

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

UCOP Communications



- 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

UCOP Communications



- 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

Department of Energy



- 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?