Policy Addendum on Subrecipient Participation in Foreign Talent Recruitment Programs

Effective Date: May 20, 2024, for National Science Foundation awards and August 9, 2024, for all other federal awards

Policy Date: May 9, 2024

Responsible Office: Office of Vice Provost for Research

Policy Statement

Covered Individuals (e.g., PI, investigator, or senior/key persons on proposals) affiliated with a subrecipient who are participating in federally funded research under a Harvard University award are prohibited from participating in a Malign Foreign Talent Recruitment Program (MFTRP) as defined in Harvard’s Policy on Participation in Foreign Talent Recruitment Programs (the “Policy”). When issuing subawards under federally funded research awards, Harvard University requires that the subrecipients:

a) either (i) have policies that meet the requirements of the CHIPS and Science Act of 2022 (“CHIPS Act”) related to MFTRP prohibition or (ii) agree to comply with the Harvard University Policy for the duration of the award, including a requirement that all Covered Individuals participating on the federally funded subaward project must disclose any participation in a Foreign Talent Recruitment Program (FTRP) or a MFTRP to the responsible individual at their institution (e.g. their research administrators) for review.

b) require each collaborator qualifying as a Covered Individual to certify that they are not an active member of any MFTRP at the time of the award and annually thereafter for the duration of the award.

Reason for Policy

The Policy Addendum on Subrecipient Participation in Foreign Talent Recruitment Programs is established to meet the requirements of the CHIPS Act (Subtitle D Research Security, Sections 10631 and 10632 of the U.S. Public Law 117-167), detailed in the Policy.

Who Must Comply

All Principal Investigators and administrators at Harvard University centrally and within all schools, units, divisions, University-wide initiatives, and centers who are involved with the negotiation and administration of federally funded subawards must comply with this Policy Addendum.
Implementation of Policy

This Policy Addendum will become effective for all new National Science Foundation (NSF) awards and funding amendments to existing NSF awards on or after May 20, 2024.1 The effective date for all other federal agency awards and funding amendments is August 9, 2024.

Proposal Stage:

All Subrecipients: Where possible, subrecipient Covered Individuals should utilize one of the following forms for certification of non-participation in a MFTRP at proposal submission:

- the Science Experts Network Curriculum Vitae (SciENcv), mandated by the NSF and recommended for use by other funding agencies (see below for NIH), or
- the Biographical Sketch Common Form recommended by the Office of Science and Technology (OSTP), or
- Forms Version H for all National Institutes of Health (NIH) grant applications. NIH Biographical Sketch Instructions are here.

The Common Forms include the required certification (“I also certify that, at the time of submission, I am not a party to a malign foreign talent recruitment program”). If a subrecipient does not require the use of one of these forms, it must have an alternative document that includes a MFTRP non-participation certification.

Foreign Subrecipients: In addition to the above, the following provision is required by Harvard University in all Statement of Intents (SOIs) for federally funded proposals from foreign subrecipients:

[Subrecipient name] certifies it is aware of the Foreign Talent Recruitment Program 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) and is willing to abide by all requirements should an award be issued.

Award and Subcontract Stage:

Because federally sponsored subaward agreements must address the negotiated arrangements for compliance with all applicable Federal regulations and policies, including the FTRP requirements of the CHIPS Act, the following provision, with the appropriate box checked, is required by Harvard University in all federally funded subaward agreements:

[Subrecipient name] [ ] has existing policies and procedures that meet the Foreign Talent Recruitment Program requirements of the CHIPS and Science Act of 2022 or [ ] will follow the Harvard University Policy on Participation in Foreign Talent Recruitment Programs for the duration of the award. [Subrecipient name] must (i) require its Covered Individuals to disclose their active participation in Foreign Talent Recruitment Programs and Malign Foreign Talent Recruitment Programs, and (ii) require certification by

each of its Covered Individuals, at the time of this agreement, if a new Covered Individual is added to the project, and annually for the duration of the award, that they are not a party to a Malign Foreign Talent Recruitment Program. Capitalized terms used in this paragraph are defined in the Harvard University Policy on Participation in Foreign Talent Recruitment Programs.

Roles and Responsibilities

Harvard Principal Investigators (PIs) are responsible for the following with respect to federally funded subawards:

- Informing the PI of the subrecipient of the FTRP requirements and the MFTRP participation prohibition mandated by the CHIPS Act.
- Notifying the Grant Manager if any new subrecipient Covered Individuals are to be added, after initial proposal submission.

Harvard Local Grant Managers are responsible for the following with respect to federally funded subawards:

- Proposal Stage:
  - Foreign Subrecipients:
    - Ensuring that the required FTRP language or equivalent is included in a foreign subrecipient SOI (Note: if the subrecipient SOI does not include this language, Harvard’s SOI should be used. See SOI templates below.)
    - If a foreign subrecipient does not have its own FTRP policy that satisfies the requirements of the CHIPS Act, coordinating with foreign subrecipient grant administration staff to be sure they understand the requirements and coordinating with Harvard Local Compliance Officers to review disclosures of Covered Individuals for any indicators of malign program funding which could be prohibited.
  - All Subrecipients: Ensuring that all subrecipient Covered Individuals have certified in their Biographical Sketch, SciENcv, or equivalent, that they are not actively participating in a MFTRP.

- Award Stage:
  - Foreign Subrecipients: If a foreign subrecipient does not have its own FTRP policy that satisfies the requirements of the CHIPS Act, coordinating with the foreign subrecipient grant administration staff to determine if any new Covered Individuals have been added and coordinating with Harvard Local Compliance Officers to review disclosures of the new Covered Individuals for any indicators of malign program funding which could be prohibited.
All Subrecipients:
  - Ensuring that any new Covered Individual (those not included in initial proposal) has certified their non-participation in MFTRPs in their provided Biographical Sketch, SciENcv, or equivalent, before being added to the project.

Harvard Local Compliance Officers are responsible for the following with respect to federally funded subawards if the subrecipient does not have a corresponding policy on participation in FTRPs:

- **Proposal Stage:**
  - Reviewing proposal disclosures from all subrecipient Covered Individuals to ensure that any FTRPs disclosed in their Biographical Sketch, SciENcv, or equivalent, have not been designated by the federal Government as MFTRPs.

- **Award Stage and for Duration of Award:**
  - Reviewing disclosures from all new (added) subrecipient Covered Individuals to ensure that any FTRPs identified have not been designated by the federal Government as MFTRPs.

Research Administration Offices (HMS ORA, HSPH SPA, and OSP) are responsible for the following with respect to federally funded subawards:

- **Proposal Stage:**
  - Foreign Subrecipients: Confirming that the required FTRP language is included in the foreign subrecipient SOI.
  - All Subrecipients: Confirming that each subrecipient Covered Individual has certified that they are not actively participating in a MFTRP at proposal submission and the certifications are included in the proposal documentation.

- **Award Stage and for Duration of Award:**
  - Ensuring that the required FTRP language is included in the written agreement with the subrecipient.
  - Confirming that any new Covered Individuals have certified in their Biographical Sketch, SciENcv, or equivalent, that they are not actively participating in a MFTRP.

**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, Foreign Country of Concern, Foreign Talent Recruitment Program, and Malign Foreign Talent Recruitment Program are defined in the Policy on Participation in FTRPs.
Related Policies and Guidance

Policy on Participation in Foreign Talent Recruitment Programs
Negotiating and Signing Authority for Agreements Related to Research
Subrecipient Monitoring Policy
Subrecipient Monitoring Toolkit
Frequently Asked Questions

Resources

Statement of Intent templates (OSP, HSPH)

Contacts

Use the links in the FTRP Policy website to contact the appropriate Research Administrator for school specific information.