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## Foreign Talent Recruitment Programs

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# Policy on Participation in Foreign Talent Recruitment Programs

- Effective Date: May 20, 2024
- Policy Statement
  - **Covered Individuals\*** who are participating in sponsored research at Harvard University (Federally and non-Federally funded) must disclose if they are party to a Foreign Talent Recruitment Program (FTRP).
  - **Covered Individuals** are prohibited from participating in a **Malign** Foreign Talent Recruitment Program (MFTRP).
  - **Covered Individuals** are required to meet the initial and annual certification requirements regarding their non-participation in a MFTRP.

\*Covered Individuals – Individuals listed on the application for a research award, or who contributes in a substantive, meaningful way to the scientific development or execution of a research project funded by an external sponsor (e.g., PI, Co-PI, Investigator, Project Director, Co-Director, Key Performer, Key Personnel, Senior Personnel, Named Researcher, Sponsored Researcher)

# Reason for the FTRP Policy

- Established to meet the requirements of the CHIPS and Science Act of 2022 ([U.S. Public Law 117-167](#)) which Requires Covered Individuals to disclose if such individuals are party to a FTRP contract, agreement, or other arrangement; and
- ✓ prohibits *Federal* research and development awards from being made for any proposal in which a Covered Individual is participating in a MFTRP; and
- ✓ to the extent practicable, recipient institutions prohibit Covered Individuals participating in MFTRP from working on projects supported by research and development awards.

## What is a Foreign Talent Recruitment Program?\*

- 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.

\*Several Federal Agencies (DOE, NSF, NIH, DoD) have cited FTRPs as potential threats to the US research community. Though these programs are NOT typically prohibited, affiliations with or funding from these programs need to be reviewed by research administrators to ensure there are no restrictions (DOE), embargoes, sanctions, or risks that cannot be mitigated.

*Participation in any FTRP must be disclosed in OAIR and in new award proposal disclosures*

# What is a Malign Foreign Talent Recruitment Program?\*

Any effort organized, managed, or funded by a **foreign country of concern (FCOC)\*\*** government to recruit science and technology professionals or students to obtain intellectual property for the benefit of the FCOC government's economic and/or military growth. **A FCOC 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

\*The term is simplified from the definition in Section 10638 of the CHIPS and Science Act of 2022

\*\* Current FCOC - People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran



# Malign Foreign Talent Recruitment Program



## Additional Indicators of a Malign Program:

- Incentives 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 US federal research funds while concurrently receiving compensation from the foreign state.**
- Focus on individual researcher instead of project/subject matter
- Remuneration (salary, stipend, research funding, etc.) significantly above “market” for expected activities
- Foreign entity title for researcher implies greater connection than underlying facts
- Foreign residency application encouraged or facilitated
- Requires changing of researcher’s primary institute affiliation for purposes of journal citations
- Fundamental research purpose unclear or undefined
- Requirements to recruit or train other talent recruitment plan members, circumventing merit-based processes

# Are these Foreign Talent Recruitment Programs?

The following Activities are NOT prohibited, unless funded, organized, or managed by an academic institution or a MFTRP listed in Section 1286 of the NDAA FY2019 DoD report.\*

- Scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- Participation 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 law;
- Advising a foreign student enrolled at Harvard or writing a recommendation for such a student, at such student's request;
- Serving as a U.S. government appointee to the board of a joint scientific fund, participating in a Fulbright Commission program, providing advice to international technical organizations, multilateral scientific organizations or standards setting bodies;
- 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).

\*<https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf>

## What do I need to do?

- Be aware of the Policy requirements and the MFTRP prohibitions.
- Disclose active participation in any FTRPs in OAIR.
- Contact research administration or OVPR if you are not sure if your FTRP has been identified as Malign or could be Malign.
- Certify at time of proposal submission, and annually thereafter during the period of the award, that you are aware of the requirements of the policy and the prohibitions and you are not actively participating in a MFTRP.
- All your collaborators who are considered Covered Individuals on the same sponsored project will also have to disclose FTRP participation and certify non-participation in MFTRPs.
- Report to research administration if co-authors (not necessarily Covered Individuals) are participating in MFTRPs. This will likely result in a notification to Federal sponsors.\*
- Complete Risks of Malign FTRPs Training (coming soon).

\*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).





**Questions?**

# Backup

# Section 1286 of NDAA FY2019 Published Lists

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>

Chinese Academy of Engineering Physics (CAEP) a.k.a. <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
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. <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
Institute of High Energy Physics (IHEP) a.k.a. <ul style="list-style-type: none"> <li>Kurchatovskiy Institute ITEF</li> </ul>
Institute of Solid-State Physics of the Russian Academy of Sciences (ISSP) a.k.a. <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
Moscow Institute of Physics and Technology (MIPT) a.k.a. <ul style="list-style-type: none"> <li>MFTI</li> </ul>

# Section 1286 of NDAA FY2019 Published Lists

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

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 “Gidpropribor”</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 Profsoyuza Rabotnikov Promyshlennosti V</li> <li>• “GOSNIIMASH”</li> <li>• Joint Stock Company “State Research Institute of Mechanical Engineering” named after “V.V.Bakhirev”</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

Thousand Talents now called High-End Foreign Expert Recruitment Plan

# Malign Foreign Talent Recruitment Programs

According to the NIH, 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.

# Malign Foreign Talent Recruitment Programs

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.

# Resources

NSPM-33 Implementation Guidance - <https://www.whitehouse.gov/wp-content/uploads/2022/01/010422-NSPM-33-Implementation-Guidance.pdf>

CHIPS and Science Act of 2022 (Public Law 117- 167) - <https://www.congress.gov/117/plaws/publ167/PLAW-117publ167.pdf>

Enhancing the Security and Integrity of America's Research Enterprise, The White House Office of Science and Technology Policy - <https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/07/Enhancing-the-Security-and-Integrity-of-Americas-Research-Enterprise.pdf>

[Policy on Participation in Foreign Talent Recruitment Programs](#)

[Science Experts Network Curriculum Vitae \(SciENCv\)](#)

[Biographical Sketch Common Form Instructions](#) (NSF provided PDF)

[Biographical Sketch Common Form Template](#) (Harvard provided PDF)

[Guidance on Identifying Malign Foreign Talent Recruitment Programs](#) (Harvard provided PDF)

[Malign Foreign Talent Recruitment Program \(MFTRP\) FAQs](#) (Harvard provided PDF)