

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To amend the National Defense Authorization Act for Fiscal Year 2021 to prohibit certain institutions of higher education from receiving research and development awards, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the National Defense Authorization Act for Fiscal Year 2021 to prohibit certain institutions of higher education from receiving research and development awards, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON RESEARCH AND DEVELOP-**  
4 **MENT AWARDS FOR CERTAIN INSTITUTIONS**  
5 **OF HIGHER EDUCATION.**

6       (a) IN GENERAL.—Subtitle B of title II of division  
7 A of the William M. (Mac) Thornberry National Defense  
8 Authorization Act for Fiscal Year 2021 (Public Law 116–

1 283) is amended by inserting after section 223 ( 42 U.S.C.  
2 6605) the following new section:

3 **“SEC. 223A. PROHIBITION ON RESEARCH AND DEVELOP-**  
4 **MENT AWARDS FOR CERTAIN INSTITUTIONS**  
5 **OF HIGHER EDUCATION.**

6 “(a) IN GENERAL.—If an institution of higher edu-  
7 cation receives from a foreign source funds to carry out  
8 a specified task, such institution may not, for a period  
9 of 5 years after such receipt, be awarded a research and  
10 development award.

11 “(b) DEFINITIONS.—In this section:

12 “(1) ARTIFICIAL INTELLIGENCE.—The term  
13 ‘artificial intelligence’ has the meaning given such  
14 term in section 5002.

15 “(2) BIOTECHNOLOGY.—The term ‘bio-  
16 technology’ means the application of science and en-  
17 gineering in the direct or indirect utilization of living  
18 organisms or parts or products of such organisms,  
19 including modified forms of such organisms, parts,  
20 or products, as the case may be.

21 “(3) FOREIGN SOURCE.—The term ‘foreign  
22 source’ means any of the following entities:

23 “(A) A specified foreign government.

24 “(B) An entity established under the laws  
25 of such government.

1           “(C) An entity in which such government  
2 holds ownership interest of not less than 25  
3 percent.

4           “(D) An agent of any of the entities de-  
5 scribed in subparagraphs (A) through (C), in-  
6 cluding any of the following:

7                   “(i) A subsidiary of such an entity.

8                   “(ii) A person that operates primarily  
9 for the benefit of, or under the auspices of,  
10 such an entity, such as a foundation of  
11 such entity, or an educational, cultural, or  
12 language entity.

13           “(4) INSTITUTION OF HIGHER EDUCATION.—  
14 The term ‘institution of higher education’ has the  
15 meaning given such term in section 101(a) of the  
16 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

17           “(5) QUANTUM INFORMATION SCIENCE.—The  
18 term ‘quantum information science’ has the meaning  
19 given such term in section 2 of the National Quan-  
20 tum Initiative Act (15 U.S.C. 8801).

21           “(6) RESEARCH AND DEVELOPMENT AWARD.—  
22 The term ‘research and development award’ has the  
23 meaning given such term in section 223.

1           “(7) SPECIFIED FOREIGN GOVERNMENT.—The  
2 term ‘specified foreign government’ means the gov-  
3 ernment of any of the following countries:

4           “(A) The Bolivarian Republic of Ven-  
5 ezuela.

6           “(B) The Democratic People’s Republic of  
7 Korea.

8           “(C) The Islamic Republic of Iran.

9           “(D) The People’s Republic of China.

10          “(E) The Republic of Cuba.

11          “(F) The Republic of Turkey.

12          “(G) The Russian Federation.

13          “(H) The State of Qatar.

14          “(I) Any other country the Secretary of  
15 State determines appropriate.

16          “(8) SPECIFIED TASK.—The term ‘specified  
17 task’ means research and development relating to a  
18 national security or military application, including  
19 relating to any of the following:

20          “(A) Artificial intelligence.

21          “(B) Biotechnology.

22          “(C) Quantum information science.”.

23          (b) CLERICAL AMENDMENTS.—The William M.  
24 (Mac) Thornberry National Defense Authorization Act for  
25 Fiscal Year 2021 (Public Law 116–283) is amended in

- 1 the table of contents in section 2(b) and in title II of divi-
- 2 sion A by inserting after the items relating to section 223
- 3 the following new items:

“Sec. 223A. Prohibition on research and development awards for certain institutions of higher education.”.