

Foreign Talent Recruitment Programs

What researchers need to know



RESEARCH
Administration and Compliance

Policy
in Practice

What obligations to researchers have?

- **Participation in a foreign talent recruitment program**

DISCLOSE (in [Novelution Current & Pending Software](#), and on federal forms [typically Current and Pending/Other Support, and/or on Biosketch])

- **Participation in a malign foreign talent recruitment program**

DISCLOSE (in [Novelution Current & Pending Software](#) and on federal forms [typically Current and Pending/Other Support, and/or on Biosketch])

AVOID

DISENGAGE (if involved with one)

• In the future, you will not be able to receive or apply for federal funding if you are engaged with a malign foreign talent recruitment program.

Foreign Talent Recruitment Program (FTRP)

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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 proposed to be carried out with a research and development award from a Federal research agency and is designated by the Federal research agency as a covered individual

**(currently interpreted to mean all PIs and senior/key personnel)*

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 minimis value
- honorific titles
- career advancement opportunities
- other types of remuneration or consideration

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 county of concern, as deemed by the U.S. Department of State (currently, this means China, Iran, North Korea, Russia) or with certain academic institutions



Characteristics of **Malign** FTRPs

- Engaging in unauthorized transfer of intellectual property, materials, data products, or other non-public information
- Being unable to terminate involvement in the foreign talent recruitment program except in exceptional circumstances
- Obligation 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
- Being limited in the capacity to carry out an award or required to engage in work that would result in substantial overlap or duplications with a federal award
- 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 acknowledgement of the recipient institution with which the individual is affiliated, or the federal agency sponsoring the award, contrary to 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

What is **not** a malign foreign talent recruitment program.

The following are **not** considered malign foreign talent recruitment programs **unless** such activities are funded, organized, or managed by an academic institution or a foreign talent recruitment program on the [Department of Defense 1286 list \(reference pages 17-21\)](#) or other U.S.-based entity list developed under section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

- (i) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- (ii) participation in international conferences or other inter- national exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law; and
- (iii) advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request.

Questions?

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