

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. GALLAGHER OF WISCONSIN

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

1 **SEC. 2___ . LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **FUNDAMENTAL RESEARCH COLLABORATION**
3 **WITH CERTAIN INSTITUTIONS.**

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

11 (1) An entity of concern.

12 (2) An academic institution of a military, law
13 enforcement, intelligence, or security agency of the
14 People’s Republic of China, including any institution
15 specified in subsection (e) or identified on the list
16 published under subsection (g)(1) (as applicable), or
17 any individual or entity acting for or on behalf of
18 such an institution.

1 (3) Any component of the defense laboratory
2 system in the People’s Republic of China, includ-
3 ing—

4 (A) any Defense Science and Technology
5 National Laboratory, Defense Science and
6 Technology Key Laboratory, Defense Core Lab-
7 oratory, or any other laboratory specified in
8 subsection (f) or identified on the list published
9 under subsection (g)(2) (as applicable); or

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

12 (b) WAIVER.—The Secretary of Defense may waive
13 the limitation under subsection (a), on a case-by-case
14 basis, with respect to a principal investigator at an institu-
15 tion of higher education, if the Secretary of Defense deter-
16 mines that such a waiver is in the national security inter-
17 ests of the United States.

18 (c) CERTIFICATIONS OF COMPLIANCE.—

19 (1) FUNDING CERTIFICATION.—As a condition
20 of receiving funds from the Department of Defense,
21 an institution of higher education shall certify to the
22 Secretary of Defense that the principal investigator
23 of the project of the institution that is applying for
24 funding from the Department of Defense—

1 (A) is not conducting fundamental re-
2 search in collaboration with an entity described
3 in subsection (a) as of the date of the certifi-
4 cation; and

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

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

11 (A) using publicly available information,
12 perform due diligence on any academic institu-
13 tion or laboratory the institution is collabo-
14 rating with, or intends to collaborate with,
15 under the contract; and

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

19 (i) has not conducted fundamental re-
20 search in collaboration with an entity de-
21 scribed in subsection (a) at any time dur-
22 ing the period in which such contract was
23 in effect, up to and including the date of
24 the certification; and

1 (ii) will not conduct fundamental re-
2 search in collaboration with such an entity
3 during any period in which such contract
4 is in effect.

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

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

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

15 (d) REPORT.—

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

24 (A) a justification for the waiver; and

1 (B) a detailed description of the type and
2 extent of any collaboration between an institu-
3 tion of higher education and an entity described
4 in subsection (a) allowed pursuant to the waiv-
5 er, including identification of the institution
6 and entities involved, the type of technology in-
7 volved, the duration of the collaboration and
8 terms and conditions on intellectual property
9 assignment, as applicable, under the collabora-
10 tion agreement.

11 (2) FORM; PUBLIC AVAILABILITY.—Each report
12 under paragraph (1) shall be submitted in unclassi-
13 fied form and shall be made available on a publicly
14 accessible website of the Department of Defense.

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

20 (1) Military academic and research institutions
21 of the People’s Republic of China identified by the
22 China Aerospace Studies Institute (or successor or-
23 ganization) of the Department of Air Force on the
24 publicly available list titled “Academic and Research
25 Institutions of the People’s Republic of China, the

1 Communist Party of China, including the CCP Peo-
2 ple’s Liberation Army and the People’s Armed Po-
3 lice”.

4 (2) Academic institutions of the Chinese law en-
5 forcement, including the following:

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

8 (B) Chinese People’s Police University.

9 (C) Criminal Investigation University of
10 China.

11 (D) Railway Police College.

12 (E) Nanjing Forest Police College.

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

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

23 (5) Any successor to an institution specified in
24 paragraphs (1) through (4).

1 (f) CHINESE DEFENSE LABORATORIES SPECI-
2 FIED.—Beginning on the date of the enactment of this
3 Act and continuing until the date of the publication of the
4 first list under subsection (g)(2), the components of the
5 defense laboratory system in the People’s Republic of
6 China referred to in subsection (a)(3) are the following:

7 (1) The laboratories identified by the China
8 Aerospace Studies Institute (or successor organiza-
9 tion) of the Department of Air Force on the publicly
10 available list titled “Academic and Research Institu-
11 tions of the People’s Republic of China, the Com-
12 munist Party of China, including the CCP People’s
13 Liberation Army and the People’s Armed Police”.

14 (2) Any successor to a laboratory specified in
15 paragraph (1).

16 (g) ANNUAL UPDATES.—Not later than 180 days
17 after the date of the enactment of this Act, and not less
18 frequently than annually thereafter, the Secretary of De-
19 fense, in consultation with the Director of National Intel-
20 ligence, shall—

21 (1) publish an updated list of academic institu-
22 tions of the People’s Republic of China for purposes
23 of subsection (a)(2) which shall include, at a min-
24 imum, each institution specified in subsection (e) (if

1 still in operation) or any successor to such an insti-
2 tution; and

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

9 (h) EFFECTIVE DATE.—The limitation under sub-
10 section (a) shall apply with respect to the first fiscal year
11 that begins after the date that is one year after the date
12 of the enactment of this Act and to any subsequent fiscal
13 year.

14 (i) DEFINITIONS.—In this section:

15 (1) The term “entity of concern” has the mean-
16 ing given that term in section 10114 of the Research
17 and Development, Competition, and Innovation Act
18 (42 U.S.C. 18912).

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

23 (A) any department, program, project, fac-
24 ulty, researcher, or other individual, entity, or
25 activity of such institution; and

1 (B) any branch of such institution within
2 or outside the United States.

3 (3) The term “fundamental research” means
4 basic and applied research in science and engineer-
5 ing, the results of which are expected to be published
6 and shared broadly within the scientific community.
7 Such term does not include research that is propri-
8 etary or classified and subject to access restrictions
9 under other provisions of Federal law.

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

15 (A) sharing of research facilities, re-
16 sources, or data;

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

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

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

24 (E) joint ventures, partnerships, or other
25 formalized agreements for the purpose of con-

1 ducting research or sharing resources, data, or
2 technology;

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

6 (G) such other activities as may be deter-
7 mined by the Secretary of Defense in consulta-
8 tion with the Secretary of State and Director of
9 National Intelligence.

10 (5) The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Armed Services and
13 the Committee on Science, Space, and Tech-
14 nology of the House of Representatives; and

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

