



Promoting and Protecting the U.S. Science and Engineering Enterprise

Council on Government Relations

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Topics Covered

- Malign Foreign Talent Plans
- International Collaboration
- NSPM-33 Implementation Guidance including Research Security Training



Foreign Government Talent Recruitment Programs

Contracts can stipulate quotas for publications, outside funding, patents, and recruitment of other foreign researchers.

Definition: A foreign government sponsored talent recruitment program is an effort organized, managed, or funded by a foreign government to recruit science and technology professionals or students (regardless of citizenship or national origin)

Some recruitment programs threaten the transparency, openness, and integrity of scientific research by directing or encouraging inappropriate behaviors of recruited *employees of U.S. academic research organizations*.

Under certain programs, U.S. university professor may be required to:

List non-U.S. university affiliation before U.S. university on publications

Obtain large amounts of research funding for the non-U.S. university

File a number of patents registered to the non-U.S. government or university



POTENTIAL MALIGN TALENT PROGRAM DEFINITION (PROPOSED IN COMPETES)

- Any program, position, or activity that includes compensation, including cash, research funding, promised future compensation, or things of value, directly provided by the foreign state at any level (national, provincial or local) or other foreign entity, whether or not directly sponsored by the foreign state, to the targeted individual in exchange for the individual—
- (A) transferring intellectual property, materials, or data products owned by a U.S. entity or developed with a federal research and development award exclusively to the foreign country's government or other foreign entity 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 students or researchers to enroll in malign foreign talent programs sponsored by the foreign state or entity; or
- (C) establishing a laboratory, accepting a faculty position, or undertaking any other employment or appointment in the foreign state or entity contrary to the standard terms and conditions of a federal research and development award.



Additional MFTP indicators developed by NSF

- The requirement that in the individual's publications, the foreign organization be acknowledged first, prior to or sometimes instead of the U.S. organization with which the individual is affiliated, or likewise the U.S. funding agency through which they receive federal financial assistance;
- An individual's inability to terminate the talent program contract or agreement except in extraordinary circumstances, especially where the foreign government or its related entities may terminate at any time;
- Funding or effort related to the talent program that impacts the capacity of a researcher to carry out a U.S. federal research and development award or results in substantial overlap or duplication with a U.S. federal research and development award;
- Transferring non-public information to the foreign government or foreign government entity;
- A requirement to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the awardee.



INTERNATIONAL COLLABORATION (PROPOSED IN COMPETES)

INTERNATIONAL COLLABORATION.—Each policy developed under subsection (a) shall not prohibit—

- (1) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- (2) participation in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding;
- (3) advising a foreign student (enrolled at the covered individual's institution of higher education) or writing a recommendation for such a student, at the student's request; and
- (4) other international activities deemed appropriate by the Federal research agency head or their designee.



International Collaboration Catechism--1

- Describe the engagement succinctly and without jargon. Is it fundamental research? If not, what are the institution's policies around creating the engagement?
- Are the terms of the engagement made clear in writing? Have all the participants been identified? Are all participants known to the PI and the PI's institution?
- Are all the participants' conflicts of interest and commitment documented? Are there any aspects of the engagement that are not to be disclosed to any of the participants? If so, what is the reason?
- Is there any aspect of the engagement that seems unusual, unnecessary or poorly specified?
- Where does the funding and other resources needed for the activity come from? Is it clear what each party is providing?



International Collaboration Catechism--2

- Are all the tangible assets of the engagement, existing or to be generated (e.g., data, metadata, profits, equipment, etc.), known? How will they be shared? Who decides how they are allocated?
- How does a participant end their engagement?
- Are scholars expected to reside away from their home institutions as a part of the engagement? If so, how are they chosen for participation in the engagement?
- What are the reporting requirements back to home institutions or organizations?
- Who will control the dissemination of the resulting fundamental research?

^[1] (U) Report | NSF-Commissioned JASON Report JSR-19-21 | “Fundamental Research” | 6 December 2019 | pp. 34-36 | https://www.nsf.gov/news/special_reports/jasonsecurity/JSR-19-21FundamentalResearchSecurity_12062019FINAL.pdf | accessed 14 May 2020 | JASON is an independent group of scientists which advises the US Government on matters of science and technology and is administratively managed by the MITRE Corporation.



NSPM Implementation Guidance

- **Disclosure Policy** — ensuring that federally-funded researchers provide their funding agencies and research organizations with appropriate information concerning external involvements that may bear on potential conflicts of interest and commitment;
- **Oversight and Enforcement** — ensuring that federal agencies have clear and appropriate policies concerning consequences for violations of disclosure requirements and interagency sharing of information about such violations; and,
- **Research Security Programs** — ensuring that research organizations that receive substantial federal R&D funding (greater than \$50 million annually) maintain appropriate research security programs.



Research Security Training Modules

- Partnership among NSF, NIH, DoD, DOE, and FBI
- Solicitation finalized

<https://www.nsf.gov/pubs/2022/nsf22576/nsf22576.htm?org=NSF>



NSF Research Security Website

- <https://beta.nsf.gov/research-security>





