

FY25 NDAA
Research Security Provisions

FY25 NDAA Conference Agreement

Section	Title	Summary
Sec. 226	Ensuring Compliance with Department of Defense Policy When Awarding Research Grants	Amends Sec. 1286 of the FY19 NDAA to require DOD components to conduct periodic examinations of research awards made to institutions of higher education in order to ensure compliance with current DOD research security policy.
Sec. 238	Limitation on Availability of Funds for Fundamental Research Collaboration with Certain Academic Institutions	Prohibits DOD funding for award a grant or contracts to an IHE for the specific purposes of conducting fundamental research in collaboration with covered entity identified on the Sec. 1286 list. Waivers may be granted on a case-by-case basis if the work is deemed to be in the national security interests of the U.S. Within 30 days after an award has been made, DOD should notify HASC and SASC of the approved waiver. As part of the annual Sec. 1286 report to Congress, DOD shall submit a report annex on the compliance of DOD and IHE requirements for waivers including a justification, detailed description of the type and extent of any collaboration approved by a waiver, list the entities involved, the type of technology involved, the duration of the collaboration, and terms and conditions on IP assignment.
Sec. 1055	Prohibition on the Use of Funds for EcoHealth Alliance and the Wuhan Institute of Virology	Prohibits funds directly or indirectly to EcoHealth Alliance; any subsidiary of EcoHealth Alliance; any organization directly controlled by EcoHealth Alliance; any individual or organization that is a subgrantee/subcontractor of EcoHealth Alliance; or the Wuhan Institute of Virology.

Status of House Provisions

Bill	Section	Title	Summary	Status
H.R. 8070	Sec. 225	Prohibition on Contracts Between Certain Foreign Entities and Institutions of	Prohibits universities from ever receiving DOD funding if they have agreements with entities of concern in China, Russia, Iran, or North Korea in 2026 or later and	Not adopted; agreement includes the Senate Sec. 218 with a clarifying amendment

		Higher Education Conducting Department of Defense-Funded Research	requires them to apply for a waiver to continue a contract. Waivers would require an institution to submit to DOD an unredacted copy of the contract and a statement on how the contract is for the benefit of the institution's mission and students. Contracts with terms greater than 1 year, or were initiated prior to enactment, would need to be reviewed annually to receive a new waiver. If a foreign source is deemed a foreign entity of concern during the term of a contract, an institution must terminate the contract within 60 days of notification. DOD must maintain a public database with copies of approved waivers and contracts. "Contract" is broadly defined as financial or in-kind agreements.	
H.R. 8070	Sec. 226	Limitation on Availability of Funds for Fundamental Research Collaborations with Certain Institutions	Prohibits DOD funding in any fiscal year from going to researchers who conduct fundamental research in collaboration with CCP and Chinese military-tied organizations and schools that are on DOD's 1286 list. Waivers may be issued on a case-by-case basis if determined to be in the national security interests of the U.S. As a condition of receiving DOD funding, institutions must certify that the PI of the project is not conducting fundamental research in collaboration with an entity of concern or will not do so during the period for which the project is funded. To certify a PI, institutions must use publicly available information to perform due diligence on any collaborations the institution intends to collaborate with under the contract. Certification must be completed on an annual basis. "Collaboration" is broadly defined.	Not adopted; agreement includes the Senate Sec. 218 with a clarifying amendment
H.R. 8070	Sec. 1077	Post-Employment Restrictions for Participants	As a condition for becoming or remaining a PI on a DOD-funded research project dealing with a critical or	Not adopted

		in Certain Research Funded by the Department of Defense	emerging technology area, a university PI must agree that for 10 years after their last day as PI they may not seek or accept employment, or conduct any activity, for which a foreign entity of concern provides financial compensation or in-kind benefits. DOD is required annually to publicly disclose the technologies which are considered critical or emerging. Waivers may be issued by DOD if a notice of the waiver is shared with congressional defense committees and includes justification for why the waiver is issued.	
H.R. 8070	Sec. 1316	Report on Prohibition with Respect to Certain Federal Grants to Ensure Research Security	Requires a report on the feasibility and effects of prohibiting federal research grants to any institution or person if any individual, entity, or partner on the grant (informally or formally) are institutions or individuals from an institution that is located in any country of concern. Such a policy would allow waivers on a case-by-case basis.	Not adopted; agreement includes the Senate Sec. 218 with a clarifying amendment
H.R. 8070	Sec. 1706	Prohibition on Funds to CCP Entities	Prevents funds authorized by this Act from being made available to any company based in the People's Republic of China or any company whose beneficial ownership is Chinese.	Not adopted
H.R. 8070	Sec. 1707	Limitation on Funds	Prohibits funds to support the Wuhan Institute of Virology, EcoHealth Alliance, any laboratory owned or controlled by adversarial nations, or gain-of-function research.	Not adopted Explanatory statement states, "We note that other provisions (sec. 1055) of this Act address the same matter. In addition, we are aware that the Department of Defense does not currently conduct gain-of-function research nor

				has planned funds for such purposes in fiscal year 2025.”
H.R. 8070	Sec. 1727	Report on Receipt of Funding from Confucius Institutes	Requires DOD to report on institutions of higher education which host Confucius Institutes that have received DOD funding.	<p>Not adopted</p> <p>Explanatory statement states, “We note the risk of Confucius Institutes operating in the United States, specifically at academic institutions that receive Department of Defense funding. We further note that, according to the Department of Defense, no academic institutions that receive Department of Defense funding host a Confucius Institute as of the summer of 2023. While one Confucius Institute remains in the United States, it resides at an institution that does not receive any Department of Defense funding.”</p>

Status of Senate Provisions

Bill	Section	Title	Summary	Status
S. 4638	Sec. 211	Ensuring Compliance with Department of Defense Policy When Awarding Research Grants	Modifies Section 1286 of the FY19 NDAA to require each DOD component that awards grants for research shall carry out a review of a representative sample of their grants awarded to ensure the component is awarding grants in compliance with DOD research security policy. Each grant sampled for review should	Adopted with a clarifying amendment

			be reviewed by the USDR&E and information collected on the number of research grants awarded by the Department, the number of reviews carried out, a description of the process for the reviews, and an assessment of issues identified during the review, including a list of grants that were identified as having not been awarded in compliance with DOD or component research security risk review guidelines.	
S. 4638	Sec. 218	Limitation on availability of funds for fundamental research collaborations with certain institutions	Prohibits DOD funding from being obligated or expended to award a grant or contracts to an IHE for the specific purposes of conducting fundamental research in collaboration with an academic institution that is included in the 1286 list or any individual employed by academic institutions on the list. Waivers may be granted by the Assistant Secretary of Defense for Science and Technology on a case-by-case basis if the work is deemed to be in the national security interests of the U.S. Within 30 days prior to an award being made, DOD should notify HASC and SASC of the approved waiver. As part of the annual 1286 report to Congress, DOD shall submit a report annex on the compliance of DOD and IHE requirements for waivers including a justification, detailed description of the type and extent of any collaboration approved by a waiver, list the entities involved, the type of technology involved, the duration of the collaboration, and terms and conditions on IP assignment. The unclassified portion of the report should be made publicly available on DOD's website.	Adopted with a clarifying amendment