

116TH CONGRESS 1ST SESSION

S. 937

To direct the Secretary of Commerce to require institutions of higher education and other research facilities to obtain deemed export licenses for foreign nationals conducting scientific research at such institutions and facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 28, 2019

Mr. Kennedy introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To direct the Secretary of Commerce to require institutions of higher education and other research facilities to obtain deemed export licenses for foreign nationals conducting scientific research at such institutions and facilities, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Protecting American
- 5 Technologies Act of 2019".

1	SEC. 2. REQUIREMENT TO OBTAIN DEEMED EXPORT LI-
2	CENSES FOR CERTAIN FOREIGN NATIONALS
3	CONDUCTING SCIENTIFIC RESEARCH.
4	(a) In General.—Not later than 180 days after the
5	date of the enactment of this Act, the Secretary of Com-
6	merce shall revise the Export Administration Regulations
7	to require an entity described in subsection (b) to obtain
8	a deemed export license before allowing a foreign national
9	described in subsection (c) access to technology controlled
10	under the Export Administration Regulations for export
11	to the country of nationality of the foreign national.
12	(b) Entities Described.—An entity described in
13	this subsection is—
14	(1) an institution of higher education in the
15	United States; or
16	(2) any public or private entity that conducts
17	scientific research at a facility in the United States.
18	(c) Foreign Nationals Described.—A foreign
19	national is described in this subsection if the foreign na-
20	tional—
21	(1) is a student at, or employed by, an entity
22	described in subsection (b); and
23	(2) conducts scientific research for the entity.
24	(d) Definitions.—In this section:
25	(1) DEEMED EXPORT LICENSE.—The term
26	"deemed export license" means a license for a re-

- lease in the United States of technology or source code described in section 734.13(b) of the Export Administration Regulations (as in effect on the day
- 4 before the date of the enactment of this Act).

- (2) Export administration regulations.—
 The term "Export Administration Regulations"
 means subchapter C of chapter VII of title 15, Code
 of Federal Regulations.
 - (3) FOREIGN NATIONAL.—The term "foreign national" means an individual who is a national (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) of a country other than the United States.
 - (4) Institution of Higher Education.—The term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).
 - (5) TECHNOLOGY.—The term "technology" has the meaning given that term in section 772.1 of the Export Administration Regulations (as in effect on the day before the date of the enactment of this Act).