

FY24 NDAA
Research Security Provisions

FY24 NDAA Conference Agreement

Section	Title	Summary
Sec. 221	Support for Protection of Sensitive Research performed on behalf of the Department of Defense	States that DOD may enter into contracts or agreements with eligible entities to assist institutions of higher education in protecting sensitive research performed on behalf of the Department of Defense.
Sec. 252	Audit to Identify Diversion of Department of Defense Funding to China's Research Labs	Directs the DOD OIG to conduct a study on the amount of federal funds awarded by DOD (directly or indirectly) through grants, contracts, subgrants, subcontracts, or any other type of agreement or collaboration during a 10-year period that (1) was provided (purposely or inadvertently) to the PRC, the CCP, Wuhan Institute of Virology, EcoHealth Alliance, or any other lab, agency, organization, individual, or instrumentality that is owned, controlled, or overseen by any of those entities, or (2) was used to fund research or experiments that could have reasonably resulted in the enhancement of any coronavirus, influenza, nipah, ebola, or other pathogen of pandemic potential or chimeric versions of such a virus or pathogen in the PRC or any foreign country.
Sec. 1044	Modification to Definitions of Confucius Institute	Updates the definition of a "Confucius Institute" to mean any program that receives funding from or has operational ties to the Chinese International Education Foundation; Center for Language Exchange Cooperation of China's Ministry of Education; cultural institute directly or indirectly funded by the Chinese government.
Sec. 1045	Termination of Authority to Issue Waiver of Limitation on Use of Funds to Institutions of Higher Education Hosting Confucius Institutes	Terminates the authority for DOD to issue a waiver after October 1, 2026.
Sec. 1223	First Modification of Initiative to Support Protection of National Security	Includes a deadline for the Office of the Inspector General to report on implementation of Sec. 1286 and NSPM-33.

	Academic Researchers from Undue Influence and Other Security Threats	
Sec. 1224	Second Modification of Initiative to Support Protection of National Security Academic Researchers from Undue Influence and Other Security Threats	Includes a requirement that the Department shall notify a proposer of suspected noncompliance with the policy and provide not less than 30 days to take action to remedy such noncompliance. It also includes establishment of an appeals procedure under which a proposer may appeal a negative decision on a proposal if the decision is based on a determination informed by such list. Also includes an annual certification of compliance requirement.
Sec. 5801	Assessment of Gifts and Grants to United States institutions of Higher Education from Entities on the Non-SDN Chinese Military-Industrial Complex Companies List.	Requires the Department of Treasury to conduct an assessment of gifts and grants to U.S. institutions of higher education from entities on the Non-SDN Chinese Military-Industrial Complex Companies List maintained by the Office of Foreign Assets Control (OFAC). The report to Congress is to include a list and description of each gift and grant and the monetary value of those gifts and grants.

Status of House and Senate Provisions

Bill	Section	Title	Summary	Status
H.R. 2670	Sec. 214	Certain Disclosure Requirements for University Research Funded by the Department of Defense	Requires institutions to disclose at the time of application for DOD funding, with respect to each researcher, the date and place of birth, country of citizenship, immigration status, education background, professional and employment background, all previous and concurrent research, academic or corporate relationships, past and current affiliations with foreign governments, involvement in any foreign talent programs, membership of all academic and professional associations, and a list of all publications.	Not adopted

			<p>Information must be disclosed within 90 days if a new researcher joins a covered program; must annually disclose for all researchers through the end of the award period. Information should be made available on a publicly accessible website of the federal government.</p> <p>Broadens definition of researcher to mean “any person who has access to research information under a covered research program, including the principal investigator and any graduate students, including the principal investigator and any graduate students, post-doctoral fellows, or visiting scholars participating in such program.”</p>	
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Limits to Fundamental Research

Bill	Section	Title	Summary	Status
H.R. 2670	Sec. 229	Limitation on Availability of Funds for Fundamental Research Collaboration with Certain Institutions	Restricts DoD funding for fundamental research collaboration with certain PRC entities.	Not adopted
H.R. 2670	Sec. 1307	Modifications to Initiative to Support Protection of National Security Academic Researchers from Undue Influence and Other Security Threats	Establishes research security metrics to evaluate whether or not an institution is properly securing research being performed under Department of Defense grants or direction. This section also would codify provisions from National Security Presidential Memorandum 33 on National Security Strategy for U.S. Government-Supported Research and Development.	Not adopted
H.R. 2670	Sec. 1308	Modification of Initiative to Support Protection of National	Adds U.S. entities that partner with universities in China and Russia that maintain partnerships with their military or intelligence services to a DoD list of U.S. universities that are	Sec. 1223 – The Senate recedes with an amendment that would have the Inspector

		Security Academic Researchers from Undue Influence and Other Security Threats	engaged in malign activities. Prohibits DoD RDT&E funding from going to any entity on that list.	General of the Department of Defense conduct a review of the implementation of section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) and National Security Presidential Memorandum-33 (NSPM-33).
S. 2226	Sec. 1395	Modification of Initiative to Support Protection of National Security Academic Researchers from Undue Influence and Other Security Threats	Modifies Section 1286 of the FY19 NDAA to add requirements to limit or prohibit DOD funding for institutions or researchers who knowingly contract or make other financial arrangements with identified entities.	Sec. 1224 – The House recedes with an amendment that would establish a deadline of June 1, 2024 for implementing the policies required under Sec. 1286© of the FY19 NDAA.

Investments in China

Bill	Section	Title	Summary	Status
S. 2226	Sec. 1085	Protection of Covered Sectors	Restricts certain outbound investments to China.	Not adopted

Required Reports and Assessments

Bill	Section	Title	Summary	Status
H.R. 2670	Sec. 1810	Report on China Benefitting from United States Taxpayer-Funded Research	Requires the Attorney General to provide a report to Congress within one year of enactment on the extent to which Communist China has benefited from taxpayer funded research. This report would include a list of United States Government-funded entities, such as research institutions, laboratories, and institutions of higher education, which have hired Chinese nationals or allowed Chinese nationals to	Not adopted

			conduct research, including an estimate in the number of nationals hired or involved in research projects.	
S. 2226	Sec. 1369	Assessment of Gifts and Grants to the United States Institutions of Higher Education from Entities on the Non-SDN Chinese Military-Industrial Complex Companies List	Requires the Department of Treasury to conduct an assessment of gifts and grants to U.S. institutions of higher education from entities on the Non-SDN Chinese Military-Industrial Complex Companies List maintained by the Office of Foreign Assets Control (OFAC). The report to Congress is to include a list and description of each gift and grant and the monetary value of those gifts and grants.	Sec. 5801 – The House recedes with a clarifying amendment
S. 2226	Sec. 5722	Comptroller General Study on Biomedical Research and Development Funded by the Department of Defense	Requires a study on the management of Department of Defense biomedical research and development funded programs.	Not adopted - The conferees note that the Comptroller General of the United States is already conducting a study requested by other members of Congress that largely aligns with this request. The conferees eagerly await the results of that work to help inform future efforts.
S. 2226	Sec. 6243	Audit to Identify Diversion of Department of Defense Funding to China's Research Labs	Directs the DOD OIG to conduct a study on the amount of federal funds awarded by DOD (directly or indirectly) through grants, contracts, subgrants, subcontracts, or any other type of agreement or collaboration during a 10-year period that (1) was provided (purposely or inadvertently) to the PRC, the CCP, Wuhan Institute of Virology, EcoHealth Alliance, or any other lab, agency, organization, individual, or instrumentality that is owned, controlled, or overseen by any of those entities, or (2) was used to fund research or experiments that could have reasonably resulted in the enhancement of any coronavirus, influenza, nipah, ebola, or other pathogen of pandemic potential or chimeric versions	Sec. 252 - The House recedes with an amendment to Senate section 6243 that would narrow the scope of the study to work performed in China on research supported by the Government of China by EcoHealth Alliance

			of such a virus or pathogen in the PRC or any foreign country.	
S. 2226	Sec. 6292	Assessment of Certain United States-Origin Technology Used by Foreign Adversaries	Requires ODNI to conduct an assessment to evaluate the top five technologies that originate in the United States and are not currently subject to export controls in order to identify and assess the risk from those specified technologies that could be or are being used by foreign adversaries in foreign programs targeting the U.S.	Not adopted -- The conferees are concerned by the ability of our adversaries to overtly and illicitly acquire advanced U.S.-developed commercial- and government-funded technologies and apply those technologies to enhance their espionage and defense capabilities. Therefore the conferees direct that the Secretary of State, in coordination with Director of National Intelligence and with such other heads of the elements of the intelligence community as the Director considers appropriate, conduct an assessment to evaluate the top five technologies that originate in the United States and are not currently subject to export controls as prioritized by the Director of National Intelligence, in order to identify and assess the risk from those specified technologies that could be or are being used by foreign adversaries in foreign

				espionage programs targeting the United States. The Secretary of State shall provide a copy of the assessment and any recommendations, not later than one year after the date of enactment of the Act, to the Committee on Armed Services, the Foreign Relations Committee and the Select Committee on Intelligence of the Senate and the Committee on Armed Services, the Foreign Affairs Committee and the Permanent Select Committee on Intelligence of the House of Representatives.
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Confucius Institutes/Waivers

Bill	Section	Title	Summary	Status
H.R. 2670	Sec. 1041	Modification to Definitions of Confucius Institute	Updates the definition of a "Confucius Institute" to mean any program that receives funding from or has operational ties to the Chinese International Education Foundation; Center for Language Exchange Cooperation of China's Ministry of Education; cultural institute directly or indirectly funded by the Chinese government.	Sec. 1044 – The Senate recedes with a clarifying amendment.
H.R. 2670	Sec. 1042	Limitation on Provision of Funds to Institutions of Higher Education Hosting Confucius Institutes	Modifies the DOD CI waiver provision found in Section 1062(b) of the FY21 NDAA to allow institutions to continue receiving DOD funds if the institution commits to closing their CI before September 30, 2026 and will not host any CI	Sec. 1045 – terminates the authority for DOD to issue a waiver after October 1, 2026.

			after that date and a justification for why the institution is unable to close the CI immediately.	
S. 2226	Sec. 1079	Modification on Limitation on Funding for Institutions of Higher Education Hosting Confucius Institutes	Strikes the waiver process for institution's that maintain a Confucius Institute and seek DOD funding.	Sec. 1045– terminates the authority for DOD to issue a waiver after October 1, 2026.

Other Provisions

Bill	Section	Title	Summary	Status
H.R. 2670	Sec. 215	Consortia to Assist in Protection of Sensitive Research Performed on Behalf of the Department of Defense	Establishes a Research Security Consortium to assist institutions of higher education in protecting sensitive research performed on behalf of the Department of Defense. Activities include conducting effective due diligence in vetting visiting scholars; assisting institutions to meet research security requirements; providing training; providing advice and assistance to institutions.	Sec. 221 - The conferees note that as part of the CHIPS and Science Act (Public Law 117-167), the National Science Foundation was directed to create a new Research Security-Information Sharing Advisory Office, and is in the process of establishing that entity. The conferees are also aware that some universities have been providing such support similar to the kind described in this section to other universities. The conferees expect the Department to look at all available opportunities to potentially satisfy this requirement, but to also consider cost-effectiveness and the ability to scale as key

				considerations when evaluating what might be the best solution to pursue.
H.R. 2670	Sec. 224	Prohibition on Availability of Funds for Gain-of-Function Research	Prohibits funds to conduct research for the purpose of enhancing the pathogenicity, transmissibility, or host range of a microorganism or virus.	Not adopted – The conferees note that the Department of Defense is neither currently conducting gain-of-function research nor are any funds planned for gain-of-function research in fiscal year 2024.
H.R. 2670	Sec. 1879	Prohibition on Funding Research in China	Prohibits any form of support or direct involvement by federal agencies in research that is conducted by the Chinese government, the Chinese Communist Party, or any of their affiliated agents, instruments, or entities.	Not adopted
H.R. 2670	Sec. 1881	Limitation on the Use of Funds	Prohibits funds authorized by this Act from being used to engage in direct, bilateral cooperation with the People's Republic of China or China-affiliated organizations on biomedical research programs without explicit authorization from Congress and the Federal Bureau of Investigation.	Not adopted