

Gardner-1

MCC19D50

 S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Comptroller General of the United States to carry out a review of contracts with entities associated with the People's Republic of China.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2800

To authorize programs of the National Aeronautics and Space Administration, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GARDNER

Viz:

- 1 On page 107, after line 23, add the following:
- 2 (c) GAO REVIEW.—
- 3 (1) IN GENERAL.—The Comptroller General of
- 4 the United States shall conduct a review of NASA
- 5 contracts that may subject the Administration to un-
- 6 acceptable transfers of intellectual property or tech-
- 7 nology to any entity—
- 8 (A) owned or controlled (in whole or in
- 9 part) by, or otherwise affiliated with, the Gov-
- 10 ernment of the People's Republic of China; or

1 (B) organized under, or otherwise subject
2 to, the law of the People's Republic of China.

3 (2) ELEMENTS.—The review required under
4 paragraph (1) shall assess—

5 (A) whether the Administrator is aware—

6 (i) of any NASA contractor that bene-
7 fits from significant financial assistance
8 from—

9 (I) the Government of the Peo-
10 ple's Republic of China;

11 (II) any entity controlled by the
12 Government of the People's Republic
13 of China; or

14 (III) any other governmental en-
15 tity of the People's Republic of China;
16 and

17 (ii) that the Government of the Peo-
18 ple's Republic of China, or an entity con-
19 trolled by the Government of the People's
20 Republic of China may be—

21 (I) leveraging United States com-
22 panies that share ownership with
23 NASA contractors; or

1 (II) obtaining intellectual prop-
2 erty or technology illicitly or by other
3 unacceptable means; and

4 (B) the steps the Administrator is taking
5 to ensure that—

6 (i) NASA contractors are not being le-
7 veraged (directly or indirectly) by the Gov-
8 ernment of the People's Republic of China
9 or by an entity controlled by the Govern-
10 ment of the People's Republic of China;

11 (ii) the intellectual property and tech-
12 nology of NASA contractors are adequately
13 protected; and

14 (iii) NASA flight-critical components
15 are not sourced from the People's Republic
16 of China through any entity benefiting
17 from Chinese investments, loans, or other
18 assistance.

19 (3) RECOMMENDATIONS.—The Comptroller
20 General shall provide to the Administrator rec-
21 ommendations for future NASA contracting based
22 on the results of the review.

23 (4) PLAN.—Not later than 180 days after the
24 date on which the Comptroller General completes the
25 review, the Administrator shall—

- 1 (A) develop a plan to implement the rec-
- 2 ommendations of the Comptroller General; and
- 3 (B) submit the plan to the appropriate
- 4 committees of Congress.