

Disclosure and Participation in Foreign Talent Recruitment Programs (FTRPs) and Malign Foreign Talent Recruitment Programs (MFTRPs) Policy

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SECTION I. PURPOSE

The purpose of this policy is to ensure compliance with the CHIPS and Science Act of 2022 and related federal regulations. These laws aim to protect U.S. research from foreign interference and ensure transparency in international collaborations. This policy outlines the responsibilities of Covered Persons in disclosing participation in Foreign Talent Recruitment Programs (FTRPs) and prohibits involvement in Malign Foreign Talent Recruitment Programs (MFTRPs) in connection with federally funded research at the University of St. Thomas.

SECTION II. DEFINITIONS

When used in this policy, the following terms have the following meanings:

A. Foreign Talent Recruitment Program (FTRP)

FTRP means 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.

A *foreign talent recruitment program* **does not include** the following international collaboration activities, so long as the activity is not 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. Participating 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;

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; and
4. Engaging in the following international activities:
 - Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the US-Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
 - Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
 - Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the federal research agency.
 - Receiving awards for research and development which serve to enhance the prestige of the federal research agency (e.g., the Nobel Prize).
 - Other international activities determined appropriate by the federal research agency head or designee.

B. Malign Foreign Talent Recruitment Program (MFTRP)

MFTRPs involve China, Iran, North Korea, or Russia, or entities in those countries, and must meet certain other criteria as discussed below. If a program meets at least one criterion in subsections 1 and 2 below, it is a MFTRP and federally funded researchers are prohibited from participating in it under federal mandate. A full definition is available [here](#). The full definition is controlling; however, to paraphrase, a MFTRPs means:

1. Any program, position or activity compensated with cash or in-kind compensation such as complimentary foreign travel, honorific titles, career advancement opportunities, where the compensation is in exchange for one or more of the following:
 - Unauthorized transfer of intellectual property, materials, data products, or other nonpublic information developed through U.S. federal funding to a foreign government or entity affiliated with a foreign country;
 - Being required to recruit trainees or researchers to participate in the program or activity;
 - Establishing a lab or company or accepting a faculty position or other employment if these activities are in violation of standard terms and conditions of a federal award;
 - Being unable to terminate the contract except in extraordinary circumstances;
 - Requiring commitments that limit the capacity to carry out a U.S. federal award or would result in substantial overlap or duplication;

- Being required to apply for or successfully receive funding from the sponsoring foreign government's funding agencies, with the foreign organization as the recipient;
- Being required to omit acknowledgement of the recipient institution or the U.S. federal research agency sponsor, contrary to institutional policies or standard award terms and conditions;
- Being required to withhold information about participation in the program and not to disclose it to the U.S. funding agency or to St. Thomas; OR
- Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the award.

AND

2.

- A foreign country of concern ("FCOC") or an entity based in a FCOC, whether or not directly sponsored by the FCOC.
- An academic institution on the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019 (Public Law 115-232), Section [1286\(c\)\(8\) List](#); or
- A foreign talent recruitment program on the NDAA 2019 Section [1286\(c\)\(9\) List](#).

C. Covered Persons

An individual who 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. It also includes individuals designated as Covered Persons under the applicable federal research agency's respective policy.

D. Federal Research Agency

The federal agency funding the relevant sponsored research project.

SECTION III. PROHIBITION AGAINST CONDUCTING FEDERALLY FUNDED RESEARCH IF INVOLVED IN A MFTRP

In accordance with federal law, Covered Persons are strictly prohibited from participating in any federally funded research at St. Thomas if they are involved in a Malign Foreign Talent Recruitment Program. Violation of this policy may result in disciplinary action, including termination of employment or research privileges.

SECTION IV. REPORTING FTRPS AND MFTRPS TO FUNDING AGENCIES

Covered Persons must report and certify involvement (or lack thereof) in any FTRPs and MFTRPs as required by the policies of the relevant federal research agency. This typically includes annual disclosures via Research.gov or other designated platforms. Failure to certify, or false certification, may result in disqualification from research opportunities and civil or criminal penalties.

SECTION V. REPORTING TO ST. THOMAS

Covered Persons must disclose participation in any FTRPs and MFTRPs as required by the University of St. Thomas's [Employee Conflict of Interest Policy](#) and [Conflict of Interest in Research Policy](#).