

Navigating Foreign Influence:

How Department Research Administrators
Can Ensure Compliance and Transparency in
Federally Funded Research



Introductions



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Agenda

1. Inappropriate Foreign Influence Background
2. Inappropriate Foreign Influence Management
3. Department Research Administrators as Disclosure Champions

Objectives

1. Understand the Concept of Foreign Influence
2. Enhance Expertise in Disclosure Requirements
3. Learn About Department Research Administrators as Disclosure Champions



Inappropriate Foreign Influence - Background

Foreign Influence In Research

Agency Issue Identification

Funding agencies have discovered that some investigators have been performing research at other institutions without full disclosure of those activities to their home institutions and federal sponsors. Due to these issues, agencies are interested in information to assess scientific and budgetary overlap and availability of time to commit to federally funded projects.



Accountability

- Conflict of commitment
- Conflict of interest
- Double dipping of financial support
- Theft of U.S.-funded research and IP



Transparency

- Dual loyalties of employees/colleagues re their affiliations outside the U.S.
- Investigators relying on multiple sources of financial and in-kind support to conduct research



Research Integrity

- Scientific overlap
- Violation of IP licenses to the industry entity if IP leakage occurs
- Export control requirements, including “deemed exports”

Foreign Influence In Research

Concerns Across Federal Government: Intellectual Property Diversion

Foreign Talent Programs target researchers for participation, often focusing on researchers of “dual use” intellectual property (i.e., IP that has civil and military applications). Risks of Talent Program participation include:



Programs often require researchers to **patent ideas in the foreign country**, which can cause a breach of company and institution IP filing procedures.



Participants are susceptible to **knowingly or unknowingly sharing confidential, proprietary information with foreign agents**, may compromise IP licensed to private companies.



Information may be **sought at Program-required foreign conferences and trainings**, which can cloud IP ownership.

Foreign Influence In Research

Concerns Across the Federal Government



U.S. attorneys warn of upcoming 'sp' prosecutions related to China ties

Proclamation on the Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China

NATIONAL SECURITY & DEFENSE Issued on May 25, 2020

Department of Energy moves carefully on assessing foreign research collaborations

Education Department uncovers \$1B in anonymous foreign funding at higher education institutions

NIH Investigates Foreign Influence at U.S. Grantee Institutions

BY ERIC BOCK



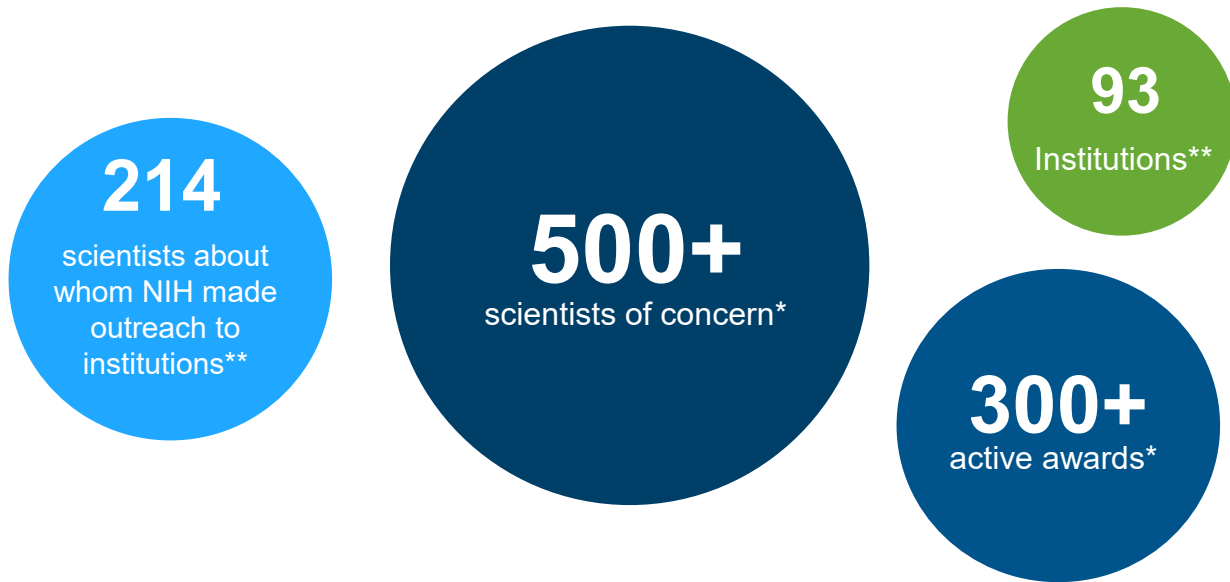
NIH has identified more than 100 instances of troubling foreign influence on extramural research, including withholding information about funding sources and conflicts of interest, and violating the confidentiality of peer review, said Dr. Michael Lauer, NIH deputy director for extramural research.

"These all represent forms of theft," said Lauer during an online session last week's biotech group session on Sept. 9 in HHS.

NIH has investigated at least 100 scientists at more than 60 institutions for violating policies requiring grantees to report their foreign ties. The agency has referred 23 cases to the HHS Office of the Inspector General for deliberation to prevent scientists from applying for grants.

Foreign Influence In Research

NIH Findings



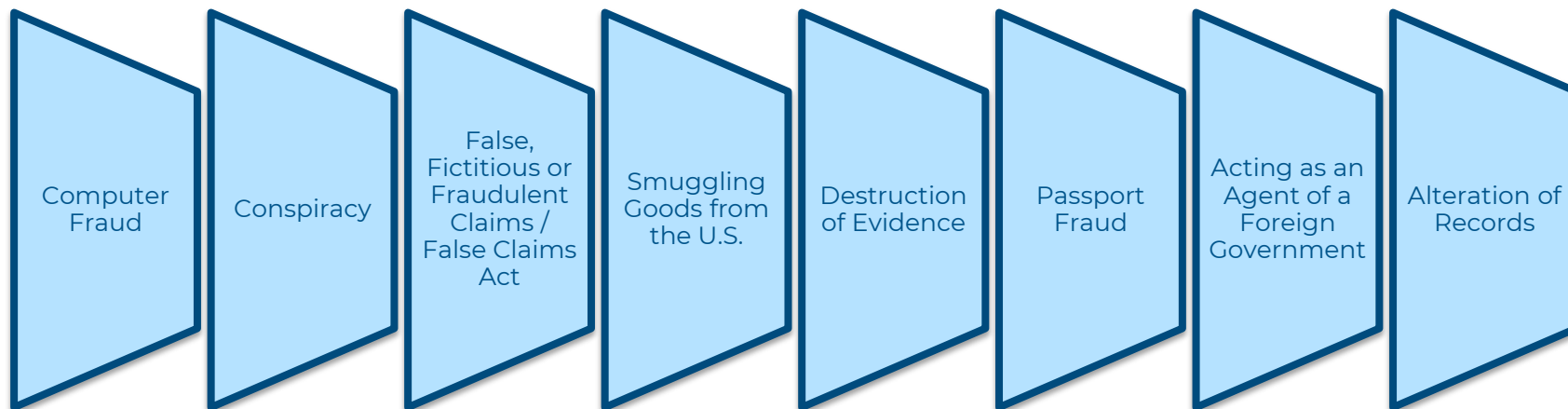
**as of April 2021

***as of July 2021

Foreign Influence In Research

Foreign Influence Case Charges*

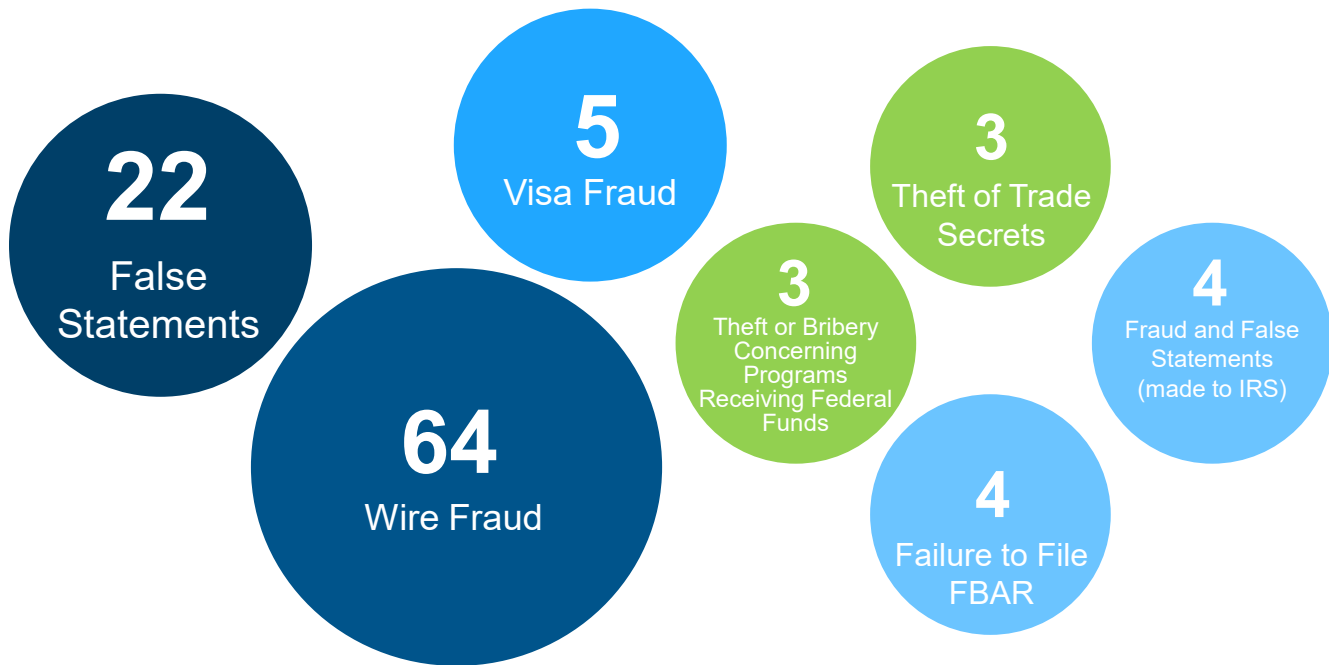
Types of charges in foreign influence cases include:



*Based on 22 reported federal cases involving academic researchers as of 4/28/21

Foreign Influence In Research

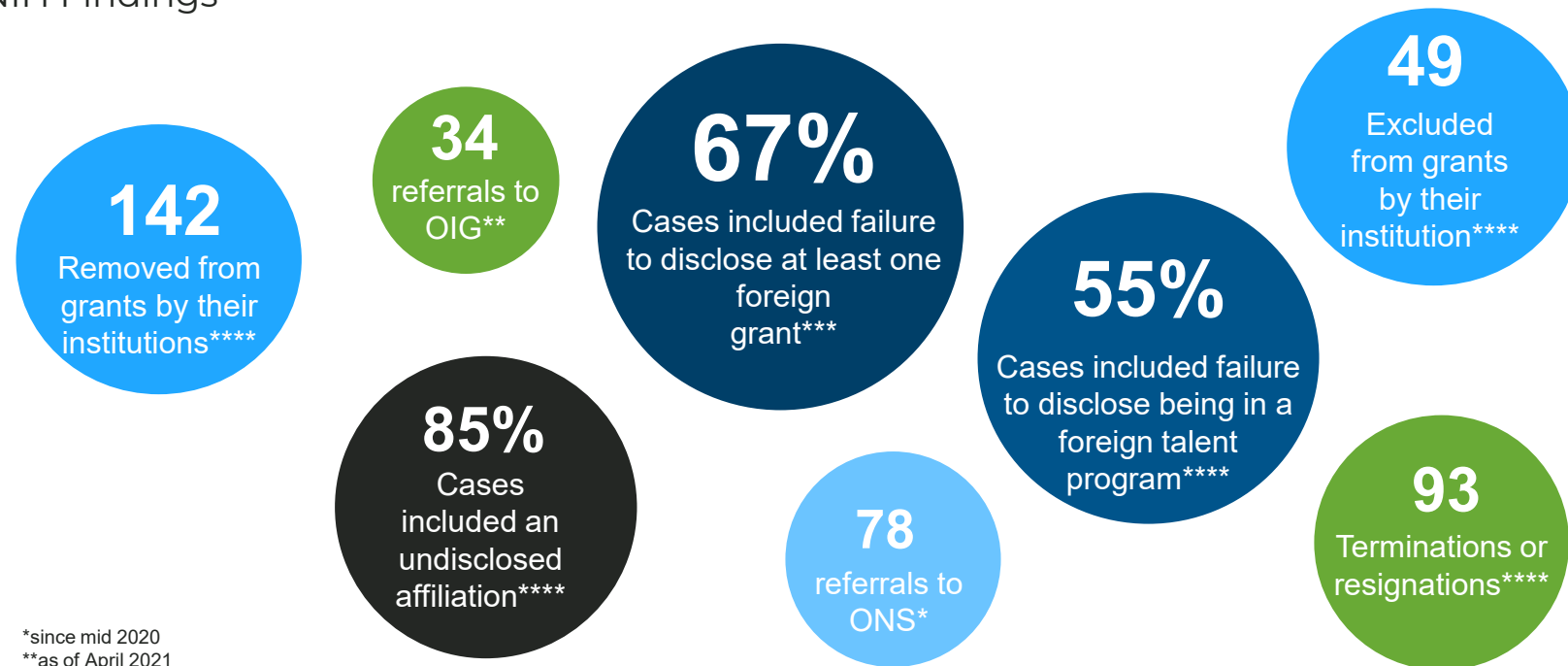
Foreign Influence Case Charges*



*Based on 22 reported federal cases involving academic researchers as of 4/28/21

Foreign Influence In Research

NIH Findings



*since mid 2020

**as of April 2021

***as of July 2021

****as of December 2021

Foreign Influence in Research

Enforcement Activity

THE OHIO STATE UNIVERSITY

• November 2020

- An OSU faculty member pled guilty to making false and misleading statements in NIH grant applications, seeking to conceal participation in Chinese talent programs and collaboration with a Chinese state-controlled university, resulting in using US research to benefit the PRC.

WEST VIRGINIA UNIVERSITY

• August 2020

- A WVU faculty member was sentenced to prison for “federal program fraud” and ordered to pay restitution due to his undisclosed participation in the Chinese government’s 1000 Talents Program.

CLEVELAND CLINIC

• May 2020

- Professor at Cleveland Clinic and Case Western University arrested and charged with making false statements and wire fraud related to NIH funding received ‘under false pretenses.’ In tandem with his Federally funded research program, the professor served as Dean of the College of Life Sciences and Technology at a University in Wuhan, China and hid his participation in China’s Thousand Talent’s Program.

HARVARD UNIVERSITY

• January 2020

- The chair of university’s chemistry department allegedly lied about contacts with a Chinese state-run initiative that seeks to draw foreign-educated talent. The chair was arrested and criminally charged for making a false statement to federal authorities about his financial relationship with the Chinese government, and his participation in a program to attract foreign-educated scientists to China.

MOFFITT CANCER CENTER

• December 2019

- The CEO, among other leaders and researchers, resign over possible exploitation of American-funded research by China.
- Internal investigation into the hospital’s partnership found compliance violations.
- Most were linked to Moffitt employees’ personal involvement in a program that is designed to recruit foreign-educated scientists.

EMORY UNIVERSITY

• May 2020

- NIH reviewed a faculty member’s NIH grant applications, concerned that he had possible undisclosed foreign research activity
- DOJ investigation found that between 2012-2018 he was employed at two Chinese universities and earned at least \$500,000 in income that he never reported
- He was charged and convicted for filing false tax return. Sentenced to probation and ordered to repay over \$35,000 to IRS.

Regulatory & Legislative Activity

National Security Presidential Memorandum 33 (NSPM-33)

January 2021 - NSPM-33 Section	January 2022 – Implementation Guidance
Disclosure Requirements and Standardization “to the greatest extent possible”	Standardization of disclosure requirements, forms, and formats <ul style="list-style-type: none"> • Organizational Affiliations/ Employment • Positions/ Appointments • Foreign gov.- sponsored talent recruitment program • Current and pending support/ Other Support
Digital Persistent Identifiers (DPI)	Guidance on the integration of digital persistent identifiers (DPIs), or Persistent Identifiers (PIDs), in disclosure procedures by research agencies, enhancing research security and integrity while minimizing administrative complexity. <i>ORCID iD</i>
Consequences for Violation of Disclosure Requirements Information Sharing	Guidance on defining suitable repercussions in alignment with relevant laws and regulations, all the while maintaining a reasonable degree of adaptability for agencies and research institutions.
Information Sharing	Offer clarity on instances when agencies can share details about violations or potential violations. Assure that such sharing will be restricted to uphold privacy and adhere to legal and reasonable safeguards.
Research Security Programs	Guidance regarding how institutions with over \$50M in annual research expenditures should create and administer General Research, Export, Cybersecurity, and Foreign travel security trainings for all research personnel.

Regulatory & Legislative Activity

Regulatory Updates

U.S. Innovation & Competition Act

RCR Training

- Changes responsible conduct of research training to apply to faculty and expands topic scope to security threats, export controls, disclosure, and reporting requirements

Foreign Talent Program Prohibition

- Prohibits providing federal funding to any person engaged in foreign talent programs of China, Russia, Iran, or North Korea

Foreign Talent Program Contracts

- Requires that contracts be provided for funded individuals participating in foreign talent programs of other countries

Criminalizing Failure to Disclose

- Criminalizes failure to accurately report outside compensation or other support on federal grant applications

Export Control Reporting

- Requires proactive reporting when providing visitors with access to export controlled technology

Gift and Contract Reporting

- Lowers Section 117 reporting threshold to \$50,000 and expands CFIUS oversight to certain foreign gifts and contracts to institutions of higher ed

House Speaker Pelosi and Senate Majority Leader Schumer announced a bicameral agreement to conference the ICA on November 17, 2021.

Regulatory & Legislative Activity

CHIPS and Science Act (2022) - Topical Research Security Provisions

Provision	Summary
Foreign Financial Support	Institutions report annually to NSF on foreign financial support above \$50,000, specifying sources from concerning countries. Failure to comply may lead to award reduction or termination.
Responsible Conduct in Research Training	Amends 2007 COMPETES Act to expand training, security awareness, and federal control compliance in research – security threats, export control, disclosure & reporting.
Research Security and Integrity Information Sharing Analysis Organization	Mandates the establishment of a Research Security and Integrity Information Sharing Organization to assist universities and researchers with detecting improper and unlawful attempts to undermine security.
Research Security Training Requirement for Federal Research Award Personnel	Each agency mandates research security training in R&D award applications; institutions and individuals must certify completion. OSTP guides institution-specific programs covering cybersecurity, international aspects, and financial rules. Input from diverse stakeholders shapes adaptable, regularly updated modules for all federal research agencies.
Online Resource	Requires NSF to develop an online resource containing up-to-date information, tailored for institutions and individual researchers.

Regulatory & Legislative Activity

NSPM- 33 & CHIPS and Science Act - Malign Foreign Government Talent Recruitment Programs Prohibitions

“...prohibit participation in any foreign talent recruitment program by personnel of Federal research agencies and to prohibit participation in a malign foreign talent recruitment program by covered individuals involved with research and development awards from those agencies.”

Legitimate Programs:

- Many countries have lawful talent recruitment for targeted research fields.
- Utilize ethical means like research fellowships and grants to attract researchers.

Problematic Programs:

- Organized, managed, or funded by foreign governments.
 - China, North Korea, Russia, Iran, or any other country determined to be a concern by the Secretary of State)
- Target professionals or students, irrespective of citizenship.
- Mandates to recruit or train others, bypassing merit-based processes.

Regulatory & Legislative Activity

Agency Response Examples

NIH

Expansion of reporting requirements:

- Unpaid appointments that provide access to lab space, research materials, and staff.
- Collaborations with scientists in foreign countries (and domestic) whose experiments have directly benefitted the individual's research, whether or not NIH grant funds are expended
- Provision of non-financial resources or financial support for research from other entities
- Participation in a "talent" program

NSF

Biosketch requirements:

- All appointments regardless of remuneration.

Current and Pending Support:

- All current and pending support, institutional or individual.
- All project and activities, regardless of remuneration, that require a time commitment must be included.
- If failure to disclose is discovered at proposal time, NSF must be notified within 30 days.
- Updates to biosketch and C&P templates

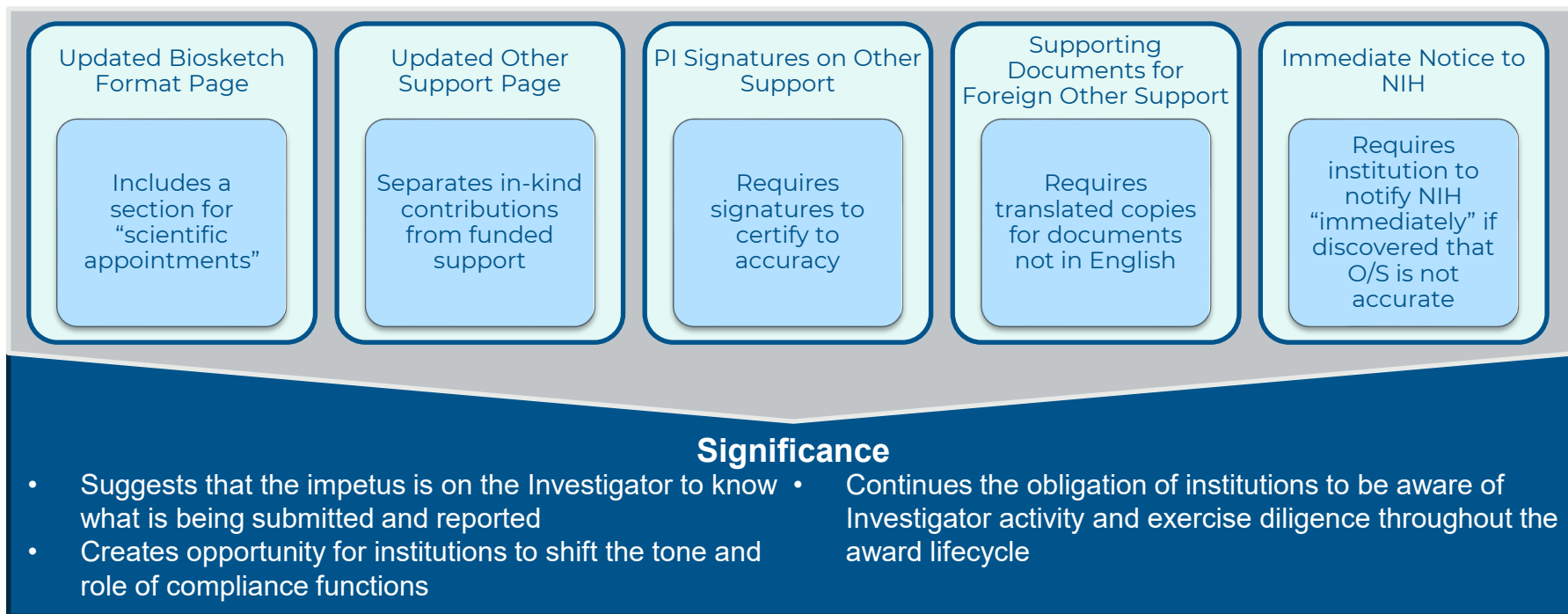
DOD

DOD is required to:

- Protect IP, controlled information, key personnel, and information about critical technologies relevant to national security
- Limit foreign influence
- Support efforts toward development of domestic talent in relevant scientific and engineering

Regulatory & Legislative Activity

NIH Notices NOT-OD-21-073 and NOT-OD-21-110



*Release date: March 12, 2021, Effective date: May 25, 2021

**Release date: April 29, 2021; Effective date: January 25, 2022

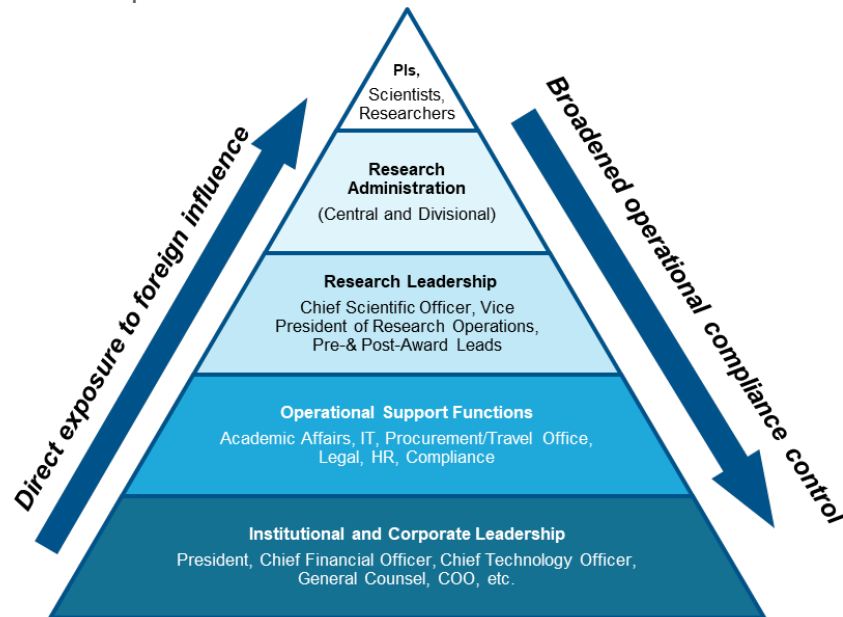


Foreign Influence Management

Department Research Administrators as Compliance Champions

Compliance Framework

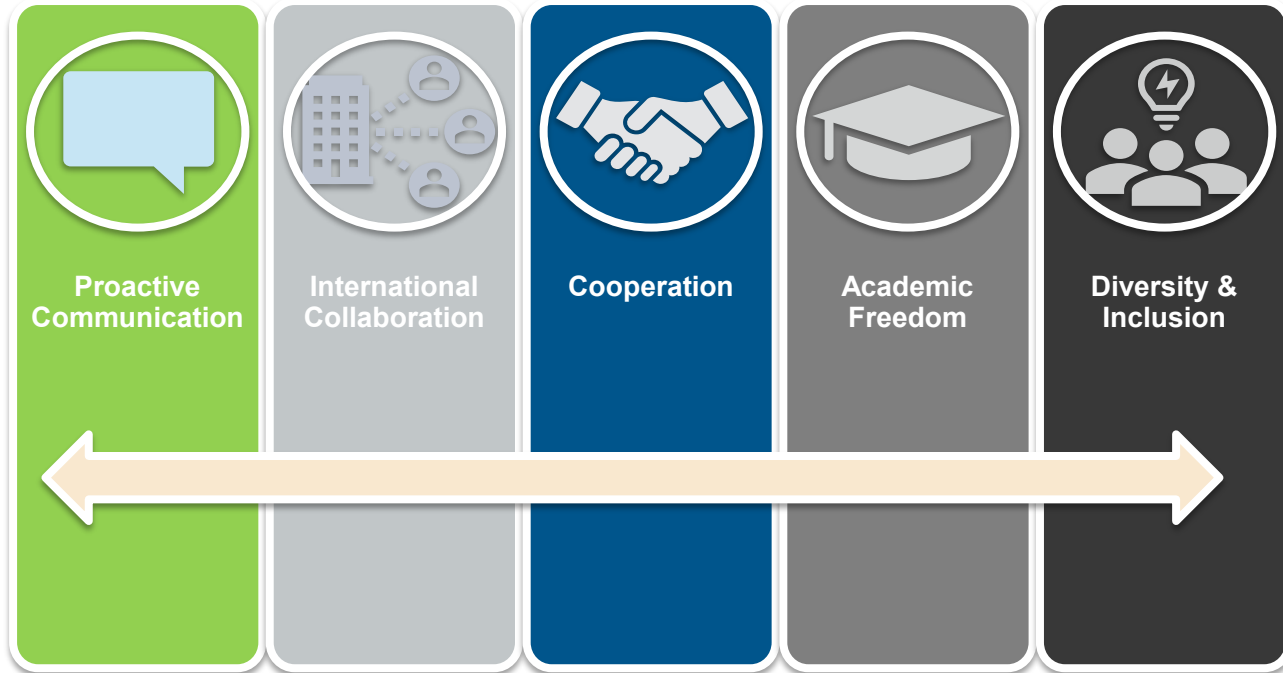
Responsibility for managing foreign influence risk resides across the institution at all levels of personnel.



Impacted Areas	PIs	CV, Other Support, Progress Reports, Conflict of Interest or Commitment Disclosure, Foreign Activities and Foreign Components
	Research Administration	Foreign Gifts & Partnerships, Proposal Development and Submission, Research Compliance Programs, Financial Review, Approval and Reporting, Subcontracts, Technology Transfer
	Research Leadership	Research Priorities & Mission Research Strategy and Execution
	Operational Support	Systems Access, Data Security, Restricted Party Screening, Human Resources, Foreign Travel, Academic Affairs
	Institutional Leadership	Institutional Priorities, Strategy & Mission Risk Management and Decision Making

Institutional Response Strategies

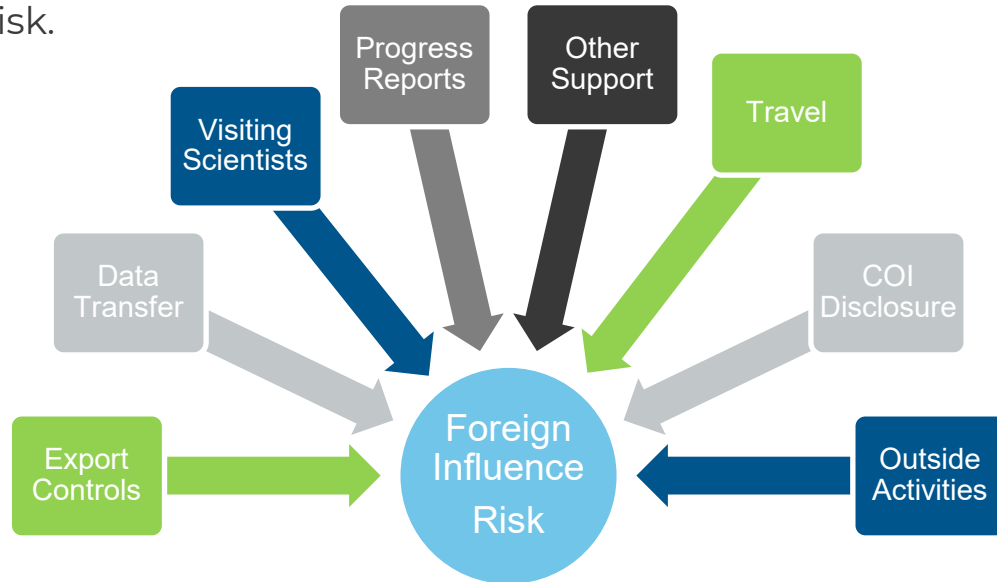
Guiding Principles



Institutional Response Strategies

Risk Identification

Institutions were challenged to figure out how to gather information from multiple sources across typically disparate units within an institution to obtain the complete picture of foreign influence risk.



Institutional Response Strategies

Due Diligence

Research institutions across the country have adopted various mechanisms to address inappropriate foreign influence.



CONFLICT DISCLOSURE

- Disclosing outside activities for researchers and faculty members
- Pre-approving outside activities
- Reviewing outside activity contracts and/or developing contract addenda



VISITOR ACCESS

- Expanding background checks for visitors and employees who may work on research projects
- Reviewing and updating Visiting Scientist agreement templates to capture technology and space access, IP restrictions, disclosure requirements, etc.



FOREIGN GIFTS & PARTNERSHIPS

- Identifying gifts received from foreign entities or individuals and ensure IP protection, as applicable
- Implementing processes for escalated review of foreign agreements and/or agreements with companies subject to US sanctions



SYSTEMS AND SPACE ACCESS

- Ensuring identity management when provisioning access to systems
- Ensuring access to physical space containing sensitive data is restricted
- Monitoring access logs for unusual activity



DATA SECURITY

- Determining strategies to protect against data exfiltration
- Housing sensitive databases using secure data centers and/or on restricted networks
- Prohibiting the use of personal equipment on restricted networks
- Require use of loaner equipment during foreign travel

Foreign Influence Management

Faculty Participation

Faculty can help mitigate inappropriate foreign influence risk by following relevant institutional policies and procedures in carrying out their responsibilities. Some examples include:



Travel

- Use the institutional designated travel system to purchase travel
- Disclose sponsored travel through the COI process



Shipping and Purchasing

- Check with the Export Control Office prior to shipping internationally
- Make purchases through the established procurement process



Contracts and Gifts

- Do not sign contracts on behalf of the institution unless you have signature authority
- Direct donors to the Advancement Office for gift receipting



Information Security

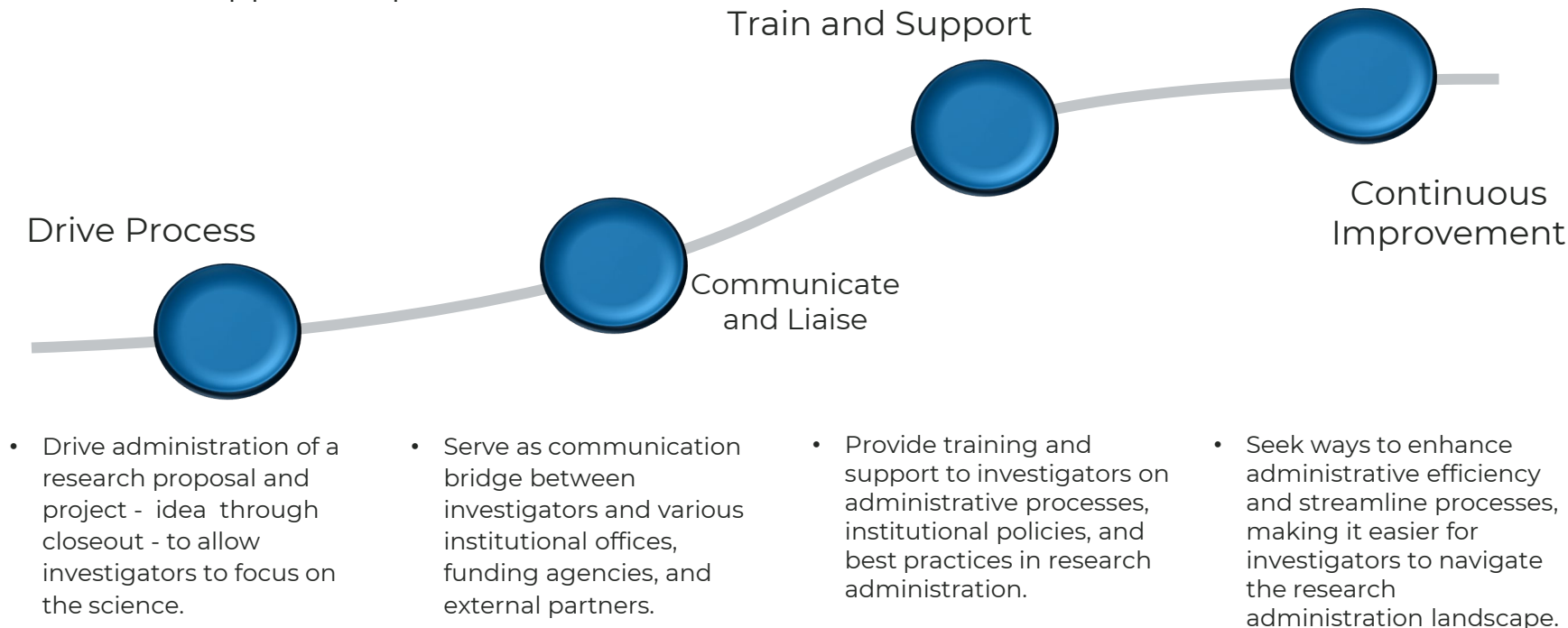
- Use the IT equipment or personal equipment in compliance with IT policy
- Use approved cloud storage providers



Department Research Administrators as Compliance Champions

Department Research Administrators as Compliance Champions

Research Support Responsibilities



Department Research Administrators as Compliance Champions

Compliance Framework

Responsibility for managing foreign influence risk resides across the institution at all levels of personnel.

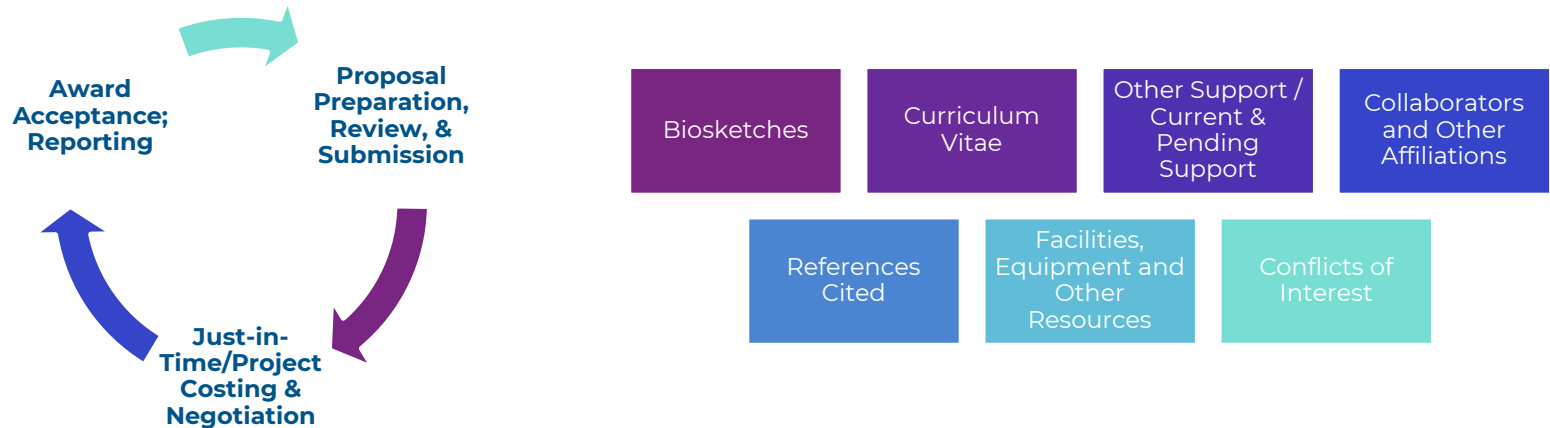


Impacted Areas	PIs	CV, Other Support, Progress Reports, Conflict of Interest or Commitment Disclosure, Foreign Activities and Foreign Components
	Research Administration	Foreign Gifts & Partnerships, Proposal Development and Submission, Research Compliance Programs, Financial Review, Approval and Reporting, Subcontracts, Technology Transfer
	Research Leadership	Research Priorities & Mission Research Strategy and Execution
	Operational Support	Systems Access, Data Security, Restricted Party Screening, Human Resources, Foreign Travel, Academic Affairs
	Institutional Leadership	Institutional Priorities, Strategy & Mission Risk Management and Decision Making

Department Research Administrators as Compliance Champions

Research Lifecycle

Department Research Administrators can be the first line of defense, supporting faculty and the institution. They assist in creating and maintaining many of the documents required by sponsors throughout the research lifecycle, as they are closest to faculty and their research activity.



Department Research Administrators as Compliance Champions

Is my subrecipient collaborator a foreign component?

I want to add a collaborator in Spain, do I need to disclose that to NIH?

Which Biosketch form do I need to use if I am applying for a DoD grant?

What is In-Kind Support?

Do I have to disclose a Visiting Scholar?



Foreign Influence Disclosure

Faculty Impact: Determining foreign disclosure by asking questions

Question	Answer
Will a portion of the work be performed outside of the United States?	YES
Does the work conducted at or by the foreign site constitute a significant and direct intellectual contribution to the project?	YES
Is the foreign site actively engaged in the scientific planning, execution, or reporting of any aspect of the proposed project?	YES
Would the nature of the proposed research undergo fundamental changes if the international component were excluded?	YES
If the work at the foreign site were not undertaken, could the project still be carried out according to the original proposal?	NO
How easily could the activities conducted at the foreign site be replicated in a different location, whether domestic or foreign?	NOT EASILY

Questions Significant to NIH

Disclosure is required

Question	Answer
Does the work at the foreign site involve human or animal subjects?	YES
Does the work for the project involve extensive travel by recipient project staff to a foreign site for the purpose of data collection, surveying, sampling, and similar activities?	YES
Does the project involve any activity that may have an impact on U.S. foreign policy through involvement in the affairs or environment of a foreign country?	YES

When Foreign Component disclosure is required, collaborate with research administration staff for appropriate disclosure on the proposal, RPPR, etc

Foreign Influence Disclosure

Faculty Impact: Disclosure Requirements

Other Support / Current and Pending Support Disclosures

- All financial resources available in direct support of an individual's research endeavors (including grants, contracts, coop agreements, institutional awards, etc.)
- In-kind contributions (i.e. non-financial resources) that support research directly or indirectly
 - Office/lab space, equipment, supplies, materials that aren't freely available
 - Third party commitments to time for research collaborations that benefit the investigator's research endeavors,
- All positions and professional appointments, domestic or foreign, paid or unpaid, including affiliations with foreign entities or governments.

Foreign Influence Disclosure

Faculty Impact: Disclosure Requirements

Other Support / Current and Pending Support Disclosures

- Financial support for laboratory personnel (e.g., post-docs, students, visiting scholars, employees with any third-party funding regardless of whether they work on a federally funded project)
- Foreign programs, including but not limited to foreign government talent programs
- Outside activities (e.g., consulting) where researcher will conduct research as part of outside activities
- Copies of contracts/grants/agreements for foreign appointments or employment (with an English translation) must be provided to NIH
- Any activity conducted within the scope of a researcher's appointment that provides funding or requires a quantifiable commitment of time must be reported

Foreign Influence Disclosure

Faculty Impact: Disclosure Requirements

Foreign Components - NIH

- Intended use of a foreign component must be described in application for federal funding
- Prior approval required from sponsor before adding a new foreign component to an existing award
- Definition:
 - Performance of significant scientific work on the project by a researcher or recipient in a foreign location, and/or in a foreign location employed or paid for by a foreign entity, whether or not grant funds are expended
- The NIH states significant grant-related activity may include “collaborations with investigators at a foreign site anticipated to result in co-authorship; use of facilities or instrumentation at a foreign site; or receipt of financial support or resources from a foreign entity.”

Foreign Influence Disclosure

Faculty Impacts: Disclosing Collaborations

Collaborations

- Collaborations with scientists in foreign countries (and domestic) whose experiments have directly benefitted the individual's research, whether or not NIH grant funds are expended.
- NSF requires that Collaborators and Other Affiliations (COA) information must be separately provided for each individual identified as senior project personnel via the use of their template form.
- Examples include:
 - Scientist or student working directly on project but funded by a foreign entity
 - Lab space, research materials or staff provided by foreign entity for that specific research project
 - Foreign collaborators may include (but not limited to):
 - Individuals or labs in foreign countries providing samples
 - Foreign collaborators for the research project that result in co-authorship

Foreign Influence Disclosure

Export Control

- Adherence to U.S. export control regulations is mandatory when engaging in international activities such as travel, conference attendance, collaborations, use of proprietary information, interaction with international personnel and students, hosting visitors, shipping materials, or participating in any international transactions.
- PIs must follow export control requirements when transmitting information overseas or to a foreign national locally.
- Regulations apply regardless of funding source or citation in award documents; receiving controlled tech triggers compliance.

Intellectual Property

- Disclose intellectual property and any enhancements to existing intellectual property to guarantee protection and, when necessary, proper reporting to sponsors.

Conflict of Interest

- When applying for funding from sponsors with COI requirements, PIs must secure disclosure from all project personnel regarding external financial interests or obligations. This is essential to address potential biases in research projects and prevent harm to human subjects.



Conclusions and Key Takeaways

Conclusions & Takeaways

U.S. government representatives and federal funding agencies became concerned about potential inappropriate "foreign influence" and security threats in and around the U.S. research enterprise from entities representing non-U.S. interests.

Federal funders uncovered instances of undisclosed inappropriate foreign influence by US researchers and began to take steps to require more extensive disclosures of foreign collaboration.

The NSPM-33 and the CHIPS Act and other regulatory frameworks were created to support secure foreign collaboration.

In the last few years, with the help of those regulatory frameworks, federal funders have begun to standardize disclosure requirements for researchers and institutions.

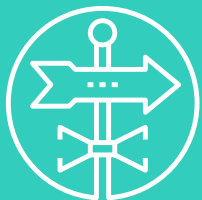
Conclusions & Takeaways

Department Research Administrators support investigators at every level of the research enterprise, from proposal development through close-out and they are in a unique roll to support investigators in the foreign disclosure process.

In addition to on the hands-on support across the continuum of a project, DRAs can also advise on required security training for investigators and staff and provide updates to regulations as they are disseminated from the agencies.

Department Research administrators can play a crucial role in safeguarding institutions against inappropriate foreign influence and ensuring compliance and transparency in academic research.

Conclusions & Takeaways



Accountability



Transparency



**Communication
at all levels is
key**



**Questions
Thank you!**

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Resources

- [NIH Foreign Influence Letter to Grantees 08-20-18.pdf](#)
- [NIH: Foreign Interference](#)
- [NIH G.220 - R&R Other Project Information Form](#)
- [Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components](#)
- [Top-u-s-science-funder-says-it-swamped-investigations-foreign-influence-grantees](#)
- [Nih-investigates-foreign-influence-us-grantee-institutions](#)
- ["Global trends in international research collaboration, 1980-2021"](#)
- [H.R.4346 - Chips and Science Act](#)
- [NSPM-33-Implementation-Guidance.pdf](#)
- [NSF: Dear Colleague Letter: A Request for Input on the Development of the U.S. Research Security and Integrity Information Sharing Analysis Organization](#). May 4, 2023
- [NSF: Research Security](#)
- [NSF: Proposed template and instructions for submission of current and pending \(other\) support information](#)
- [DoD: Letter to the academic community regarding risks related to improper foreign interference](#). October 10, 2019
- [DOD: Department of Defense Strengthening Efforts to Counter Unwanted Foreign Influence on DOD-Funded Research at Institutions of Higher Education](#). June 30, 2023
- [Office of Science and Technology Policy Subcommittee on Research Security: Draft Research Security Programs Standard Requirement](#). February 2023
- [National Counterintelligence and Security Center \(NCSC\) Safeguarding Science](#)
- [Dept. of Energy: Office of Science Laboratory Policy, Science and Security](#)
- [DARPA: Countering Foreign Influence Policy](#)
- [Section 117 of the Higher Education Act of 1965 \(HEA\)](#)
- [NATIONAL SECURITY PRESIDENTIAL MEMORANDUM – 33](#)