

# TEMPLE UNIVERSITY

## POLICIES AND PROCEDURES MANUAL

**Title:** Participation in Foreign Talent Recruitment Programs  
**Policy Number:** 02.52.20  
**Issuing Authority:** Office of the President  
**Responsible Officer:** Vice President for Research

**Date Created:** August 2024  
**Date Last Amended/Reviewed:** NA  
**Date Scheduled for Review:** August 2027  
**Reviewing Office:** Office of the Vice President for Research

### **PURPOSE**

Temple University is committed to complying with all research security laws and regulations. This policy is issued to meet new provisions derived from the [Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022 \(the Chips and Science Act, Public Law 117-167, 42 U.S.C. § 19232\)](#), as well as other relevant sponsor requirements which include the following:

- A prohibition of federal research and development awards from being made for any proposal in which a Covered Individual, as defined below, is participating in a Malign Foreign Talent Recruitment Program (MFTRP); and
- A requirement that, to the extent practicable, recipient institutions must prohibit Covered Individuals' participation in an MFTRP.

### **POLICY STATEMENT**

A. Temple University **prohibits** the participation of Covered Individuals in MFTRPs.

B. Covered Individuals must comply with all sponsor policies and certifications regarding foreign talent recruitment programs, including completing disclosures that are true, complete, and accurate to the best of the Covered Individual's knowledge.

C. Temple University requires a Covered Individual to comply with federal research requirements to:

1. Certify at proposal, and annually for the duration of the award, that they are not a party to a MFTRP, and
2. Disclose all participation in foreign talent recruitment programs contracts, agreements, or other arrangements.

D. Certification requirements regarding MFTRPs will apply to awards made on or after **August 9, 2024**.

## **DEFINITIONS**

**Covered Individual(s)**: For the purpose of this policy a Covered Individual is defined as 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 Key Personnel or Covered Individual by a federal research agency.

**Foreign Country of Concern** - the term "Foreign Country of Concern" for the purpose of this Policy is as defined in Section 10638(2) of [CHIPS and Science Act of 2022](#). As of August 9, 2022 the Foreign Countries of Concern are 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 Secretary of State.

**Foreign Talent Recruitment Program**: 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:**

(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;

(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 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) 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,

(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 [National Defense Authorization Act for Fiscal Year 2019 \(NDAA 2019\) Section 1286\(c\)\(8\) List](#); or

(iii) a foreign talent recruitment program on [NDAA 2019 section 1286\(c\)\(9\) List](#).

## **PROCEDURES**

Procedures for compliance will be incorporated into established processes covering disclosures of outside professional activities and submitting proposals to external funding agencies.

## **COMPLIANCE**

Making false statements or claims (including intentional omissions) in violation of this policy can lead to criminal, civil, administrative, and/or university penalties.

## **Notes**

### **1. Dates of official enactment and amendments:**

Approved by the President in August 2024.

### **2. History:**

In July 2024, this policy was created to comply with [Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022](#) (the Chips and Science Act, Public Law 117-167, 42 U.S.C. § 19232 ).

### **3. Cross References**

Policy no. 02.52.12, Financial Conflict of Interests in Research

Policy no. 02.52.13, Policy on Institutional Conflict of Interest in Research

Policy no. 02.54.01, Misconduct in Research and Creative Work