AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. GALLAGHER OF WISCONSIN

At the end of subtitle B of title II, add the following new section:

SEC. 2. LIMITATION ON AVAILABILITY OF FUNDS FOR
FUNDAMENTAL RESEARCH COLLABORATION
WITH CERTAIN INSTITUTIONS.

(a) LIMITATION.—Except as provided in subsection
(b), none of the funds authorized to be appropriated by
this Act or otherwise made available for any fiscal year
for the Department of Defense may be provided directly
or indirectly to an institution of higher education for con-
ducting fundamental research in collaboration with any of
the following:

(1) An entity of concern.

(2) An academic institution of a military, law
enforcement, intelligence, or security agency of the
People’s Republic of China, including any institution
specified in subsection (e) or identified on the list
published under subsection (g)(1) (as applicable), or
any individual or entity acting for or on behalf of
such an institution.
(3) Any component of the defense laboratory system in the People’s Republic of China, including—

(A) any Defense Science and Technology National Laboratory, Defense Science and Technology Key Laboratory, Defense Core Laboratory, or any other laboratory specified in subsection (f) or identified on the list published under subsection (g)(2) (as applicable); or

(B) any individual or entity acting for or on behalf of such a laboratory.

(b) WAIVER.—The Secretary of Defense may waive the limitation under subsection (a), on a case-by-case basis, with respect to a principal investigator at an institution of higher education, if the Secretary of Defense determines that such a waiver is in the national security interests of the United States.

(c) CERTIFICATIONS OF COMPLIANCE.—

(1) FUNDING CERTIFICATION.—As a condition of receiving funds from the Department of Defense, an institution of higher education shall certify to the Secretary of Defense that the principal investigator of the project of the institution that is applying for funding from the Department of Defense—
(A) is not conducting fundamental research in collaboration with an entity described in subsection (a) as of the date of the certification; and

(B) will not conduct fundamental research in collaboration with such an entity during the period for which such funding is received.

(2) CONTRACT CERTIFICATION.—As a condition of maintaining a contract with the Department of Defense, an institution of higher education shall—

(A) using publicly available information, perform due diligence on any academic institution or laboratory the institution is collaborating with, or intends to collaborate with, under the contract; and

(B) certify to the Secretary of Defense that the principal investigator of the project of the institution to which the contract pertains—

(i) has not conducted fundamental research in collaboration with an entity described in subsection (a) at any time during the period in which such contract was in effect, up to and including the date of the certification; and
(ii) will not conduct fundamental re-
search in collaboration with such an entity
during any period in which such contract
is in effect.

(3) FREQUENCY.—An institution of higher edu-
cation shall—

(A) submit the certification under para-
graph (1) on an annual basis during each year
in which the institution receives funds from the
Department of Defense; and

(B) submit the certification under para-
graph (2) on an annual basis during each year
in which a contract is in effect between the in-
stitution and the Department.

(d) REPORT.—

(1) IN GENERAL.—On an annual basis, the Sec-
retary of Defense shall submit to the appropriate
congressional committees a report on the compliance
of the Department of Defense and institutions of
higher education with the requirements of this sec-
tion. Each report shall include, for each waiver
issued under subsection (b) in the period covered by
the report—

(A) a justification for the waiver; and
(B) a detailed description of the type and extent of any collaboration between an institution of higher education and an entity described in subsection (a) allowed pursuant to the waiver, including identification of the institution and entities involved, the type of technology involved, the duration of the collaboration and terms and conditions on intellectual property assignment, as applicable, under the collaboration agreement.

(2) FORM; PUBLIC AVAILABILITY.—Each report under paragraph (1) shall be submitted in unclassified form and shall be made available on a publicly accessible website of the Department of Defense.

(e) CHINESE ACADEMIC INSTITUTIONS SPECIFIED.—Beginning on the date of the enactment of this Act and continuing until the date of the publication of the first updated list under subsection (g)(1), the academic institutions referred to in subsection (a)(2) are the following:

(1) Military academic and research institutions of the People’s Republic of China identified by the China Aerospace Studies Institute (or successor organization) of the Department of Air Force on the publicly available list titled “Academic and Research Institutions of the People’s Republic of China, the
Communist Party of China, including the CCP People’s Liberation Army and the People’s Armed Police”.

(2) Academic institutions of the Chinese law enforcement, including the following:

(A) People’s Public Security University of China.

(B) Chinese People’s Police University.

(C) Criminal Investigation University of China.

(D) Railway Police College.

(E) Nanjing Forest Police College.

(3) Academic institutions of Chinese intelligence and security agencies, including the University of International Relations.

(4) Chinese civilian institutions identified by the Department of Defense for engaging in problematic activities on the list included in the publication of the Department of Defense titled “Countering Unwanted Influence in Department-Funded Research at Institutions of Higher Education” and dated June 30, 2023.

(5) Any successor to an institution specified in paragraphs (1) through (4).
(f) **Chinese Defense Laboratories Specified.**—Beginning on the date of the enactment of this Act and continuing until the date of the publication of the first list under subsection (g)(2), the components of the defense laboratory system in the People’s Republic of China referred to in subsection (a)(3) are the following:

1. The laboratories identified by the China Aerospace Studies Institute (or successor organization) of the Department of Air Force on the publicly available list titled “Academic and Research Institutions of the People’s Republic of China, the Communist Party of China, including the CCP People’s Liberation Army and the People’s Armed Police”.
2. Any successor to a laboratory specified in paragraph (1).

(g) **Annual Updates.**—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Defense, in consultation with the Director of National Intelligence, shall—

1. publish an updated list of academic institutions of the People’s Republic of China for purposes of subsection (a)(2) which shall include, at a minimum, each institution specified in subsection (c) (if
still in operation) or any successor to such an institution; and

(2) publish an updated list of entities that comprise the defense laboratory system of the People’s Republic of China for purposes of subsection (a)(3) which shall include, at a minimum, each laboratory specified in subsection (f) (if still in operation) or any successor to such a laboratory.

(h) EFFECTIVE DATE.—The limitation under subsection (a) shall apply with respect to the first fiscal year that begins after the date that is one year after the date of the enactment of this Act and to any subsequent fiscal year.

(i) DEFINITIONS.—In this section:

(1) The term “entity of concern” has the meaning given that term in section 10114 of the Research and Development, Competition, and Innovation Act (42 U.S.C. 18912).

(2) The term “institution of higher education” has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) and includes—

(A) any department, program, project, faculty, researcher, or other individual, entity, or activity of such institution; and
(B) any branch of such institution within or outside the United States.

(3) The term "fundamental research" means basic and applied research in science and engineering, the results of which are expected to be published and shared broadly within the scientific community. Such term does not include research that is proprietary or classified and subject to access restrictions under other provisions of Federal law.

(4) The term "collaboration" means any level of coordinated activity between an institution of higher education and an entity described in subsection (a), whether direct or indirect, formal or informal, and includes—

(A) sharing of research facilities, resources, or data;

(B) transfer, sharing, or dissemination of technology, information, or any technical know-how;

(C) any financial or in-kind contribution intended to produce a research product;

(D) sponsorship or facilitation of research fellowships, visas, or residence permits;

(E) joint ventures, partnerships, or other formalized agreements for the purpose of con-
ducting research or sharing resources, data, or technology;

(F) inclusion of researchers as consultants, advisors, or members of advisory or review boards; and

(G) such other activities as may be determined by the Secretary of Defense in consultation with the Secretary of State and Director of National Intelligence.

(5) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services of the Senate and the Committee on Commerce, Science, and Transportation of the Senate.