

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.D.20

AREA: Legal Affairs

SUBJECT: International Contracts and Collaborations Involving Countries of Concern

1. PURPOSE

The University of Houston System (System) is committed to protecting the integrity of university research and educational programs, including the interests of all involved in contractual relationships, global engagements, and international collaborations involving Foreign Persons that arise through mutually beneficial fundamental scientific inquiries, cultural programs, and educational opportunities. These activities strengthen academic and research programs and are fundamental to each university's educational system. However, such activities need to be considered in a risk and compliance framework.

This policy sets out the risk and compliance framework for assessing certain university activities, including formal university Contracts, engagements, and collaborations described in [System Administrative Memorandum \(SAM\) 06.A.11](#), as well as informal individual research collaborations with Foreign Persons or organizations based in countries designated by state and federal laws as Countries of Concern.

2. POLICY

2.1. It is the responsibility of each System university to develop and implement a policy to address the following with respect to International Contracts and International Collaborations with one or more Foreign Persons based in a Country of Concern:

2.1.1. Designation of individuals within the university authorized to review and approve International Contracts and International Collaborations with any Foreign Person based in a Country of Concern;

2.1.2. Process for reviewing and addressing any potential conflicts of commitment, conflicts of interest, export control, or undue foreign influence concerns arising from relationships with one or more Foreign Persons based in a Country of Concern;

2.1.3. Process for providing International Contracts and International Collaborations with any Foreign Person based in a Country of Concern for review and approval;

- 2.1.4. Process for complying with training requirements set forth in this policy; and
- 2.1.5. Process for monitoring and disciplinary action for non-compliance with this policy.
- 2.2. On a quarterly basis, the System Research Security Officer (RSO) shall provide university designated officials under Section 2.1.1 above (University Designated Official) with the list of Countries of Concern.
- 2.3. Federal Funding Agency Research Security Inquiries – System universities must notify the RSO of any federal funding agency’s request for research security related risk reviews. Responses to the inquiring federal funding agency will be coordinated with the university, RSO, and the Office of General Counsel (OGC).
- 2.4. Employees involved in International Contracts or International Collaborations with any Foreign Person based in a Country of Concern are required to complete export control training once every two years.
- 2.5. System universities are prohibited from entering into the following Contracts and Academic Partnerships:
 - 2.5.1. System universities may not maintain Contracts or agreements of any kind or type with a Confucius Institute.
 - 2.5.2. System universities may not enter into or renew a Contract to provide testing, tutoring, or other education software included on the list of prohibited software published on the Texas Higher Education Coordinating Board’s website.
 - 2.5.3. System universities may not participate in an Academic Partnership with a Foreign Source of a Foreign Adversary, or an entity controlled by a Foreign Adversary, that is prohibited under [Texas Education Code, Section 51B.102\(a\)](#).
 - 2.5.4. Unless an exception is granted by the Vice Chancellor for Research based on the criteria set forth in [Executive Order No. GA-48](#), System universities may not enter into a new Contract, Contract extension, or Contract renewal for a good or service with any of the following companies and if applicable, any of its holding companies or subsidiaries:
 - A. A company listed in Section 889 of the [2019 National Defense Authorization Act](#);
 - B. A company listed in Section 1260H of the [2021 National Defense Authorization Act](#);
 - C. A company owned by the government of a Foreign Adversary; or
 - D. A company controlled by any governing or regulatory body located in a Foreign Adversary.

3. DEFINITIONS

- 3.1. Academic Partnership: A written statement of mutual interest in cultural exchange or academic or research collaboration or a faculty or student exchange program, study abroad program, matriculation program, recruiting program, or dual degree program.
- 3.2. Confucius Institute: The term ‘Confucius Institute’ means (A) any program that receives funding or support from either the Chinese International Education Foundation or Center for Language Exchange Cooperation of the Ministry of Education of the People’s Republic of China; or (B) any cultural institute funded by the Government of the People’s Republic of China. For the purpose of this policy, this definition is consistent with the [National Defense Authorization Act for Fiscal Year 2024 \(Public Law 118-31\)](#).
- 3.3. Contract: An agreement, grant, license, or other instrument, including any amendment, extension or renewal, which creates a legally binding obligation on the System or a System university. The title or form of the document does not determine whether it is a Contract. For example, a written document called an “agreement,” a “memorandum of understanding,” or “terms and conditions,” and even if it takes the form of a letter or a purchase order, may still constitute a legally binding Contract.
- 3.4. Country of Concern or Countries of Concern: Country or countries designated by United States government annual reports to Congress and guidance from federal partners, including a Foreign Adversary.
- 3.5. Foreign Adversary: Any of the following countries:
- Country identified by the United States Director of National Intelligence as a country that poses a risk to the national security of the United States in at least one of the three most recent [Annual Threat Assessments of the U.S. Intelligence Community](#) issued pursuant to Section 108B, National Security Act of 1947 ([50 U.S.C. § 3043b](#)); or
 - Country designated by the Texas governor after consultation with the director of the Texas Department of Public Safety.

As of the date of this policy, China (including Hong Kong and Macau), Cuba, Iran, North Korea, Russia, and Venezuela under the Nicolás Maduro regime have been designated by the Texas governor and China, Iran, North Korea, and Russia have been identified by the U.S. Intelligence Community.

- 3.6. Foreign Government: The government or an agent of a country, nation, or group of nations, or a province or other political subdivision of a country or nation, other than the United States government.

3.7. Foreign Source: Any of the following individuals or entities:

- a Foreign Government or agency of a Foreign Government;
- a legal entity created solely under the laws of a Foreign Adversary and having its principal place of business in a Foreign Adversary;
- a partnership, association, organization, or other combination of persons, or a subsidiary of such an entity, organized under the laws of and having its principal place of business in a Foreign Adversary;
- a Political Party of a Foreign Adversary; or
- an agent acting on behalf of an entity described above.

3.8. Foreign Person: Any natural person who is not a lawful permanent resident of the United States, a citizen of the United States, or any other protected individual as defined by 8 U.S.C. § 1324b(a)(3). It also means any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated in the United States or organized to do business in the United States, as well as international organizations, Foreign Governments and any agency or subdivision of a Foreign Government (e.g., diplomatic mission).

3.9. International Contract: Contract with one or more Foreign Persons. A Contract that requires participation with any Foreign Person is also considered an International Contract for the purposes of this policy.

3.10. International Collaboration: Any of the following relationships with one or more Foreign Persons: Academic Partnerships (including student, faculty, and staff exchanges and placements abroad); funded or unfunded research relationships; technical assistance; funded or unfunded professional development, training, and services; funded or unfunded outside appointments, honorary positions, peer review, or distinguished positions; funded or unfunded outside support including but not limited to lab space or other resources, provided either physically or virtually; activities with Foreign Persons compensated by a payment, honorarium, or paid travel expenses.

3.11. Political Party: An organization or combination of individuals whose aim or purpose is, or who are engaged in an activity devoted to, the establishment, control, or acquisition of administration or control of a government, or the furtherance or influencing of the political or public interest, policies, or relations of a government.

4. RISK AND COMPLIANCE REVIEW AND APPROVAL

International Contracts and International Collaborations with any Foreign Person based in a Country of Concern must be reviewed in strict accordance with the following process before being executed or established.

- 4.1. Prior to executing International Contracts or establishing International Collaborations with any Foreign Person based in a Country of Concern, the University Designated Official must review the proposed activity and either deny the request or forward a recommendation to the RSO for final review.
 - 4.2. If the University Designated Official denies the requested activity, then the university must send the System RSO a courtesy copy of the decision.
 - 4.3. Requests for review of International Contracts and International Collaborations under Section 4.1 above must be submitted to the RSO no later than 15 business days in advance of the proposed start date.
 - 4.4. The RSO will complete a risk review of the proposed activity and submit a request to the System Office of General Counsel (OGC) for a compliance review.
 - 4.5. The System OGC will review the request for a compliance review. The combined risk and compliance review shall be forwarded to the Vice Chancellor for Research for consideration.
 - 4.6. The Vice Chancellor for Research will review and determine whether to approve or deny the International Contract or International Collaboration and will notify the requesting university of the decision.
 - 4.7. Records of International Contracts and International Collaborations with any Foreign Person based in a Country of Concern must be maintained in a document management system approved by the RSO.
5. REFERENCES AND RELATED STATUTES, POLICIES, OR REQUIREMENTS
- [CHIPS and Science Act of 2022](#)
- [National Defense Authorization Act for Fiscal Year 2019 \(NDAA 2019\)](#)
- [National Defense Authorization Act for Fiscal Year 2021 \(NDAA 2021\)](#)
- [National Defense Authorization Act for Fiscal Year 2024 \(NDAA 2024\)](#)
- [Texas Education Code Chapter 51B](#)
- [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

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

[SAM 01.G.04 Participation in Foreign Talent Recruitment Programs](#)

[SAM 06.A.11 – International Collaborations](#)

6. REVIEW AND RESPONSIBILITY

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

Review: Every five years

7. APPROVAL

Approved: _____
Vice Chancellor for Research

Vice Chancellor for Legal Affairs and General Counsel

Chancellor

Date: _____