

FOREIGN TALENT RECRUITMENT PROGRAMS

WHAT INVESTIGATORS NEED TO KNOW

AS OF DECEMBER 2023

FOREIGN TALENT RECRUITMENT PROGRAM (FTRP)

Foreign Talent Recruitment Program (FTRP)

An effort directly or indirectly organized, managed, or funded by a foreign government, including state-owned enterprises, or a foreign institution to recruit science and technology professionals or students (regardless of citizenship or national origin, and whether having a full-time or part-time position).

Covered Individual

Individual who contributes in a substantive, meaningful way to the scientific development or execution of a research and development proposal to be carried with a research and development award from a Federal research agency and is designated by the Federal research agency as a covered individual.

FOREIGN TALENT RECRUITMENT PROGRAM (FTRP or MFTRP)

The National Science Foundation, Department of Defense, Department of Energy and other federal funding agencies are establishing policies that prohibit sponsored research personnel from participating in Malign Foreign Talent Recruitment Programs (MFTRPs) as required by the CHIPS and Science Act of 2022. However, not all foreign talent recruitment programs are malign.

MALIGN FOREIGN TALENT RECRUITMENT PROGRAM (MFTRP)

Any program, position, or activity that includes compensation in the form of:

- Cash
- In-kind compensation
- Research funding
- Promised future compensation
- Complimentary foreign travel
- Things of non de minimus value
- Honorific titles
- Career advancement opportunities
- Other types of remuneration or consideration

MALIGN FOREIGN TALENT RECRUITMENT PROGRAM

- AND is directly provided to a targeted individual by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country
 - And whether directly or indirectly stated in the arrangement. Contract, or other documentation at issue
- AND is from a country or entity based in a country of concern (as of July 2023, this means China, North Korea, Russia, Iran) or with certain academic institutions or certain foreign talent recruitment programs (see DoD list)
- AND in exchange for the individual engaging in one or more of the following behaviors (next slide)

MALIGN FOREIGN TALENT RECRUITMENT PROGRAM

- Engaging in unauthorized transfer of intellectual property, materials, data products, or other non-public information
- Being unable to terminate involvement in a foreign talent recruitment program except in exceptional circumstances
- Obligations to recruit, enroll, or hire trainees or researchers for such programs, positions, or activity
- Establishing a lab, or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or affiliated with a foreign country IF such activities are in violation of the terms of a federal award
- Through funding or effort, being limited in the capacity to carry out a award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award

MALIGN FOREIGN TALENT RECRUITMENT PROGRAM

- Being required to apply and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient
- Being required to omit knowledge of the recipient institution with which the individual is affiliated, or the federal agency sponsoring the award, contrary to the university policies or terms and conditions of the federal award
- Being required to not disclose to the Federal agency or employing institution the participation in the program, position, or activity
- Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal award

Researcher Obligations

- Participation in a foreign talent recruitment program (FTRP)
 - DISCLOSE on university COI forms and on federal forms (typically Current and Pending/Other Support, and/or Biosketch)
- Participation in a malign foreign talent recruitment program (MFTRP)
 - DISCLOSE on university COI forms and on federal forms (typically Current and Pending/Other Support, and/or Biosketch)
 - AVOID
 - DISENGAGE NOW (if involved in one)
 - In the future, researchers will not be able to receive or apply for federal funding if engaged with a malign foreign talent recruitment program