



UWM MALIGN FOREIGN TALENT RECRUITMENT PROGRAM POLICY

No: 14-11

Date: April 2025

Authority: CHIPS and Science Act of 2022 (136 Stat. 1366); 42 USC Part C

Initiator: Vice Provost for Research, Office of Research

Responsible Party: Vice Provost for Research, Office of Research

I. Purpose

This policy is issued to comply with federal laws and regulations concerning Malign Foreign Talent Recruitment Programs and their potential influence over federally funded research.

II. Policy

- i. UWM prohibits all personnel from participating in malign foreign talent recruitment programs (MFTRP).
- ii. When required by federal sponsors, “covered individuals” must certify not being party to an MFTRP. Certification may be required 1) at the time of federal research proposal submission, 2) prior to the award of support, 3) as part of the annual progress report, and 4) at any subsequent time the agency determines appropriate during the term of the award.
- iii. When required by federal sponsors, a UWM Authorized Organizational Representative (AOR) must certify that each “covered individual” listed in a federal funding proposal is not party to a malign foreign talent recruitment program, and that “covered individuals” have been made aware of the requirements set forth in this policy.

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

III. Definitions

As provided in the CHIPS and Science Act of 2022:

Covered Individuals: *An individual who-*

A. 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

B. is designated as a Covered Individual by the Federal research agency concerned.

Foreign Talent Recruitment Program (FTRP)

A foreign talent recruitment program is 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.

Malign Foreign Talent Recruitment Program (MFTRP)

(A) 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, 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

(B) 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; For the Act, this “means the People’s Republic of China, 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 Department of State.

(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) a 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).

IV. Contact Information

Questions, including those regarding the interpretation of this policy, may be directed to the Office of Research.

UWM Malign Foreign Talent Recruitment Program Policy

Appendix A

Referenced and Related Documents

- [CHIPS and Science Act of 2022](#)
- [Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs](#)
- [National Security Presidential Memorandum 33 \(NSPM-33\)](#)
- [OSTP's National Security Presidential Memorandum-33 Implementation Guidance](#)