



Policy on Malign Foreign Talent Programs

I. Purpose

The purpose of this policy is to implement federal requirements contained in the CHIPS and Science Act of 2020 (the “Act”). Section 10632 of the Act requires institutions that receive federal funding to prohibit certain personnel from participating in “Malign Foreign Talent Recruitment Programs.”

II. Scope

This policy applies to all WPI personnel who participate in Sponsored Programs (e.g. grants and contracts) at WPI.

III. Definitions

Covered Individual – Any person 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. This includes, without limitation, any individual named as a PI, Co-PI, Co-I, senior personnel, or similar role on behalf of WPI in a grant proposal.

Malign Foreign Talent Recruitment Program -- Any program, position, or activity that

- (i) 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—
 - a. 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;
 - b. being required to recruit trainees or researchers to enroll in such program, position, or activity;
 - c. 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;
 - d. being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
 - e. 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;

- f. 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;
- g. 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;
- h. 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
- i. having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(ii) is sponsored by—

- a. 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;
- b. 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
- c. 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).

Foreign Government Talent Recruitment Program (FGTRP) has the same meaning as Malign Foreign Talent Recruitment Program (MFTRP), except that a FGTRP can be sponsored by *any* foreign country.

Sponsored Program means any externally funded program for research, training, travel, conferences, equipment acquisition, or other similar purpose, and/or any proposal for such a program. This includes, without limitation, all federal and non-federal grants, contracts, co-operative agreements, and interagency personnel assignments.

IV. Policy

1. Covered Individuals at WPI are prohibited from participating in any Malign Foreign Talent Program.
2. Covered Individuals must disclose to WPI whether or not they participate in a Malign Foreign Talent Program or other Foreign Government Talent Recruitment Program.
 - a. Such disclosures must be made pursuant to the Faculty and Staff Conflict of Interest Policy. Disclosures must be submitted prior to the submission of any grant proposal, and at least annually.
 - b. A proposal may not be submitted unless all Covered Individuals named in the proposal have a current disclosure on file.

V. Responsibilities

Covered Individual: Covered Individuals are responsible for submitting appropriate disclosures regarding their participation in MFTRPs and FGTRPs.

Office of Research Integrity & Compliance (ORIC): ORIC is responsible for reviewing all disclosures in a timely manner and determining whether a covered individual may participate in a Sponsored Program on the basis of such disclosure. ORIC shall inform OSP of any Covered Individuals who are restricted from participating in Sponsored Programs.

VI. Questions

If you have questions about this policy, please contact Gabe Johnson, Director of Research Integrity & Compliance, at gjohnson@wpi.edu.

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Responsible Department: Office of Research Integrity and Compliance

Policy Administrator: Director of Research Integrity and Compliance

Effective Date: July 25, 2024

Revision Date: