

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**13**

**OFFERED BY MR. WALTZ OF FLORIDA**

Add at the appropriate place in title LX the following:

1 **SEC. \_\_\_\_ . MALIGN FOREIGN TALENT RECRUITMENT PRO-**  
2 **GRAM PROHIBITION.**

3 (a) **IN GENERAL.**—Not later than 18 months after  
4 the date of enactment of this Act, each Federal research  
5 agency shall establish a requirement that, as part of a pro-  
6 posal for a research and development award from the  
7 agency—

8 (1) each covered individual listed in the pro-  
9 posal for a research and development award certify  
10 that they are not a party to a malign foreign talent  
11 recruitment program from a foreign country of con-  
12 cern in their proposal submission and annually  
13 thereafter for the duration of the award; and

14 (2) each institution of higher education or other  
15 organization applying for such an award certify that  
16 each covered individual who is employed by the insti-  
17 tution of higher education or other organization has

1       been made aware of the requirement under this sec-  
2       tion.

3       (b) INTERNATIONAL COLLABORATION.—Each policy  
4       developed under subsection (a) shall not prohibit—

5           (1) making scholarly presentations and pub-  
6       lishing written materials regarding scientific infor-  
7       mation not otherwise controlled under current law;

8           (2) participation in international conferences or  
9       other international exchanges, research projects or  
10      programs that involve open and reciprocal exchange  
11      of scientific information, and which are aimed at ad-  
12      vancing international scientific understanding;

13          (3) advising a foreign student enrolled at the  
14      covered individual's institution of higher education  
15      or writing a recommendation for such a student, at  
16      the student's request; and

17          (4) other international activities deemed appro-  
18      priate by the Federal research agency head or their  
19      designee.

20      (c) LIMITATION.—The certifications required under  
21      subsection (a) shall not apply retroactively to research and  
22      development awards made prior to the establishment of  
23      the policy by the Federal research agency.

24      (d) DEFINITIONS.—In this section:

1           (1) The term “covered individual” means an in-  
2           dividual who—

3                   (A) contributes in a substantive, meaning-  
4                   ful way to the scientific development or execu-  
5                   tion of a research and development project pro-  
6                   posed to be carried out with a research and de-  
7                   velopment award from a Federal research agen-  
8                   cy; and

9                   (B) is designated as a covered individual  
10                  by the Federal research agency concerned.

11           (2) The term “Federal research agency” means  
12           any Federal agency with an annual extramural re-  
13           search expenditure of over \$100,000,000.

14           (3) The term “foreign country of concern”  
15           means the People’s Republic of China, the Demo-  
16           cratic People’s Republic of Korea, the Russian Fed-  
17           eration, the Islamic Republic of Iran, or any other  
18           country deemed to be a country of concern as deter-  
19           mined by the Department of State.

20           (4) The term “Malign foreign talent program”  
21           means any program, position, or activity that in-  
22           cludes compensation, including cash, research fund-  
23           ing, promised future compensation, or things of  
24           value, directly provided by the foreign state at any  
25           level (national, provincial or local) or other foreign

1       entity, whether or not directly sponsored by the for-  
2       foreign state, to the targeted individual in exchange for  
3       the individual—

4               (A) transferring intellectual property, ma-  
5               terials, or data products owned by a U.S. entity  
6               or developed with a federal research and devel-  
7               opment award exclusively to the foreign coun-  
8               try's government or other foreign entity regard-  
9               less of whether that government or entity pro-  
10              vided support for the development of the intel-  
11              lectual property, materials, or data products;

12             (B) being required to recruit students or  
13             researchers to enroll in malign foreign talent  
14             programs sponsored by the foreign state or en-  
15             tity; or,

16             (C) establishing a laboratory, accepting a  
17             faculty position, or undertaking any other em-  
18             ployment or appointment in the foreign state or  
19             entity contrary to the standard terms and con-  
20             ditions of a federal research and development  
21             award.

22             (5) The term “research and development  
23             award” means support provided to an individual or  
24             entity by a Federal research agency to carry out re-  
25             search and development activities, which may include

1 support in the form of a grant, contract, cooperative  
2 agreement, or other such transaction. The term does  
3 not include a grant, contract, agreement or other  
4 transaction for the procurement of goods or services  
5 to meet the administrative needs of a Federal re-  
6 search agency.

