



Last Approved N/A  
Next Review 3 years after approval

Owner Michael Reeves  
Document Area Vice President of Compliance and Ethics  
Applicability Saint Louis University Campus Wide

## Malign Foreign Talent Recruitment Program Policy

Responsible University Official: Vice President for Compliance and Ethics/Jessica Evenson

Policy Owner: Assistant Vice-President Compliance and Ethics/Michael Reeves, Ph.D.

Policy Contact: Assistant Vice-President Compliance and Ethics/Michael Reeves, Ph.D.

### 1.0 Reason for Policy

The Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022 requires federal research funding agencies (i.e., National Science Foundation (NSF), the National Institutes of Health (NIH), the Department of Defense (DoD)) to establish policies that require "covered individuals" to disclose all participation in foreign talent recruitment programs (FTRPs) and to certify at proposal submission, and annually for the duration of the award, that they are not a party to a malign foreign talent recruitment program (MFTRP), and that Saint Louis University (SLU) certify that such individuals have been made aware of the requirement.

In addition, the Department of Defense (DoD) released Countering Unwanted Foreign Influence in Department-funded Research at Institutions of Higher Education, that includes a Policy for Risk-Based Security Reviews of Fundamental Research and associated Decision Matrix. Under this new DoD policy and effective August 9, 2024, the DoD will deny funding if the proposing institution does not have a policy prohibiting participation in a MFTRP.

The purpose of this policy is to comply with new provisions of federal law and regulation, as well as other relevant sponsor requirements. Federal agencies have defined concerns about inappropriate foreign interference by foreign governments over federally funded research. Such interference is not

consistent with the core principles of the U.S. scientific research enterprise, which include transparency, integrity, and fair competition. One significant source of concern is malign foreign talent recruitment programs, as defined below.

## 2.0 Policy Statement

Participation in foreign talent recruitment programs (FTRPs) can involve risks that warrant careful consideration, mitigation, and—in some cases—complete avoidance. Congress, the Federal Bureau of Investigation, and other government organizations view aspects of certain FTRPs as threats to the integrity and security of the national research enterprise. The CHIPS and Science Act (the C&S Act) directs federal research sponsors to maintain policies that:

- require covered individuals to disclose all participation in FTRPs, and
- prohibit recipients of federal support from participating in any malign FTRPs (MFTRPs).

### Covered Individuals

Saint Louis University prohibits participation in malign foreign talent recruitment programs.

SLU requires that Covered Individuals comply with all sponsor policies and certifications regarding MFTRP as they are developed and implemented, and that disclosures are true, complete, and accurate to the best of the covered individual's knowledge.

- SLU requires a Covered Individual to comply with federal research agency policies to:
  - Certify at proposal submission, and annually for the duration of the award, that they are not a party to a MFTRP, and
  - Disclose all participation in FTRP contracts, agreements, or other arrangements.
  - Certifications will not apply to awards made prior to August 9, 2022.

Saint Louis University will take steps to ensure that all Covered Individuals have been made aware of the requirements set forth in this policy.

### University

The University will comply with all sponsor policies and certifications regarding MFTRP as they are developed and implemented.

Saint Louis University will take steps to ensure that all Covered Individuals have been made aware of the requirements set forth in this policy.

## Characteristics of a Malign Foreign Talent Recruitment Program

### 1. Sponsored by a Foreign Country of Concern

Sponsored by 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). Foreign Countries of Concern currently include:

- The People's Republic of China
- The Democratic People's Republic of Korea (North Korea)
- The Russian Federation
- The Islamic Republic of Iran
- An academic institution or foreign talent recruitment program on the list developed under §1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019

## **2. Compensation or Remuneration**

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

## **3. Problematic Obligations or Activities**

Compensation or remuneration is provided to the individual in exchange for:

- 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;
- being required to recruit trainees or researchers to enroll in such program, position, or activity;
- 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;
- being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- 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;

- 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;
- 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;
- 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
- having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award.

## 3.0 Scope

This policy applies to all operating units of Saint Louis University, including Saint Louis University-Madrid, including all faculty, staff, students, volunteers, and other workforce members not otherwise identified.

## 4.0 Procedures

Procedures will be added as needed.

## 5.0 Sanctions

Individuals who fail to comply with this policy and the procedures associated with it may be subject to disciplinary actions guided by the University's Staff Performance Management Policy, SLU Faculty Manual (St. Louis Campus), or Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including separation from the University.

## 6.0 Responsibilities

**Office of University Compliance and Ethics:** Will review any reported activities with and supported by non-US sources and entities in coordination with the Office of Research Integrity.

**Office of the Vice President for Research:** Manage proposal submissions and awards and will make required certifications to Federal Research Agencies regarding this policy and its subject matter.

**Covered Individuals:** Will disclose participation in a Foreign Talent Recruitment Program to Saint Louis University.

**Conflict of Interest Office:** Will collect annual certifications from Covered Individuals and will communicate disclosures to the Office of University Compliance and Ethics.

## 7.0 References

### University Policies Including But Not Limited to:

[Individual Outside Interest Policy](#)

[Non-Retaliation Policy](#)

[Reporting Concerns of Misconduct Policy](#)

[Staff Performance Management Policy](#)

### University Resources Including But Not Limited to:

[SLU Faculty Manual \(St. Louis Campus\)](#)[Student Handbook](#)

### External Resources Including But Not Limited to:

[CHIPS \(Creating Helpful Incentives to Produce Semiconductors\) and Science Act \(P.L. 117-167\)](#)

[Executive Office of the President Guidelines](#) (§10631 of the CHIPS and Science Act of 2022)

[DoD Policy on Countering Unwanted Influence in Department funded Research](#)

## 8.0 Definitions

**Covered Individual:** An individual who—(A) contributes in a substantive, meaningful way to the scientific development or execution of a Research and development project proposed to be carried out with a Research and development award from a Federal Research Agency; and (B) is designated as a covered individual by the Federal Research Agency concerned.

**Foreign Affiliation:** As defined in 15 U.S.C. § 638(e)(16), foreign affiliation means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary). This includes appointments or positions deemed adjunct, visiting, or honorary with research

institutions.

**Foreign Country of Concern:** As defined in 15 U.S.C. § 638(e)(17), 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 Secretary of State.

**Foreign Entity of Concern:** As defined in Section 10638 (c) of the CHIPS and Science Act, foreign entity of concern includes any entity identified on the International Trade Administration's Consolidated Screening List.

**Foreign Talent Recruitment Program:** 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 an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

## 9.0 History

This is a new University policy.

### Approval Signatures

Step Description	Approver	Date
Policy Review Committee	Michael Reeves	Pending
Chief Policy Officer review before PRC	Michael Reeves	9/4/2025

### Applicability

SLUCare, Saint Louis University