
Foreign Engagement: Disclosures to UCLA and Research Sponsors

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Purpose and Goals of Briefing

- To provide information to help faculty comply with UC, UCLA, and federal grant policies in areas related to foreign engagement.
- Issues:
 - Increased sponsor concerns, requirements and scrutiny.
 - UCLA and PI responsibilities.
 - Guidance for faculty.

UCLA Research and Foreign Engagement

- Foreign engagement is of fundamental importance to UCLA.
- Affiliations with foreign institutions, collaborative research, and scholarly exchanges are an essential part of the academic community.
- UCLA is committed to continuing and strengthening these relationships.
- We must recognize and address the U.S. government's increased focus on foreign involvement in university research.

Key Concerns

- U.S. research institutions are sometimes unaware of individual faculty member's and other researcher's foreign engagements.
- In submitting proposals for research support, investigators sometimes fail to disclose:
 - Foreign resources to be used in the project.
 - Foreign employment arrangements and affiliations.
 - Foreign research funding: overlap, duplication, over-commitment.
 - Foreign financial interests.

Response to Concerns by Federal Research Sponsors

- Since 2018, U.S. government agencies have publicly expressed concerns that foreign entities may be using their financial support and interactions with the academic community to compromise U.S. economic competitiveness and national security.
- To address these concerns, new policies and regulations have been issued by federal research sponsors. Existing policies and regulations are being clarified and enforced more actively.
- **Disclosure of foreign involvement by individual investigators in applications for research support is an area of special focus.**

Sponsor Requirements

- Certain collaborations and/or affiliations with foreign entities or individuals must be disclosed in proposals and reports. Such collaborations may include exchanges of staff, materials, data, funding, or other significant activity which could be considered a “foreign component” or could result in joint authorship.
- **Failure to fully disclose foreign/domestic collaborations, affiliations and resources in funding applications and other documents can have serious consequences for the individuals and the university.**

National Institutes of Health (NIH)

- In August 20, 2018, Dr. Francis Collins, NIH Director, issued a letter reminding the research community of the requirement to disclose "all forms of other support and financial interests, including support coming from foreign governments or other foreign entities" in funding applications and progress reports.
- NIH investigated ~ 399 scientists at 189 institutions (June 2020).
- NIH confirmed violations of agency policies by >150 investigators at 87 institutions (July 8, 2020 blog posting by Michael Lauer, M.D.)

National Science Foundation (NSF)

- On July 11, 2019, NSF Director, Dr. France Cordova issued a Dear Colleagues Letter commenting on an increase in "the scope and sophistication of the activities threatening our research community" and outlining NSF's plans to address this situation, including a renewed effort "to ensure that existing requirements to disclose current and pending support information are known, understood, and followed."
- NSF has taken action in 16–20 cases in which foreign ties were not properly reported (*Nature*, July 2020).
- NSF Semi-Annual Reports to Congress in 2019 and 2020 include reports of 5 cases.

Department Of Defense (DoD)

- On March 20, 2019, DOD issued a memo that outlined disclosure requirements for Key Personnel on research and research-related educational activities supported by DOD grants and contracts.

Department of Energy (DOE)

- DOE issued DOE Order 486.1 (June 7, 2019) requiring DOE contractors to exercise ***due diligence to ensure that none of its employees or subcontractors "participate in a foreign government talent recruitment program of a foreign country of risk while performing work within the scope of the DOE contract."*** It is expected that this requirement will apply to DOE grants and cooperative agreements in the near future.

Foreign Talent Programs: What are they?

- An effort directly or indirectly organized, managed, or funded by a foreign government to recruit science and technology professionals or students (regardless of citizenship or national origin, full-time and part-time).
- Often secret – not principled collaborations.
- Engage investigators under contract and provide:
 - Significant salary.
 - Appointment at a foreign university.
 - Funded “shadow” lab in foreign country.
 - Access to high tech equipment.

Principled Research

- As defined by the federal Office of Science and Technology Policy, the values and principles that guide Principled Research include:
 - Openness and Transparency
 - Accountability and Honesty
 - Impartiality and Objectivity
 - Respect
 - Freedom of Inquiry to allow individual curiosity to guide discovery
 - Reciprocity to ensure that scientists and institutions exchange materials, knowledge, data, access to facilities and training that benefits collaborating partners proportionately
 - Merit-based competition

Foreign Talent Programs: What are the concerns?

- Commitment to keep the terms of the agreement confidential.
- Promise not to disclose the results of work conducted under foreign patronage.
- Investigator cannot terminate the agreement without permission of the sponsoring government.
- Promise to turn over intellectual property that they develop (in U.S. or in a foreign country).
- Promise to provide appointments in the U.S. lab to foreign collaborators or visitors.

National Aeronautics and Space Administration (NASA)

- C3. By submission of its proposal, the proposer represents that the proposer is not China or a company owned by the People's Republic of China, and that the proposer will not participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, at the prime recipient level or at any sub-recipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.
- NOTE: Use of NASA funds to support Chinese national students or visiting scholars is not expressly forbidden, but the restriction is focused on the existence of the individual's affiliation with the government of China or a Chinese-owned company.

Federal Bureau of Investigation (FBI)

- The FBI and U.S. Department of Justice released a white paper in April 2011 on “Higher Education and National Security: The Targeting of Sensitive, Proprietary, and Classified Information on Campuses of Higher Education “to alert universities “about how foreign intelligence services and non-state actors use US colleges and universities to further their intelligence and operational needs.”
- In the fall of 2017, Director Christopher Wray established the Foreign Influence Task Force (FITF) to identify and counteract malign foreign influence.
- In March 2018, the FBI issued a document titled “China: the Risk to Academia.” This document outlines ways for universities to protect themselves from counterintelligence threats.
- On August 30, 2018, the FBI launched a webpage to combat foreign influence.

nature

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Harvard chemistry chief's arrest over China links shocks researchers

Nanoscientist Charles Lieber allegedly lied about his involvement in China's Thousand Talents Plan.

“None of the Moffitt faculty who were Talents program participants properly or timely disclosed their Talents program involvement to Moffitt, and none disclosed the full extent of their Talents program activities prior to Moffitt’s internal investigation, Moffitt officials wrote on 17 January to state Representative Chris Sprowls (R), who leads a special legislative committee created this month.”

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The Moffitt Cancer Center is Florida's only federally designated Comprehensive Cancer Center. MOFFITT CANCER CENTER

Moffitt Cancer Center details links of fired scientists to Chinese talent programs

 Department of Justice

MIT Professor Arrested and Charged with Grant Fraud

BOSTON – A professor and researcher at Massachusetts Institute of Technology (MIT) was charged and arrested today in connection with ...

3 weeks ago

 Boston.com

MIT professor charged with hiding work for China

BOSTON (AP) — A Massachusetts Institute of Technology professor was charged Thursday with hiding work he did for the Chinese government ...

3 weeks ago



NIH Foreign Component

Performance of a significant scientific element of the NIH-supported project outside of the United States, whether or not grant funds are expended, requires NIH prior approval.

- Collaborations with investigators at a foreign site anticipated to result in co-authorship.
- Use of facilities or instrumentation at a foreign site.
- Receipt of financial support or resources from a foreign entity.

Other Agency Policies on Foreign Components

DOD may fund collaborations with foreign institutions under certain conditions. Prior approval is required.

DOE EERE and **ARPA-E** do not allow any part of funded research to be performed outside the U.S. without a waiver.

NASA does not normally fund research proposals from, or subawards to, foreign organizations, nor research efforts by individuals at foreign organizations as part of U.S. research proposals. Requires prior approval.

NSF rarely provides direct funding support to foreign organizations. See NSF Policy and Procedure, [Chapter 1, Paragraph E.6.](#) Requires justification and prior approval.

NIH Other Support

Disclose in proposals, just-in-time requests, progress reports, and as requested includes **all resources made available to researchers** in support of and/or related to all of their research endeavors, regardless of where those resources are located.

Includes, but is not limited to:

- Research support at UCLA and at other institutions, foreign or domestic.
- Financial support for laboratory personnel.
- Access to specialized equipment or facilities at any location.
- Access to materials that are not freely available.
- In-kind support.

Does not include start-up funds from U.S. institutions.

[NIH Other Support FAQs](#)

NIH Matrix – What to Disclose and Where

Examples of What to Disclose to NIH about Senior/Key Personnel on Applications and Awards:*

Table 1: Recipients Must Report**

Type of Activity	Report in Biosketch / Application	Report as Foreign Component in Application	Obtain Prior Approval and Report as Foreign Component in RPPR	Report as Other Support (JIT)	Report as Other Support (RPPR)	Review for potential FCOI
All positions and affiliations, including volunteer positions, relevant to the application	✓					✓ If personal payments to the individual
Relevant appointments at foreign institutions – even if labeled as “guest,” “adjunct,” “honorary,” with or without salary support	✓					✓ If personal payments to the individual
The number of person-months devoted to projects, even if there is no salary support or direct personal payments to the scientist				✓	✓ If new	
Income, salary, consulting fees, and honoraria in support of an individual’s research endeavors				✓	✓ If new	✓
Participation in a foreign talent or similar-type programs				✓	✓ If new	✓
Ongoing and completed research projects from the past three years that the applicant wishes to highlight	✓					

NSF Current and Pending Support

All resources made available to an individual in support of, or related to, all of his/her research efforts, regardless of whether or not they have monetary value, and **regardless of whether or not support is provided through the proposing organization, another organization, or directly to the individual:**

- Includes support for the proposed project, ongoing projects, and pending proposals.
- Includes in-kind contributions (such as office/laboratory space, equipment, supplies, employees, students) that are intended for use on the proposed project and that also have an associated time commitment.
- Includes federal, state, local, foreign, public or private foundations, non-profit organizations, industrial or other commercial organizations or internal funds allocated toward specific projects.

[NSF Current and Pending Support FAQs](#)

NSF Post-Award Disclosure of Current Support

NSF Research Terms and Conditions (Effective 10/5/2020)

Article 38. Post-award Disclosure of Current Support and In-Kind Contributions

- If an organization discovers that a PI or co-PI on an active NSF award failed to disclose current support or in-kind contribution information in the proposal, the Authorized Organizational Representative (AOR) must submit the information within 30 calendar days of the identification of the undisclosed current support or in-kind contribution.

NSF Updates to RPPR (Effective 10/5/2020)

- Has there been a change in the active other support of the PI/PD(s) since the last reporting period?
- What percentage of the award's budget was spent in a foreign country?
- Has there been a change in primary performance site location from that originally proposed?

NIH and NSF Biosketches

- List all positions and affiliations including volunteer positions:
 - NIH instruction to list appointments that are “relevant” to the proposal is being changed. List all appointments and affiliations.
- Include all appointments at foreign institutions – even if labeled as “guest,” “adjunct,” “honorary” – with or without salary support.
- Include participation in a foreign talent or similar-type program.

[NIH Biosketch FAQs](#)

[NSF Biosketch Formats](#)

SciENCv: Science Experts Network CV

Benefits per SciENCv

- *“Eliminates the need to repeatedly enter biosketch information.”*
- *“Reduces the administrative burden associated with federal grant submission and reporting requirements.”*
- *“Provides access to a researcher-claimed data repository with information on expertise, employment, education, and professional accomplishments.”*
- *“Allows researchers to describe their scientific contributions in their own language.”*

Create a New Biosketch

Biosketch name

Enter a name to help you to identify this biosketch

Format

NIH Biosketch
 NIH Fellowship Biosketch
 NSF Biosketch
 IES Biosketch

Select a format for this biosketch

Choose data source

Start with a blank document

Existing Biosketch:

External source:

Your eRA Commons account

- eRA Commons
- ORCID
- National Science Foundation

Sharing

Private
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You can change the shared settings at any time.

SciENCv YouTube Videos

NSF Biographical Sketch

SciENCv for NSF Users: Biographical Sketches



NSF Current and Pending Support

SciENCv for NSF Users:
Current and Pending Support



DOD Current and Pending Support

DOD Memorandum – “**Actions for the Protection of Intellectual Property, Controlled Information, Key Personnel and Critical Technologies**” (March 2019)

Requires disclosure of current and pending support in all applications for grants, cooperative agreements, technology investment agreements, and other non-procurement transactions that support research and research-related educational activities.

“This information will be used to **support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security.** Additionally, this information will be used to **limit undue influence, including foreign talent programs,** by countries that desire to exploit United States' technology within the DOD research, science and technology, and innovation enterprise.”

DOE Current and Pending Support

DOE Order 142.3A, Unclassified Foreign Visits and Assignments Program

- Order modified in December 2019 to remove the “fundamental research exception” for universities.
- Current **grant terms include controls on unclassified foreign national access to “DOE sites, information, technologies, and equipment.”**
- ‘Foreign national’ is defined as any person who is not a U.S. citizen by birth or naturalization.
- Foreign national participation may require DOE prior approval.

Current and Pending Support

- List all current and pending support for the PD/PIs and senior/key persons, including sub-awardees.
- List all sponsored activities or awards requiring a measurable commitment of effort, whether paid or unpaid.

NASA Current and Pending Support

NASA PIs and Co-PIs must list all ongoing and pending projects and proposals in which they are performing or will perform any part of the work.

Disclosure must include the name of the sponsoring organization, including a point of contact with telephone number and email address

DOD, DOE and NASA have all been directed by the GAO to document procedures, roles, and responsibilities for addressing and enforcing failures to disclose required information, both foreign and domestic.

Changes in Status of PI Require Prior Approval

- Sponsors require advance notification and prior approval of a change in status of the PI. Change in PI status may be:
 - Significant reduction in the PI's effort commitment.
 - Sabbatical, leave of absence, or administrative leave.
 - Other circumstances that result in absence from the project for 90 days or more.
- Request for sponsor prior approval must include a plan for the ongoing management of the project during the absence, such as temporary appointment of an alternate PI.
- Sponsor prior approval is required for a PI or other project team member to work from a remote location outside of the U.S. ('foreign component').

Federal Expectations and Our Challenges

- Federal research sponsors hold institutions responsible for the accuracy and completeness of all proposals, progress reports, and other documentation submitted.
- How can UCLA know the full range of faculty outside activities including membership in foreign talent programs, appointments elsewhere, access to facilities and resources elsewhere, and any other sources of research support?
- How can UCLA ensure that proposals, Just-In-Time documents, and progress reports sent to OCGA for submission to sponsors are accurate and complete?

What has UCLA already done?

- Distributed communications from campus leadership in [November 2018](#) and [February 2019](#).
- Convened a series of Foreign Engagement meetings with vice chancellors, deans and key administrators.
- Organized a campus visit and town hall meetings with Michael Lauer, M.D., deputy director for NIH Extramural Research.
- Created a dedicated “Foreign Engagement” [website](#) to provide guidance to the UCLA community.
- Developed a **PI Portfolio Report** in the [UCLA PI Portal](#) to assist in reporting accurate data for grants/contracts processed by OCGA, TDG and DGSOM Clinical Trials office (does not include gifts, awards made to other institutions).

UCLA Policy 910: Management of Sponsored Projects

RESPONSIBILITY FOR COMPLIANCE

- Primary responsibility rests with the principal investigator, and PI's signature on EPASS is a certification that submitted information is complete and accurate.
- Deans, department chairs and ORU directors provide primary oversight and are responsible for management of sponsored projects in their respective units.
- The ORA Authorized Official's signature on a proposal, current and pending support page, progress report, or correspondence is a certification and assurance that the documents are complete and accurate.

Deans and Chairs: Sources of information about possible foreign engagement

- Requests for prior approval under Academic Personnel policies on outside activities (APM 025 and 671) start at the department level and are endorsed by deans.
- Leave requests are initiated at the departmental level and endorsed by deans.
- Sabbatical requests are initiated at the department level and approved by deans.
- Development of academic dossiers resides within the schools.
- Departmental support for proposal development and management of awards is overseen by chairs.
- We need your help.

Mike Lauer's "Open Mike"

["Addressing Foreign Interference and Associated Risks to the Integrity of Biomedical Research, How You Can Help"](#)

Questions?

Thank You
