

## Guidance for the Identification of Foreign Talent Recruitment Programs

Office of Vice Provost for Research

Harvard University

Harvard University's [Policy](#) defines the prohibition in participating in a **Malign Foreign Talent Recruitment Program** (MFTRP) as well as disclosure requirements.

This document is intended to assist in determining if a Foreign Talent Recruitment Program (FTRP) meets the definition of Malign Foreign Talent Recruitment Program (MFTRP). ***Please refer to the Policy and accompanying FAQ posted under “[Policy on Participation in Foreign Talent Recruitment Programs](#)” for detailed definitions and description of the program.***

As part of the determination process please review any contracts or agreements you have (written or verbal) with the entity that has provided you with any of the benefits listed under the FTRP (see Step-1 below or the policy for additional details) and compare the agreed upon terms or conditions with the questions listed in the following steps.

### 1. Step-1: Are you participating in a FTRP?

[FTRP](#) is 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 an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

*Note: International activities that are not considered part of a FTRP are provided in Appendix I below.*

#### If YES

### 2. Step-2: Is the Program a Malign Foreign Talent Recruitment Program (MFTRP)?

- a. Step-2-a: Is the Program sponsored by:
  - i. A country of concern (currently defined as People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran) or an entity based in a foreign country of concern?
  - ii. an academic institution on the NDAA 2019 Section [1286\(c\)\(8\) List](#) provided in Appendix II, Table 1 below; or
  - iii. A foreign talent recruitment program on the NDAA 2019 Section [1286\(c\)\(9\) List](#) provided in Appendix II, Table 2.

**If YES** (If NO, the FTRP is not defined as a malign program but you need to adhere to policy on FTRP disclosure)

- b. Step-2-b: Does the program you are participating in offer cash or in-kind compensation (complimentary foreign travel, honorary appointments, promised future compensation, research funding, etc.) in exchange for one of the following:
  - i. Engaging in the unauthorized transfer of intellectual property, materials, data, or other nonpublic information;

- ii. Recruiting or training other talent recruitment program members, circumventing merit-based processes;
- iii. Establishing a laboratory or company or accepting a faculty position or other employment in a foreign country in violation of terms and conditions of a Federal research award;
- iv. Applying for and receiving research funding from the foreign institution's government funding agencies with the foreign institution as the awardee, without disclosure to and approval from Harvard University.
- v. Attributing awards, patents, publications, and projects to the foreign institution, even if conducted under a Federal research award, omitting Harvard University and/or the Federal funding agency; or
- vi. Characterized by contracts or agreements with (see Appendix III):
  1. Oppressive termination clauses;
  2. Non-disclosure requirements; or
  3. Duplication of effort under Federal awards or conflicts of commitment with Federal awards

**If YES;** *the program qualifies as a MFTRP, please contact your school representative listed below for advice (If NO, the FTRP is not defined as a malign program but you need to adhere to policy on FTRP disclosure).*

*Note: If you are unsure about any of the questions, please contact your school representative listed below for advice*

School	Email Address
FAS	<a href="mailto:RCP_InternationalCollaborations@harvard.edu">RCP_InternationalCollaborations@harvard.edu</a>
GSE	<a href="mailto:tiffany_blackman@harvard.edu">tiffany_blackman@harvard.edu</a>
HMS	<a href="mailto:international_collaborations@hms.harvard.edu">international_collaborations@hms.harvard.edu</a>
HSDM	<a href="mailto:international_collaborations@hms.harvard.edu">international_collaborations@hms.harvard.edu</a>
HSPH	<a href="mailto:oneill@hsph.harvard.edu">oneill@hsph.harvard.edu</a>
HKS	<a href="mailto:carrie_kachoria@hks.harvard.edu">carrie_kachoria@hks.harvard.edu</a>
SEAS	<a href="mailto:RCP_InternationalCollaborations@harvard.edu">RCP_InternationalCollaborations@harvard.edu</a>
Wyss	<a href="mailto:Keleigh.Quinn@wyss.harvard.edu">Keleigh.Quinn@wyss.harvard.edu</a>
Other Schools	Contact your OSP Rep with Questions

## Appendix I

A 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 a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of Section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232):

1. Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
2. 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;
3. 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
4. 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 sabbatical, 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.

## Appendix II

FY22 [Department of Defense Lists Published](#) in Response to Section 1286 of the NDAA for FY2019 (Public Law 115-232)

**Table 1: Lists of Institutions of the People’s Republic of China, Russian Federation, and other Countries with Specified Characteristics**

Academy of Military Medical Sciences (AMMS)
Academy of Military Medical Sciences, Field Blood Transfusion Institution
Academy of Military Medical Sciences, Institute of Basic Medicine
Academy of Military Medical Sciences, Institute of Bioengineering
Academy of Military Medical Sciences, Institute of Disease Control and Prevention a.k.a. <ul style="list-style-type: none"> <li>• Disease Control and Prevention Institute</li> </ul>
Academy of Military Medical Sciences, Institute of Health Service and Medical Information
Academy of Military Medical Sciences, Institute of Hygiene and Environmental Medicine
Academy of Military Medical Sciences, Institute of Medical Equipment
Academy of Military Medical Sciences, Institute of Microbiology and Epidemiology a.k.a. <ul style="list-style-type: none"> <li>• Institute of Microbial Epidemiology</li> </ul>
Academy of Military Medical Sciences, Institute of Radiation and Radiation Medicine a.k.a. <ul style="list-style-type: none"> <li>• Institute of Radiation and Radiation Medicine</li> <li>• Institute of Electromagnetic and Particle Radiation Medicine</li> </ul>
Academy of Military Medical Sciences, Institute of Toxicology and Pharmacology a.k.a. <ul style="list-style-type: none"> <li>• Institute of Toxicology and Drugs</li> </ul>
Academy of Military Medical Sciences, Military Veterinary Research Institute
Beijing Aeronautical Manufacturing Technology Research Institute (BAMTRI) a.k.a. <ul style="list-style-type: none"> <li>• Aviation Industry Corporation of China's (AVIC) Institute 625</li> </ul>
Beijing Computational Science Research Center (BCSRC) a.k.a. <ul style="list-style-type: none"> <li>• Beijing Computing Science Research Center</li> <li>• CSRC</li> </ul>
Beijing Institute of Technology
Beijing University of Aeronautics and Astronautics (BUAA) a.k.a. <ul style="list-style-type: none"> <li>• Beihang University</li> </ul>
Beijing University of Posts and Telecommunications (BUPT)
Center for High Pressure Science and Technology Advanced Research (HPSTAR) a.k.a. <ul style="list-style-type: none"> <li>• Beijing High Voltage Research Center</li> </ul>

<p>Chinese Academy of Engineering Physics (CAEP) a.k.a.</p> <ul style="list-style-type: none"> <li>• Ninth Academy</li> <li>• Southwest Computing Center</li> <li>• Southwest Institute of Applied Electronics</li> <li>• Southwest Institute of Chemical Materials</li> <li>• Southwest Institute of Electronic Engineering</li> <li>• Southwest Institute of Environmental Testing</li> <li>• Southwest Institute of Explosives and Chemical Engineering</li> <li>• Southwest Institute of Fluid Physics</li> <li>• Southwest Institute of General Designing and Assembly</li> <li>• Southwest Institute of Machining Technology</li> <li>• Southwest Institute of Materials</li> <li>• Southwest Institute of Nuclear Physics and Chemistry (a.k.a., China Academy of Engineering Physics (CAEP) 902 Institute)</li> <li>• Southwest Institute of Research and Applications of Special Materials Factory</li> <li>• Southwest Institute of Structural Mechanics</li> <li>• The High Power Laser Laboratory, Shanghai</li> <li>• The Institute of Applied Physics and Computational Mathematics, Beijing</li> <li>• 901 Institute</li> </ul>
Chinese Academy of Sciences - Shenyang Institute of Automation
Federal Research Center Boreskov Institute of Catalysis
<p>Federal State Budgetary Institution of Science P.I.K.A. Valiev RAS of the Ministry of Science and Higher Education of Russia a.k.a.</p> <ul style="list-style-type: none"> <li>• FTIAN IM K.A.Valiev RAS</li> <li>• FTI RAS</li> <li>• FTIAN</li> </ul>
Harbin Engineering University
Harbin Institute of Technology
Hefei National Laboratory for Physical Sciences at the Microscale
<p>Institute of High Energy Physics (IHEP) a.k.a.</p> <ul style="list-style-type: none"> <li>• Kurchatovskiy Institute ITEP</li> </ul>
<p>Institute of Solid-State Physics of the Russian Academy of Sciences (ISSP) a.k.a.</p> <ul style="list-style-type: none"> <li>• Institute of Solid-State Physics of the Academy of Sciences SSSR</li> <li>• Federal State Budgetary Institution of Science Institute of Solid-State Physics N.A. Yu. A. Osipyanof the Russian Academy of Sciences</li> </ul>
Mabna Institute
<p>Moscow Institute of Physics and Technology (MIPT) a.k.a.</p> <ul style="list-style-type: none"> <li>• MFTI</li> </ul>

Moscow Order of the Red Banner of Labor Research Radio Engineering Institute JSC a.k.a. <ul style="list-style-type: none"> <li>• MNIRTI JSC</li> </ul>
Nanjing University of Aeronautics and Astronautics
Nanjing University of Science and Technology
National University of Defense Technology (NUDT) a.k.a. <ul style="list-style-type: none"> <li>• Central South CAD Center</li> <li>• CSCC</li> <li>• Hunan Guofang Keji University</li> </ul>
Northwestern Polytechnical University a.k.a. <ul style="list-style-type: none"> <li>• Northwestern Polytechnic University</li> <li>• Northwest Polytechnic University</li> <li>• Northwest Polytechnical University</li> </ul>
Ocean University of China
Rzhanov Institute of Semiconductor Physics, Siberian Branch of Russian Academy of Sciences a.k.a. <ul style="list-style-type: none"> <li>• IPP SB RAS</li> <li>• Institute of Semiconductor Physics IM A.V. Rzhanov</li> </ul>
Sichuan University
Sun Yat-Sen University
Tactical Missile Corporation, Concern “MPO—Gidropribor” a.k.a. <ul style="list-style-type: none"> <li>• Joint Stock Company Concern Sea Underwater Weapons Gidropribor</li> <li>• Research Institute “Gidpropridor”</li> </ul>
Tactical Missile Corporation, Joint Stock Company GosNIIMash a.k.a. <ul style="list-style-type: none"> <li>• PPORosprofprom V “GOSNIIMASH”</li> <li>• State Research Institute of Mechanical Engineering</li> <li>• Pervichnaya Profsoyuznaya Organizatsiya Rossiskogo Profsoyuzna Rabotnikov Promyshlennosti V</li> <li>• “GOSNIIMASH”</li> <li>• Joint Stock Company “State Research Institute of Mechanical Engineering” named after “V.V.Bakhtirev”</li> <li>• SKB DNIKhTI</li> </ul>
Tianjin University
University of Electronic Science and Technology of China

**Table 2: FTRPs that Pose a Threat to National Security Interests of the United States**

Changjiang Scholar Distinguished Professorship
Hundred Talents Plan
Pearl River Talent Program
Project 5-100
River Talents Plan
Thousand Talents Plan
Any program that meets one of the criteria contained in Section 10638 (4)(A) and either Section 10638 (4)(B)(i) or (ii) in the CHIPS and Science Act

Note: All programs associated with the Thousand Talents Program in 2019 were absorbed under the **High-End Foreign Expert Recruitment Plan** and is now under the Ministry of Science and Technology ([CSET Chinese Talent Program Tracker](#)).



### Appendix III

In 2020, OSTP released “[Enhancing the Security and Integrity of America’s Research Enterprise](#)” which provided examples of language from actual malign foreign talent recruitment programs. Two examples are provided here illustrating oppressive termination language.

#### Example talent recruitment contract: Attribution and liabilities

5. During the appointment period, the teaching and research achievements obtained by (U.S.-funded researcher) while working for (Foreign institution) are all considered outcomes of the work assignment. (U.S.-funded researcher) ’s published research papers, authored works, and reported awards, patents and research projects and expenses must all be credited to both (U.S.-funded researcher) and (Foreign institution) when it is necessary to simultaneously report the author and the author’s affiliation, Party A must be listed as the first affiliation).

These conditions are problematic for the U.S. Government and the Research Institution.

This contract cedes credit from the work conducted by a federally funded researcher and employee of a U.S. institution to a foreign institution.

2) If (U.S.-funded researcher) within the appointment period due to special circumstances submits his resignation, he must submit his notice to (Foreign institution) three months in advance. With the agreement of (Foreign institution) after application and approval from the Central Committee Organization Department, (U.S.-funded researcher) may resign.

(U.S.-funded researcher) may be liable for breach of contract depending on the particular circumstances.

These conditions may be problematic for the researcher- both the foreign institution *and* foreign government need to approve the application for termination of the contract. Penalty for breach of contract is not clearly defined.

#### Example talent recruitment contract: Problematic for researcher and institution

(4) (U.S.-funded Researcher) cannot disclose or transfer (Foreign institution) technical achievements or technical information

Imposed secrecy

(6) (U.S.-funded Researcher) cannot unilaterally terminate the employment contract should one of the following situations occur:

1. During employment with national major scientific research project;
2. Has access to key technology and information of major scientific achievements and in the confidentiality time period;

Stringent restrictions on termination of Contract – the U.S. researcher cannot unilaterally terminate the contract.

#### Additional Characteristics of Foreign Talent Recruitment Programs of concern:

1) Distinguishing features of a foreign government talent recruitment program provided by [DOE](#) include:

- Compensation provided by the foreign state to the targeted individual in exchange for the individual transferring their knowledge and expertise to the foreign country.
- Recruitment in this context refers to the foreign-state-sponsor's active engagement in attracting the targeted individual to join the foreign-sponsored program and transfer their

- knowledge and expertise to the foreign state. The targeted individual may be employed and located in the U.S., or in the foreign state.
- Many, but not all, programs aim to incentivize the targeted individual to physically relocate to the foreign state. Of particular concern are those programs that allow for continued employment at U.S. research facilities or receipt of Federal research funds while concurrently receiving compensation from the foreign state.

2) According to the [National Institutes of Health](#), Federally funded researchers, without their home institution's knowledge, have signed contracts or engaged in relationships with the following activities posing numerous problems:

- undisclosed foreign employment,
- undisclosed obligations to generate foreign patents that may be related to NIH-funded work,
- undisclosed preferential treatment in American laboratories for certain students or visiting scientists,
- undisclosed research support – often for similar if not identical research being supported by the NIH,
- undisclosed compensation deposited into secret foreign bank accounts,
- undisclosed obligations to assign credit to foreign institutions for work done largely in the United States,
- undisclosed obligations to keep foreign arrangements and scientific work secret,
- undisclosed obligations to transfer propriety information and technologies to foreign institutions,
- stringent restrictions on termination of contract,
- undisclosed significant financial conflicts of interest, and
- egregious violations of peer review confidentiality rules.