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7-21-22

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AG

AMENDMENT NO. _____

Calendar No. _____

Purpose: To protect the United States against efforts of China and other foreign entities to engage in economic espionage and to misappropriate United States intellectual property, research and development, and innovation efforts.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

AMENDMENT N^o 5157

By *Rubio*

Makin To: _____

year (_____)

Referr *H.R. 4346*

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Page(s)

Ordered to lie on the table and

GPO: 2016 22-945 (mac)

AMENDMENT intended to be proposed by Mr. RUBIO

Viz:

1 At the appropriate place in division B, insert the following:
2

3 **SEC. ____ . COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS.**
4

5 (a) COUNTERINTELLIGENCE SCREENING PROCESSES.—
6

7 (1) ESTABLISHMENT.—The Director of National Intelligence, the Director of the National Counterintelligence and Security Center, and the Director of the Federal Bureau of Investigation shall
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1 jointly establish a counterintelligence screening proc-
2 ess to protect the United States against efforts of
3 China and other foreign entities to engage in eco-
4 nomic espionage and to misappropriate United
5 States intellectual property, research and develop-
6 ment, and innovation efforts.

7 (2) FUNCTIONS.—Subject to the joint direction
8 and control of the Director of National Intelligence,
9 the Director of the National Counterintelligence and
10 Security Center, and the Director of the Federal Bu-
11 reau of Investigation, the counterintelligence screen-
12 ing process established under paragraph (1) shall as-
13 sess and screen all funds provided under this Act
14 (including grants awarded under this Act) for poten-
15 tial national security threats.

16 (3) FUNDING.—Amounts required to carry out
17 the process established under paragraph (1) shall be
18 derived from amounts appropriated to carry out this
19 Act.

20 (b) PROTECTIONS.—

21 (1) CERTIFICATION REQUIRED FOR RECEIPT OF
22 AMOUNTS.—Notwithstanding any other provision of
23 this Act, no person may receive any amount (includ-
24 ing an amount as part of a grant awarded under
25 this Act) or purchase, lease, or otherwise obtain any

1 intellectual property developed through a grant
2 awarded under this Act, unless the Director of Na-
3 tional Intelligence, the Director of the National
4 Counterintelligence and Security Center, and the Di-
5 rector of the Federal Bureau of Investigation jointly
6 certify that the person has sufficient protections in
7 place to protect against misappropriation of United
8 States intellectual property, research and develop-
9 ment, and innovation efforts, and other threats from
10 foreign governments and other entities.

11 (2) CERTIFICATION REQUIREMENTS.—Notwith-
12 standing any other provision of this Act, no certifi-
13 cation may be made under paragraph (1) with re-
14 spect to a person unless such person discloses to the
15 Director of National Intelligence, the Director of the
16 National Counterintelligence and Security Center,
17 and the Director of the Federal Bureau of Investiga-
18 tion the following:

19 (A) Any funding received by the person
20 from a foreign source during the most recent
21 10-year period.

22 (B) Any financial or in-kind support re-
23 ceived by the person from any entity—

24 (i) owned or controlled by the Govern-
25 ment of the People's Republic of China; or

1 (ii) in which the Government of the
2 People's Republic of China has an owner-
3 ship interest.

4 (C) Any participation of the person in a
5 foreign government talent recruitment program,
6 consistent with sections 10631 and 10632.