

UNITED STATES RESEARCH PROTECTION
ACT OF 2025

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 769



JULY 22, 2025.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

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UNITED STATES RESEARCH PROTECTION ACT OF 2025

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Mr. CRUZ, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 769]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 769) to amend the Research and Development, Competition, and Innovation Act to clarify the definition of foreign country for purposes of malign foreign talent recruitment restriction, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 769 is to amend the Research and Development, Competition, and Innovation Act¹ to strengthen protections for U.S. research by clarifying the definition of the term “foreign country of concern” and identifying restricted programs, positions, and activities linked to malign foreign talent recruitment.

BACKGROUND AND NEEDS

The Research and Development, Competition, and Innovation Act²—part of the CHIPS and Science Act³—prohibits federally funded researchers from participating in malign foreign talent recruitment programs.⁴ The Act’s language does not clearly define whether such programs include situations where entities linked to

¹ 42 U.S.C 18901 et seq.

² Ibid.

³ Public Law 117–167, 136 Stat. 1366.

⁴ 42 U.S.C. 19231–37.

foreign countries of concern provide indirect support to researchers, which is a potential loophole. This bill would aim to clarify that ambiguity.

Foreign talent programs, run by foreign countries, offer incentives or compensation for activities, such as sharing proprietary information and intellectual property.⁵ A key reason behind strengthening research security was concern over China’s Thousand Talents Program. Between 2008 and 2018, China used this program to recruit elite scientists, many of whom were U.S.-trained, with generous financial incentives.⁶ One renowned Harvard chemist working on federally funded nanotechnology research received \$50,000 per month, \$150,000 in living expenses, and \$1.5 million to establish a lab at Wuhan University of Technology—leveraging U.S.-based knowledge and research.⁷

The Thousand Talents Program is not a new concept and is only one of the many iterations of the Chinese foreign talent program. In 2022, Strider Technologies, an intelligence firm based in Utah, published a report revealing that at least 162 scientists from Los Alamos National Laboratory returned to China between 1987 and 2021.⁸ Many later supported China’s military advancements in fields such as hypersonics and submarine technology.⁹ The report exposed China’s systematic recruitment strategy, which included lucrative financial incentives to exploit expertise acquired at the U.S. Department of Energy lab for strategic gain. The Research and Development, Competition, and Innovation Act largely addressed these concerns, and this bill refines that Act to clarify questions that have been raised during implementation.

SUMMARY OF PROVISIONS

S. 769 would do the following:

- Clarify the definition of malign foreign talent recruitment program to cover a “foreign country of concern”, rather than a “foreign country”.
- Expand restrictions to cover benefits provided directly or indirectly by a foreign country of concern or an entity based in, funded by, or affiliated with a foreign country of concern.

LEGISLATIVE HISTORY

S. 769, United States Research Protection Act of 2025, was introduced on February 27, 2025, by Senator Cornyn (for himself and Senator Padilla) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Curtis was added as a cosponsor. On April 30, 2025, the Committee met in open Executive Session and, by voice vote, ordered S. 769 reported favorably without amendment.

⁵ “Foreign Talent Programs,” MIT, accessed April 11, 2025 (<https://research.mit.edu/security-integrity-and-compliance/foreign-engagement/regulations-and-references/foreign-talent>).

⁶ Shawna A. Matthys, “China’s Hidden Talent: The Thousand Talent Plan,” *Wild Blue Yonder Journal of Air University, Maxwell Air Force Base*, October 26, 2023 (<https://www.airuniversity.af.edu/Wild-Blue-Yonder/Articles/Article-Display/Article/3541536/chinas-hidden-talent-the-thousand-talent-plan/>).

⁷ Ibid.

⁸ Strider Technologies, Inc., *The Los Alamos Club: How the People’s Republic of China Recruited Leading Scientists From Los Alamos National Laboratory to Advance Its Military Programs, 2022* (<https://content.striderintel.com/wp-content/uploads/2022/09/Strider-Los-Alamos-Report.pdf>).

⁹ Ibid.

H.R. 1318, a House companion bill to S. 769, was introduced on February 13, 2025, by Representative Kennedy (for himself and Representative Stevens) and was referred to the Committee on Science, Space, and Technology of the House of Representatives. On March 24, 2025, the House passed H.R. 1318 by voice vote.

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H.R. 7686, a bill to amend the Research and Development, Competition, and Innovation Act to clarify the definition of foreign country for purposes of malign foreign talent recruitment restriction, and for other purposes, was introduced on March 15, 2024, by Representative Garcia (CA) (for himself and Representative Stevens) and was referred to the Committee on Science, Space, and Technology of the House of Representatives. On March 30, 2024, the Committee met in open Executive Session and, by vote of 38–0, ordered H.R. 7686 reported favorably with an amendment (in the nature of a substitute). On September 9, 2024, H.R. 7686 passed the House under suspension of the rules by voice vote.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 769, United States Research Protection Act of 2025			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on April 30, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Mandate Effects	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 769 would clarify that the prohibition on receiving benefits related to participation in programs sponsored by foreign countries for researchers who receive federal funds includes the indirect provision of such benefits. CBO estimates that implementing S. 769 would have no effect on the federal budget over the 2025–2030 period.

The CBO staff contact for this estimate is Johnny Willing. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 769 would cover a broader range of individuals and entities by clarifying that the term “foreign country of concern” includes those indirectly affiliated with malign foreign talent recruitment programs. This expansion may subject additional foreign institutions, researchers, and associated programs to scrutiny under existing federal restrictions on participation in federally funded research. While the bill would not create new categories of regulated persons, it extends the reach of current law to ensure more comprehensive oversight of foreign influence in U.S. research enterprises.

ECONOMIC IMPACT

S. 769 would have a minimal impact on the U.S. economy. By clarifying the definition of the term “foreign country of concern” to include indirect affiliations, the bill would close a loophole that has allowed adversaries to exploit U.S. research. These safeguards would help better prevent theft of critical technologies, strengthen innovation security, and ensure that the economic benefits of U.S. research remain in the domestic economy.

PRIVACY

S. 769 would have no impact on the personal privacy of individuals and does not provide any additional requirements or allowances that would impact business privacy. The bill would not authorize new data collection or require the disclosure of private information by individuals, institutions, or businesses. It would focus solely on clarifying eligibility restrictions related to foreign talent recruitment and does not expand any reporting or surveillance authorities.

PAPERWORK

The Committee does not anticipate a major increase in paperwork burdens resulting from the passage of this legislation.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would provide that the bill may be cited as the “United States Research Protection Act of 2025”.

Section 2. Clarification of definition of foreign country for purposes of malign foreign talent recruitment restriction

This section would amend the Research and Development, Competition, and Innovation Act¹⁰ to extend research partnership restrictions to entities funded or affiliated with foreign countries of concern, even if not designated as talent programs. This section would also redefine the term “malign foreign talent recruitment program” to include any program, position, or activity that provides direct or indirect support from a foreign country of concern.

Lastly, this section would prohibit foreign actors from exploiting loopholes to access U.S. research and innovation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

RESEARCH AND DEVELOPMENT, COMPETITION, AND INNOVATION ACT

[Public Law 117–167]

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DIVISION B—RESEARCH AND INNOVATION

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TITLE VI—MISCELLANEOUS SCIENCE AND TECHNOLOGY PROVISIONS

* * * * *

Subtitle D—Research Security

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[42 U.S.C. 19237]

SEC. 10638. DEFINITIONS.

In this subtitle:

(1) COVERED INDIVIDUAL.—The term “covered individual” means an individual who—

(A) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and

¹⁰ 42 U.S.C. 19237.

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

(2) FOREIGN COUNTRY OF CONCERN.—The term “foreign country of concern” means the People’s Republic of China, the Democratic People’s Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State.

(3) FOREIGN ENTITY OF CONCERN.—The term “foreign entity of concern” means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the SDN list);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country of concern that is a covered nation (as such term is defined in section 4872 of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the Espionage Act);

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the Economic Espionage Act of 1996);

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(E) determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(4) MALIGN FOREIGN TALENT RECRUITMENT PROGRAM.—The term “malign foreign talent recruitment program” [means—

[(A) any program, position, or activity] *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 provided] *whether 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*, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—

[(i)](A) engaging in the unauthorized transfer of intellectual property, materials, data products, or other non-public information owned by a United States entity or developed with a Federal 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;

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

[(iii)](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;

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

[(v)](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;

[(vi)](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;

[(vii)](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;

[(viii)](H) being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or

[(ix)](I) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award[; and].

[(B) a program that is sponsored by—

[(i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;

[(ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain Na-

tional Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115–232); or

[(iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115–232).]

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