



I. 7.10.6 Malign Foreign Talent Recruitment Programs

Chapter 7 - Research and Sponsored Programs	Original Effective Date: December 2024
Section: 7.10 Research Administration	Date Last Reviewed:
Responsible Entity: Vice President for Research	Date Last Revised:

II. Purpose

This policy establishes guidelines to ensure compliance with federal law and other research sponsor regulations. In accordance with these requirements, this policy restricts Covered Employees from participating in Malign Foreign Talent Programs, as defined below, to protect UT Health San Antonio's research integrity, national security, and intellectual property by preventing involvement in programs that pose risks related to foreign influence and undue exploitation.

III. Scope

This policy applies to all faculty, staff, students, postdoctoral researchers, and certain visitors or affiliates of UT Health San Antonio engaged in the design, conduct, or reporting of research under the auspices of UT Health San Antonio, regardless of funding source.

IV. Policy

A. Prohibition of Participation

Covered Employees are prohibited from participating in any Malign Foreign Talent Program as defined by the CHIPS and Science Act. This includes but is not limited to, programs that may require or incentivize sharing confidential or proprietary research information with foreign entities that pose national security risks

B. Disclosure Requirements

1. All Covered Employees must disclose any current or prior affiliations, funding, or other support received from foreign entities, including participation in talent programs as well as any external engagements, collaborations, or affiliations that could potentially be associated with Malign Foreign Talent Recruitment Programs to UT Health San Antonio through the [Enterprise Research Management System \(ERMS\)](#).
2. Disclosure must be made in accordance with HOP 10.1.6 and 10.1.8.

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3. A Covered Employee must certify with any proposal submitted through the Office of Sponsored Programs that they are not a party to a Malign Foreign Talent Recruitment Program and annually thereafter for the duration of the award.
4. UT Health San Antonio must certify to federal funding agencies that a Covered Employee is not party to a Malign Foreign Talent Recruitment Program. This is dependent on honest and accurate disclosure of these relationships by the Covered Employee.

C. Monitoring and Review

1. The OVPR will establish procedures to review disclosures and identify potential involvement in Malign Foreign Talent Recruitment Programs.
2. Any potential non-compliance will be reviewed, and appropriate corrective action will be implemented.

D. Training and Education

UT Health San Antonio will provide mandatory Research Security training for any Covered Employee engaged in research and affiliated personnel on the requirements of the CHIPS and Science Act, including how to recognize Malign Foreign Talent Recruitment Programs and the implications of non-compliance.

E. Reporting and Enforcement

1. Any individual who suspects a violation of this policy must report it to the OVPR or through the anonymous compliance hotline. Retaliation against individuals reporting in good faith is strictly prohibited.
2. Violations of this policy may result in disciplinary action, or loss of current federal research funding and prohibition of the ability to apply for and obtain future federal funding.

V. Definitions

When used in this document, the following words have the meaning set forth below unless the context requires a different meaning.

Covered Employee - anyone responsible for the design, conduct or reporting of research including a principal investigator, co-principal investigator, senior/key personnel or other individual who contributes in a substantive, meaningful way to the scientific development or execution of a research and development proposal or as designated by a federal funding agency as a covered individual.

Malign Foreign Talent Program - As defined by Section 10638 of the CHIPS and Science Act, any program, contract, or arrangement that involves financial or other support from foreign entities with the intent to unduly influence, steal, or otherwise exploit U.S. research or intellectual property.

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- 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:
1. 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;
 2. being required to recruit trainees or researchers to enroll in such program, position, or activity;
 3. 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;
 4. being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
 5. 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;
 6. 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;
 7. being required to omit acknowledgment of the recipient organization 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;
 8. being required to not disclose to the Federal research agency or employing organization, the participation of such individual in such program, position, or activity; or
 9. 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—
1. 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;

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2. an academic institution on the list developed under § 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
 3. a foreign talent recruitment program on the list developed under § 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).
- C. The following are not considered Malign Foreign Talent Recruitment Programs unless such activities are funded, organized, or managed by an academic institution or a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232):
1. making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
 2. participation in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law; and
 3. advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request.

Foreign Entity – Any government, organization, or individual outside of the United States that is not a U.S. citizen or legal permanent resident.

VI. Related References

CHIPS and Science Act of 2022, Title VI, Section 10631: Restrictions on Malign Foreign Talent Recruitment Programs.

National Security Presidential Memorandum-33 (NSPM-33): Enhancing the Security and Integrity of America's Research Enterprise.

National Science Foundation PAPPG 24-1 <https://new.nsf.gov/policies/pappg/24-1/summary-changes>

Institutional Handbook of Operating Policies

[2.5.2 Protection from Retaliation for Reporting Suspected Wrongdoing](#)

[2.5.3 Procedures for Handling Allegations of Retaliation](#)

[10.1.6 Conflicts of Interest in Research and Disclosure](#)

[10.1.8 Conflicts of Interest, Conflict of Commitment, and Outside Activities](#)

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VII. Review and Approval History

The approving authority of this policy is the University Executive Committee.

Effective Date	Action Taken	Approved By	Approval Date
12/2/2024	Policy Origination	Executive Committee	12/2/2024