

Frequently Asked Questions and Answers (FAQ) regarding Malign Foreign Talent Recruitment Programs (MFTRP)

1) What is a Malign Foreign Talent Recruitment Program (MFTRP)?

Broadly, a MFTRP is a foreign program, position, or activity that includes compensation (defined broadly to include compensation, honorific titles, research funding, etc.) in return for certain actions (e.g. unauthorized transfer of intellectual property, recruitment of other to the programs, establishing a laboratory or a company in the foreign country, etc.). A complete definition and characteristics of such programs are specific in the CHIPS and science Act of 2022 and listed by the Office of Science and Technology Policy (OSTP) in their [Memorandum](#) to the Heads of Federal Agencies.

2) When should the disclosure be submitted and reviewed?

The regulation prohibits participants from receiving, or participating, in federally funded research and requires that “covered individuals” certify this at the time of the application. The [Biographical Sketch Common Form](#) recommended by the Office of Science and Technology (OSTP) includes the recommended certification “I also certify that, *at the time of submission*, I am not a party to a [malign foreign talent recruitment program](#)”.

3) Are these new certifications?

Yes, this is a new requirement that will be effective beginning May 20, 2024 for National Science Foundation (NSF) awards and August 9, 2024, for all other external sponsored awards (Federal and non-Federal).

4) How are the Covered Individuals expected to certify that they are not participating in a MFTRP?

All Covered Individuals listed on a proposal to a Federal agency must certify at the time of the proposal submittal and annually thereafter, that they are not participating in MFTRP.

The Science Experts Network Curriculum Vitae ([SciENCv](#)) which is currently mandated by the National Science Foundation (NSF), and recommended for use by other funding agencies uses the [Biographical Sketch Common Form](#) recommended by the Office of Science and Technology (OSTP) that includes the recommended certification (“*I also certify that, at the time of submission, I am not a party to a [malign foreign talent recruitment program](#)*”).

Covered Individuals are strongly encouraged to use SciENCv for generating all their biographical sketches for all their proposals.

A copy of the Biographical Sketch Common Form Template is available [online](#).

5) What are the countries of concern and does the university update this list based on the state department?

The countries of concern currently listed are People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran. We will update the list and notify the research community if the list changes.

6) What is a federal research agency?

Federal research agency is the term used in the legislation and is same as a “federal funding agency”.

7) What is meant by Local Grant Manager?

The term Local Grant Manager is being used to broadly define the individual at the local (e.g., PI, Department, Division, School etc.) level reviewing proposals for completion including the Current and Pending (other) Support and Biographical Sketch forms.

8) Who should I contact if I have a question?

The table below includes the contact e-mail for submitting any inquiries for each school.

School	Email Address
FAS	RCP_InternationalCollaborations@harvard.edu
GSE	tiffany_blackman@harvard.edu
HMS	international_collaborations@hms.harvard.edu
HSDM	international_collaborations@hms.harvard.edu
HSPH	oneill@hsph.harvard.edu
HKS	carrie_kachoria@hks.harvard.edu
SEAS	RCP_InternationalCollaborations@harvard.edu
Wyss	Keleigh.Quinn@wyss.harvard.edu
Other Schools	Contact your OSP Rep with Questions

9) Would this prohibition apply to postdocs, visitors etc., who have their own funding/fellowships from foreign talent recruitment programs.

Yes, the prohibition applies to all Covered Individuals (i.e. key/senior personnel who contribute towards the design, conduct, and reporting of research).

10) Are we responsible for certifying foreign collaborators?

The PI or Co-PI should verify that that collaborators are not members of MFTRPs and if a collaborator is considered key/senior personnel then they should provide certification in the bio-sketch as other Covered Individuals.

11) Are all federal agencies coming up with new forms for August 2024? Or is there standard language Harvard will use if not provided by the federal sponsor forms?

We understand other agencies plan to adopt this language which was in the OSTP common templates for Current and Pending (other) Support and Biographical Sketch forms; which is why we are recommending the use of SciENcv.

12) Is it correct that unless they are a PI/Co-PI on the project, general researchers, students, and postdocs are not covered, even though working on the grant funded project?

The prohibition mandated by the legislation applies to all “Covered Individuals” (i.e., key/senior personnel, key performers, sponsored researchers) as defined in the act and the policy regardless of their title.

13) How does someone know if they are participating in such a program?

There are [limited lists](#) (see page 21 of the DoD memo) of such programs, however, the CHIP and Science Act provides a definition of and a list of characteristics of a [MFTRP](#). Individuals participating in any foreign programs are advised to review the definition and characteristics to see if the program meets the listed criteria and to contact the individuals listed in FAQ #8 above.

14) Is a Harvard faculty member considered a participant in a MFTRP if a postdoc or visitor in their lab has MFTRP funding?

No, the faculty member is not considered as a participant in MFTRP. If the individual is considered a “Covered Individual” then they will be prohibited from joining the sponsored research. Some Federal funding agencies have deemed that research proposals anticipating co-authors that are members of a MFTRP as a higher risk and may likely recommend mitigation steps, to include removal of the co-author (see [DoD Decision Matrix](#)).

15) What does it mean to be designated as a Covered Individual by a Federal research funding agency?

Though not specified in the original proposal submission, upon receiving the Federal award, the Federal agency may designate other researchers you provided in the proposal as Covered Individuals. According to DoE Financial Assistance Letter, FAL 2022-04, the “DOE may further designate Covered Individuals during award negotiations or the award period of performance.”

16) Back in 2018, I ceased my participation in a malign foreign talent recruitment program which exhibited some of the concerning activities listed in the CHIPS & Science Act. Will I be prohibited from receiving an award from a Federal funding agency in 2024 and beyond due to my past participation?

No, the prohibition on participation in a MFTRP is proactive and not retroactive. You must certify that you are not an active participant in any MFTRPs at time of proposal submission, and annually thereafter, for the life of the award. *Note: According to the DoD Decision Matrix, proposals submitted with Covered Individuals with past MFTRP participation (up to August 9, 2022) may warrant additional scrutiny and mitigation measures. Federal awards are prohibited for any Covered Individual participating in a MFTRP on or after August 9, 2024.*

17) Does the MFTRP participation prohibition and certification requirements apply to Federally funded subawards/subrecipients?

Yes, the prohibition applies to all Covered Individuals (i.e. key/senior personnel who contribute towards the design, conduct, and reporting of research), to include those Covered Individuals at a federal award subrecipient. The subrecipient’s Covered Individuals will also have to certify that

they are not activity participating in a MFTRP at proposal submission and annually thereafter for the duration of the award.