

117TH CONGRESS
1ST SESSION

H. R. 5265

To prohibit malign foreign talent recruitment programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2021

Mr. WALTZ (for himself and Mr. LUCAS) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To prohibit malign foreign talent recruitment programs, 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,*

3 **SECTION 1. MALIGN FOREIGN TALENT RECRUITMENT PRO-**

4 **GRAM PROHIBITION.**

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

1 (1) each covered individual listed in the pro-
2 posal for a research and development award certify
3 that they are not a party to a malign foreign talent
4 recruitment program from a foreign country of con-
5 cern in their proposal submission and annually
6 thereafter for the duration of the award; and

7 (2) each institution of higher education or other
8 organization applying for such an award certify that
9 each covered individual who is employed by the insti-
10 tution of higher education or other organization has
11 been made aware of the requirement under this sec-
12 tion.

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

15 (1) making scholarly presentations and pub-
16 lishing written materials regarding scientific infor-
17 mation not otherwise controlled under current law;

18 (2) participation in international conferences or
19 other international exchanges, partnerships or pro-
20 grams that involve open and reciprocal exchange of
21 scientific information, and which are aimed at ad-
22 vancing international scientific understanding; and

23 (3) other international activities deemed appro-
24 priate by the Federal research agency head or their
25 designee.

1 (c) LIMITATION.—The certifications required under
2 subsection (a) shall not apply retroactively to research and
3 development awards made prior to the establishment of
4 the policy by the Federal research agency.

5 (d) DEFINITIONS.—In this section:

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

8 (A) contributes in a substantive, meaning-
9 ful way to the scientific development or execu-
10 tion of a research and development project pro-
11 posed to be carried out with a research and de-
12 velopment award from a Federal research agen-
13 cy; and

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

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

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

1 (4) The term “Malign foreign talent program”
2 means any program, position, or activity that in-
3 cludes compensation, including cash, research fund-
4 ing, promised future compensation, or things of
5 value, directly provided by the foreign state at any
6 level (national, provincial or local) or other foreign
7 entity, whether or not directly sponsored by the for-
8 eign state, to the targeted individual in exchange for
9 the individual—

10 (A) transferring intellectual property, ma-
11 terials, or data products owned by a U.S. entity
12 or developed with a Federal research and devel-
13 opment award exclusively to the foreign coun-
14 try’s government or other foreign entity regard-
15 less of whether that government or entity pro-
16 vided support for the development of the intel-
17 lectual property, materials, or data products;

18 (B) being required to recruit students or
19 researchers to enroll in malign foreign talent
20 programs sponsored by the foreign state or en-
21 tity; or

22 (C) establishing a laboratory, accepting a
23 faculty position, or undertaking any other em-
24 ployment or appointment in the foreign state or
25 entity contrary to the standard terms and con-

1 ditions of a Federal research and development
2 award.

3 (5) The term “research and development
4 award” means support provided to an individual or
5 entity by a Federal research agency to carry out re-
6 search and development activities, which may include
7 support in the form of a grant, contract, cooperative
8 agreement, or other such transaction. The term does
9 not include a grant, contract, agreement or other
10 transaction for the procurement of goods or services
11 to meet the administrative needs of a Federal re-
12 search agency.

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