
Malign Foreign Talent Recruitment Program Prohibition by Federal Agencies

Key Take Away

Being party to a Malign Foreign Talent Recruitment Program may prevent you from receiving federal funding.

Background

This is based on federal law [42 USC 19237](#). The federal definition of a Malign Foreign Talent Recruitment Program, can be found [here](#).

What does this mean to researchers?

If you meet the definition of a “covered individual”¹, you will be required to certify that you are not party to a Malign Foreign Talent Recruitment Program in proposal submission documents to federal funding agencies. This requirement from federal law, has been implemented by National Science Foundation² and will be implemented by National Institutes of Health, Department of Defense and Department of Energy.

You will be required to certify in your proposal submission and on an annual basis for the duration the award. Federal funding agencies have or will implement risk matrices that consider past participation in a Malign Foreign Talent Recruitment Program.

Indicators of a Malign Foreign Talent Recruitment Program

- A written or verbal agreement such as an employment agreement or memorandum of understanding.
- Promised compensation that might include such things as cash or in-kind compensation, research support, complimentary travel, and honorific titles.
- An arrangement that typically includes a non-U.S. university and UC researcher but doesn't always include the UC researcher's institution.
- Support that might be from a non-U.S. government national, provincial, or local sector or include a private entity.
- Requirement that the researcher comply with the laws of the non-U.S. nation.
- Requirement that the researcher commit effort/time in the talent program resulting in conflict of commitment or interest in excess of the standard UC and/or U.S. federal agency requirements.

Other resources:

[How to Identify a Non – U.S. Talent Recruitment Program - PDF](#)

[Short video – Foreign Talent Recruitment Programs](#)

For help contact your local [Research Compliance Office](#) or contact [Marci Copeland](#), Associate Director Systemwide Research Security and Export Control.

¹ 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 a covered individual by the Federal research agency concerned. [42 USC 19237](#)

² For NSF proposals beginning May 20, 2024.