

## Guidance Regarding Foreign Talent Recruitment Programs

### Background and Summary

UT is committed to the creation of an institutional culture that values open scientific inquiry and the free exchange of ideas throughout the world. UT is also committed to ensuring the security of international research collaborations, in partnership with federal research agencies. In furtherance of these objectives, UT has adopted [RE0003 – Research Policy on Participation in Foreign Talent Recruitment Programs](#).

RE0003 has two main elements:

1. **Disclosure of FTRPs.** Individuals engaged in research at UT (“investigators”) must disclose any participation in a *foreign talent recruitment program* (FTRP) in the same manner they disclose other outside activities, through UT’s standard [disclosure process](#) and, when applying for or participating in a federal research award, as required by the funding agency’s disclosure process.
2. **Certification Regarding MFTRPs.** Investigators who apply for/ participate in federally funded research are prohibited from participating in a *malign foreign talent recruitment program* (MFTRP). Investigators must certify their non-participation as required by the funding agency at the time of proposal, upon award, and annually thereafter.

This summary guidance is intended to help investigators identify FTRPs and MFTRPs, understand the distinction between FTRPs and MFTRPs, and comply with disclosure and certification requirements. (Full policy details at [RE0003 – Research Policy on Participation in Foreign Talent Recruitment Programs](#).) *When applying for or engaging in federally sponsored research, FTRP participation is **NOT** prohibited but **MUST** be disclosed. Only **MALIGN** programs are prohibited.* Contact your campus research office or conflict of interest administrator with any questions.

### 1. Step 1: Are you participating in a FTRP?

FTRP includes:	Unless funded, organized, or managed by an entity listed <a href="#">here</a> , or otherwise meeting the requirements of an MFTRP as defined in Step 2 below, the following internat’l collaboration activities do not constitute an FTRP:
<p>Any program, position, or activity involving compensation from a foreign country, or an entity based in or affiliated with a foreign country. Compensation can include:</p> <ul style="list-style-type: none"> <li>• cash or future cash</li> <li>• complimentary travel</li> <li>• honorific titles, or</li> <li>• anything beyond <i>de minimus</i> value</li> </ul> <p>This definition applies even if compensation is not directly stated in a contract.</p>	<ul style="list-style-type: none"> <li>• Routine scientific exchanges (e.g., invited lectures, peer review panels, international conferences)</li> <li>• Publishing non-controlled scientific information</li> <li>• Open exchange of research to advance international scientific understanding</li> <li>• Advising and writing recommendations for foreign students</li> <li>• U.S. sponsored activities</li> <li>• Participating in international technical, scientific, and standards-setting organizations</li> <li>• Fulbright Commission programs</li> <li>• National/international academies or professional societies engaged in publishing open research</li> <li>• Sabbaticals, Visiting Scholars or continuing education activities at an institution of higher education that do not conflict with the federal restrictions (see footnote 1)</li> <li>• Receiving prestigious public awards (e.g., Turing Award)</li> <li>• Other agency-approved international activities</li> </ul>

If you are participating in a FTRP, you must disclose such participation as an outside interest through UT’s [standard disclosure process](#). When applying for a federal research award, you must also disclose your participation to the funding agency through the agency’s standard forms ([BioSketch](#) Common Form, [SciENCv](#), etc.). You must also ensure the FTRP is not a MFTRP as provided in **Step 2 below**.

## 2. Step 2: Is the FTRP a MFTRP?

A FTRP (as identified in Step 1) is considered malign (MFTRP) when **BOTH** conditions 1 and 2 below are met.

(1) The FTRP is associated with a country of concern including:	and	(2) The FTRP requires an individual to do any ONE (or more) of the following:
<ul style="list-style-type: none"> <li>• People’s Republic of China;</li> <li>• Democratic People’s Republic of Korea;</li> <li>• Russian Federation;</li> <li>• Islamic Republic of Iran; <b>OR</b></li> <li>• Any entity listed <a href="#">here</a><sup>1</sup>.</li> </ul>		<ul style="list-style-type: none"> <li>• Engage in the unauthorized transfer of IP, materials, data, etc;</li> <li>• Recruit others to join the activity;</li> <li>• Establish a lab or company;</li> <li>• Accept a position or appointment with a foreign country/entity;</li> <li>• Not terminate a contract or agreement;</li> <li>• Limit their capacity to carry out research or work;</li> <li>• Apply for/receive funding from foreign funding agencies;</li> <li>• Omit acknowledging UT or the sponsoring federal agency;</li> <li>• Not disclose participation in the activity; <b>OR</b></li> <li>• Have a conflict of interest or conflict of commitment.</li> </ul>

**If a FTRP qualifies as a MFTRP, your participation in it is prohibited by federal statute and regulation if you apply for or participate in federally funded research.** If you determine that you participate in a MFTRP, you may not apply for or receive federal research funding and should contact your campus research office immediately. The United States prohibits participation in MFTRPs due to the risks they pose to individual investigators, UT, and national and economic security. For more information on such risks see the White House Office of Science and Technology Policy’s 2020 presentation, [Enhancing the Security and Integrity of America’s Research Enterprise](#).

Investigators **must** certify that they are not participating in a MFTRP when submitting a proposal, upon award, and annually thereafter.<sup>2</sup> The certification must be provided through the funding agency’s standard forms ([BioSketch](#) Common Form, [SciENCv](#), etc.).

### More Information

- RE0003 (Research Policy on Participation in Foreign Talent Recruitment Programs) (2024)
- [GE-0002](#) (Conflict of Interest & Commitment) (2022)
- [CHIPS & Science Act of 2022](#), 42 U.S. Code § 19232; Public Law 116-167 (2022)
- [NSPM-33](#) United States Government-Supported Research and Development National Security Policy (2021)
- [OSTP Foreign Talent Recruitment Program Guidelines](#) (2024)

<sup>1</sup> This link includes the [FY23 NDAA Section 1286\(c\)\(8\) and Section 1286\(c\)\(9\) lists](#).

<sup>2</sup> NSF, DOD, DOE, and NIH have express regulations prohibiting MFTRP participation and requiring certification of non-participation by covered individuals. Additional federal funding agencies who have not expressly adopted MFTRP regulations are anticipated to implement similar prohibitions and requirements.