

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2225
OFFERED BY MR. FEENSTRA OF IOWA**

Page 78, after line 24, insert the following:

1 (8) MALIGN FOREIGN TALENT RECRUITMENT
2 PROGRAM PROHIBITION.—

3 (A) IN GENERAL.—Not later than 12
4 months after the date of enactment of this Act,
5 the Director shall establish a requirement that,
6 as part of an application for a research and de-
7 velopment award from the agency—

8 (i) each covered individual listed on
9 the application for a research and develop-
10 ment award certify that they are not an
11 active participant of a malign foreign tal-
12 ent recruitment program from a foreign
13 country of concern and will not be a par-
14 ticipant in such a program for the duration
15 of the award; and

16 (ii) each institution of higher edu-
17 cation or other organization applying for
18 such an award certify that each covered in-
19 dividual who is employed by the institution

1 of higher education or other organization
2 has been made aware of the requirement
3 under this subsection.

4 (B) INTERNATIONAL COLLABORATION.—
5 Each policy developed under subparagraph (A)
6 shall not prohibit—

7 (i) making scholarly presentations re-
8 garding non-controlled scientific research;

9 (ii) participation in international con-
10 ferences or other international exchanges,
11 partnerships or programs that involve open
12 and reciprocal exchange of scientific infor-
13 mation, and which are aimed at advancing
14 international scientific understanding; and

15 (iii) other international activities
16 deemed appropriate by the Director.

17 (C) LIMITATION.—The policy developed
18 under subparagraph (A) shall not apply retro-
19 actively to research and development awards
20 made prior to the establishment of the policy by
21 the Director.

22 (D) DEFINITIONS.—In this subsection:

23 (i) COVERED INDIVIDUAL.—The term
24 “covered individual” means the principal
25 investigator, co-principal investigators, and

1 any other person at the institution who is
2 responsible for the design, conduct, or re-
3 porting of research or educational activities
4 funded or proposed for funding by the
5 Foundation.

6 (ii) FOREIGN COUNTRY OF CON-
7 CERN.—The term “foreign country of con-
8 cern” means the People’s Republic of
9 China, the Democratic People’s Republic of
10 Korea, the Russian Federation, the Islamic
11 Republic of Iran, or any other country
12 deemed to be a country of concern as de-
13 termined by the Department of State.

14 (iii) MALIGN FOREIGN GOVERNMENT
15 TALENT RECRUITMENT PROGRAM.—The
16 term “malign foreign government talent
17 recruitment program” means any program
18 or activity that includes compensation, in-
19 cluding cash, research funding, honorific
20 titles, promised future compensation, or
21 other types of remuneration, provided by
22 the foreign state or an entity sponsored by
23 the foreign state to the targeted individual
24 in exchange for the individual transferring

1 knowledge and expertise to the foreign
2 country.

Beginning on page 78, line 25, redesignate paragraphs (8) through (10) as paragraphs (9) through (11), respectively.

