

11 “(iv) a loan guarantee; or

12 “(v) insurance.

13 “(3) FEDERAL GRANT APPLICATION.—The
14 term ‘Federal grant application’ means an applica-
15 tion for a Federal grant.

16 “(4) FOREIGN COMPENSATION.—The term ‘for-
17 eign compensation’ means a title, monetary com-
18 pensation, access to a laboratory or other resource,
19 or other benefit received from—

20 “(A) a foreign government;

21 “(B) a foreign government institution; or

22 “(C) a foreign public enterprise.

23 “(5) FOREIGN GOVERNMENT.—The term ‘for-
24 eign government’ includes a person acting or pur-
25 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) **GROUND 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 (notwithstanding
21 any exclusions for items not normally
22 subject to export controls) if the Sec-
23 retary of State has determined that
24 the acquisition of those goods, tech-
25 nologies, or sensitive information by a

1 category of aliens that includes such
2 alien would be contrary to an
3 articulable national security (including
4 economic security) interest of the
5 United States;”.

6 (b) DETERMINING FACTORS.—

7 (1) IN GENERAL.—In establishing criteria for
8 determining whether an alien is included in a cat-
9 egory of aliens that may be inadmissible under sec-
10 tion 212(a)(3)(A)(i)(III) of the Immigration and
11 Nationality Act, as amended by subsection (a), offi-
12 cials of the Department of State shall—

13 (A) seek advice and assistance from offi-
14 cials at the Office of the Director of National
15 Intelligence, the Office of Science and Tech-
16 nology Policy, the Department of Health and
17 Human Services, the Department of Defense,
18 the Department of Homeland Security, the De-
19 partment of Energy, the Department of Com-
20 merce, and other appropriate Federal agencies;

21 (B) consider factors such as the alien’s
22 past or likely employment or cooperation with—

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

1 (ii) foreign institutions involved in the
2 theft of United States research;

3 (iii) entities involved in export control
4 violations or the theft of intellectual prop-
5 erty; and

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

9 (C) weigh the proportionality of risk for
10 the factors listed in subparagraph (B).

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

14 (A) use a machine-readable visa applica-
15 tion form; and

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

19 (i) identifying fraud;

20 (ii) conducting lawful law enforcement
21 activities; and

22 (iii) determining the eligibility of ap-
23 plicants for a visa under the Immigration
24 and Nationality Act (8 U.S.C. 1101 et
25 seq.).

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

10 (1) the criteria used to describe the category of
11 aliens to which such section 212(a)(3)(A)(i)(III)
12 may apply; and

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

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

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

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

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

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

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

24 (3) provides cost estimates, including personnel
25 costs and a cost-benefit analysis for adopting dif-

1 ferent technologies, including optical character rec-
2 ognition, for—

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

6 (B) ensuring that such system—

7 (i) protects personally-identifiable in-
8 formation; and

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

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

14 **SEC. 6. LIMITATIONS ON EDUCATIONAL AND CULTURAL EX-**
15 **CHANGE PROGRAMS.**

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

24 “(A) to disclose to the Department of
25 State whether an exchange visitor, as a primary

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

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

21 "(C) to demonstrate, to the satisfaction of
22 the Secretary of State, that programs that will
23 release controlled technology or technical data
24 to an exchange visitor at the sponsor organiza-
25 tion through exchange visitor programs have re-

1 ceived appropriate authorization from the De-
2 partment of State, the Department of Com-
3 merce, other cognizant Federal agency before
4 the sponsor releases controlled technology or
5 technical data;”.

6 **SEC. 7. AMENDMENTS TO DISCLOSURES OF FOREIGN**
7 **GIFTS.**

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

10 (1) by amending subsection (a) to read as fol-
11 lows:

12 “(a) **DISCLOSURE REPORT.**—

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

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

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

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

5 (2) by amending subsection (b) to read as fol-
6 lows:

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

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

21 “(2) For gifts received from or contracts en-
22 tered into with a foreign government, the aggregate
23 amount of such gifts and contracts received from
24 each foreign government.

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

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

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

16 (3) by amending subsection (e) to read as fol-
17 lows:

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

24 (4) in subsection (f), by adding at the end the
25 following:

1 “(3) FINES.—

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

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

15 (5) by amending subsection (g) to read as fol-
16 lows:

17 “(g) RULEMAKING.—

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

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

25 “(A) incorporate instructions for—

1 “(i) reporting structured gifts and
2 contracts; and

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

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

9 (6) by redesignating subsection (h) as sub-
10 section (i);

11 (7) by inserting after subsection (g) the fol-
12 lowing:

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

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

20 (A) in paragraph (3), by striking “or prop-
21 erty” and inserting “, property, human re-
22 sources, or staff, including staff salaries”; and

23 (B) in paragraph (5)(B), by inserting “in-
24 stitutes, instructional programs,” after “cen-
25 ters,”.