

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.

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## 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

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## 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-

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

5 (2) EXPORT ADMINISTRATION REGULATIONS.—  
6 The term “Export Administration Regulations”  
7 means subchapter C of chapter VII of title 15, Code  
8 of Federal Regulations.

9 (3) FOREIGN NATIONAL.—The term “foreign  
10 national” means an individual who is a national (as  
11 defined in section 101 of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1101)) of a country other  
13 than the United States.

14 (4) INSTITUTION OF HIGHER EDUCATION.—The  
15 term “institution of higher education” has the  
16 meaning given the term in section 102 of the Higher  
17 Education Act of 1965 (20 U.S.C. 1002).

18 (5) TECHNOLOGY.—The term “technology” has  
19 the meaning given that term in section 772.1 of the  
20 Export Administration Regulations (as in effect on  
21 the day before the date of the enactment of this  
22 Act).

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