

Document Type: Policy

Retrieval Number: 11,025

Subject: Malign Foreign Talent Recruitment Programs and Foreign Talent Recruitment Programs

ORGS Office: Office of Sponsored Programs

CMU Partner Office (if applicable): N/A

Originator & Original Date: Melinda Brakenberry 11/5/2024

Annual Final Approval Provided By: Executive Director for Research and Innovation

Applicable Area: Executive Director for Research and Innovation

Revision Date(s) and Name of Editor: Sarah Hall 2/5/2026 (new format only)

Timing of Review: annually in February

Date(s) of Review(s): 2/5/2026

Published Location (website, share drive, etc.): website & share drive

Purpose:

This Policy applies to all Covered Individuals performing research on behalf of the University.

POLICY STATEMENT

The CHIPS and Science Act of 2022 required federal research funding agencies to establish a policy which requires “Covered Individuals” to certify at proposal, and annually thereafter for the duration of the award, that they are not a party to a Malign Foreign Talent Recruitment Program. The CHIPS and Science Act of 2022 also required that the institution (Central Michigan University (CMU)) certify that Covered Individuals have been made aware and comply with the requirement.

The Department of Defense (DoD) further released *Countering Unwanted Foreign Influence in Department-funded Research at Institutions of Higher Education*. This document states that “Beginning 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 addressing malign foreign talent programs pursuant to Section 10632 of the CHIPS and Science Act of 2022.”

In addition, the CHIPS and Science Act of 2022 directs federal agencies to require senior/key personnel to disclose participation in foreign talent recruitment programs.

In response to these requirements, CMU has developed a policy addressing these programs and prohibiting participation in Malign Foreign Talent Recruitment Programs by Covered Individuals.

SCOPE

This policy applies to all Central Michigan University faculty and staff that are Covered Individuals as defined in this policy. Covered Individuals includes those listed as key personnel in fundamental research project proposals.

Key Definitions

- **Covered individuals:** The term “Covered Individual” means an individual who:
 - i. 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
 - ii. is designated as a covered individual by the Federal research agency concerned (Please note that agency definitions may vary.)
- **Foreign Talent Recruitment Program (FTRP):** The CHIPS and Science Act of 2022 defines a FTRP as:
 - i. "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."
- **Malign Foreign Talent Recruitment Program (MFTRP):** A MFTRP encompasses the definition above, where the compensation, research funding, travel, titles or other types of listed remuneration or consideration that is provided to a targeted individual is:
 - “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
 - 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. 2358 note; Public Law 115-232); or
 - iii. 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. 2358 note; Public Law 115-232).”
- The following are not considered malign foreign talent recruitment programs as long as the activity isn’t funded, organized, or managed by an academic institution or foreign talent recruitment program on the 1286 list and the actions are consistent with export control laws, laws regarding confidential or controlled unclassified information, other legal obligations, and CMU policies regarding awards and research.
 - i. Making scholarly presentations and publishing written materials regarding scientific information;
 - ii. Participating 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;
 - iii. Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request.
 - iv. Engaging in the following international activities:
 - 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; providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies; 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.
 - 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.
 - 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 that are not in conflict with the interests of the federal research agency.
 - Receiving awards for research and development which serve to enhance the prestige of the federal research agency.
 - Other international activities determined appropriate by the federal research agency head or designee.

Narrative/Details:

- Central Michigan University prohibits participation by Covered Individuals in Malign Foreign Talent Recruitment Programs.
- Covered Individuals are required to comply with all sponsor policies and certifications regarding Malign Foreign Talent Recruitment Programs as they are developed and implemented and are required to certify that their disclosures are true, complete, and accurate to the best of the Covered Individual’s knowledge.

Remedies

False statements or claims (including intentional omissions) in violation of this policy may result in criminal, civil, administrative, or university penalties.

Exceptions

Due to federal requirements, all Covered Individuals of Central Michigan University must follow the above policy.

Key Systems for Procedures

- **Caution Outside Interests:** Individuals serving a key role on an externally funded project will be required to certify that they are not that, per section 10632 of the CHIPS and Science Act of 2022, a party to a malign foreign talent recruitment program (MFTRP) that meets any of the criteria in section 10638(4)(A)(i)-(ix) of said Act.