Pre-Award implementation process for Malign Foreign Talent Recruitment Program (MFTRP) certification requirements under CHIPS and Science Act of 2022 and National Security Presidential Memorandum 33 (NSPM-33)

Important Dates:

- NSF implementation date is May 20.
- Government wide implementation date required in NSPM-33 is August 8.

Requirements:

Section 10632 of the CHIPS and Science Act of 2022 (42 U.S.C. § 19232) contains both an individual certification requirement (individuals designated as senior/key persons on a proposal) and an organizational certification regarding malign foreign talent recruitment programs (MFTRP). Every federal agency is required to have certifications in place by August 8, 2024.

NSF is the first agency implementing this requirement, effective for all proposals submitted on or after May 20, 2024. For NSF proposals, certification will be included on the Biographical Sketch and the Current and Pending (Other) Support documents. These will be updated to require the individual to certify that the individual is not a party to a MFTRP (see NSF PAPPG Chapters I.E.2.(b) and II.D.1.e for additional information) prior to proposal submission. NSF will require all senior/key personnel on potential awards to submit updated Current and Pending (Other) Support information prior to making a funding recommendation.

Mason Implementation

This will impact ALL of Mason’s federal proposals. Information will be developed and shared with faculty.

Additionally, ORIA is working on a process to meet the organizational due diligence requirements to verify that individuals are not party to a malign foreign talent recruitment program. We must provide AOR certification that all individuals identified as senior/key personnel have been made aware of and have complied with their responsibility to certify that they are not a party to a MFTRP.

ORIA Conflict of Interest and Research Security personnel will be monitoring PI activity and double-checking self-reports. They will look at current and pending, biosketches, and disclosures as well as COI disclosure and other relevant sources and cross check information. However, the review process will not be ready for May 20. Therefore, we developed the following interim plan:

- Starting May 20, for NSF proposals, please initiate MFTRP ancillary review to RAMPCOI when the current and pending and biosketch are finalized, but no later than when the proposal package is submitted for Dept review. The Dept RA will initiate an MFTRP ancillary review that will go to “RAMPCOIi” recipient, which is received by COI team personnel.
- Dept RAs will create a PDF document, entitled MFTRP, that combined the Current and Pending and biosketches for all senior/key personnel on the proposal (PIs, CoPIs, faculty). Consultants would be included if they are listed as key personnel.
• If there are subrecipients, please include Current and Pending and Biosketch for key personnel for subs as well.

• For subrecipients, please ask subs to include in cover letter the organizational certification:
  o In accordance with Section 10632 of the CHIPS and Science Act of 2022 (42 U.S.C. § 19232), I certify that all individuals identified as senior/key personnel have been made aware of and have complied with their responsibility under that section to certify that the individual is not a party to a malign foreign talent recruitment program.

• If we are subrecipients, you will still need to submit ancillary review to RAMPCOI@gmu.edu for key personnel on our budget. If our Sponsor has a form required, depending on wording, it may be that both the PI and AOR sign. Please share forms with Maggie Ewell, OSP Pre-Award Director, for guidance. If the form is just the organization certification, similar to above, only OSP Pre-Award Director would sign, following completion of COI review.

• The RAMP ancillary review will alert the COI team to look at the PI, biosketch, current and pending, and any additional form(s) the Sponsor requires (e.g., post August 8, DOE separate MFTRP document)

• The ancillary review will have to be approved by COI team before OSP can submit a proposal.