

118TH CONGRESS
2D SESSION

H. R. 5245

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2024

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To amend the State Department Basic Authorities Act of 1956 to require certain congressional notification prior to entering into, renewing, or extending a science and technology agreement with the People's Republic of China, 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,*

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23 requirement that was repealed by Congress in 2016.

24 (3) The CST Agreement was last extended in
25 2018 by the Trump Administration after amending
26 it to address United States concerns about the

1 science and technology practices of the People's Re-
2 public of China.

3 (4) The People's Republic of China has re-
4 stricted United States researcher access in China de-
5 spite its commitments in the CST Agreement other-
6 wise. This includes reportedly withholding avian in-
7 fluenza strains vital for United States vaccine devel-
8 opment and cutting off United States access to
9 coronavirus research in 2019, including United
10 States-funded work at the Wuhan Institute of Virol-
11 ogy.

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

14 (1) science and technology cooperation with the
15 People's Republic of China can be a useful tool of
16 United States foreign policy and should be pursued
17 when it reinforces and advances the values and in-
18 terests of the United States;

19 (2) no research undertaken as part of a science
20 and technology agreement should enable the People's
21 Republic of China's development of dual-use and
22 critical technologies that threaten United States na-
23 tional security;

24 (3) a science and technology agreement with
25 the People's Republic of China should include

1 human rights protections and projects undertaken as
2 part of it should not directly or indirectly enable
3 human rights abuses, including the persecution of
4 Uyghurs in Xinjiang;

5 (4) a science and technology agreement with
6 the People's Republic of China should include provi-
7 sions to safeguard the safety of United States re-
8 searchers and their intellectual property, as well as
9 enhance their research access in China; and

10 (5) any renewal, extension, or changes to the
11 CST Agreement should be made to ensure that
12 United States and Chinese joint research is safer
13 and remains beneficial for United States interests.

14 **SEC. 3. ENHANCED CONGRESSIONAL NOTIFICATION RE-**
15 **GARDING SCIENCE AND TECHNOLOGY**
16 **AGREEMENTS WITH THE PEOPLE'S REPUBLIC**
17 **OF CHINA.**

18 (a) NOTIFICATION REQUIRED.—Not later than 15
19 days before the date on which a renewal or extension of
20 the CST Agreement, or the entry into or a renewal or ex-
21 tension of any other science and technology agreement
22 with the Government of the People's Republic of China
23 or an entity of the People's Republic of China, enters into
24 effect, the Secretary of State shall submit to the appro-

1 priate congressional committees a notification containing
2 each of the matters described in subsection (b).

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

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

9 (2) A detailed justification for such agreement,
10 including an explanation of the reasons for which
11 entering into, renewing, or extending such agree-
12 ment, as applicable, is in the national interest of the
13 United States.

14 (3) An assessment of any risks posed by such
15 agreement, and the checks it includes to prevent the
16 transfer of technology or intellectual property capa-
17 ble of—

18 (A) harming the national security interests
19 of the United States; or

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

22 (4) An explanation for how the Secretary of
23 State intends to build in human rights protections
24 for any scientific and technology collaboration con-
25 ducted under such agreement.

1 (5) An assessment of the ways in which the
2 Secretary will be able to prescribe terms for, and
3 continuously monitor, the commitments and con-
4 tracts made by the Government of the People's Re-
5 public of China or entity of the People's Republic of
6 China under such agreement.

7 (6) A summary of changes or updates to the
8 agreement that were secured to strengthen the
9 United States ability to engage in science coopera-
10 tion with the People's Republic of China in a way
11 that is safer, more beneficial for the United States,
12 or allows for stronger United States oversight over
13 joint research.

14 (7) Such other information relating to such
15 agreement as the Secretary of State may determine
16 appropriate.

17 (c) APPLICABILITY.—

18 (1) IN GENERAL.—The notification require-
19 ments under subsection (a) shall apply with respect
20 to any science and technology agreements entered
21 into, renewed, or extended on or after the date of
22 the enactment of this Act.

23 (2) EXISTING AGREEMENTS.—For any science
24 and technology agreement between the United States
25 Government and the People's Republic of China that

1 is in effect as of the date of the enactment of this
2 Act, the Secretary of State shall submit to the ap-
3 propriate congressional committees a report that in-
4 cludes each of the matters described in subsection
5 (b) with respect to such existing agreement, not
6 later than 90 days after the date of the enactment
7 of this Act.

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

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

14 (1) the implementation of each science and
15 technology agreement with the People’s Republic of
16 China, including implementing arrangements, en-
17 tered into pursuant to the notification requirements
18 under section 3; and

19 (2) all activities conducted under each such
20 agreement.

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

23 (1) An accounting of all joint projects and ini-
24 tiatives conducted under the CST Agreement and its
25 implementing arrangements since the previous re-

1 port (or, in the case of the first report, since the
2 CST Agreement was entered into), including the
3 name of each project, agreement, or implementing
4 arrangement.

5 (2) An evaluation of the benefits of the CST
6 Agreement to the United States economy, scientific
7 leadership, innovation capacity, and industrial base
8 of the United States.

9 (3) An estimate of the costs to the United
10 States to administer the CST Agreement during the
11 period covered by the report.

12 (4) An evaluation of the benefits of the CST
13 Agreement to the economy, to the military, and to
14 the industrial base of the People's Republic of
15 China.

16 (5) An assessment of how the CST Agreement
17 has influenced the foreign and domestic policies and
18 scientific capabilities of the People's Republic of
19 China.

20 (6) Any plans of the Secretary of State for im-
21 proving the monitoring of the activities and the Peo-
22 ple's Republic of China's commitments established
23 under the CST Agreement.

1 (7) An assessment of any potential risks posed
2 by ongoing science cooperation with the People’s Re-
3 public of China.

4 (c) FORM.—Each report required by subsection (a)
5 shall be submitted in unclassified form and may include
6 a classified annex.

7 **SEC. 5. DEFINITIONS.**

8 In this Act:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means the Committee on Foreign Affairs of
12 the House of Representatives and the Committee on
13 Foreign Relations of the Senate.

14 (2) CST AGREEMENT.—The term “CST Agree-
15 ment” means the agreement between the United
16 States and the People’s Republic of China known as
17 the “Agreement between the Government of the
18 United States of America and the Government of
19 the People’s Republic of China on Cooperation in
20 Science and Technology”, signed in Washington on
21 January 31, 1979, and its protocols, as well as any
22 sub-agreements entered into pursuant to such
23 Agreement on or before the date of the enactment
24 of this Act.

1 (3) IMPLEMENTING ARRANGEMENT.—The term
2 “implementing arrangement”, with respect to the
3 CST Agreement or any other science and technology
4 agreement, includes any sub-agreement or sub-ar-
5 rangement entered into under the CST Agreement
6 or other science and technology agreement be-
7 tween—

8 (A) any Federal governmental entity of the
9 United States; and

10 (B) any governmental entity of the Peo-
11 ple’s Republic of China, including state-owned
12 research institutions.

13 (4) SCIENCE AND TECHNOLOGY AGREEMENT.—
14 The term “science and technology agreement”
15 means any treaty, memorandum of understanding,
16 or other contract or agreement between the United
17 States and 1 or more foreign countries for the pur-
18 pose of collaborating on or otherwise engaging in
19 joint activities relating to scientific research, techno-
20 logical development, or the sharing of scientific or

1 technical knowledge or resources between such coun-
2 tries.

Passed the House of Representatives September 9,
2024.

Attest: KEVIN F. MCCUMBER,
Clerk.