

MIT Export Control

Protecting MIT's open research policy and the free interchange of information among scholars while complying with U.S. Export Control Law

Date: 18 December 2019

Subject: "Talents" Programs

Prepared by: J. C. Johnston

What is a foreign "talents" program?

Any foreign state sponsored attempt to acquire U.S.-funded scientific research through recruitment programs that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the United States.

In general **Foreign Government Talent Recruitment Programs** include any foreign-state-sponsored attempt to acquire U.S. scientific-funded research or technology 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. These recruitment programs are often part of broader whole-of-government strategies to reduce costs associated with basic research while focusing investment on military development or dominance in emerging technology sectors.

The Department of Energy issued an order on 7 July 2019 with fairly clear explanations of Talents programs. Much of the information in this guidance Document is extracted from DOE O 486.1. Full text: <https://www.directives.doe.gov/directives-documents/400-series/0486-1-border/@@images/file>

How does this affect me and MIT?

Association with a Talents Program can lead to ineligibility to receive Federal funding for your research. Currently there is no due process to challenge such a determination or a limit to the time interval over which it is imposed. Past associations may also be concerning to the US Government.

Is there an official list of Talents Programs?

No. Some have been identified but for the most part we are left to our own judgement. Note that entities can frequently change their names once they are identified on a list.

How do I recognize such a program?

Distinguishing features of a foreign government talent recruitment program include:

- Compensation provided by the foreign state to the targeted individual in exchange for the individual transferring their 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 consideration.
- Recruitment in this context 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 U.S., or in the foreign state. Recruitment would not necessarily include an invitation to attend or present work at an international conference.
- Many, but not all, programs aim to incentivize the targeted individual to physically relocate to the foreign state. **Of particular concern are those programs that allow for continued employment at U.S. research facilities or receipt of US Federal research funds while concurrently receiving compensation from the foreign state.**
- Focus on individual researcher instead of project/subject matter
- Remuneration (salary, stipend, research funding, etc.) significantly above "market" for expected activities
- Foreign entity title for researcher implies greater connection than underlying facts
- Foreign residency application encouraged or facilitated
- Requires changing of researcher's primary institute affiliation for purposes of journal citations
- Fundamental research purpose unclear or undefined

If something appears to be too good to be true, you should question it.

Are such programs initiated by a particular country?

Any country can run a talents program. Most of the US Government's attention has been focused on programs originating in China, but talents programs have been identified from India and other nations.

What should you do if you suspect you have been contacted by or have inadvertently become associated with a Foreign Government Talent Recruitment Program?

Contact the MIT Export Control Officer (exportcontrolhelp@mit.edu).