

117TH CONGRESS  
1ST SESSION

# H. R. 5265

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

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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

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## 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       posals 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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