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Personnel Policy on Foreign Government Talent Recruitment Programs

Background

Basic research is one of the underpinnings of America's ability to sustain its position as an innovation leader, its economic strength, and its national security. Openness, transparency, and collaboration are essential for basic research. These are the values that have driven NSF and its global research partners since our inception.

However, open scientific exchange and research faces a challenge from programs sponsored by some foreign governments or affiliates, sometimes referred to as "foreign government talent recruitment programs." In general, such programs disregard intellectual and other proprietary rights, and reflect *foreign state-sponsored attempts to acquire U.S. funded scientific research through foreign government run or funded recruitment programs* that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the United States. Foreign government talent recruitment programs threaten to compromise the values of openness, transparency, collaboration, and integrity of science and engineering research.

These foreign government talent recruitment programs differ greatly from the international scientific research collaborations in which NSF actively participates. Productive international scientific research collaboration relies on reciprocal scientific exchange for mutual benefit, which NSF continues to pursue and which is vital to our mission. NSF is working with the scientific community, our federal partners, and other stakeholders to understand the challenges of talent recruitment programs. The goal is to protect researchers and the public while continuing to promote collaboration and innovation.

This policy provides guidance about the obligations of NSF personnel and IPAs with respect to foreign government talent recruitment programs.¹

¹ Distinguishing features of a foreign government talent recruitment program covered by this policy include:

(a) Compensation provided by the foreign state to the targeted individual in exchange for the individual transferring knowledge and expertise to the foreign country. The compensation can take several forms, such as cash, research funding, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or other consideration.

(b) Recruitment refers to the foreign state sponsor's active engagement in attracting the targeted individual to join the foreign-sponsored program and transfer their knowledge and expertise to the foreign state. The targeted individual may be employed and located in the United States, or in the foreign state. Note that, generally, an invitation by a foreign state to simply attend or present work at an international conference would not constitute recruitment.

Obligations of NSF Personnel and IPAs

As a longstanding obligation of public service, NSF personnel (all NSF employees, including Federal temporary employees; employees appointed under the Visiting Scientist, Engineer, and Educator Program (VSEE); fellows; students; and intermittent experts), as well as Intergovernmental Personnel Act (IPA) assignees have a responsibility to the United States Government and its citizens to place loyalty to the U.S. Constitution, laws, and ethical principles above private gain (5 CFR § 2635.101(a)). Employees of the Federal Government may not accept employment, gifts, or compensation from any foreign government, including any entity which is owned or operated by the foreign government, which may include public research institutions or universities. This prohibition is found in the "emoluments clause" of the U.S. Constitution (Article I, Section 8, Clause 8).

NSF personnel and IPAs must adhere to the following principles of ethical conduct, per Executive Order 12674, as amended by Executive Order 12731:

- 1) Public service is a public trust, requiring NSF personnel and IPAs to place loyalty to the Constitution, the laws, and ethical principles above private gain.
- 2) NSF personnel and IPAs shall not hold financial interests that conflict with the conscientious performance of duty.

There is a risk that participation in foreign government talent recruitment programs by NSF personnel and IPAs will compromise these ethical principles. Such participation poses significant risks of inappropriate foreign influence on NSF policies, programs, and priorities, as well as risk to the integrity of NSF's merit review process and to U.S. national interests.

Policy

To mitigate these risks, NSF personnel employed at and IPAs detailed to NSF are not permitted to participate in foreign government talent recruitment programs. NSF personnel and IPAs must comply with this policy. Failure to do so could result in disciplinary action up to and including removal from Federal Service and referral to the Office of Inspector General. Any questions regarding this policy and whether an affiliation with a foreign government falls within the definition of foreign government talent recruitment programs should be directed to the NSF Designated Agency Ethics Official.