



Participating in Malign Foreign Talent Recruitment Programs

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Affected Parties:
Undergraduate
Graduate
Faculty
Staff
Other

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1.0 Purpose

Virginia Tech is committed to fostering a community that values all cultures, languages, lands, and people. We seek to enrich our global competence and to enhance the quality of life throughout the world with scholarly engagement in education, research, and outreach. Our faculty, students, staff, and alumni have a responsibility for engagement with the Commonwealth, the nation, and the world. That engagement is reflected in who we are, who we aspire to be, and our impact on the global community.

However, Virginia Tech is mindful that some foreign entities seek to collaborate with Virginia Tech faculty, staff, or students for the purposes of recruiting science and technology talent, from all nationalities and disciplines, not always in the best interest of the United States national security, economic security, or foreign policy interests.

As defined under the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022 [Public Law No: 117-167](#), participation in Malign Foreign Talent Recruitment Programs (MFTRPs), which is a program, position, or activity funded, organized, or managed by a foreign country of concern (currently, China, Iran, Russia, North Korea) or a foreign entity of concern is prohibited by CHIPS and Science Act of 2022 for US federal-funding recipients.

2.0 Policy

It is the policy of Virginia Tech that Covered Individuals are prohibited from participating in a MFTRP.

This Policy is enacted to mitigate the extraordinary risks associated with Virginia Tech Covered Individuals participating in a program, position, or activity that meets the definition of a MFTRP, risks that can include debarment from participation in federally sponsored research (both individual and institutional). Additionally, this Policy complies with requirements from federal funding agencies such as National Science Foundation, Department of Energy, and Department of Defense as a result of [National Security Presidential Memorandum 33](#).

Virginia Tech requires that Covered Individuals comply with all federal funding agencies' policies and certifications regarding foreign talent recruitment programs as they are developed and implemented, and that disclosures are true, complete and accurate to the best of the Covered Individual's knowledge. False, fictitious, or fraudulent statements or claims (including intentional omissions) in violation of this policy may result in criminal, civil, administrative or University penalties.



3.0 Procedures

All consulting and outside activities, including Foreign Affiliations as defined by this Policy, must be disclosed to Virginia Tech in accordance with university policies [13010](#), [4070](#), [13045](#), and the Faculty Handbook. Disclosures in the university's disclosure system do not alleviate a Covered Individual's obligation to disclose activities and other support to federal funding agencies within research proposals ([see Office of Sponsored Programs Forms and Guidance](#)). Covered Individuals are responsible for maintaining consistency between Virginia Tech disclosures and disclosures to federal funding agencies. Virginia Tech research administration will advise Covered Individuals of what is reportable to federal funding agencies pursuant to agency requirements. Given the limited staff time and proposal deadlines, proposals need to be submitted as early as possible to Office of Sponsored Programs and in accordance with OSP policies and procedures.

4.0 Definitions

Covered Individual – As defined in CHIPS and Science Act Section 10638 (1), an individual who 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. Generally, this includes faculty, staff, and students funded on a federal research and development award.

Foreign Affiliation— As defined in 15 U.S.C. § 638(e)(16), foreign affiliation means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary). This includes appointments or positions deemed adjunct, visiting, or honorary with research institutions.

Foreign Country of Concern— As defined in 15 U.S.C. § 638(e)(17), foreign country of concern means 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 Entity of Concern— As defined in Section 10638 (c) of the CHIPS and Science Act, foreign entity of concern includes any entity identified on the International Trade Administration's [Consolidated Screening List](#).

Foreign talent recruitment programs that pose a threat to national security— 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).

Institutions having specified characteristics of concern— Foreign Institutions that have been confirmed as engaging in problematic activity as described in Section 1286(c)(9)(A) of the John S. McCain National Defense Authorization Act of 2019.



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Malign Foreign Talent Recruitment Program (MFTRP)— As defined in 42 U.S.C § 19237, 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;
 - (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; 1 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; 1 Public Law 115–232).



5.0 References

- [CHIPS and Science Act 2022 Public Law 117-167](#) (Sections 10631-10638)
- [National Security Presidential Memorandum 33 : Presidential Memorandum on United States Government-Sponsored Research and Development National Security Policy](#)
- [NSPM 33 Implementation Guidance](#)
- National Science Foundation Proposal & Award Policies & Procedures Guide 24-1 – [Summary of Changes](#)
- [DOD Publication: Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education](#)
- [DOE O-486.1: Foreign Government Sponsored or Affiliated Activities](#)
- [DOE O-142.3 Unclassified Foreign National Access Program](#)
- [Financial Assistance Letter 2022-04 Department of Energy Current and Pending Disclosure](#)
- [University Policy 13045](#): Export Controls, Sanctions, and Research Security Policy
- [University Policy 13010](#): Conflict of Interest
- [University Policy 4070](#): Additional/Outside Employment Policy for Salaried Classified and University Staff
- [Office of Sponsored Programs Forms and Guidance](#)
- [Faculty Handbook](#)

6.0 Approval and Revisions

This policy was created, effective May 20, 2024, to comply with the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022 [Public Law No: 117-167](#), which prohibits U.S. federal-funding recipients from participating in Malign Foreign Talent Recruitment Programs (MFTRPs), defined as a program, position, or activity funded, organized, or managed by a foreign country of concern (currently, China, Iran, Russia, North Korea) or a foreign entity of concern.

Approved May 13, 2024, by Executive Vice President and Provost Cyril Clarke and Senior Vice President for Research and Innovation Daniel Sui.