Standard Practice Guide Policies

Prohibition on Participating in Malign Foreign Talent Recruitment Programs 303.10

Applies to: All units of the Regents of the University of Michigan, including its colleges, schools, departments, centers, and institutes and all university community members

I. OVERVIEW

At the University of Michigan, security, safety, and compliance are foundational elements of our research mission to generate and disseminate knowledge in the public interest. These elements are essential to how that knowledge is created, communicated, preserved, and applied. The university requires that all research activities performed on campus adhere to applicable laws, regulations, sponsor requirements, and university policies while maintaining a commitment to the highest possible standards in research and scholarship.

Section 10631 of the CHIPS and Science Act requires that Federal research agencies, to the extent practicable, require recipient institutions to prohibit participation in a Malign Foreign Talent Recruitment Program by any person who contributes in a substantive, meaningful way to the scientific development or execution of a research and development project funded by a federal agency. This policy serves to ensure the University's compliance with this requirement.

II. SCOPE

This policy outlines the prohibition of participation in a Malign Foreign Talent Recruitment Program by University of Michigan faculty and staff. It applies to all units of the Regents of the University of Michigan, including its colleges, schools, departments, centers, and institutes.

III. DEFINITIONS

Per Section 10638(4) of the CHIPS and Science Act of 2022, 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; [Per the Act, 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 Department of State.]

(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; 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; Public Law 115-232).

[Lists referenced in items B. (ii) and (iii) are available in Part 3 of the Department of Defense (DoD) document Countering Unwanted Foreign Influence in Department funded Research at Institutions of Higher Education (https://media.defense.gov/2023/Jun/29/2003251160/-1/-1/1/COUNTERING-UNWANTED-INFLUENCE-IN-DEPARTMENT-FUNDED-RESEARCH-AT-INSTITUTIONS-OF-HIGHER-EDUCATION.PDF)].

IV. POLICY

In accordance with federal requirements, the university prohibits participation in Malign Foreign Talent Recruitment Programs.

In addition, the university requires that all community members including but not limited to faculty, staff, students/trainees, and visitors comply with all sponsor 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 individual's knowledge.

V. VIOLATIONS AND SANCTIONS

False, fictitious, or fraudulent statements or claims (including intentional omissions) in violation of this policy may result in criminal, civil, or administrative penalties under federal law. In addition, violators of this policy may be subject to university penalties up to and including suspension or revocation of computer accounts and access to networks and physical facilities, termination of employment, non-reappointment, discharge, dismissal, and/or legal action. Non-compliant individuals may also be subject to termination of federal awards and contracts, suspension or debarment from eligibility for internal and external research funding, and/or revocation of privileges to participate in university research and sponsored projects.

For questions, additional information, or to report activities related to participation in a Malign Foreign Talent Recruitment Program please contact researchsecurity@umich.edu (mailto:researchsecurity@umich.edu).

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Applies To:
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Owner:
Office of the Vice President for Research

Primary Contact:
Office of Research Security

Related Policies:

Conflicts of Interest and Conflicts of Commitment (/policy/201.65-1)
Covered Visitors (/policy/601.42)
Information Security (/policy/601.27)
Insider Threat Program (/policy/601.40)
International Travel Policy (/policy/601.31)
Openness in Research Grants, Contracts, and Agreements (/policy/303.01)
Policy Statement on the Integrity of Scholarship (/policy/303.03)
Principal Investigator Responsibilities (/policy/303.09)
Research Data Stewardship Policy (/policy/303.06)
Research Security (/policy/303.08)
Travel and Business Hosting Expense Policy (/policy/507.10-1)
University Policy on Intellectual Property and Commercialization (/policy/303.04)

Related Links:

University of Michigan Policy for the Identification and Management of Conflict… (https://research-compliance.umich.edu/sites/default/files/resource-download/coi_research_policy.pdf)
Office of Research and Sponsored Projects Foreign Component Policy (https://orsp.umich.edu/wp-content/uploads/sites/13/2026/06/200.05-foreign_component_policy.pdf)
Chips and Science Act of 2022 (https://www.congress.gov/bill/117th-congress/house-bill/4346)