Foreign Influences and Sponsored Projects

16 April 2019
RAC Forum
Background

- Duke University
  - Invisibility Cloak
- FBI Director Testimony to Congress
- NDAA of 2018
  - Restriction on equipment
  - Counter foreign influence in research
- Focus on Talent Recruitment Program
NIH and Foreign Influences

• August 2018 – Director Collins “Dear Colleague Letter”
  – Concerns – systematic programs of foreign influence
  – Diversion of IP in grant applications or results
  – Sharing of confidential information on grant applications
  – Failure to disclose substantial resources from other organizations, including foreign governments, which threaten to distort NIH funding decisions

• December 2018 NIH Advisory Committee to the Director

• NIH inquiry letter to Berkeley
  – Check compliance with COI, conflict of commitment, foreign component and “other support” requirements
NIH Grant Application Requirements – Other Support

• “Other support”
  – *All* financial resources, *in direct support of an individual’s research*, including research contracts and grants, institutional awards, and financial or non-financial support, *including any from foreign governments or entities*
  – Reported to NIH at JIT stage and in each annual report
NIH Grant Application Requirements – Foreign Component

• Definition
  – Performance of any significant scientific element or segment of a project outside of the US, either by the recipient or by a researcher employed by a foreign organization, whether or not grant funds are expended

• Examples
  – Extensive travel for data collection, surveying, sampling, and similar activities (would meet definition)
  – Collaborations with investigators at a foreign site anticipated to result in co-authorship (may be significant activity)
Huawei and ZTE

- Concerns from FBI and Congress in 2012
- NDAA restrictions
- DOJ Indictments
  - Financial fraud
  - Theft of trade secrets
- Jan 30, 2019 VCR letter on moratorium
UCOP Communications

• February 7, 2019 – Pres. Napolitano Letter: Top line Recommendations (based on Tiger Team Reports)
  – *International agreements and funding* – establish a common vetting process and establish risk mitigation strategies
  – *International visits and visitors* – establish protocols for international travel; implement screening procedures for visitors
  – *Research funding* – implement UC Outside Activity Tracking System for COC disclosures; develop methods to compare COI and COC disclosures; develop training on what should be included in grant applications
  – *International students* – raise awareness of pressure on international students by their governments to self-censor speech and limit their freedom of association
February 13, 2019 – Pres. Napolitano Letter

- Conduct full and complete inventory
  - All equipment and services from Huawei or ZTE
  - Any gifts in past 5 years
  - Any grant funds in past 5 years
  - Any other support
- Collect agreements and gift documents
- Consider equipment substitution
March 28, 2019 – Escalation Protocols for Research Related Matters

- “Triggering event”
  - Communication from agency expressing “concerns about a foreign entity’s involvement in the research”
  - Any campus “knowledge or suspicion” of violation of law or policy involving a “concern regarding a foreign entity’s involvement in the research.”
- Notify LDO within 24 hours
- LDO response for overall oversight of investigation
Department of Defense

• March 20, 2019 – Current and Pending Support
  – Current and future projects regardless of source
  – Title and objectives of other projects
  – Percentage of year for other projects
  – Total amount of support received if proposals are awarded
  – Name and address of agencies or other parties supporting the other projects
  – Period of performance of other projects

• NDAA 1286 activities
  – Pilot program on research performers
December 14, 2018 – Memo to Department Heads

Science and Technology risk matrix

- Emerging research areas and technologies on one axis and foreign countries on other axis
- Will provide clear guidance on where research collaboration with specific sensitive countries is prohibited

- Foreign visits and assignments – CVs for foreign nationals required for approval to the complex
- DOE grant recipients will be prohibited from using funds for collaborations with sensitive country parties in areas identified in S&T risk matrix

January 31, 2019 Memo re: DOE personnel

- Foreign talent programs vs. DOE employment
Questions?