

Policy Name: Foreign Talent Recruitment Programs Policy

Policy Owner: Office of the General Counsel and Research Security

Policy Contact: Terry Bridges, Interim Director, Conflict of Interest, terry.bridges@gtri.gatech.edu and AI Concord, Director of Research Security, concord@gatech.edu

Reviewed By: Chief Research Operations Officer; Executive Vice President for Research; Office of the General Counsel; Governance, Risk and Compliance; GTRI Info and Cybersecurity; GTRI Legal, GTRI Finance and Research Administration; Research Communications; Research Security; Office of Sponsored Programs; Research Integrity Assurance; Researchers

Policy Steering Committee Approval: June 2024

Policy Purpose: This policy outlines Georgia Tech's commitment to ensuring compliance with federal regulations around foreign talent recruitment programs.

Summary of Substantive Policy Elements:

- All employees must disclose participation in Foreign Talent Recruitment Programs.
- All employees and other individuals paid on or participating in federally funded research may not participate in Malign Foreign Talent Recruitment Programs.
- Georgia Tech as an institution must assure and attest to our researchers' compliance with the above requirements.



Georgia Institute of Technology

Foreign Talent Recruitment Programs Policy

Policy No.

Type of Policy: Administrative

Effective Date: TBD

Last Revised: NA

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1. Reason for Policy

This policy ensures Georgia Tech’s compliance with federal law, maintaining the Institute’s eligibility to receive federal research and development funds. The 2022 [CHIPS \(Creating Helpful Incentives to Produce Semiconductors\) and Science Act](#) (P.L. 117-167, Subtitle D-Research Security, Sections 10631-10632) directs federal agencies to (1) ensure that Covered Individuals disclose any participation in a foreign talent recruitment program (FTRP) and (2) prohibit participation by Covered Individuals involved with research and development awards in a malign foreign talent recruitment program (MFTRP).

2. Policy Statement

All Georgia Tech employees and other Covered Individuals who participate in FTRPs must disclose their participation to the Institute. All Covered Individuals must also disclose their participation to the sponsor. The Institute prohibits any Covered Individual from participating in an MFTRP and requires all Covered Individuals to comply with individual sponsor policies regarding FTRPs and MFTRPs.

3. Scope

This policy applies to all Georgia Tech employees and other Covered Individuals.

4. Definitions

Covered Individual	An individual who— (A) contributes in a substantive, meaningful way to the scientific development or execution of a research and
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	<p>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. CHIPS and Science Act, Page 306</p> <p>Anyone paid on or participating in a federal project is a Covered Individual, and the agencies reserve the right to expand this definition. Learn more about Covered Individuals at: https://research.gatech.edu/protecting-your-research#talent</p>
<p>Foreign Talent Recruitment Program</p>	<p>Effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). NSPM-33 Implementation Guidance, Page 23</p>
<p>Malign Foreign Talent Recruitment Program</p>	<p>(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</p>

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;
- (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).

[CHIPS and Science Act](#), Page 306

5. Procedures

Disclosure to Georgia Tech	
Individual Disclosure and Certification	All employees are required to disclose their participation in Foreign Talent Recruitment Programs, including Malign Foreign Talent Requirement Programs, through Georgia Tech's conflict of interest (Col) reporting system and to await approval from the Col Office before participating in such a program. Employees must also certify annually that they are aware of and compliant with this requirement, even if they have nothing to disclose.
Disclosure to Sponsors	
Individual Certification	Covered Individuals must comply with all sponsor requirements regarding FTRPs and MFTRPs. All Covered Individuals are required to certify at the time of submitting a proposal for U.S. federal funding and annually thereafter that they are aware of the prohibition on MFTRPs and are not participating in a MFTRP.
Institutional Certification	Georgia Tech must certify that Covered Individuals, whether employed by Georgia Tech or not, are aware of and compliant with the requirement to disclose their participation in an FTRP and the prohibition on participating in a MFTRP.

6. Forms

Title	Link
External Activity Report	https://gatech.service-now.com/home?id=sc_category&sys_id=8fcc2da51b727c5829eba8e2b24bcb77&catalog_id=4a2d2870b39313007a6de81816a8dc29

7. Frequently Asked Questions

Please see <https://research.gatech.edu/protecting-your-research#talent> for additional information.

8. Responsibilities

Employees

All employees must disclose their participation in FTRPs, including MFTRPs.

Covered Individuals

Covered Individuals must disclose their participation in FTRPs and attest that they are not participants in MFTRPs. They must also attest to their awareness of and compliance with these requirements annually.

Office of the General Counsel (OGC)

OGC collects activity disclosures and shares information on any FTRP activity with the Office of Sponsored Programs and Research Security.

Office of Sponsored Programs (OSP)

OSP certifies that Covered Individuals have been made aware of the requirement and are not participants in MFTRPs.

Research Security

Research Security helps Covered Individuals to assess opportunities that may be FTRPs and determine how to proceed.

9. Enforcement

Failure to comply with sponsor requirements may cause awards to be rescinded or terminated or result in restrictions on future contracting for Georgia Tech.

10. Related Information

Resource	Link
CHIPS and Science Act	https://www.congress.gov/117/plaws/publ167/PLAW-117publ167.pdf
Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education	https://media.defense.gov/2023/Jun/29/2003251160/-1/-1/1/COUNTERING-UNWANTED-INFLUENCE-IN-DEPARTMENT-FUNDED-RESEARCH-AT-INSTITUTIONS-OF-HIGHER-EDUCATION.PDF
Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs	https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf

Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development	https://www.whitehouse.gov/wp-content/uploads/2022/01/010422-NSPM-33-Implementation-Guidance.pdf
U.S. Department of Energy Order 486.1 A, Foreign Government Sponsored or Affiliated Activities	https://www.directives.doe.gov/directives-documents/400-series/0486.1-BOrder-a/@@images/file
Protecting Your Research	https://research.gatech.edu/protecting-your-research#talent

11. Policy History

Revision Date	Author	Description
TBD	Office, Department/Unit	New Policy