



## Foreign Talent Recruit Program Certification

A Foreign Talent Recruitment Program (FTRP) is a program that recruits science and technology professionals from an outside country. Many foreign talent recruitment programs are for legitimate purposes of attracting researchers in targeted fields. However, some programs, known as "Malign Foreign Talent Recruitment Programs" (MFTRP) promote or even require unethical and/or unlawful behavior or include requirements that may conflict with the terms of federal awards.

NASA requires PI's and project personnel to disclose participation in a FTRP. All Principal Investigators, Co-Principal Investigators, and Co-Investigators proposing to spend ten percent or more of their time in any given year on a NASA funded grant or a cooperative agreement are designated as covered individuals. It is the responsibility of the PI and project personnel to understand all requirements of their sponsor. Additionally, NASA issued guidance pertaining to FTRP and MFTRP, which can be found in the NASA Grant and Cooperative Agreement Manual (GCAM). Covered individuals are prohibited from participating in a MFTRP.

In accordance with section [10631 \(42 U.S.C. § 19231\)](#) of the CHIPS and Science Act of 2022, covered individuals are prohibited from participating in a Federally-funded research and development project if they are currently participating in a malign foreign talent recruitment program. Also, they are required to certify that they are not a party to a MFTRP.

The **definition of Malign foreign talent recruitment program (MFTRP)** is as follows ([42 U.S.C. § 19237\(4\)](#)):

The term "malign foreign talent recruitment program" means-

(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; (country of concern currently identified as: China, North Korea, Russia, or Iran)
- (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; <sup>1</sup> 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; <sup>1</sup> Public Law 115–232).

### CERTIFICATION

\_\_\_ I certify that I am NOT a participant in a MFTRP.

\_\_\_ I certify that I am a participant in a FTRP. I understand that I am required to provide additional information about my participation to Southwestern Community College's (SCC) Office of Institutional Advancement including any signed cop(ies) of my FTRP agreement(s).

\_\_\_ I certify that I am not a participant in a FTRP. I will immediately notify SCC's Office of Institutional Advancement if I decide to participate in a FTRP.

### SIGNATURE

My signature certifies that:

1. The information provided is complete and accurate to the best of my knowledge.
2. I will immediately notify SCC's Office of Institutional Advancement should any participation with a FTRP change.

Name \_\_\_\_\_ Project Role \_\_\_\_\_

Sponsored program \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_