

AMENDMENT TO H.R. 8070
OFFERED BY MR. BANKS OF INDIANA

At the appropriate place in title X, insert the following:

1 **SEC. 10 ____ . POST-EMPLOYMENT RESTRICTIONS FOR PAR-**
2 **TICIPANTS IN CERTAIN RESEARCH FUNDED**
3 **BY THE DEPARTMENT OF DEFENSE.**

4 (a) IN GENERAL.—Except as provided under sub-
5 section (c), as a condition of becoming or remaining a
6 principal investigator of a covered defense research
7 project, a person shall agree that during the ten-year pe-
8 riod beginning on the last day the person is a principal
9 investigator of such research, such person may not seek
10 or accept employment, or conduct any activity, for which
11 a foreign entity of concern provides financial compensation
12 or in-kind benefits.

13 (b) CRITICAL OR EMERGING TECHNOLOGY.—For
14 purposes of subsection (a), a critical or emerging tech-
15 nology is a technology that the Secretary of Defense deter-
16 mines to be critical or emerging. Not later than 270 days
17 after the date of the enactment of this Act, and annually
18 thereafter, the Secretary shall determine which tech-
19 nologies are critical or emerging from among the tech-

1 nologies for which the Department of Defense funds re-
2 search, and shall make the results of such determination
3 publicly available.

4 (c) WAIVER AUTHORITY.—The Secretary may waive
5 the restriction under subsection (a) with respect to a
6 United States person if, not later than 30 days before
7 issuing the waiver, the Secretary submits to the congres-
8 sional defense committees a notice of the waiver that in-
9 cludes—

10 (1) an unclassified justification for the waiver;

11 and

12 (2) a description of any Department of Defense
13 funds provided to the person for which the waiver is
14 issued or to the research in which the person partici-
15 pated.

16 (d) APPLICABILITY.—This section shall apply with
17 respect to research that begins on or after the date that
18 is one year after the date of the enactment of this Act.

19 (e) DEFINITIONS.—

20 (1) FOREIGN ENTITY OF CONCERN.—In this
21 section, the term “foreign entity of concern” has the
22 meaning given that term in section 10612(a) of the
23 Research and Development, Competition, and Inno-
24 vation Act (42 U.S.C. 19221(a)) and includes a for-
25 eign entity that is identified on the list published

1 under section 1286(e)(9)(A) of the John S. McCain
2 National Defense Authorization Act for Fiscal Year
3 2019 (Public Law 115–232; 10 U.S.C. 4001 note).

4 (2) COVERED DEFENSE RESEARCH PROJECT.—
5 The term “covered defense research project” means
6 a research project that is—

7 (A) operated by an institution of higher
8 education or a subsidiary of an institution of
9 higher education;

10 (B) funded, in whole or in part, by the De-
11 partment of Defense; and

12 (C) which involves a critical or emerging
13 technology, as defined in subsection (b) of this
14 section.

15 (3) INSTITUTION OF HIGHER EDUCATION.—The
16 term “institution of higher education” has the
17 meaning given that term in section 102 of the High-
18 er Education Act of 1965 (20 U.S.C. 1002).

