

Guidance for the Identification of Foreign Talent Recruitment Programs

Office of the Vice Provost for Research
Harvard University

Harvard University's [Policy](#) defines the prohibition in participating in a **Malign Foreign Talent Recruitment Program** (sponsored by or based in a **country of concern**) 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.*

Important Note: Participation in a FTRP is NOT prohibited but participation must be disclosed. It is only those talent recruitment programs that are deemed Malign that are prohibited.

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

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\(c\)\(8\) FY23 List](#) provided in Appendix II, Table 1 below; or
 - iii. A foreign talent recruitment program on the NDAA 2019 Section [1286\(c\)\(9\) FY23 List](#) provided in Appendix II, Table 2.

- iv. A foreign talent recruitment program on in the [National Academies Appendix C](#) (2024) List.

If YES (If NO, the FTRP is likely not defined as a **malign** foreign talent recruitment program by U.S. Government statute, but you need to adhere to Harvard's 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 Harvard's policy on FTRP disclosure).

Note: If you are unsure about any of the questions, please contact your School representative listed on the [FTRP OVPR website](#) for advice. The School will elevate to OVPR if additional assistance is needed in making a MFTRP determination.

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

FY23 [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">• Disease Control and Prevention Institute
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">• Institute of Microbial Epidemiology
Academy of Military Medical Sciences, Institute of Radiation and Radiation Medicine a.k.a. <ul style="list-style-type: none">• Institute of Radiation and Radiation Medicine• Institute of Electromagnetic and Particle Radiation Medicine
Academy of Military Medical Sciences, Institute of Toxicology and Pharmacology a.k.a. <ul style="list-style-type: none">• Institute of Toxicology and Drugs
Academy of Military Medical Sciences, Military Veterinary Research Institute
Air Force Aviation University
Air Force Command College
Air Force Communication NCO Academy
Air Force Early Warning Academy
Air Force Engineering University
Air Force Harbin Flight Academy
Air Force Logistics College
Air Force Medical University
Air Force Shijianzhuang Flight Academy
Air Force Xi'an Flight Academy
Army Academy of Armored Forces
Army Academy of Artillery and Air Defense
Army Academy of Border and Coastal Defense
Army Aviation Academy

Army Command College
Army Engineering University
Army Infantry College
Army Institute of NBC Defence
Army Logistic University
Army Medical University
Army Military Transportation University
Army Special Operations Academy
ATR Defense S&T Key Laboratory of Intelligent Information Processing at Shenzhen University
Beijing Aeronautical Manufacturing Technology Research Institute (BAMTRI) a.k.a. <ul style="list-style-type: none"> • Aviation Industry Corporation of China's (AVIC) Institute 625
Beijing Computational Science Research Center (BCSRC) a.k.a. <ul style="list-style-type: none"> • Beijing Computing Science Research Center • CSRC
Beijing Institute of Technology
Beijing University of Aeronautics and Astronautics (BUAA) a.k.a. <ul style="list-style-type: none"> • Beihang University
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"> • Beijing High Voltage Research Center
Chinese Academy of Engineering Physics (CAEP) a.k.a. <ul style="list-style-type: none"> • Ninth Academy • Southwest Computing Center • Southwest Institute of Applied Electronics • Southwest Institute of Chemical Materials • Southwest Institute of Electronic Engineering • Southwest Institute of Environmental Testing • Southwest Institute of Explosives and Chemical Engineering • Southwest Institute of Fluid Physics • Southwest Institute of General Designing and Assembly • Southwest Institute of Machining Technology • Southwest Institute of Materials • Southwest Institute of Nuclear Physics and Chemistry (a.k.a., China Academy of Engineering Physics' (CAEP) 902 Institute) • Southwest Institute of Research and Applications of Special Materials Factory • Southwest Institute of Structural Mechanics • The High Power Laser Laboratory, Shanghai • The Institute of Applied Physics and Computational Mathematics, Beijing

<ul style="list-style-type: none"> • 901 institute
<p>Chinese Academy of Sciences – Institute of Computing Technology</p> <ul style="list-style-type: none"> • Institute of Computing Technology Chinese Academy of Sciences • Institute of Computing Technology • CAS ICT • ICT CAS
Chinese Academy of Sciences - Shenyang Institute of Automation
Dalian Naval Academy
<p>Defense S&T Key Laboratory of Antennas and Microwave Technology at Xidian University</p> <ul style="list-style-type: none"> • National Key Laboratory of Science and Technology on Antennas and Microwaves • (Xidian) Antenna Institute • Key Laboratory of Antenna and Microwave Technology • National Key Laboratory of Antenna and Microwave Technology • Antennas and Microwave Technology Key Laboratory of National Defense • Defense S&T Key Laboratory of Antennas and Microwave Technology • Science and Technology on Antenna and Microwave Laboratory • State Key Laboratory of Antennas and Microwave Technology • National Laboratory of Antennas and Microwave Technology • National Key Laboratory of Science and Technology on Antenna and Microwave
<p>Defense S&T Key Laboratory of Electronic Measurement Technology at North University of China</p> <ul style="list-style-type: none"> • Defense S&T Key Laboratory of Signal Detection • Key Laboratory of Signal Detection • National Key Laboratory for Electronic Measurement Technology • State Key Laboratory for Electronic Measurement Technology • Key Laboratory for Electronic Measurement Technology • Defense Key Laboratory for Electronic Measurement Technology • China Electronics Technology Instruments Co., Ltd (CETI) Key Laboratory for Electronic Measurement Technology • CETC 41st RI Key Laboratory for Electronic Measurement Technology • North University of China Key Laboratory for Electronic Measurement Technology • North University of China School of Instrument and Electronics Key Laboratory for Electronic Measurement Technology • North University of China School of Electronics and Computer Science & Technology Key Laboratory for Electronic Measurement Technology
<p>Defense S&T Key Laboratory of High-Power Semiconductor Lasers at Changchun University of Science and Technology</p> <ul style="list-style-type: none"> • State Key Laboratory of High Power Semiconductor Laser of Changchun University of Science and Technology • State Key Laboratory on High-Power Semiconductor Lasers

<ul style="list-style-type: none"> • National Key Laboratory on High Power Semiconductor Laser • Key Laboratory on High Power Semiconductor Laser • Defense Key Laboratory on High Power Semiconductor Laser
<p>Defense S&T Key Laboratory of Lightweight, High-strength Structural Materials at Central South University</p> <ul style="list-style-type: none"> • State Key Laboratory for Light Weight and High Strength Structural Materials • (Central South University) National Key Laboratory for High-strength Structural Materials • National Key Laboratory of Science and Technology for National Defence on High-strength Structural Materials • National Key Laboratory of Science and Technology for National Defence on High-strength Lightweight Structural Materials • Key Laboratory on High-strength Lightweight Structural Materials
<p>Defense S&T Key Laboratory of Multi-spectral Information Processing Technology at Huazhong University of S&T</p> <ul style="list-style-type: none"> • National Key Laboratory of Science and Technology on Multi-spectral Information Processing • National Key Laboratory of Multi-spectral Information Processing Technology • State Key Laboratory for Multispectral Information Processing Technologies
<p>Defense S&T Key Laboratory of Radar Signal Processing at Xidian University</p> <ul style="list-style-type: none"> • National Key Laboratory of Science and Technology on Radar Signal Processing • National Lab of Radar Signal Processing • Xidian Electronics Research Institute • National Key Laboratory of Radar Signal Processing • Key Laboratory for Radar Signal Processing • State Laboratory of Radar Signal Processing • National Laboratory of Radar Signal Processing
<p>Federal Autonomous Institution Central Institute of Engine-Building N.A. P.I. Baranov</p> <ul style="list-style-type: none"> • Central Institute of Aviation Motors • CIAM
<p>Federal Research Center Boreskov Institute of Catalysis</p>
<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"> • FTIAN IM K.A.Valiev RAS • FTI RAS • FTIAN
<p>Federal State Budgetary Scientific Institution Research and Production Complex Technology Center</p> <ul style="list-style-type: none"> • Federalnoe Gosudarstvennoe Byudzhethnoe Nauchnoe Uchrezhdenie Nauchno-Proizvodstvennyy Kompleks Tekhnologicheskoy Tsentr - NPK Technological Center • NPKTS

<ul style="list-style-type: none"> Scientific Manufacturing Complex Technological Center SMC Technological Center
<p>Federal State Institution Federal Scientific Center Scientific Research Institute for System Analysis of the Russian Academy of Sciences</p> <ul style="list-style-type: none"> Federalnoe Gosudarstvennoe Uchrezhdenie Federalnyy Nauchnyy Tsentr Nauchno-Issledovatel'skiy Institut Sistemnykh Issledovaniy Rossiyskoy Akademii Nauk FGU FNTS NIISI RAN FSI FSC SRISA RAS Scientific Research Institute of System Analysis, Russian Academy of Sciences
<p>Federal State Unitary Enterprise All-Russian Research Institute of Physical, Technical and Radio Engineering Measurements</p> <ul style="list-style-type: none"> VNIIFTRI
<p>Federal State Unitary Enterprise Central Scientific Research Institute of Chemistry and Mechanics</p> <ul style="list-style-type: none"> CNIIHM Federalnoe Gosudarstvennoe Unitarnoe Predpriyatie Tsentralny Nauchno-Issledovatel'skiy Institut Khimii i Mekhaniki FGUP CNIXM FGUP TSNIKHM FSUE CNIIHM FSUE TSNIKHM GNTS RF FGUP TSNIKHM State Research Center of the Russian Federation FGUP Central Scientific Research Institute of Chemistry and Mechanics Tsentrallyy Nauchno-Issledovatel'skiy Institut Khimii i Mekhaniki, FGUP TSNIKHM
Harbin Engineering University
Harbin Institute of Technology
Hefei National Laboratory for Physical Sciences at the Microscale
Information Engineering University
<p>Institute of High Energy Physics (IHEP) a.k.a.</p> <ul style="list-style-type: none"> Kurchatovskiy Institute ITEP
<p>Institute of Physics Named After P.N. Lebedev of the Russian Academy of Sciences</p> <ul style="list-style-type: none"> Lebedev Physical Institute LPI RAS FIAN
<p>Institute of Solid-State Physics of the Russian Academy of Sciences (ISSP) a.k.a.</p> <ul style="list-style-type: none"> Institute of Solid-State Physics of the Academy of Sciences SSSR

<ul style="list-style-type: none"> Federal State Budgetary Institution of Science Institute of Solid-State Physics N.A. Yu. A. Osipyanof the Russian Academy of Sciences
Keldysh Institute of Applied Mathematics of the Russian Academy of Sciences <ul style="list-style-type: none"> Federalnoe Gosudarstvennoe Uchrezhdenie Federalny Issledovatel'ski Tsent'r Institut Prikladnoi Matematiki I.M. Keldysha Rossiiskoi Akademii Nauk IPM IM. M.V. Keldysha RAN KIAM RAS
Key Laboratory of Information Systems Engineering <ul style="list-style-type: none"> KLISE
Luoyang Institute of Science and Technology <ul style="list-style-type: none"> Luoyang Institute of Technology
Mabna Institute
Moscow Aviation Institute <ul style="list-style-type: none"> MAI
Moscow Institute of Physics and Technology (MIPT) a.k.a. <ul style="list-style-type: none"> MFTI
Moscow Order of the Red Banner of Labor Research Radio Engineering Institute JSC a.k.a. <ul style="list-style-type: none"> MNIRTI JSC
Nanjing Institute of Astronomical Optics and Technology <ul style="list-style-type: none"> NIAOT
Nanjing University of Aeronautics and Astronautics
Nanjing University of Science and Technology
National Defense University
National University of Defense Technology (NUDT) a.k.a. <ul style="list-style-type: none"> Central South CAD Center CSCC Hunan Guofang Keji University
Naval Aviation University
Naval Command College
Naval Engineering University
Naval Medical University
Naval NCO School
Naval Service Academy

Navy Submarine Academy
Northwestern Polytechnical University a.k.a. <ul style="list-style-type: none"> Northwestern Polytechnic University Northwest Polytechnic University Northwest Polytechnical University
Ocean University of China
Rocket Force Command College
Rocket Force Engineering University
Rocket Force NCO School
Rzhanov Institute of Semiconductor Physics, Siberian Branch of Russian Academy of Sciences a.k.a. <ul style="list-style-type: none"> IPP SB RAS Institute of Semiconductor Physics IM A.V. Rzhanov
Siberian Scientific-Research Institute of Aviation N.A. S.A. Chaplygin <ul style="list-style-type: none"> SibNIA
Sichuan University
Skolkovo Institute of Science and Technology <ul style="list-style-type: none"> Autonomous Non-Profit Organization for Higher Education Skolkovo Institute of Science and Technology Skolkovskiy Institut Nauki i Tekhnologii Skoltech
Space Engineering University
Sun Yat-Sen University
Tactical Missile Corporation, Concern "MPO—Gidropribor" a.k.a. <ul style="list-style-type: none"> Joint Stock Company Concern Sea Underwater Weapons Gidropribor Research Institute "Gidpropridor"
Tactical Missile Corporation, Joint Stock Company GosNIIMash a.k.a. <ul style="list-style-type: none"> PPORosprofprom V "GOSNIIMASH" State Research Institute of Mechanical Engineering Pervichnaya Profsoyuznaya Organizatsiya Rossiskogo Profsoyuza Rabotnikov Promyshlennosti V "GOSNIIMASH" Joint Stock Company "State Research Institute of Mechanical Engineering" named after V.V.Bakhirev" SKB DNIKhTI
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](#)).

Foreign Talent Programs That May Pose a Threat to the National Security Interests of the United States, [National Academies Appendix C](#) (2024) List.

The National Academies committee notes that “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 of 2022” or any program that is sponsored by “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; 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. 4001 note; Public Law 115-232); or 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. 4001 note; Public Law 115-232) is considered to be a malign foreign talent recruitment program (DOD, 2023; Prabhakar, 2024a).

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

<p>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).</p>	<p>These conditions are problematic for the U.S. Government and the Research Institution.</p> <p>This contract cedes credit from the work conducted by a federally funded researcher and employee of a U.S. institution to a foreign institution.</p>
<p>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.</p>	<p>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.</p>

Example talent recruitment contract: Problematic for researcher and institution

<p>(4) (U.S.-funded Researcher) cannot disclose or transfer (Foreign institution) technical achievements or technical information</p>	<p>Imposed secrecy</p>
<p>(6) (U.S.-funded Researcher) cannot unilaterally terminate the employment contract should one of the following situations occur:</p> <ol style="list-style-type: none">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;	<p>Stringent restrictions on termination of Contract – the U.S. researcher cannot unilaterally terminate the contract.</p>

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.