

# Foreign Talent Recruitment Programs

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RAC Forum

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# Foreign Talent Recruitment Programs (FTRP)

As required by the CHIPS and Science Act of 2022, Section 10631(b), the Office of Science and Technology Policy issued [Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs](#).

These guidelines require federally funded institutions to impose certain requirements and restrictions on the institution's covered individuals engaged in federally funded research projects:

- Requires Covered Individuals to disclose if they are a party to a foreign talent program contract, agreement, or other arrangement, and
- Prohibits Covered Individuals from participating in malign foreign talent programs.

**Covered Individuals** - those who contributes in a substantive, meaningful way to the scientific development or execution of an R&D project proposed to be carried out with an award from a Federal research agency; and is designated as a covered individual by the Federal research agency concerned.

# What is a FTRP?

An initiative aimed at recruiting experts in academia and other sectors to cultivate a non-U.S. nation's domestic talent pool in support of that nation's strategic civil and military goals. The arrangement will typically include a non-U.S. university and a UC researcher but will not ordinarily include UC.

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# What is a malign FTRP?

- Problematic obligations or activities

**AND**

- Programs with problematic sponsorship
  - Countries of concern
    - The People's Republic of China
    - The Democratic People's Republic of Korea (i.e., North Korea)
    - The Russian Federation
    - The Islamic Republic of Iran
  - An entity based in a foreign country of concern
  - An institution or program on certain prohibited lists

More details [UCOP Foreign Talent Recruitment Programs website](#)

# Timeline

The [OSTP Guidelines](#) require each federal research agency to establish a policy as part of the research grant proposal process which requires covered individuals to certify they are not a part of a “malign” foreign talent recruitment program.

No later than August 9, 2024 Federal research agencies are required to ***establish a policy*** that includes certification from covered individuals that they are not party to a malign FTRP.<sup>1</sup>

# Implementation of CHIPS & Science Act requirements

**NSF:** Established its policy regarding FTRP and malign FTRP. Effective May 20, 2024. Uses [NSTC Common Forms](#) for certification from senior/key persons.

Other fed agencies: In progress. Expected to move to Common Forms in the future.

Some agencies have their own FTRP requirements separate from CHIPS Act requirements.

# DOE: Department of Energy

(pre CHIPS Act implementation)

## Assistance

(Grants and Cooperative Agreements)

- **No individuals** participating on the DOE funded project may participating in a Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk
- Currently applies when the requirement is included in the award doc
- Currently certification not required at proposal stage

## Contract funding

(e.g. awards from DOE Labs)

- Currently required under [DOE Order 486.1A](#)
- Contractor personnel are prohibited from participating in Foreign Government-Sponsored Talent Recruitment Programs of a Foreign Country of Risk
- Applies only when a university researcher goes to a DOE site to perform R&D work and the clause is in the award

# Current Process for DOE awards

- SPO CGO will notify the RA or PI when the requirement applies to a DOE award
- PIs are required to review and agree to the requirements through informed consent
- PIs and all others required to report must complete and submit the [DOE FGTRP certification form](#).
- Forms are not returned to SPO, rather sent to [coi-team@berkeley.edu](mailto:coi-team@berkeley.edu)
- COI team informs SPO when forms have been reviewed and cleared
- SPO must wait to sign an award until the review is completed
- University must notify DOE within five (5) business days upon learning that an individual on the project team is or is believed to be participating in a foreign government talent recruitment program of a foreign country of risk

# DOD: Department of Defense

- Currently, FTRP certification requirements only apply when a clause in the agreement requires it.
- PIs are required to review and agree to the requirements through informed consent
- All participants must complete and submit the DOD FTRP certification form.
- If there is any Foreign Components and/or participation in Foreign Government Talent Recruitment Programs to report, please share the information directly with the appropriate personnel at DARPA via email with your assigned Contract and Grant Officer copied in the email.
- The PI is directed to share such information directly to DoD with a copy to the assigned CGO.
- If there are no Foreign Components and/or participation in Foreign Government Talent Recruitment Programs to report, PI is instructed to send an email to the assigned CGO confirming as such.
- The PI is required to keep the Participant Forms for both positive and negative responses.
- Beginning August 9, 2024 participation in a Malign FTRP will be prohibited from receiving funding and if the recipient does not have a policy addressing Malign FTRP.



# NIH: National Institutes of Health

## Biosketches

“A biographical sketch (also referred to as biosketch) documents an individual's qualifications and experience for a specific role in a project.”

- B. Positions, Scientific Appointments and Honors  
List in reverse chronological order all current positions and scientific appointments both domestic and foreign, including affiliations with foreign entities or governments.

Applicants and recipients are required to submit biosketches

- in competing applications for all types of grant programs,
- in progress reports when new senior/key personnel or other significant contributors are identified, and
- to support prior approval requests for changes in senior/key personnel status and changes of recipient organization.

## Other Support (C&P)

“Other Support includes all resources made available to a researcher in support of and/or related to all of their research endeavors, regardless of whether or not they have monetary value and regardless of whether they are based at the institution the researcher identifies for the current grant.”

Effective January 25, 2022, NIH requires the following:

- Supporting documentation, which includes copies of contracts/agreements specific to senior/key-personnel foreign appointments and/or employment with a foreign institution for all foreign activities and resources that are reported in Other Support. If the contracts/agreements are not in English, recipients must provide translated copies.
- PIs are also now required to sign their Other Support

# NIH Disclosures Table

NIH Pre-award and Post-award Disclosures Relating to the Biographical Sketch and Other Support

Type of Activity	Biographical Sketch	Other Support	Annual Project Reports	Post-Award Information Terms & Condition	Disclosure Not Required
Professional preparation (e.g., educational degrees)	X				
Organizational Affiliations and Appointments	X				
Academic, professional, or institutional appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary	X				
All projects currently under consideration from whatever source, and all ongoing projects, irrespective of whether support is provided through the proposing organization, another organization or directly to the individual, and regardless of whether or not they have monetary value (e.g., even if the support received is in-kind such as office/laboratory space, equipment, supplies, or employees.)		X	X	X	
Recently completed support or support that has ended					X
Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, <u>including foreign government-sponsored talent recruitment programs</u>	X (Appropriate placement may be contract-dependent)	X (Appropriate placement may be contract-dependent)			
In-kind contributions not intended for use on the project/proposal being proposed		X	X	X	
Visiting Scholars in Labs funded by an external entity		X		X	
Students and postdoctoral researchers funded by an external entity		X	X	X	
Consulting that falls outside of an individual's appointment; separate from institution's agreement		X	X	X	
Consulting that is considered part of an individual's appointment/agreement with their home institution (e.g., a PI at a foreign institution's retention contracts within their home institution)					X
Travel supported/paid by an external entity to perform research activities with an associated time commitment		X	X	X	
Travel supported/paid by an external entity to attend a conference or workshop					X

NIH Office of Extramural Research

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Lastly, Coming in January 2025 NIH will also be adopting the Commons Forms <https://grants.nih.gov/policy/changes-coming-jan-2025/common-forms-for-bio-sketch.htm>