

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) must disclose if they are party to a Foreign Talent Recruitment Program (FTRP) and are prohibited from participating in a subset of these programs called **Malign** Foreign Talent Recruitment Program (MFTRP) 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 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.

As directed by the CHIPS and Science Act, the Office of Science and Technology Policy (OSTP) issued their [guidance](#) on the these requirements on February 14, 2024.

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.

¹ Note: Under the CHIPS Act, Section 10632(d), participating in International Collaborations are not prohibited so long as the activity is not funded, organized, or managed by an entity on the NDAA FY2019 Section [1286\(c\)\(8\) List, pp. 18-20](#), or the NDAA FY2019 Section [1286\(c\)\(9\) List, p.21](#). The [OSTP guidance](#) states a FTRP does **not** include the following International Collaborations activities:

- 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) 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

Who Must Comply

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

Implementation of Policy

All Covered Individuals must disclose participation in any FTRP in the Outside Activity and Interest Reporting (OAIR) system within 30 days of the participation and in the Biographical Sketch and Current and Pending (Other Support) disclosures for new proposal submissions.

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

All Covered Individuals must 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 for the duration of the award, that they are aware of the requirements of the policy and the prohibitions and are not actively participating in a MFTRP.

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.

Principal Investigators (PIs) take primary responsibility for their proposals and funded projects for identifying all Covered Individuals and ensuring they 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 above) 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 collaborators² on a Federally funded research project, that they are not a member of any MFTRP.
- If any Covered Individuals are affiliated with collaborating institutions, see FTRP Policy Addendum which provides guidance on applying the Policy to subrecipients.

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.
 - If any Covered Individuals are affiliated with collaborating institutions, see FTRP Policy Addendum which provides guidance on applying the Policy to subrecipients.
 - Review the Current and Pending (Other) Support and Biographical Sketch of each Covered Individual 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.

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 – for purposes of this Policy, a Covered Individual is defined (revised from the CHIPS and Science Act to include **non-Federally funded awards**) as an individual who:

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).

- 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 any sponsor (Federally and non-Federally funded); or
- b) is designated as a Covered Individual by a Federal research funding agency.

Note: The definition of a Covered Individual is based on their contribution to the project as defined above and is not related to the title of the individual. At Harvard, a Covered Individual could be a faculty member, research scientist, researcher, visiting scientist, student (undergraduate or graduate), post-doctoral fellow, etc., regardless of whether they are paid or unpaid. Similarly, 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.

Foreign Country of Concern - the term “foreign country of concern” for the purpose of this Policy is as defined in Section 10638(2) 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 – 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.

Malign Foreign Talent Recruitment Program – The term is defined in Section 10638 of the CHIPS and Science Act of 2022 and included on page 5 of the [OSTP Guidance](#). The definition is simplified here to include any Foreign Talent Recruitment Program (A) in which compensation in any form is provided directly or indirectly by a foreign country or an entity based in, funded by or affiliated with a foreign country to the targeted individual 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
- A contract or agreement with the targeted individual that contains:
 - Oppressive termination clauses;
 - Non-disclosure requirements; or

- Duplication of effort under Federal awards or conflicts of commitment with Federal awards;

and B) is a program 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](#)

Policy Addendum for Subawards (coming soon)

[Frequently Asked Questions](#)

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
HGSD	amathew@gsd.harvard.edu
HGSE	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	katrin.duevel@wyss.harvard.edu
Other Schools	Contact your OSP Rep with Questions