

Overview of Malign Foreign Talent Recruitment Programs

To protect the integrity of federally funded research and ensure compliance with new national security requirements, the University of North Texas Health Science Center (UNT Health) is aligning its policies and procedures with federal mandates regarding foreign talent recruitment programs. The CHIPS and Science Act of 2022 (the Act) established that federal research agencies are required to issue a set of uniform guidelines regarding foreign talent recruitment programs.

Subtitle D, Section 10632 of the Act requires federal research agencies to issue a policy on foreign talent recruitment programs. Specifically, the Act requires each federal agency to issue a specific policy on malign foreign talent recruitment programs, which must include provisions that, as part of a proposal for a research and development award from the agency:

“(1) each covered individual listed in such proposal certify that each such individual is not a party to a malign foreign talent recruitment program ... and annually afterwards for the duration of the award; and

(2) each institution of higher education or other organization applying for such an award certify that each covered individual who is employed by such institution of higher education or other organization has ... complied with the requirement listed above.”

In February 2024, the Office of Science and Technology Policy (OSTP) issued the Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs. The Guidelines instruct agencies to implement the following requirements for researchers on federal research awards:

1. Researchers must disclose if they participate in any foreign talent recruitment programs; and
2. Must attest that they are not a participant in malign foreign talent recruitment programs;
3. And are prohibited from participating in federally funded research and development projects, if they are currently participating in a malign foreign talent recruitment program.

The UNT Health RCOI SFI Disclosure will require Individuals to attest that they are not involved with and do not participate in any *malign foreign talent recruitment programs (MFTRPs)*. UNT Health researchers are prohibited from participating in MFTRPs, per institutional policy 8.105 and in-line with federal requirements. This applies regardless of funding source.

Foreign Talent Recruitment Program (FTRP)

The Office of Science and Technology Policy defines a *foreign talent recruitment program* as “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 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, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.”

Malign Foreign Talent Recruitment Program (MFTRP)

The Act defines a *malign foreign talent recruitment program* as:

(A) “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 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, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—

- engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
- being required to recruit trainees/students or researchers to enroll in such program, position, or activity;
- establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;
- being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- 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;
- 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;
- 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;
- 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
- 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—

- 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;

- an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232); or
- 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. 4001 note; Public Law 115-232).”

Frequently Asked Questions

- **Who is a ‘covered individual’?**

A *covered individual* is anyone listed on a federal research and development proposal who contributes in a substantive, meaningful way to the scientific development or execution of the project. This designation is made by the awarding federal agency and commonly includes Principal Investigators (PIs), co-investigators, and other senior/key personnel (CHIPS and Science Act, 2022, §10638(4); OSTP, 2024, p. 3). Agencies may also define other individuals as covered persons as appropriate and consistent with their mission.

Understanding who qualifies as a covered individual is essential because these individuals must meet federal requirements for disclosing foreign talent program participation and certifying their non-involvement in malign foreign talent recruitment programs.

- **How do I disclose participation in an FTRP? When should I disclose?**

Covered individuals must disclose any participation in FTRPs during the proposal submission process. They must also attest annually that they are not involved in any MFTRPs, even if no changes have occurred. These requirements are mandated by the CHIPS and Science Act (§10632) and reinforced by the 2024 OSTP Guidelines.

At UNT Health, these disclosures are completed through the Research Conflict of Interest (RCOI) disclosure process.

- **How do I know if I am participating in an FTRP or MFTRP?**

Participation in an FTRP generally involves formal or informal agreements with a foreign government or affiliated entity that offer compensation, in-kind support, or professional benefits, such as funding, honorary titles, travel, or academic appointments—in exchange for research-related activities (OSTP, 2024).

A program may be considered an MFTRP if it includes risk indicators such as:

- Concealing foreign affiliations or funding sources,
- Transferring non-public intellectual property or data without authorization,
- Conflicts of interest or commitment that violate federal award terms.

For example, if a researcher is offered a stipend and a title from a foreign university in exchange for publishing under their name or recruiting other researchers, this may need to be reported, and could be subject to federal scrutiny.

Programs listed on the U.S. Department of Defense's annual compilation under Section 1286 of the NDAA (2019) may also receive heightened review (CHIPS and Science Act, 2022, §10632(b); NDAA, 2019, §1286).

- **What is not considered a FTRP?**

Not all international engagement qualifies as a foreign talent recruitment program. Activities that are typically not considered FTRPs include:

- Participating in international academic conferences
- Co-authoring peer-reviewed publications
- Receiving one-time travel reimbursements or honoraria
- Engaging in transparent academic collaborations, provided they do not involve ongoing obligations that conflict with federal award terms

(OSTP, 2024; U.S. Government Accountability Office [GAO], 2023)

- **My research project includes foreign collaborators. Do they have to attest regarding participation in a FTRP or MFTRP?**

Foreign collaborators must complete MFTRP attestations only if they are designated as *covered individuals*—meaning they contribute to the design, conduct, or reporting of a federally funded research project and are named in the proposal (CHIPS and Science Act, 2022, §10632).

However, agency-specific requirements may vary. For example, the National Science Foundation (NSF) and Department of Energy (DOE) may require attestations from subrecipients or foreign key personnel, even if they are not formally designated as covered individuals (NSF, 2024). Please work with the HSC Office of Sponsored Programs to clearly understand and address all of the necessary requirements from the agency funding your research project.

- **Who can I contact for more information?**

For questions about FTRPs/MFTRPs and disclosure requirements, please contact:

- ORSIC (Office of Research Security and International Compliance): orsic@unthsc.edu

For questions about compliance requirements regarding your RCOI disclosure, please contact:

- RCOI Office (Research Conflict of Interest): research.compliance@unthsc.edu

Resources

- The CHIPS and Science Act of 2022 [H.R.4346 - 117th Congress \(2021-2022\): CHIPS and Science Act | Congress.gov | Library of Congress](#)
- Office of Science and Technology Policy: Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs [OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf](#)
- National Institute of Standards and Technology: Strengthening Disclosure Requirements and Assessing Training Could Improve Research Security [National Institute of Standards and Technology: Strengthening Disclosure Requirements and Assessing Training Could Improve Research Security | U.S. GAO](#)

- Department of Defense List of Foreign Talent Programs [FY23 Lists Published in Response to Section 1286 of the National Defense Authorization Act for Fiscal Year 2019 \(Public Law 115-232\), as amended](#)
- Countries of Concern [Countries of Particular Concern, Special Watch List Countries, Entities of Particular Concern - United States Department of State](#)
- National Science Foundation: Proposal & Award Policies & Procedures Guide (PAPPG), NSF 24-1 | https://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf24001
- John S. McCain National Defense Authorization Act for Fiscal Year 2019, Section 1286 (Public Law 115-232) | [115th Congress House Bill 5515](#)
- [HSC Policy 8.105 Research Conflict of Interest](#)
- RCOI SOP
- ORSIC SOP