

330.120 Malign Foreign Talent Recruitment Program

Executive Order 50, issued 07-24-24; ~~Amended 11-21-24~~.

A. Statement of Purpose

1. This policy addresses the University's compliance with Section 10632 of the CHIPS and Science Act of 2022 and subsequent policies, memorandum, and guidance issued by federal funding agencies related to Malign Foreign Talent Recruitment Programs. The University is committed to compliance in prohibiting participation in Malign Foreign Talent Recruitment Programs and amplifies its commitment with a higher threshold.

B. Scope and Compliance Policy

1. No employee, including student in employment status, recognized volunteers and all other appointments (paid or unpaid) shall participate in a Malign Foreign Talent Recruitment Program.
 - a. Malign Foreign Talent Recruitment Program means:
 - (1) 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-
 - (a) 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;
 - (b) Being required to recruit trainees or researchers to enroll in such program, position, or activity;
 - (c) 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;

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

(e) 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;

(f) 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;

(g) Being required to omit acknowledgement 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;

(h) 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

(i) Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(2) A program that is sponsored by-

(a) 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;

(b) 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

(c) 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; Public Law 115-232).

b. Foreign Country of Concern means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State.

2. Employees, as defined by [CRR 330.015 Policy on Conflict of Interest](#), shall disclose in accordance with that Policy and, shall provide copies of contracts, agreements, or other arrangements related to their outside interests, as requested by the University.
3. Senior/Key Personnel, and others as required by the University and/or the U.S. government, shall certify as required by the University and the U.S. government that they are not party to a Malign Foreign Talent Recruitment Program and will abide by all other Federal award disclosure requirements.

4. Units responsible for Sponsored Programs throughout the University of Missouri shall certify that researchers have been made aware of the requirement as required by federal funding agencies and the Curators of the University of Missouri.

C. University of Missouri Research Security and Compliance Team

1. University of Missouri Research Security and Compliance Team
Each University within the UM System will have an appointed research security contact who reports to the UM System Director of Research Security and Compliance. [The research security contacts may be, but are not required to be, the same individuals as the export compliance point of contact designated pursuant to CRR 430.020.C.1.](#) The research security contacts shall be members of the University of Missouri Research Security and Compliance Team ("UM RSC Team").
2. Collaboration
Recognizing both the necessity and administrative efficiencies gained, the UM RSC Team shall work in collaboration with each other, and with University of Missouri System Conflict of Interest and Sponsored Programs personnel to meet the needs of the UM System and our federal research funding obligations.
3. Accountability and Alignment
To ensure the accountability and alignment of the UM RSC Team, each Chancellor shall designate one of that University's Vice Chancellors to [work with](#) the UM System Director for Research Security and Compliance, who will jointly approve the following as it relates to the compliance professionals at each institution:
 - a. Recruitment and hiring decisions;
 - b. Disciplinary and termination decisions; and
 - c. Annual performance evaluations and compensation decisions.

[For situations in which concurrence is not reached, the collective decision will be made with the President.](#)

D. Strategies

1. The Director of Research Security and Compliance, in collaboration with the UM RSC Team, will develop the strategies for the UM System to establish, document, and implement processes needed to ensure that the University, and its personnel, remain in full compliance with the prohibition on participation in Malign Foreign Talent Recruitment Programs, while still achieving its academic and global outreach missions.
2. These strategies will be outlined in a Research Security Program which operationalizes this policy, establishes processes, reiterates University of Missouri System commitment to compliance, and provides information and guidance to the University community.
3. Each university has the flexibility to develop university specific strategies and procedures after consultation with the Director of Research Security and Compliance and so long as the strategies are not in conflict with or interfere with the UM System strategies.

E. Implementation

The University of Missouri Research Security and Compliance Team, in collaboration with Conflict of Interest and Sponsored Program personnel, is responsible for the implementation of the prohibition on the participation of people in Malign Foreign Talent Recruitment Programs and the identification of whether covered individuals in the University of Missouri System may be engaged in a Malign Foreign Talent Recruitment Program.

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