

UNIVERSITY OF MASSACHUSETTS
POLICY STATEMENT ON MALIGN FOREIGN GOVERNMENT
TALENT RECRUITMENT PROGRAMS*

AMHERST, BOSTON, DARTMOUTH, LOWELL, & CHAN MEDICAL SCHOOL

I. Introduction.

The [Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022, 15 U.S.C. 4651 et seq.](#) prohibits federal employees, contractors, and awardees from participating in Malign Foreign Talent Recruitment Programs (MFTRPs) after August 9, 2024. The National Science Foundation (effective May 20, 2024), National Institutes of Health, Department of Defense (effective August 9, 2024), and other agencies issued MFTRP policies in 2023 and 2024. The Department of Energy has tightly restricted talent program participation since 2019 with DoE Order 486.1A. These efforts align with and are in furtherance of National Security Presidential Memorandum-33, issued January 14, 2021, implementing national security strategies for US Government supported research and development.

II. Policy.

It is the Policy of the University of Massachusetts to comply with NSF, NIH, DoD, DoE and any other agencies' or federal departments' MFTRP requirements. Therefore, in accordance with federal research sponsor requirements (Section 10638(4)(a)(i-ix) of the CHIPS and Science Act of 2022), Covered Individuals who engage in federally funded research are prohibited from participating in MFTRPs.

Covered individuals (as defined below, including, but not limited to, faculty members, graduate and undergraduate students, post-doctoral researchers, and other individuals associated with the University) must report through the campus outside activity and/or conflict of interest disclosure processes any contemplated or current participation in any Foreign Talent Recruitment Program (FTRP). Disclosures should be submitted annually and updated within 30 days of any material changes.

* This Policy Statement is issued pursuant to the Board of Trustee's Policy on Conflicts of Interest Relating to Intellectual Property and Commercial Ventures (DOC. T96-039) ("Conflicts Policy"), as an advisory and guidance to the Conflicts Policy to reflect changes in federal regulation, and was approved by the Conflicts Committee on August 8, 2024, pursuant to Section IV.A of the Conflicts Policy. This Policy Statement shall apply to disclosures of financial interests that involve federally funded activities or activities funded by entities that require adherence to the federal FCOI Regulations.

III. Definitions.

a. Foreign Country of Concern. A “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 deemed to be a country of concern as determined by the Secretary of State.

b. Covered Individual. A “Covered Individual” means:

(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

(B) is designated as a covered individual by the Federal research agency concerned. Agencies may also define other individuals as covered persons as appropriate and consistent with their mission.

c. Foreign Talent Recruitment Program. A “Foreign Talent Recruitment Program” 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 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.

d. Malign Foreign Talent Recruitment Program. A “Malign Foreign Talent Recruitment Program” (MFTRP) means:

(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—

(i) 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;

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

(iii) 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;

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

(v) 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) 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) 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) 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) 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 National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 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. 4001 note; Public Law 115-232).”

e. Participation in a Malign Foreign Talent Recruitment Program. “Participation in a Malign Foreign Talent Recruitment Program” means having an affiliation with or membership in a MFTRP, including a contractual or other binding agreement between an individual and a MFTRP; an individual reporting participation in a MFTRP in a research proposal, curriculum vitae, or resume; or an individual’s identification in a publication listing the individual and a MFTRP.

IV. International Collaborations.

The University of Massachusetts encourages international collaborations and recognizes that foreign influence concerns must not stifle its academic and research goals and missions, discriminate against national origin or ethnicity (or any other protected classes), or inhibit academic or speech freedoms

The following activities are not prohibited unless funded, organized, or managed by an academic institution or Foreign Talent Recruitment Program on the lists developed under the John S. McCain National Defense Authorization Act for fiscal year 2019 ([see Reference](#)):

- (1) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- (2) participation in international conferences or other international 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;
- (3) advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and
- (4) Engaging in the following international activities:
 - a. Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S. Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
 - b. Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).

c. Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the federal research agency.

d. Receiving awards for research and development which serve to enhance the prestige of the federal research agency (e.g., the Nobel Prize).

e. Other international activities determined appropriate by the federal research agency head or designee.

V. Training Resources.

Covered individuals are required to complete training on FTRPs. This training is currently available from two sources: (1) [NSF](#) and (2) [campus CITI Program subscriptions](#). Campuses are required to establish a frequency for Covered Individuals to complete refresher training compliant with federal sponsor requirements.

VI. Additional Links to Resources.

Training on new NSF disclosure requirements: <https://nsfpolicyoutreach.com/resources/nsf-implementation-of-the-common-forms-for-the-biographical-sketch-and-current-and-pending-other-support/>

Department of Defense, Academic Research Security:
<https://basicresearch.defense.gov/Programs/Academic-Research-Security/>

Office of Director of National Intelligence, Research Security
<https://www.dni.gov/index.php/safeguarding-science/research-security>

NSF Research Security:
<https://new.nsf.gov/research-security#mftrp>

NIH Foreign Interference:
<https://grants.nih.gov/policy/foreign-interference.htm>

NIH Foreign Interference Case Studies:
<https://grants.nih.gov/policy/foreign-interference/case-studies>

NIH Foreign Disclosure and Risk Management for SBIR and STTR, pursuant to the SBIR and STTR Extension Act of 2022:
<https://seed.nih.gov/small-business-funding/small-business-program-basics/foreign-disclosure-and-risk-management#collapseOne>