

	Responsible Executive: Vice President for Research	
	Responsible Office: Office of Research Compliance	
	Effective Date: 08/08/2024	Last Revised: n/a
	Policy Title: Participation in Foreign Talent Recruitment Programs	

Purpose

Northern Arizona University encourages international collaborations that are mutually beneficial and characterized by academic freedom, open and reciprocal exchange of information, transparency, and integrity. To comply with federal law and regulations that require Covered Individuals to disclose participation in Foreign Talent Recruitment Programs (FTRP) and prohibit participation in Malign FTRPs, the University promulgates this policy.

Definitions

Covered Individual: Anyone, including faculty, staff, students, and subrecipient awardees, who a) contributes significantly to the design and/or execution of a research and development project that is, or if selected for award would be, funded by a Federal or non-federal sponsor, and b) is designated as key or senior personnel for the proposed research project.

Foreign Talent Recruitment Program (FTRP): 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.¹

Malign Foreign Talent Recruitment Program:

- (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

¹ For a list of permissible international collaboration activities that do not meet the definition of FTRP, and therefore do not require disclosure under this policy, please see the [FAQ section](#) on the policy website.

(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 participating in any of the following activities:

1. engaging in the unauthorized transfer or 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;
2. being required to recruit trainees or researchers to enroll in such program, position, or activity;
3. 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;
4. being unable to terminate the Foreign Talent Recruitment Program contract or agreement except in extraordinary circumstances;
5. 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;
6. 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;
7. 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;
8. 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
9. 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:

1. 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;²
2. an academic institution on the list³ developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note: Public Law 115-232); or
3. a Foreign Talent Recruitment Program on the list⁴ developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note: Public Law 115-232).

Policy

A. Foreign Talent Recruitment Program Participation and Disclosure

1. NAU employees must seek prior written approval from their supervisor, Chair, and/or Dean before participating in a FTRP to ensure participation in the FTRP does not interfere with the Covered Individual's University responsibilities.
2. All Covered Individuals, including non-employee Covered Individuals (e.g., non-employee students and sponsored project subrecipients), must disclose current participation in any FTRP in Cayuse prior to proposal submission. The Principal Investigator shall coordinate disclosure by all Covered Individuals on the project. The Office of Sponsored Projects shall review the disclosures to ensure compliance with this Policy and applicable sponsor regulations.
3. Covered Individuals must disclose all participation in FTRPs to any Federal sponsoring agency to which they submit a proposal for research and development funding, using the Biographical Sketch and Current and Pending Support (Other) Forms or other disclosure mechanism as specified by the Federal research agency in question.

B. Malign Foreign Talent Recruitment Program Prohibition

1. Covered Individuals are prohibited from participating in any Malign Foreign Talent Recruitment Program (MFTRP).
2. Covered Individuals applying for any research funding, regardless of sponsor, must certify in Cayuse at time of proposal that they are not participating in a MFTRP. When applying for or participating in Federally-funded research, Covered

² The term "foreign country of concern" means any country so designated by the Department of State under 42 US Code § 19221.

³ For the list of academic institutions and Foreign Talent Programs developed under this act, see: <https://basicresearch.defense.gov/Portals/61/Documents/Research%20Security/1286%20List.pdf>

⁴ Ibid.

Individuals must also certify in their Biographical Sketch and Current and Pending Support (Other) Forms at time of proposal, and annually for the duration of the award, that they are not participating in a MFTRP.

Compliance

All Covered Individuals must comply with this Policy. In the event of non-compliance, potential sanctions may include, but are not limited to:

- A. Additional training and/or oversight,
- B. Suspension of the Covered Individual's funding and/or research privileges, and
- C. Discipline, up to and including termination of employment or University affiliation.

Related Information*

[FY2023 List of academic institutions and Foreign Talent Recruitment Programs developed under paragraphs \(8\) and \(9\) of Section 1286\(c\) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(10 U.S.C. 4001 note: Public Law 115-232\)](#)

[China Defense Research Institutions Tracker](#)

[Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022](#)

[Office of Science and Technology Policy \(OSTP\) Guidance](#)

[Countering Unwanted Foreign Influence in Department-funded Research at Institutions of Higher Education](#) (Department of Defense)

[Guidance for Implementing National Security Presidential Memorandum 33 \(NSPM-33\) on National Security Strategy for United States Government-Supported Research and Development](#)

[National Institutes of Health Dear Colleagues Letter, August 20, 2018](#)

Policy History*

8/8/2024: Policy adopted.

* Related Information and Policy History are solely for the user's convenience and are not part of the official university policy.