

Policy on Participation in Foreign Talent Recruitment Programs

Effective Date: May 20, 2024

Policy date: March 14, 2024

Responsible Office: Office of Vice Provost for Research

Policy Statement

Covered Individuals who are participating in sponsored research at Harvard University (Federally and non-Federally funded) are prohibited from participating in a **Malign** Foreign Talent Recruitment Program as defined below. All Covered Individuals are also required to meet the initial and annual certification requirements regarding their non-participation in a MFTRP.

Reason for Policy

This Policy on Participation in Foreign Talent Recruitment Programs (the “Policy”) is established to meet the requirements of the CHIPS and Science Act of 2022 (Subtitle D Research Security, Sections 10631, 10632 and 10638 of the [U.S. Public Law 117-167](#)) which Requires Covered Individuals (same as key or senior personnel, see definition below) to disclose if such individuals are party to a Foreign Talent Recruitment Program (FTRP) contract, agreement, or other arrangement; and

- a) prohibits **Federal** research and development¹ awards from being made for any proposal in which a Covered Individual is participating in a **Malign** Foreign Talent Recruitment Program (MFTRP); and
- b) to the extent practicable, recipient institutions prohibit Covered Individuals participating in MFTRP from working on projects supported by research and development awards.

The requirements of the CHIPS and Science Act will become effective beginning on May 20, 2024, for National Science Foundation awards and August 9, 2024, for all other Federal agency awards.

Who Must Comply²

All Covered Individuals participating in sponsored (Federally and non-Federally funded) research at Harvard University.

¹ Note: Under the CHIPS Act, International Collaborations are not prohibited, including:

- a) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law.
- b) 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.
- c) 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
- d) other international activities determined appropriate by the Federal research agency head or designee.

² 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 the DoD Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions).

Implementation of Policy

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

Utilize 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, or the [Biographical Sketch Common Form](#) recommended by the Office of Science and Technology (OSTP), that both include 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.

The Biographical Sketch Common Form Template is available [here](#).

Roles and Responsibilities

Covered Individuals have the responsibility for:

- Disclosing participation in any FTRP or MFTRP to school research administrators (see contact list below).
- Completing the certification at the time of the proposal, and annually thereafter during the life of the project, that they are aware of the requirements of the policy and the prohibitions on, and are not, actively participating in a MFTRP at the time of the proposal submission and annually thereafter for the duration of the award.

Principal Investigators (PIs) take primary responsibility on their proposals and funded projects for ensuring all Covered Individuals disclose participation in any FTRPs and are aware of the Federal prohibition regarding MFTRP participation. Within the context of this Policy, the PIs’ responsibilities include:

- Ensure all Covered Individuals disclose any participation in FTRP or MFTRP to school research administrators for review.
- Ensure that each Covered Individual certifies (see Implementation of Policy Below) that they are not actively participating in a MFTRP at proposal submission and annually thereafter for the duration of the award in accordance with the Policy and Federal funding agency requirements.
- Obtain certification from collaborators on a Federally funded research project, that they are not a member of any MFTRP.

Local Grant Managers are responsible for facilitating and directly assisting the PI with the administrative elements of the research life cycle. Within the context of this Policy, the Local Grant Managers’ responsibilities include:

- *Proposal Stage:*
 - Inform all Covered Individuals to disclose any participation in FTRP or MFTRP to school research administrators for review,
 - Review disclosures from all Covered Individuals, to include PI and Co-PI, to ensure any participation related to FTRPs have not been identified by the Federal Government as MFTRPs.

- Review the Current and Pending (Other) Support and Biographical Sketch to ensure that, if appropriate, the MFTRP non-participation certification has been completed for the Federally funded awards.

Research Administration Offices (HMS ORA, HSPH SPA, and OSP) are responsible for:

- Proposal Stage: Confirm required certifications from all Covered Individuals have been included in the proposal documentation.
 - Verify that each Covered Individual has certified that they are not actively participating in a MFTRP at proposal submission in accordance with the Policy and Federal funding agency requirements.

Policy Exceptions

There are no exceptions to the Public Law 117-167 prohibiting a Federal agency funding a research and development proposal in which a Covered Individual is participating in a MFTRP.

Definitions

Covered Individual – is defined as 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 an **external sponsor; or a Federal research funding agency**; or
- b) is designated as a Covered Individual by a Federal research funding agency.

Note:

- *Congressional Legislation and Federal Agencies use different terms such as PI, Co-PI, Investigator, Project Director, Project Co-Director, “Key performer”, “Key personnel”, “Senior personnel”, “Named Researcher”, “Named Individuals”, “Sponsored Researcher”, etc., all of which, for this policy, have the same meaning.*
- *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, research scientist, researcher, visiting scientists, student (undergraduate or graduate), post-doctoral fellow, etc., regardless of whether they are paid or unpaid.*
- *Covered Individual includes a Sponsored Researcher – which is a new term used in legislation and is an individual, to include PI, Co-PI, Senior or Key Personnel, who contributes in a substantive, meaningful way to the scientific development or execution of a research project proposed to be carried out with a research award from an external sponsor (Federal and non-Federal funding entity). A sponsored researcher can be defined as a Covered Individual if they meet the Federal funding and award criteria noted above.*

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, the Islamic Republic of Iran. Under the legislation, the Secretary of State may designate other countries as such.

Foreign Talent Recruitment Program – a foreign talent recruitment program is an effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin or whether providing the recruited individual a full-time or part-time position). This recruitment can take several forms, such as compensation, research funding, honorific titles, career

advancement opportunities, promised future compensation, or other types of remuneration or other consideration.

Malign Foreign Talent Recruitment Program – The term is as defined in Section 10638 of the *CHIPS and Science Act of 2022* to include any effort organized, managed, or funded by a foreign government 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. A foreign talent program is considered “malign” when it offers cash or in-kind compensation (complimentary foreign travel, honorary appointments, promised future compensation, research funding, etc.), in exchange for one of the following:

- Engaging in the unauthorized transfer of intellectual property, materials, data, or other nonpublic information;
- Recruiting or training other talent recruitment program members, circumventing merit-based processes;
- 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;
- 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;
- 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

Characterized by contracts or agreements with:

- Oppressive termination clauses;
- Non-disclosure requirements; or
- Duplication of effort under Federal awards or conflicts of commitment with Federal awards

And is sponsored by:

- a foreign country of concern or an entity based in a foreign country of concern,
- an academic institution on the NDAA 2019 Section [1286\(c\)\(8\) List](#), p.18-20; or
- a foreign talent recruitment program on the NDAA 2019 Section [1286\(c\)\(9\) List](#), p.21.

Related Polices and Guidance

[Financial Conflicts of Interest](#)

[Faculty Disclosures](#)

Agency References

Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Fund ([U.S. Public Law 117-167](#)).

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); [Disclosure Requirements](#).

Resources

Use the links below to contact the appropriate Research Administrator for school specific information:

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