

Policy Title: Foreign Talent Recruitment Programs - Restrictions and Disclosure Requirements Responsible Office: Vice Provost for Research	
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Who Should Read This Policy

All Lehigh University personnel listed as PI or key personnel on a proposal to a federal research sponsor. This includes faculty, staff, postdocs, graduate students, and undergraduate students when applicable.

Introduction

Participation in a foreign talent recruitment program (FTRP) warrants careful consideration, mitigation, and in some cases, complete avoidance. Malign foreign talent recruitment programs (MFTRP) can involve significant risks. Congress, the FBI, and other federal agencies view aspects of certain MFTRPs as threats to the integrity and security of the national research enterprise.

Policy Statement

All Lehigh University researchers who are currently participating in a MFTRP are prohibited from serving as PI or key personnel on a proposal to a federal research sponsor.

All Lehigh University researchers listed on federal proposals as PI or key personnel are additionally responsible for complying with the FTRP and MFTRP disclosure and certification requirements established by individual federal research sponsors and documented in requisite proposal forms.

Due to the nature of these programs, participation in a MFTRP or FTRP may also:

1. Conflict with faculty obligations outlined in Lehigh University's [Rules and Procedures of the Faculty](#),
2. Require disclosure and mitigation as a potential Conflict of Interest per the University's [Conflict of Interest Policy](#), or
3. Require disclosure and mitigation as a Significant Financial Interest per the University's policy on [Financial Conflicts of Interest Related to Research and Sponsored Programs](#).

Definitions

There are two separate definitions to consider:

1. Foreign Talent Recruitment Program (FTRP)

The White House's Office of Science and Technology Policy (OSTP) defines a FTRP 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."

Some activities that do not constitute a FTRP include making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under U.S. law, and participating in international conferences and research projects or other programs that involve open and reciprocal exchanges of scientific information.

2. **Malign** Foreign Talent Recruitment Program (MFTRP)

Sponsored by one of the following:

- A foreign country of concern (the People's Republic of China including Hong Kong and Macau, 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), or
- An entity based in a foreign country of concern, or
- An institution or program included in [this](#) Department of Defense list.

AND INVOLVE

- Unauthorized transfer of intellectual property, materials, data or other nonpublic information;
- Recruitment of trainees or researchers to enroll in such program, position, or activity;
- Establishing a laboratory or entity in a foreign country in violation of terms and conditions of a federal research award;
- Accepting a faculty position, or undertaking any other employment or appointment in violation of the standard terms and conditions of a federal research award;
- Being unable to terminate the activity except in extraordinary circumstances;

- Through funding or effort related to the MFTRP, being limited in capacity to carry out a federal research award;
- Requirement to engage in work that overlaps or duplicates a federal research award;
- Requirement to obtain research funding from the foreign government entities;
- Requirement to omit acknowledgement of the U.S. home institution and/or federal funding agency;
- Requirement to not disclose participation in the program, position, or activity; **OR**
- Having a conflict of interest or commitment contrary to a federal award.

Implementation of Federal Disclosure and Certification Requirements

The CHIPS and Science Act of 2022 directs federal research sponsors to maintain policies that:

1. Require “covered individuals” to disclose all participation in FTRPs, and
2. Prohibit recipients of federal support from participating in any “malign FTRPs” (MFTRPs).

On February 14, 2024, the White House’s Office of Science and Technology Policy’s (OSTP) issued “[Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs](#)”. The guidelines are the results of the CHIPS and Science Act directives to federal research sponsors. The guidelines do not include a timetable for agency implementation. OSTP published Common Disclosure forms on November 1, 2023. Agencies are expected to implement common disclosure forms with individual certifications on varying timelines, and OSTP addresses this to some extent in a [separate memo](#).

These new requirements will be incorporated into proposal forms (e.g. Current and Pending/Other Support, Biosketch) that are already required. The impact to researchers already aware of and complying with these requirements should be minimal. It is critical for personnel to provide complete and accurate information per agency rules and as directed in the requisite forms. This requires review and understanding of the definitions of FTRPs and MFTRPs (see Definitions section above).

Individual Federal Agency Requirements

The Department of Defense, the National Science Foundation, and the Department of Energy have already or are soon implementing related requirements. Below are summaries of each:

Department of Defense (DOD)

Effective August 9, 2024: the DOD is prohibited from providing funding to or making an award of a fundamental research project proposal in which a covered individual is participating in a malign foreign talent recruitment program or to a proposing institution that does not have a

policy prohibiting participation in a MFTRP pursuant to Section 10632 of the CHIPS and Science Act of 2022.

Covered individuals at Lehigh University must accurately complete all requisite DOD proposal forms.

As the proposing institution, Lehigh University complies with the DOD requirement through implementation of this policy.

National Science Foundation (NSF)

Effective May 20, 2024: With implementation of its [NSF 24-1 Proposal and Award Policies and Procedures Guide](#) (PAPPG) and for the duration of its applicability:

1. Individuals who are currently a party to a MFTRP are not eligible to serve as senior/key personnel on an NSF proposal or on any NSF award made after May 20, 2024.
2. Proposals must include the biographical sketch common forms developed by NSTC that addresses MFTRP participation and include a certification by the individual.
3. With each Proposal Certification, the AOR must certify that all individuals identified as senior/key personnel have been made aware of and have complied with their responsibility under that section to certify that the individual is not a party to a MFTRP.

Department of Energy (DOE)

Effective June 1, 2022: [FAL 2022-04 Current and Pending Support Requirements](#) directs DOE Grants Officers to include the following requirement in FOAs:

“All involvement in foreign government-sponsored talent recruitment programs must be identified in current and pending support”.

The FAL defines Foreign Government-Sponsored Talent Recruitment Program. Applicants must comply with the corresponding requirements included in individual FOAs.

Effective September 4, 2020: [DOE Order 486.1A](#) prohibits DOE Contractor Personnel from participating in Foreign Government-Sponsored Talent Recruitment Programs and Other Foreign Government Sponsored or Affiliated Activities of a Foreign Country of Risk, as defined in the Order.

Internal Lehigh University Conflict of Interest Disclosure Requirements

The [Lehigh University Financial Conflicts of Interest Related to Research policy](#) requires disclosure of participation in a Foreign Talent Recruitment Program.

Internal Lehigh University Faculty Rules and Procedures

Section 2.5, “Administration”, of the [Lehigh University Rules and Procedures of the Faculty](#), which address “activities of a professional nature for added compensation”.

Contacts

Direct questions about this policy to the Vice Provost for Research at vpr@lehigh.edu.

References

FY23 Lists Published in Response to Section 1286 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), as

amended <https://basicresearch.defense.gov/Portals/61/Documents/Research%20Security/1286%20List.pdf?ver=nEagju7uAK3DCdfMt9yZGg%3d%3d>

Office of Science and Technology Policy, Executive Office of the President. Policy Regarding Use of Common Disclosure Forms for the “Biographical Sketch” and the “Current and Pending (Other) Support” Sections of Applications by Federal Research Funding Agencies. February 14, 2024.

<https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Common-Disclosure-Form-Policy.pdf>

Office of Science and Technology Policy, Executive Office of the President. Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs. February 14, 2024.

<https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf>

Department of Energy. Financial Assistance Regulations. Financial Assistance Letter. No. FAL 2022-04. June 1, 2022. Department of Energy Current and Pending Support Disclosure

Requirements for Financial Assistance. <https://www.energy.gov/sites/default/files/2022-06/FAL%202022-04%20Current%20and%20Pending%20Support%20Disclosures.pdf>

Department of Energy. Order DOE O 486.1A. September 4, 2020. Foreign Government Sponsored or Affiliated Activities.

<https://www.directives.doe.gov/directives-documents/400-series/0486.1-BOrder-a/@@images/file>

National Science Foundation. Proposal and Award Policies and Procedures Guide (PAPPG). NSF 24-1: Effective for proposals submitted on or due on or after May 20, 2024.

<https://new.nsf.gov/policies/pappg/24-1>

Revision History

19-Jul-2024	References to the Department of Defense 1286 List were updated to include a newly published list
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