



Foreign Government Talent Recruitment Programs



Research Security Program

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Overview of Foreign Government Talent Recruitment Programs

A foreign government sponsored talent recruitment program (talent program) is an effort directly or indirectly organized, managed, or funded by a foreign government to recruit science and technology professionals or students (regardless of citizenship or national origin).

- Many countries sponsor talent recruitment programs for legitimate purposes of attracting researchers in targeted fields.
- Many programs utilize legitimate means of attracting talent, including offering research fellowships and grants to incentivize researchers to physically relocate.
- Involvement with a talent program may be permitted by the university, and federal research sponsors.

However, there are prohibited talent programs, concerns the university needs to review, and university and federal agency policies and procedures that must be followed to be involved.



U.S. Government Concerns with Foreign Government Talent Recruitment Programs

- The U.S. Government and federal sponsors have raised significant concerns with “foreign talent recruitment programs” and “Malign Foreign Government Talent Recruitment Programs”.
- The U.S. Government has expressed concerns that participation in a foreign talent recruitment program could lead to:
 - Undisclosed conflicts of interest or commitment,
 - The inappropriate transfer of federally-funded research to foreign governments, Violation of export control laws, and
 - Theft of intellectual property.
- Any country can sponsor a foreign talent program.
- The U.S. Government is particularly concerned with programs affiliated with China, North Korea, Russia, and Iran.



Restrictions on Involvement with a Foreign Talent Recruitment Program

Involvement with certain talent programs is restricted if it:

- Is a malign foreign talent recruitment program,
- Is a talent program that encourages or directs unethical and criminal behaviors'
- Is a Department of Energy (DOE) contract or subcontract sponsored or affiliated with a foreign country of risk.
- The university reviews and evaluates the talent program criteria, university and federal agency policy and process, and determines if the intuitional risk is unacceptable.



Malign Foreign Government Talent Recruitment Programs

- Participation in a Malign Foreign Government Talent Recruitment Program by any employee or researcher is prohibited.
- A malign foreign talent recruitment program is defined as any type of program, position or activity that involves one or more of the following:
 - 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;

AND



Malign Foreign Government Talent Recruitment Programs, cont.

- Being unable to terminate the activity except in extraordinary circumstances;
- 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's entities;
- Requirement to omit acknowledgement of the U.S. home institution and/or the 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 research award.

AND



Malign Foreign Government Talent Recruitment Programs, cont.

A program that is sponsored by:

- A foreign country of concern:
 - The People's Republic of China including Hong Kong and Macau,
 - North Korea,
 - Russia,
 - 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 academic institution or program on a prohibited government list.



UW's & Federal Government Expectations: Disclosure and Transparency

- Disclosure and transparency are paramount.
- UW officials can help identify problematic talent programs and provide advice for the potential implications of talent program involvement for current and future research opportunities for the individual and the university.
- Employees wanting to participate in talent programs must follow UW and federal agency policies and procedures and most importantly the Conflict of Interest and Conflict of Commitment processes.



UW's & Federal Government Expectations: Conflicts of Commitment/Interest

- Talent programs can give rise to conflicts of interest or commitment and are of continuing concern to federal sponsors and law enforcement officials. Any plans to accept talent program opportunities must be reported so that officials can help assess, explain, and mitigate the potential risks to federal research opportunities.
- Disclosure and transparency are paramount.



Recognizing a Foreign Government Talent Recruitment Program

- Distinguishing features of a foreign government talent recruitment program include:
 - Compensation provided by the foreign state to the targeted individual in exchange for the individual transferring their knowledge and expertise to the foreign country. The compensation can take several forms, such as cash, research funding, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration.
 - Many, but not all, programs aim to incentivize the targeted individual to physically relocate to the foreign state. Of particular concern are those programs that allow for continued employment at U.S. research facilities or receipt of US federal research funds while concurrently receiving compensation from the foreign state.
 - Focus on individual researcher instead of project/subject matter.
 - Remuneration (salary, stipend, research funding, etc.) significantly above “market” for expected activities.
 - Foreign entity title for researcher implies greater connection than underlying facts.



Recognizing a Foreign Government Talent Recruitment Program, cont.

- Distinguishing features of a foreign government talent recruitment program include:
 - Foreign residency application encouraged or facilitated.
 - Requires changing of researcher's primary institute affiliation for purposes of journal citations.
 - Fundamental research purpose unclear or undefined.
 - Requirements to attribute awards, patents, and projects to the foreign institution, even if conducted under U.S. funding.
 - Requirements to recruit or train other talent recruitment plan members, circumventing merit-based processes.
 - Requirements to replicate or transfer U.S.-funded work in another country.



Recognizing a Foreign Government Talent Recruitment Program, cont.

- Distinguishing features of a foreign government talent recruitment program may require:
 - Participant to:
 - Spend a certain amount of time in the foreign country
 - Establish a lab in a foreign country
 - Publish papers listing a foreign institution
 - Recruit others for the program
 - Not report the FGTRP participation to research sponsors
 - A requirement to sign a contract/agreement:
 - Contracts that include language which creates conflicts of commitment and/or conflicts of interest for researchers.
 - The terms of the contract/agreement may be unclear - in a foreign language, and, if translated, may not be translated correctly
 - Contracts may not be terminated without the foreign government's agreement
 - Contracts may include language that violate UW policies, sponsored research requirements, and state and federal law



Securing or Renewing Federal Research Support and Participation in a Foreign Government Talent Recruitment Program

- Participation in a talent program might have an impact on certain federal sponsored research opportunities, depending on agency rules and policies.
 - Department of Energy contractor employees, including UW researchers funded by DOE contracts or subcontracts, are prohibited from participating in certain Foreign Government Talent Recruitment Programs that are sponsored or affiliated with a foreign country of risk.
 - DOE also requires UW to disclose whether applicable personnel are participating in a foreign talent recruitment program.
 - The Department of Defense issued a decision matrix using involvement in talent programs as an evaluation tool for funding awards.



Securing or Renewing Federal Research Support and Participation in a Foreign Government Talent Recruitment Program, cont.

- Federal agencies, including NIH and NSF, have cited Foreign Government Talent Recruitment Programs as potential threats to the U.S. research community.
- NSF and NIH personnel and IPAs are not permitted to participate in foreign government talent recruitment programs.
- Other federal sponsors have not formally stated that they view talent program participation by itself as an inherently problematic or disqualifying factor. This will likely change over time.



Need for Research Transparency and Compliance

- Multiple instances of faculty and researchers failing to disclose links to China and foreign funding.
- Federal government investigated and prosecuted criminal violations resulting in multiple convictions.
- University of Kansas professor was convicted of wire fraud and false statements after he concealed that he was employed by a government-affiliated Chinese university.
- UCSD Dr. resigns amid questions about undisclosed Chinese business.
- Harvard professor convicted for alleged undisclosed links to China.
- Emory ousts two Chinese American researchers after for failing to disclose foreign sources of research funding.
- Harvard and Yale investigated for undisclosed foreign funding.



Foreign Government Talent Recruitment Programs: Part of a National Research Security Effort

- Federal agencies that support research, federal intelligence agencies, federal security agencies, federal law enforcement agencies, and Congress have expressed concern about systematic programs of foreign interference at U.S. research universities.
- Talent programs threaten national security and commerce and the integrity and security of the university research enterprise.



Questions about Foreign Government Talent Recruitment Programs

For Questions about Foreign Government Talent Recruitment Programs please contact

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NSPM-33 Government Next Steps

