



MEMORANDUM

To: All Research Investigators
From: Ahmad M. Itani, Vice President for Research 
CC: John S. Wiebe, Provost
CC: All Deans
Subject: Malign Foreign Talent Recruitment Programs (MFTRPs)
Date: August 5, 2024

The CHIPS and Science Act of 2022 required federal research funding agencies to establish a policy by August 9, 2024, requiring “Covered Individuals” to certify at proposal, and annually thereafter for the duration of the award, that they are not a party to a Malign Foreign Talent Recruitment Program. The CHIPS and Science Act of 2022 also required that the institution (UTEP) certify that Covered Individuals have been made aware of the requirement and have complied with the requirement.

The Department of Defense (DoD) also released [Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education](#). This document states that “Beginning August 9, 2024, the DoD is prohibited from providing funding to or making an award of a fundamental research project proposal in which a covered individual is participating in a malign foreign talent recruitment program or to a proposing institution that does not have a policy addressing malign foreign talent programs pursuant to Section 10632 of the CHIPS and Science Act of 2022.

In addition, the CHIPS and Science Act of 2022 directs federal agencies to require senior/key personnel to disclose participation in foreign talent recruitment programs. Information regarding foreign talent recruitment programs can be found on UTEP’s Research Security website [here](#). In response to these requirements, UTEP is required to have a policy addressing these programs and prohibit participation in Malign Foreign Talent Recruitment Programs by Covered Individuals. Many of the tenets of these programs conflict with UTEP policy and UTEP Covered Individuals having the capacity to apply for federal funding is an important factor in the sustainability of UTEP’s research mission.

Covered individuals: Per the CHIPS and Science Act of 2022, Section 10638, the term “Covered Individual” means 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. As indicated by B. above, definitions may vary by agency. For example, DoD has specified that Covered Individuals include those listed as key personnel per the DoD guidance, [Countering Unwanted Foreign Influence in Department - Funded Research at Institutions of Higher Education](#).

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Policy: The University of Texas at El Paso prohibits participation by Covered Individuals in Malign Foreign Talent Recruitment Programs. In addition, Covered Individuals are required to comply with all sponsor policies and certifications regarding Malign Foreign Talent Recruitment Programs as they are developed and implemented and are required to certify that their disclosures are true, complete, and accurate to the best of the Covered Individual's knowledge. False statements or claims (including intentional omissions) in violation of this federal regulation may result in criminal, civil, administrative, or university penalties.

The University of Texas at El Paso remains committed to supporting faculty and their research endeavors and will aid in navigating these federally required changes. More information and resources regarding this regulation can be obtained by contacting Dr. Victor M. Manjarrez, Jr., Director of Research Protections at (915) 747-7812 or rso@utep.edu. The Research Protections team welcomes your questions rso@utep.edu.

Failure to comply with this federal requirement and related federal mandates puts research funding at risk and jeopardizes our mission to conduct life-changing research. We thank you, in advance, for your support as we implement these requirements.

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