

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.D.19

AREA: Legal Affairs

SUBJECT: Participation in Foreign Talent Recruitment Programs

1. PURPOSE

This Policy is established to meet the requirements of Governor Greg Abbott's [Executive Order No. GA-48](#) issued on November 19, 2024, requiring all public institutions of higher education to prohibit employees (including faculty, staff, and student workers) from taking part in any Foreign Talent Recruitment Program by a Foreign Adversary.

This Policy is also established to meet the requirements of the CHIPS and Science Act of 2022 (Subtitle D Research Security, Sections 10631, 10632 and 10638 of [U.S. Public Law 117-167](#)), which includes the following requirements for federal research funding:

- Requires Covered Individuals to disclose all participation in a Foreign Talent Recruitment Program (FTRP) contract, agreement, or other arrangement;
- Prohibits federal research and development awards from being made for any proposal in which a Covered Individual is participating in a Malign Foreign Talent Recruitment Program (MFTRP); and
- To the extent practicable, requires recipient institutions to prohibit Covered Individuals participating in an MFTRP from working on projects supported by federal research and development awards.

2. POLICY APPLICABLE TO ALL EMPLOYEES

- 2.1. Employees of the University of Houston System (System) and its universities (including faculty, staff, and student workers) are prohibited from participating in any FTRP by a Foreign Adversary.
- 2.2. If an entity representing a Foreign Adversary offers an employee compensation to participate in an FTRP, the employee must promptly report the offer to their supervisor and the Export Control Office at exportcontrol@uh.edu.
- 2.3. Failure of an employee to comply with any prohibition or requirement in this Policy shall constitute grounds for disciplinary action, up to and including termination of employment.

- 2.4. Each System university must include in its faculty handbook/manual the prohibition stated in Section 2.1. If the university has a staff handbook/manual, the prohibition must also be included in the staff handbook/manual.

3. POLICY APPLICABLE TO COVERED INDIVIDUALS

- 3.1. The System prohibits participation of Covered Individuals in an MFTRP.
- 3.2. Covered Individuals must comply with all System, university, and sponsor disclosure and certification requirements regarding FTRP and MFTRP participation.
- 3.3. System universities must be able to certify to the research funding agency at each submission of a proposal for a federal research and development award that Covered Individuals within their university have been made aware of the requirements and prohibitions set forth in this Policy and that each Covered Individual listed in the proposal is not participating in an MFTRP.
- 3.4. Certification requirements regarding MFTRP participation will not apply to awards made prior to August 9, 2022.

4. DEFINITIONS

4.1. 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 funding agency; and
- b. Is designated as a Covered Individual by a federal research funding agency.

Congressional legislation and federal agencies use different terms for a Covered Individual, such as Principal Investigator (PI), Co-PI, Investigator, Project Director, Project Co-Director, Key Performer, Key Personnel, Senior Personnel, Named Researcher, Named Individuals, and Sponsored Researcher, all of which, for this Policy, have the same meaning.

Status as Covered Individuals is based on their contribution to the project as defined above and is not related to the title of the individual, who could be a faculty member, research scientist, researcher, visiting scientist, student (undergraduate or graduate) or post-doctoral fellow regardless of whether they are paid or unpaid.

- 4.2. Foreign Adversary: A foreign government or foreign non-government person on the U.S. Department of Commerce's foreign adversaries list under [15 C.F.R. § 791.4](#), which currently lists China (including Hong Kong and Macau), Cuba, Iran,

North Korea, Russia, and Venezuelan politician Nicolás Maduro. For purposes of this Policy, Foreign Adversary includes Venezuela under the Nicolás Maduro regime.

- 4.3. Foreign Country of Concern – The term “Foreign Country of Concern” for the purpose of this Policy is as defined in Section 10612 of [CHIPS and Science Act of 2022](#) and currently includes the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, and the Islamic Republic of Iran. Under the legislation, the Secretary of State may designate other countries as such.
- 4.4. Foreign Talent Recruitment Program – A Foreign Talent Recruitment Program as defined by the [Office Science and Technology Policy \(OSTP\) Guidelines](#) is any program, position, or activity that includes compensation directly provided to an individual 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.

Compensation is 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, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Consistent with Section 10632(d) of the [CHIPS and Science Act of 2022](#), an FTRP does not include the following international collaboration activities, so long as the activity is not funded, organized, or managed by an academic institution or an FTRP on the lists developed under paragraphs (8) and (9) of Section 1286(c) of the [National Defense Authorization Act for Fiscal Year 2019](#) (10 U.S.C. 4001 note; Public Law 115-232):

- Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- 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;
- 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
- Engaging in the following international activities:
 - a. 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 U.S.-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.

b. 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).

c. Taking a faculty development leave, 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.

d. Receiving awards for research and development which serve to enhance the prestige of the federal research agency (e.g., the Nobel Prize).

e. Other international activities determined appropriate by the federal research agency head or designee.

4.5. Malign Foreign Talent Recruitment Program – The term is as defined in Section 10638 of the [CHIPS and Science Act of 2022](#) and the [Office Science and Technology Policy \(OSTP\) Guidelines](#) to include any effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students to obtain intellectual property for the benefit of the foreign government’s economic and/or military growth. An FTRP is considered “malign” when the compensation it offers is in exchange for one of the following:

- 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 the FTRP;
- 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 in violation of the terms and conditions of a federal research and development award;

- Being unable to terminate the FTRP contract or agreement except in extraordinary circumstances;
- Through funding or effort related to the FTRP, 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 individual's participation in the FTRP; or
- Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal research and development award

And it is sponsored by one of the following:

- 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;
- An academic institution on the [National Defense Authorization Act for Fiscal Year 2019](#) (NDAA 2019) Section 1286(c)(8) List; or
- An FTRP on the [NDAA 2019](#) Section 1286(c)(9) List.

5. PROCEDURES FOR COVERED INDIVIDUALS

Covered Individuals must:

- Disclose to the University any participation in an FTRP contract, agreement, or other arrangement within 30 days of the participation. Disclosures may be made using the same process to disclose financial conflicts of interest in research described in [System Administrative Memorandum 01.G.03](#);
- Disclose any participation in an FTRP contract, agreement, or other arrangement to the research funding agency at the time of submission of a proposal for a federal research and development award; and
- Certify to the research funding agency at the time of the submission of a proposal for a federal research and development award and annually thereafter for the duration of the award that they are aware of the requirements and prohibitions of this Policy and are not participating in an MFTRP.

6. REFERENCES AND RELATED STATUTES, POLICIES, OR REQUIREMENTS

[CHIPS and Science Act of 2022](#)

[National Defense Authorization Act for Fiscal Year 2019 \(NDAA 2019\)](#)

[Executive Order No. GA-48](#)

[National Security Presidential Memorandum – 33](#) (NSPM-33): Presidential Memorandum on United States Government-Supported Research and Development National Security Policy

[Guidance for Implementing National Security Presidential Memorandum-33](#) (NSPM-33) On National Security Strategy for United States Government-Supported Research and Development; Joint Committee on the Research Environment (JCORE) January 2022 Report

National Science Foundation (NSF) Proposal and Award Policies and Procedures Guide (PAPPG): [NSF Disclosure Requirements](#)

[Office Science and Technology Policy \(OSTP\) Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs](#)

[System Administrative Memorandum \(SAM\) 01.G.03](#) (Financial Conflict of Interest in Research)

7. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Research
Vice Chancellor for Legal Affairs and General Counsel

Review: Every five years

8. APPROVAL

Approved: /Claudia M. Neuhauser/
Vice Chancellor for Research

 /Dona H. Cornell/
Vice Chancellor for Legal Affairs and General Counsel

 /Renu Khator/
Chancellor

Date: July 14, 2025