

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 118-10**  
**OFFERED BY MR. GALLAGHER OF WISCONSIN**

Page 1033, after line 14, insert the following:

1 **SEC. 1859. MALIGN FOREIGN TALENT RECRUITMENT PRO-**  
2 **GRAM DEFINITION.**

3 Paragraph (4) of section 10638 of division B of Pub-  
4 lic Law 117-167 (42 U.S.C. 19237) is amended to read  
5 as follows:

6 “(4) MALIGN FOREIGN TALENT RECRUITMENT  
7 PROGRAM.—The term ‘malign foreign talent recruit-  
8 ment program’ means any program, position, or ac-  
9 tivity that includes compensation in the form of  
10 cash, in-kind compensation, including research fund-  
11 ing, promised future compensation, complimentary  
12 foreign travel, things of non de minimis value, hon-  
13 orific titles, career advancement opportunities, or  
14 other types of remuneration or consideration directly  
15 or indirectly provided by a foreign country of con-  
16 cern at any level (national, provincial, or local) or  
17 their designee, or an entity based in, funded by, or  
18 affiliated with a foreign country of concern, whether  
19 or not directly sponsored by the foreign country of

1 concern, to the targeted individual, whether directly  
2 or indirectly stated in the arrangement, contract, or  
3 other documentation at issue, in exchange for the in-  
4 dividual—

5 “(A) engaging in the unauthorized transfer  
6 of intellectual property, materials, data prod-  
7 ucts, or other nonpublic information owned by  
8 a United States entity or developed with a Fed-  
9 eral research and development award to the  
10 government of a foreign country of concern or  
11 an entity based in, funded by, or affiliated with  
12 a foreign country of concern regardless of  
13 whether that government or entity provided  
14 support for the development of the intellectual  
15 property, materials, or data products;

16 “(B) being required to recruit trainees or  
17 researchers to enroll in such program, position,  
18 or activity;

19 “(C) establishing a laboratory or company,  
20 accepting a faculty position, or undertaking any  
21 other employment or appointment in a foreign  
22 country of concern or with an entity based in,  
23 funded by, or affiliated with a foreign country  
24 of concern if such activities are in violation of

1 the standard terms and conditions of a Federal  
2 research and development award;

3 “(D) being unable to terminate the foreign  
4 talent recruitment program contract or agree-  
5 ment except in extraordinary circumstances;

6 “(E) through funding or effort related to  
7 the foreign talent recruitment program, being  
8 limited in the capacity to carry out a research  
9 and development award or required to engage  
10 in work that would result in substantial overlap  
11 or duplication with a Federal research and de-  
12 velopment award;

13 “(F) being required to apply for and suc-  
14 cessfully receive funding from the sponsoring  
15 foreign government’s funding agencies with the  
16 sponsoring foreign organization as the recipient;

17 “(G) being required to omit acknowledg-  
18 ment of the recipient institution with which the  
19 individual is affiliated, or the Federal research  
20 agency sponsoring the research and develop-  
21 ment award, contrary to the institutional poli-  
22 cies or standard terms and conditions of the  
23 Federal research and development award;

24 “(H) being required to not disclose to the  
25 Federal research agency or employing institu-

1           tion the participation of such individual in such  
2           program, position, or activity; or

3                   “(I) having a conflict of interest or conflict  
4           of commitment contrary to the standard terms  
5           and conditions of the Federal research and de-  
6           velopment award.”.

