

# NOTIFICATION

## Foreign Talent Recruitment Programs

### Policy, Requirements, and Prohibitions

The Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022 requires federal research funding agencies [e.g., National Science Foundation (NSF), the National Institutes of Health (NIH), the Department of Energy (DOE)] to establish policies that require individuals involved in federally funded research to disclose all participation in foreign talent recruitment programs (FTRPs) and, at the time of proposal, to certify that they are not participating in a malign foreign talent recruitment program (MFTRP). Further, as a recipient of federal research funding, the University of South Carolina must certify that such individuals have been made aware of the requirement.

This notification combined with other mechanisms, including the annual disclosure of outside activities, is provided to ensure that USC faculty and staff participating in federally funded research are aware of this requirement.

#### **USC policy prohibits participation in a MFTRP.**

Malign foreign talent recruitment programs are defined in the [CHIPS and Science Act](#) as follows.

Programs, positions or activities sponsored by a country of concern (China, Iran, North Korea or Russia) or by certain academic institutions which include one or more of the following indicators.

- 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 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.
- Being required to recruit trainees or researchers to enroll in such program, position, or activity
- 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.
- Being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances.
- 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.

- Required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient.
- 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.
- Required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
- Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award.

Additional information regarding these programs can be found in USC Policy RSCH 1.10 Prohibition on Participation in Malign Foreign Talent Recruitment Program.

<https://www.sc.edu/policies/ppm/rsch110.pdf>

If you have joined a talent program or have questions about these programs, please contact Thomas Coggins, Executive Director of Research Administration at [tcoggins@mailbox.sc.edu](mailto:tcoggins@mailbox.sc.edu), or Lisa Johnson, Director, Office of Research Compliance, [lisaj@mailbox.sc.edu](mailto:lisaj@mailbox.sc.edu).