FEDERAL DEMONSTRATION PARTNERSHIP Redefining the Government & University Research Partnership

Foreign Influence Management – Advancing Understanding While Reducing Burden in this Evolving Environment

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Foreign Influence Management – Advancing Understanding While Reducing Burden in this Evolving Environment

 Topic: The panel will share information on any aspects that have changed related to foreign influence requirements since our last FDP meeting as well as any actions being taken or are planned for on harmonizing requirements, definitions, processes or expectations among federal agencies. Current plans for FDP goals and actions in this area will also be discussed.



- Welcome and Introduction of the Issue
- Update: September 2019 → January 2020
- Agency / Sponsor Presentations
- Discussion and Q&A

FEDERAL DEMONSTRATIC September 2019

So What's the Real Issue?







Activities Since September 2019

- OSTP JCORE Traveling Town-Halls
 - September 16, 2019 "Dear Colleague" memo
- Increased Enforcement
 - 5+ Prominent Newsworthy Examples
- White House Summit Joint Committee on the Research Environment (JCORE) November 5, 2019
 - Focus: integrative approach JCORE is taking to develop policy recommendations and best practices aimed at improving the collective safety, integrity, productivity, and security of our nation's multi-sector research environment.
 - Themes: Transparency, Integrity, Workload, Coordination



Activities Since September 2019

- JASON Report Release December 11, 2019
 - "Fundamental Research Security"
- NSF Communication December 12, 2019
 - PAPPG to be released in 2020, effective 90 days after
 - NSF is partnering with the National Institutes of Health (NIH) to use <u>SciENcv</u> for use in preparation of both the Biographical Sketch and Current and Pending Support.
 - SciENcv allows proposers to integrate their ORCiD to enable prepulation for the Biographical Sketch.
- NIH Advisory Committee to the Director Update December 13, 2019
 - Transparency, Transparency, Transparency
 - Implementing ACD recommendations; Working closely with other agencies and stakeholders
 - "...reiterate the importance of the contribution of foreign scientists..."



Agency Updates



Dr. Bindu Nair Deputy Director for Basic Research Department of Defense

Verbal Comments Only (No Slides)





Key Points of the Report of the Senate Committee on Homeland Security and Governmental Affairs (HSGAC)

- America built a successful research enterprise on certain **values**: reciprocity, integrity, merit-based competition, and transparency.
- Some countries seek to **exploit America's openness** to advance their own national interests. The **most aggressive** has been **China**.
- China does this through **talent recruitment programs**.
- The federal government's grant-making agencies have done little to prevent this from happening, and the FBI and other federal agencies have not developed a coordinated response to mitigate the threat.
- These failures continue to undermine the integrity of the American research enterprise and endanger our national security.



Key Senate HSGAC Recommendations for NSF

- Reaffirm the importance of foreign students / researchers and international research collaborations.
- Establish a **"Know Your Collaborator"** culture in the U.S. research community.
- Harmonize the grant proposal process and reporting requirements for disclosing all foreign conflicts of interest / commitment, and all support.
- Do not award funding to participants of foreign talent recruitment programs absent full disclosure of the terms and conditions of program.
- Consider **updating NSDD-189** and implement additional restrictions.
- Develop a **comprehensive strategy** to combat illegal and extralegal transfers of U.S. intellectual capital.
- Ensure research institutions have **cybersecurity practices** to reduce the risk of research data misappropriation.



Chinese Talent Plan Contracts

Source:

Senate Committee on Homeland Security and Governmental Affairs (HSGAC) November 2019 report, "Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans. "Shall observe relevant laws and regulations of the People's Republic of China and shall not interfere in China's internal affairs."

"Intellectual property rights...including copyright, patent rights, trademark rights are owned by [the Chinese institution]."

"When you are not in China, your laboratory here will be overseen by [a China-based researcher]."

"You will perform much of your work remotely."



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Chinese Talent Plan Contracts (Cont'd)

Source: Senate Committee on Homeland Security and Governmental Affairs (HSGAC) November 2019 report, "Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans.





NSF's Charge to the JASON Advisory Group

- What are the values and risks of openness?
- Should the principles of scientific openness be **affirmed or modified**?
- Are there areas of fundamental research that should be more controlled?
- What controls, if any, could be placed on particular types of information, and how?
- What **good practices** could be put into place by **academic researchers** and/or **funding agencies** such as NSF to balance the open environment of fundamental research with the needs for national (and economic) security?



Four Major Themes of the JASON Study

- The value of, and need for, foreign scientific talent in the U.S.
- The significant negative impacts of placing new restrictions on access to fundamental research.
- The need to extend our notion of research integrity to include disclosures of commitments and potential conflicts of interest
- The need for a common understanding between academia and U.S. government agencies about how to best protect U.S. interests in fundamental research while maintaining openness and successfully competing in the global marketplace for STEM talent.



Assessment Findings

- 1. Foreign-born scientists and engineers training and working in the U.S. make essential contributions to our preeminence in science, engineering and technology today. Continued success will require that the U.S. attract and retain the best science talent globally.
- 2. The U.S. upholds values of ethics in science... upon which credibility of the fundamental research enterprise, and the entire academic system, is based.
- 3. Actions of certain foreign governments are not in accord with these values of science ethics and raise concerns about foreign influence in the U.S. academic sector.
- 4. Scale and scope of the problem remain poorly defined, and academic leadership, faculty, and front-line government agencies lack a common understanding of the threat and risks.



Assessment Findings (Cont'd)

- 5. Conflicts of interest in the research enterprise can be broader than those that are strictly financial.
- 6. Many stakeholders are responsible for the integrity of fundamental research.
- 7. National Security Decision Directive-189 remains a cornerstone to the fundamental-research enterprise and continues to inform policy today.
- 8. Universities have mechanisms to handle controlled unclassified information (CUI) under existing categories but it is ill-suited to the protection of fundamental research areas.
- 9. International researchers are partners in the research enterprise, and our efforts to strengthen research integrity nationally and globally needs to include them.



JASON Recommendations

- 1. Research integrity should be expanded to include full disclosure of commitments and actual or potential conflicts of interest.
- 2. Failures to disclose commitments and actual or potential conflicts of interest should be investigated and adjudicated by the appropriate organization.
- 3. NSF should take a lead with awardees to ensure that the responsibilities of all stakeholders in maintaining research integrity are clearly stated, acknowledged, and adopted.
- 4. NSF should adopt, and promulgate project assessment tools that facilitate an evaluation of risks to research integrity for research collaborations, and for all non-federal grants and research agreements.
- 5. Education and training in scientific ethics at universities and other institutions performing fundamental research should be expanded beyond traditional research integrity to include information and examples covering conflicts of interest and commitment.



Recommendations (Cont'd)

- 6. NSF should reaffirm adherence to the principles expressed in NSDD-189 and strongly discourage the use of new CUI definitions.
- 7. NSF should engage with intelligence agencies and law enforcement to communicate to academic leadership and faculty an evidence-based description of the scale and scope of problems, as well as to communicate to other government agencies the critical importance of foreign researchers and collaborations to U.S. fundamental research.
- 8. NSF should further engage with the community of foreign researchers in the U.S. to enlist them in the effort to foster openness and transparency in fundamental research.
- 9. NSF and other U.S. government science agencies should develop and implement a strategic plan for maintaining our competitiveness for the top science and engineering talent globally, taking advantage of new opportunities for engagement that might arise, even as others become more challenging.



NSF Actions -- to date

to Ensure the Integrity of Federally-Funded Research

- Improved transparency/clarification for disclosure via implementation of a revised PAPPG
- Risk assessment and analysis through JASON independent advisory group
 - NSF is in the process of developing a formal response to the JASON recommendations
- Communication and awareness with the scientific community
- Coordination with USG interagency partners through JCORE
- Coordination with NIH on efforts to standardize, to the extent possible, current and pending support information
- Development of a term and condition to report "unreported" current and pending support information



NIH – Professional Research Integrity Updates

Michelle G. Bulls

Director, Office of Policy for Extramural Research Administration, OER, OD, NIH



NIH Professional Research Integrity Management Updates

- NIH continues to carefully address integrity cases surrounding professional integrity/ foreign influence
- OER leadership represents NIH in State Department meetings on foreign influence
- NIH continues to lead on OSTP J-CORE Subcommittee on Research Security
 - · Aims to protect America's researchers from undue foreign influence
 - Coordinating Federal efforts to communicate effectively, provide outreach, and develop guidance and best practices for academic and research institutions
- Following NSF, NIH is exploring feasibility of using SciENcv to collect Other Support data in addition to the Biosketch

NIH Current Policy on Other Support

- Other Support is defined in the NIH Grants Policy Statement (<u>1.2 Definitions</u> and <u>2.5.1 Just-in-Time</u>), which was updated in December 2019
 - "All resources made available to a researcher in support of and/or related to all of their research endeavors, regardless of whether or not they have monetary value and regardless of whether they are based at the institution the researcher identifies for the current grant. This includes resource and/or financial support from all foreign and domestic entities, including but not limited to, financial support for laboratory personnel, and provision of high-value materials that are not freely available (e.g., biologics, chemical, model systems, technology, etc.)."
- Our Goal: Facilitate the transparency and reporting of all research activities, both domestic and foreign not merely financial.

NIH Future Disclosure Requirement Plans

• Policy Clarifications

- Will update standard terms and conditions to provide clarification for disclosure and transparency of Other Support requirements
- Coordinate with NSF to standardize current and pending support information
- Heavily rely on risk assessment provided by JASON Report to ensure NIH clearly articulates compliance guidelines
- Coordinate with NSF as much as possible

NIH Future Application Requirement Plans

• Application Guide/Instructions

- NIH is updating the application guide instructions, the Other Support Format page, along with other online resource tools
- Coordinating with NSF to harmonize how data is collected and the format
- Will clarify Other Support vs. Bio-sketch reporting requirements
- Current NIH application changes (Forms F) are under OMB review. NIH will submit a change request to incorporate these updates

Looking Ahead

- NIH will continue to partner and offer to participate in helpful discussions related to professional research integrity
- NIH will develop FAQs to accompany all clarifying policies and instructions
- Please continue to submit your questions to grantscompliance@nih.gov





Discussion and Questions