

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. BANKS OF INDIANA

At the end of subtitle A of title XIII, insert the following new section:

1 **SEC. 13___ . LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **COLLABORATION WITH CERTAIN ENTITIES**
3 **LINKED TO THE PEOPLE'S REPUBLIC OF**
4 **CHINA.**

5 (a) **LIMITATION.**—Except as provided in subsection
6 (b), none of the funds authorized to be appropriated by
7 this Act or otherwise made available for a covered fiscal
8 year for the Department of Defense may be—

9 (1) provided to an entity described in sub-
10 section (d);

11 (2) used to carry out activities in collaboration
12 with such an entity; or

13 (3) provided to an institution of higher edu-
14 cation that directly, indirectly, formally, or infor-
15 mally carries out activities in collaboration with such
16 an entity.

17 (b) **WAIVER.**—

1 (1) IN GENERAL.—The Secretary of Defense
2 may waive the limitation under subsection (a) with
3 respect to an institution of higher education, on a
4 case-by-case basis, only if the Secretary in consulta-
5 tion with the Under Secretary of Defense for Intel-
6 ligence and Security, the Under Secretary of De-
7 fense for Research and Engineering, and relevant
8 agencies in the intelligence community (as defined in
9 section 3 of the National Security Act of 1947 (50
10 U.S.C. 3003)) determines such a waiver would not
11 compromise the national security of the United
12 States.

13 (2) MANAGEMENT PROCESS.—If the Secretary
14 issues a waiver under paragraph (1), the academic
15 liaison designated pursuant to subsection (g) of sec-
16 tion 1286 of the John S. McCain National Defense
17 Authorization Act for Fiscal Year 2019 (10 U.S.C.
18 4001 note), shall manage the waiver process on be-
19 half of the Secretary.

20 (c) REPORTING.—

21 (1) ANNUAL CERTIFICATIONS AND DISCLO-
22 SURES.—The Secretary of Defense shall require the
23 head of each institution of higher education that re-
24 ceives funds from the Department of Defense—

1 (A) to certify on an annual basis that the
2 institution is not carrying out activities in col-
3 laboration with an entity described in sub-
4 section (d); and

5 (B) to disclose on an annual basis any di-
6 rect, indirect, formal, or informal collaboration
7 between the institution and a person or entity
8 associated with the Government of the People's
9 of Republic of China (including Hong Kong).

10 (2) REPORT TO CONGRESS.—The Secretary of
11 Defense shall report to Congress on annual basis—

12 (A) the justification for each waiver issued
13 under subsection (b);

14 (B) detail the nature and extent of the any
15 collaboration between the institution of higher
16 education covered by the waiver and the entities
17 described in subsection (d).

18 (3) FORM; PUBLIC AVAILABILITY OF INFORMA-
19 TION.—Each certification, disclosure, and report re-
20 quired under this subsection shall be submitted in
21 unclassified form and shall be made available on a
22 publicly available website of the Federal Govern-
23 ment.

24 (d) ENTITIES DESCRIBED.—The entities described in
25 this subsection are the following:

1 (1) Any academic institution of the Chinese
2 military or Chinese law enforcement, including—

3 (A) any academic institution affiliated with
4 the People's Liberation Army, including—

5 (i) National Defense University;

6 (ii) National University of Defense
7 Technology;

8 (iii) Air Force Aviation University;

9 (iv) Air Force Command College;

10 (v) Air Force Communications Non-
11 commissioned Officer School;

12 (vi) Air Force Early Warning College;

13 (vii) Air Force Engineering Univer-
14 sity;

15 (viii) Air Force Harbin Flight Acad-
16 emy;

17 (ix) Air Force Medical University
18 (Fourth Military Medical University);

19 (x) Air Force Service College;

20 (xi) Air Force Shijiazhuang Flight
21 Academy;

22 (xii) Air Force Xi'an Flight Academy;

23 (xiii) Army Armored Force Academy;

24 (xiv) Army Artillery and Air Defense
25 Academy;

- 1 (xv) Army Aviation College;
- 2 (xvi) Army Border and Coastal De-
- 3 fense Academy;
- 4 (xvii) Army Chemical Defense Acad-
- 5 emy in Beijing;
- 6 (xviii) Army Command Academy;
- 7 (xix) Army Engineering University;
- 8 (xx) Army Infantry Academy;
- 9 (xxi) Army Medical University (Third
- 10 Military Medical University);
- 11 (xxii) Army Military Transportation
- 12 Academy;
- 13 (xxiii) Army Service Academy;
- 14 (xxiv) Army Special Operations Acad-
- 15 emy;
- 16 (xxv) Dalian Naval Ship Academy;
- 17 (xxvi) Naval Aviation University;
- 18 (xxvii) Naval Command College;
- 19 (xxviii) Naval Engineering University;
- 20 (xxix) Naval Medical University (Sec-
- 21 ond Military Medical University);
- 22 (xxx) Naval Non-commissioned Officer
- 23 School;
- 24 (xxxii) Naval Service Academy;
- 25 (xxxii) Naval Submarine Academy;

1 (xxxiii) Rocket Force Command Col-
2 lege;

3 (xxxiv) Rocket Force Non-commis-
4 sioned Officer School;

5 (xxxv) Rocket Force University of En-
6 gineering;

7 (xxxvi) Strategic Support Force Infor-
8 mation Engineering University; and

9 (xxxvii) Strategic Support Force
10 Space Engineering University;

11 (B) any research institution affiliated with
12 the People Liberation Army, including—

13 (i) Academy of Military Sciences;

14 (ii) Air Force Research Academy;

15 (iii) Army Research Academy;

16 (iv) Naval Research Academy;

17 (v) Rocket Force Research Academy;

18 and

19 (vi) Strategic Support Force Battle-
20 field Environment Research Institute;

21 (C) any academic institution affiliated with
22 the People's Armed Police, including—

23 (i) People's Armed Police Force Acad-
24 emy;

1 (ii) People's Armed Police Force En-
2 gineering University;

3 (iii) People's Armed Police Force Lo-
4 gistics Academy;

5 (iv) People's Armed Police Force
6 Non-commissioned Officer School;

7 (v) People's Armed Police Force Offi-
8 cers Academy; and

9 (vi) People's Armed Police Force Spe-
10 cial Police Academy;

11 (D) any academic institution affiliated with
12 Public Security or Chinese law enforcement, in-
13 cluding—

14 (i) People's Public Security University
15 of China;

16 (ii) Chinese People's Police Univer-
17 sity;

18 (iii) Criminal Investigation University
19 of China;

20 (iv) Railway Police College; and

21 (v) Nanjing Forest Police College.

22 (2) Any entity on the list of Chinese military
23 companies published by Department of Defense in
24 accordance with section 1260H of the William M.

1 (Mac) Thornberry National Defense Authorization
2 Act for Fiscal Year 2021 (10 U.S.C. 113 note).

3 (3) Any entity in China included on the entity
4 list maintained by the Bureau of Industry and Secu-
5 rity and set forth in Supplement No. 4 to part 744
6 of title 15, Code of Federal Regulations.

7 (4) Any agent or instrumentality of an entity
8 described in paragraphs (1) through (3).

9 (e) DEFINITIONS.—In this section:

10 (1) The term “covered fiscal year” means the
11 first fiscal year that begins after the date that is 12
12 months after the date of the enactment of this Act
13 and each subsequent fiscal year.

14 (2) The term “institution of higher education”
15 has the meaning given such term in section 102 of
16 the Higher Education Act of 1965 (20 U.S.C. 1002)
17 and includes any department, program, project, fac-
18 ulty, researcher, or other individual, entity, or activ-
19 ity of such institution.

