

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5245
OFFERED BY MR. BARR OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Science and Tech-
3 nology Agreement Enhanced Congressional Notification
4 Act of 2024”.

5 SEC. 2. FINDINGS; SENSE OF CONGRESS.

6 (a) FINDINGS.—Congress finds the following:

7 (1) The signing and implementation of the
8 agreement between the United States and the Peo-
9 ple’s Republic of China, known as the “Agreement
10 between the Government of the United States of
11 America and the Government of the People’s Repub-
12 lic of China on Cooperation in Science and Tech-
13 nology”, signed in Washington on January 31, 1979
14 (“CST Agreement”), and its many subsequent im-
15 plementing arrangements, has led to the develop-
16 ment of many science and technology programs.

17 (2) Section 1207 of the Bob Stump National
18 Defense Authorization Act for Fiscal Year 2003 (22

1 U.S.C. 6901 note) required the Secretary of State to
2 publish biennial reports detailing how the CST
3 Agreement has benefitted the economy, military, and
4 industrial base of the People’s Republic of China, a
5 requirement that was repealed by Congress in 2016.

6 (3) The CST Agreement was last extended in
7 2018 by the Trump Administration after amending
8 it to address United States concerns about the
9 science and technology practices of the People’s Re-
10 public of China.

11 (4) The People’s Republic of China has re-
12 stricted United States researcher access in China de-
13 spite its commitments in the CST Agreement other-
14 wise. This includes reportedly withholding avian in-
15 fluenza strains vital for United States vaccine devel-
16 opment and cutting off United States access to
17 coronavirus research in 2019, including United
18 States-funded work at the Wuhan Institute of Virol-
19 ogy.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) science and technology cooperation with the
23 People’s Republic of China can be a useful tool of
24 United States foreign policy and should be pursued

1 when it reinforces and advances the values and in-
2 terests of the United States;

3 (2) no research undertaken as part of a science
4 and technology agreement should enable the People's
5 Republic of China's development of dual-use and
6 critical technologies that threaten United States na-
7 tional security;

8 (3) a science and technology agreement with
9 the People's Republic of China should include
10 human rights protections and projects undertaken as
11 part of it should not directly or indirectly enable
12 human rights abuses, including the persecution of
13 Uyghurs in Xinjiang;

14 (4) a science and technology agreement with
15 the People's Republic of China should include provi-
16 sions to safeguard the safety of United States re-
17 searchers and their intellectual property, as well as
18 enhance their research access in China; and

19 (5) any renewal, extension, or changes to the
20 CST Agreement should be made to ensure that
21 United States and Chinese joint research is safer
22 and remains beneficial for United States interests.

1 **SEC. 3. ENHANCED CONGRESSIONAL NOTIFICATION RE-**
2 **GARDING SCIENCE AND TECHNOLOGY**
3 **AGREEMENTS WITH THE PEOPLE'S REPUBLIC**
4 **OF CHINA.**

5 (a) NOTIFICATION REQUIRED.—Not later than 15
6 days before the date on which a renewal or extension of
7 the CST Agreement, or the entry into or a renewal or ex-
8 tension of any other science and technology agreement
9 with the Government of the People's Republic of China
10 or an entity of the People's Republic of China, enters into
11 effect, the Secretary of State shall submit to the appro-
12 priate congressional committees a notification containing
13 each of the matters described in subsection (b).

14 (b) MATTERS DESCRIBED.—The matters described
15 in this subsection are, with respect to the science and tech-
16 nology agreement for which a notification is submitted
17 under subsection (a), the following:

18 (1) The full text of such agreement and any an-
19 nexes or side letters.

20 (2) A detailed justification for such agreement,
21 including an explanation of the reasons for which
22 entering into, renewing, or extending such agree-
23 ment , as applicable, is in the national interest of
24 the United States.

25 (3) An assessment of any risks posed by such
26 agreement, and the checks it includes to prevent the

1 transfer of technology or intellectual property capa-
2 ble of—

3 (A) harming the national security interests
4 of the United States; or

5 (B) enabling of the People’s Republic of
6 China’s military-civil fusion strategy.

7 (4) An explanation for how the Secretary of
8 State intends to build in human rights protections
9 for any scientific and technology collaboration con-
10 ducted under such agreement.

11 (5) An assessment of the ways in which the
12 Secretary will be able to prescribe terms for, and
13 continuously monitor, the commitments and con-
14 tracts made by the Government of the People’s Re-
15 public of China or entity of the People’s Republic of
16 China under such agreement.

17 (6) A summary of changes or updates to the
18 agreement that were secured to strengthen the
19 United States ability to engage in science coopera-
20 tion with the People’s Republic of China in a way
21 that is safer, more beneficial for the United States,
22 or allows for stronger United States oversight over
23 joint research.

1 (7) Such other information relating to such
2 agreement as the Secretary of State may determine
3 appropriate.

4 (c) APPLICABILITY.—

5 (1) IN GENERAL.—The notification require-
6 ments under subsection (a) shall apply with respect
7 to any science and technology agreements entered
8 into, renewed, or extended on or after the date of
9 the enactment of this Act.

10 (2) EXISTING AGREEMENTS.—For any science
11 and technology agreement between the United States
12 Government and the People’s Republic of China that
13 is in effect as of the date of the enactment of this
14 Act, the Secretary of State shall submit to the ap-
15 propriate congressional committees a report that in-
16 cludes each of the matters described in subsection
17 (b) with respect to such existing agreement, not
18 later than 90 days after the date of the enactment
19 of this Act.

20 **SEC. 4. ANNUAL REPORT TO CONGRESS.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, and annually thereafter
23 for 5 years, the Secretary of State, in consultation with
24 the heads of other appropriate Federal departments and
25 agencies, shall submit to Congress a report on—

1 (1) the implementation of each science and
2 technology agreement with the People's Republic of
3 China, including implementing arrangements, en-
4 tered into pursuant to the notification requirements
5 under section 3; and

6 (2) all activities conducted under each such
7 agreement.

8 (b) CONTENTS.—Each report required by subsection
9 (a) shall also include each of the following:

10 (1) An accounting of all joint projects and ini-
11 tiatives conducted under the CST Agreement and its
12 implementing arrangements since the previous re-
13 port (or, in the case of the first report, since the
14 CST Agreement was entered into), including the
15 name of each project, agreement, or implementing
16 arrangement.

17 (2) An evaluation of the benefits of the CST
18 Agreement to the United States economy, scientific
19 leadership, innovation capacity, and industrial base
20 of the United States.

21 (3) An estimate of the costs to the United
22 States to administer the CST Agreement during the
23 period covered by the report.

24 (4) An evaluation of the benefits of the CST
25 Agreement to the economy, to the military, and to

1 the industrial base of the People's Republic of
2 China.

3 (5) An assessment of how the CST Agreement
4 has influenced the foreign and domestic policies and
5 scientific capabilities of the People's Republic of
6 China.

7 (6) Any plans of the Secretary of State for im-
8 proving the monitoring of the activities and the Peo-
9 ple's Republic of China's commitments established
10 under the CST Agreement.

11 (7) An assessment of any potential risks posed
12 by ongoing science cooperation with the People's Re-
13 public of China.

14 (c) FORM.—Each report required by subsection (a)
15 shall be submitted in unclassified form and may include
16 a classified annex.

17 **SEC. 5. DEFINITIONS.**

18 In this Act:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means the Committee on Foreign Affairs of
22 the House of Representatives and the Committee on
23 Foreign Relations of the Senate.

24 (2) CST AGREEMENT.—The term “CST Agree-
25 ment” means the agreement between the United

1 States and the People’s Republic of China known as
2 the “Agreement between the Government of the
3 United States of America and the Government of
4 the People’s Republic of China on Cooperation in
5 Science and Technology”, signed in Washington on
6 January 31, 1979, and its protocols, as well as any
7 sub-agreements entered into pursuant to such
8 Agreement on or before the date of the enactment
9 of this Act.

10 (3) IMPLEMENTING ARRANGEMENT.—The term
11 “implementing arrangement”, with respect to the
12 CST Agreement or any other science and technology
13 agreement, includes any sub-agreement or sub-ar-
14 rangement entered into under the CST Agreement
15 or other science and technology agreement be-
16 tween—

17 (A) any Federal governmental entity of the
18 United States; and

19 (B) any governmental entity of the Peo-
20 ple’s Republic of China, including state-owned
21 research institutions.

22 (4) SCIENCE AND TECHNOLOGY AGREEMENT.—
23 The term “science and technology agreement”
24 means any treaty, memorandum of understanding,
25 or other contract or agreement between the United

1 States and 1 or more foreign countries for the pur-
2 pose of collaborating on or otherwise engaging in
3 joint activities relating to scientific research, techno-
4 logical development, or the sharing of scientific or
5 technical knowledge or resources between such coun-
6 tries.

