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

Page 1033, after line 14, insert the following:

SEC. 1859. MALIGN FOREIGN TALENT RECRUITMENT PROGRAM DEFINITION.

Paragraph (4) of section 10638 of division B of Public Law 117–167 (42 U.S.C. 19237) is amended to read as follows:

“(4) MALIGN FOREIGN TALENT RECRUITMENT PROGRAM.—The term ‘malign foreign talent recruitment program’ means any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly or indirectly provided by a foreign country of concern at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country of concern, whether or not directly sponsored by the foreign country of concern.”
concern, to the targeted individual, whether directly
or indirectly stated in the arrangement, contract, or
other documentation at issue, in exchange for the in-
dividual—

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

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

“(C) establishing a laboratory or company,
accepting a faculty position, or undertaking any
other employment or appointment in a foreign
country of concern or with an entity based in,
funded by, or affiliated with a foreign country
of concern if such activities are in violation of
the standard terms and conditions of a Federal research and development award;

“(D) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;

“(E) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;

“(F) being required to apply for and successfully receive funding from the sponsoring foreign government’s funding agencies with the sponsoring foreign organization as the recipient;

“(G) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;

“(H) being required to not disclose to the Federal research agency or employing institu-
tion the participation of such individual in such program, position, or activity; or

“(I) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award.”.