

Dear Colleagues,

I am writing to inform you of federal requirements regarding malign foreign government talent recruitment programs as defined in the CHIPS and Science Act of 2022 (the “CHIPS Act”).

The CHIPS Act requires that each federal research agency establish a policy requiring that covered individuals (including senior and key personnel) certify that they are not part of a malign foreign talent recruitment program (defined below) in the proposal submission and annually thereafter. The CHIPS Act also prohibits research and development awards from being made for any proposal in which a covered individual is participating in a malign foreign talent recruitment program. Agencies are beginning to implement these requirements. As such, University researchers who currently participate in a malign foreign talent recruitment program are not eligible for federal research funding.

Federal agencies will require University researchers to certify that they are not members of a malign foreign talent recruitment program in the proposal submission and annually thereafter throughout the duration of the award. NSF is the first agency to require this certification, **beginning May 20, 2024**. The certifications are included in the new “Common Forms” of Biographical Sketch and Current and Pending (Other) Support. NIH has communicated that it expects to adopt the Common Forms in January 2025.

More details, including how you can get advice on complying with these requirements, are described at the end of this message.

We also remind you to follow these standard compliance practices:

- Review the University’s guidance on [foreign talent recruitment programs](#).
- Fully [disclose](#) your outside engagements (domestic and foreign) in accordance with University and federal requirements. This includes annual and ad hoc disclosures through Reporting of Outside Financial Interests, as well as disclosures made through the Biographical Sketch and Current and Pending (Other) Support forms.
- Carefully consider the acceptance of an [international appointment or affiliation](#), particularly in foreign countries of concern (defined by law as including China, Russia, North Korea, and Iran), as these appointments or affiliations may meet the CHIPS Act definition of a malign foreign talent recruitment program.
- Review [Guidance and Advice for Faculty who Engage in Outside Consulting](#).
- Review other [guidance](#) on research security topics.

Thank you for your attention to this important matter.

Regards,  
Steve

**Steve Dewhurst, PhD**  
Vice President for Research

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How to get additional help on this topic:

If you have any questions about how to address the issues in this message, please contact Joe Doyle, Research Security Officer for the University ([joe.doyle@rochester.edu](mailto:joe.doyle@rochester.edu)). You may also contact your Dean or Research Dean with questions.

You may review the latest federal guidance on foreign talent recruitment programs issued by [OSTP](#).

Definition of a “malign foreign talent recruitment program”:

The implementation guidance for NSPM-33 defines a malign foreign talent recruitment program as follows:

Malign foreign talent recruitment program –

(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—

(i) 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;

(ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;

(iii) 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;

(iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;

(v) 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;

(vi) 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;

(vii) 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;

(viii) 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

(ix) 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— (i) 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; [**Currently China, Russia, North Korea, and Iran**] (ii) an academic institution on the list developed under section 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 (iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115–232).