



FEDERAL DEMONSTRATION PARTNERSHIP

Redefining the Government & University Research Partnership

Foreign Influence – Management of Improper Influence – Enhancing the Security and Integrity of America’s Research Enterprise Description

Panelists:

Jean Feldman, NSF; Dr. Rebecca Keiser, NSF; Michelle
Bulls, NIH; Dr. Bindu Nair, DoD

Moderators – Jim Luther, Duke University; Pamela Webb,
University of Minnesota

May 26, 2021 (4:30 – 6:00 EST)



Management of Improper Influence - Federal Panel

Description – Since August 2018, there has been a continuous evolution of understanding and guidance related to Improper Influence and the transparent reporting of outside activities and affiliations/relationships that could impact national security, economic security and/or the integrity of research. Over the past months, various federal entities had provided communication and clarification that continue to provide clarity around these topics. These communications continue to form the basis for a comprehensive approach to managing risk while ensuring that academic research continues to be open to collaboration, internationally & domestically, both within the United States and globally. Critical to this discussion continues to include harmonizing requirements, definitions, processes and expectations among federal agencies and managing administrative burden so that researchers and institutions can accurately and effectively “connect the dots” related to research endeavors to enhance the security and integrity of the research enterprise.

This panel will continue to leverage the unique relationship between research institutions and federal partners supported by the FDP.



Session Overview

- Welcome and Introductions
- Background and Context Setting
- Federal Panelist Presentations
- Moderated discussion and Q&A



Federal Panel

- Panelists

- NSF

- Dr. Rebecca Keiser, Chief of Research Security Strategy & Policy, NSF
 - Jean Feldman, Head, Policy Office, Division of Institution and Award Support, NSF

- NIH

- Michelle Bulls, Director of the NIH Office of Policy for Extramural Research Administration (OPERA)

- DOD

- Dr. Bindu Nair, DoD Deputy Director for Basic Research

- Moderators

- Pamela Webb (University of Minnesota)
 - Jim Luther (Duke University)



Background and Context Setting

- What has happened since last FDP discussion...and still in Progress...
 - FIWG Monthly Meetings
 - NSF – planned release of PAPPG
 - NIH – various Notices
 - “In the News”
 - Pending Legislation (*more to follow*)
 - NDAA, OSTP & National Security Presidential Memorandum-33 Interpretation
 - GAO Report - Report to U.S. Senate (Dec 2020)
 - OSTP Report & Next Steps → TBD
 - Additional examples of university violations
 - Connect the Dots (*more to follow*)
- THOUGHTEXCHANGE



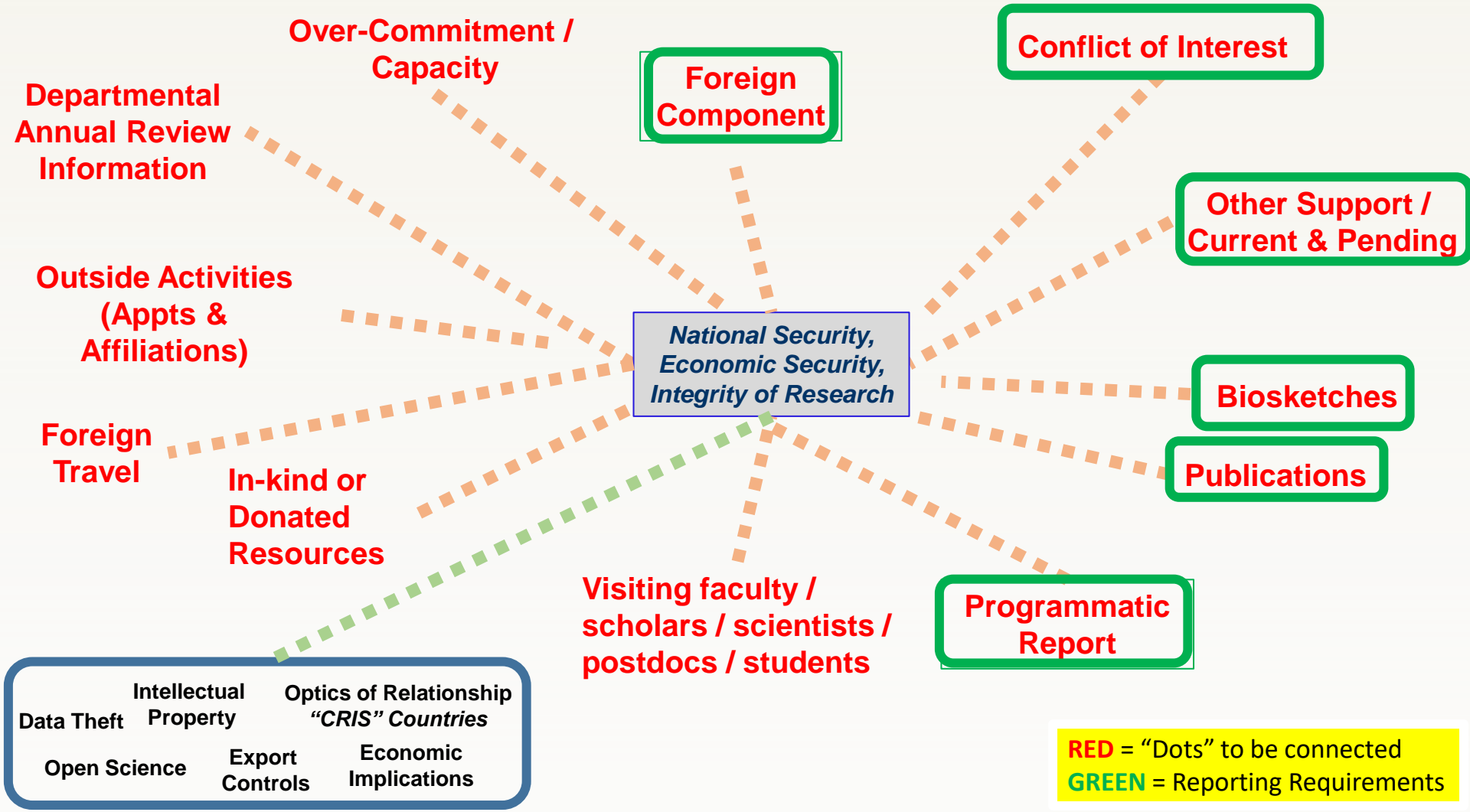
Issues to stay tuned to ..

- Congress continues to demonstrate traction on legislation addressing improper foreign influence ...
- USICA (United States Innovation and Competition Act) **Proposed**
 - Potential for Dept of Ed foreign gift and contract reporting threshold to be lowered from \$250K to \$50K
 - Potential to require any institution with more than \$5M in research expenditures to maintain a database to track foreign gifts and contracts of any amount.
 - Potential to require review by the Committee on Foreign Investment in the US (CFIUS) to review certain foreign gifts or contracts over \$1M received by IHE (~700)
 - Potential for three separate security agencies to establish a counterintelligence screening and certification process for any person receiving funding from NSF, NIST, DOE
 - Potential to ban “nationals of a country of risk” from participating in any DOE program subject to Directive 142.3B.



“Connecting the Dots”

From January 2021
FDP Session





DOTS → “White Paper” Topics

From January 2021
FDP Session

- 1) Institutional / Cultural challenges related to Managing & Reporting Outside Activities
- 2) Management of FCOI data
- 3) The Inherent Complexity and Breadth of the “Dots” Makes it Difficult to Comply
- 4) Pitting Institution against individual faculty – Guilty until proven innocent
- 5) Technical Barriers
- 6) Faculty Perspective
- 7) Accountability: PI or the institution



THOUGHTEXCHANGE



Thought Exchange - Introduction

- In the past several months, NIH and NSF, in particular, have communicated updates and additional guidance regarding Improper Influence (a.k.a. Foreign Influence) and impact on national & economic security. As discussed in previous sessions, this has also been informed over the past 6+ months ago by the NDAA and the Research and Development National Security Policy (NSPM-33).
- This, along with critical communication from OSTP thru FDP in June entitled “Enhancing the Security and Integrity of America’s Research Enterprise”, forms the basis for a comprehensive approach to managing this risk while ensuring that academic research continues to be open to international collaboration here within the United States and at foreign sites. Critical to this discussion will be harmonizing requirements, definitions, processes or expectations among federal agencies and managing administrative burden



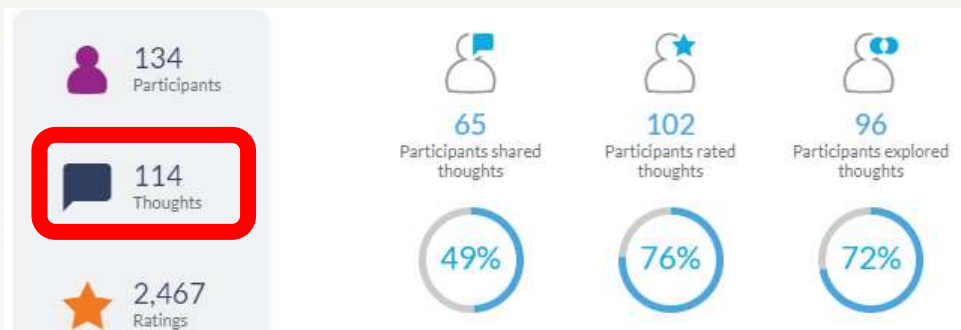
Thought Exchange - Question

- Improper/Foreign Influence: Given the recent federal communications & regulatory updates & your implementation at your institution, what are the most pressing concerns/questions that you have in this space? [If your comment is focused on a specific agency please specify which in your thoughts]

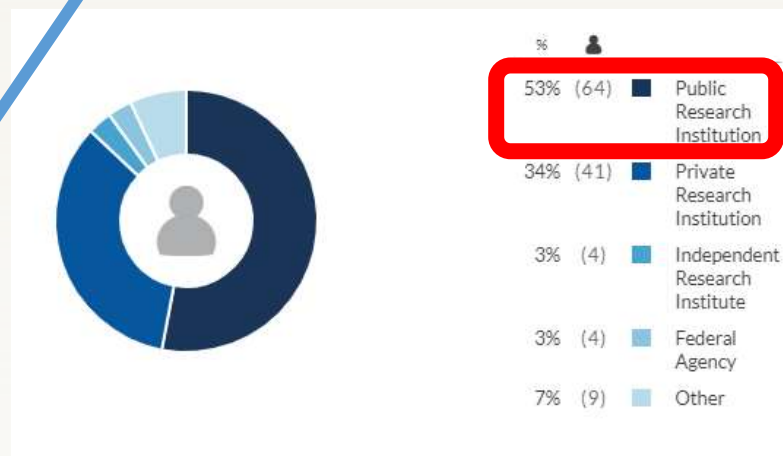


Response Summary

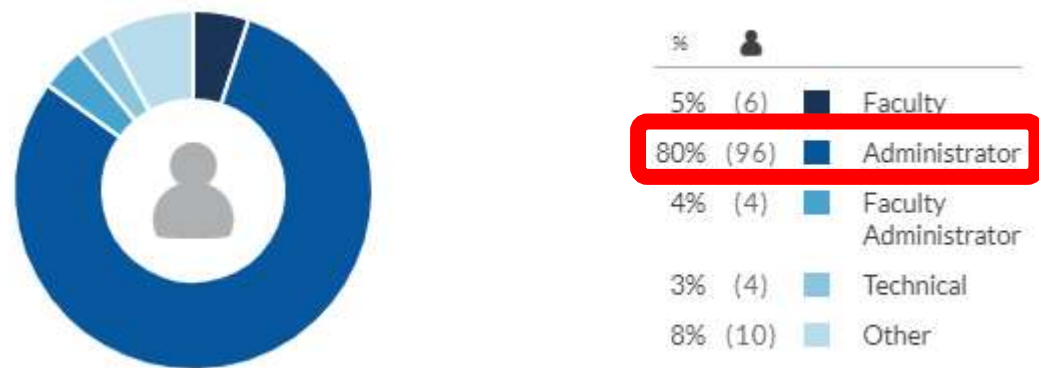
Responses



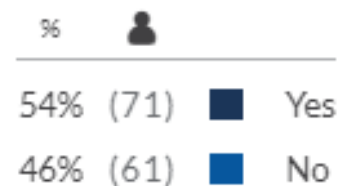
Type of Institution



Role at Institution



Academic Medical Center





Word Cloud – Areas of Interests





Themes

- 1) Clear definitions and processes across all federal sponsors for what and how to report. PI's may be in violation of the rules because each agency has different definitions and processes.
- 2) New policies/reporting requirements seem to getting enacted prior to recommendations on how to implement. Leaving implementation up to interpretation creates confusion for the institutions and researchers.
- 3) Expectation that we "detect" undisclosed information. We don't have the time or tools to do this, and we are not trained to be detectors.
- 4) Burden
 - a) Administrative burden on central offices. It is unclear if central SP officers should be verifying the data and if so how?
 - b) How can we possibly reduce administrative burden in the current environment? We are moving very quickly toward massive burden increases.
 - c) Verify accuracy of disclosures of activities outside of our institution. Lack of administrative bandwidth to follow-up. Rely heavily on PI to disclose accurately and timely.
- 5) Harmonization:
 - a) Inconsistency between federal agency requirements Having to create the "same" document such as other support in multiple different formats with inconsistent rules on what to increases burden & error.
 - b) Harmonizing requirements among federal agencies and providing specific details, examples and nuances of what has to be reported. The administrative burden is exponentially increased if the reporting requirements are not the same for all federal agencies.
 - c) Lack of harmonization across federal agencies inconsistent requirements will lead to inadvertent errors.
- 6) Institution and Faculty accountability and the required certification / Integration with NDAA



Transition to Panelist's Slides



Dr. Rebecca Keiser (NSF)



The Importance of Research Security

Why is research security necessary?

- To **maintain the open research environment by protecting the research ecosystem**
- To **maintain** the vibrant science and engineering community which **relies on collaborations both globally and domestically**
- To **promote** the norms, principles, and values of **openness, transparency, and reciprocal collaboration**



Improper Foreign Government Interference Does **NOT** Equal International Collaboration

INTERNATIONAL COLLABORATION

- Ideal international scientific research collaborations **have transparent and reciprocal exchanges** for mutual benefit
- International collaborations leverage **complementary skills, facilities, sites, and resources**
- Overall, international collaboration **benefits** the scientific enterprise

IMPROPER FOREIGN INTERFERENCE

- Improper foreign interference is **contrary to national sovereignty, values, and interests**
- Select foreign talent recruitment programs **disregard intellectual property** and threaten to **compromise the transparency, openness and integrity** of scientific research

Research Security Challenges

- Conflicts of interest
- Undisclosed research duplication and commitments to research entities outside the U.S. employer
- Compromises to the merit review system
- Unauthorized use of pre-publication data and information



NSF Actions

Ensuring the Integrity of Federally-funded Research

INTERNAL

- ☐ Prohibited NSF personnel and Intergovernmental Personnel Act personnel (IPAs) from participating in foreign talent recruitment programs
- ☐ Created first-of-its-kind position, Chief of Research Security Strategy and Policy (CRSSP)
- ☐ Developed research security training for NSF employees

EXTERNAL

- ☐ Continued update of the Proposal and Awards Policy and Procedures Guide
- ☐ Co-chair a Research Security Education and Training Working Group to create research security training for the external community.
- ☐ Participate in numerous conferences to increase awareness of the risks and compliance with NSF's policies and procedures

National Security Presidential Memorandum 33 (NSPM-33)

- Establishes federal department and agency roles and responsibilities related to research security
- Outlines specific actions the federal government will take to enhance research security and integrity.
- Identifies what researchers must disclose to organizations and/or agencies when seeking federal funding



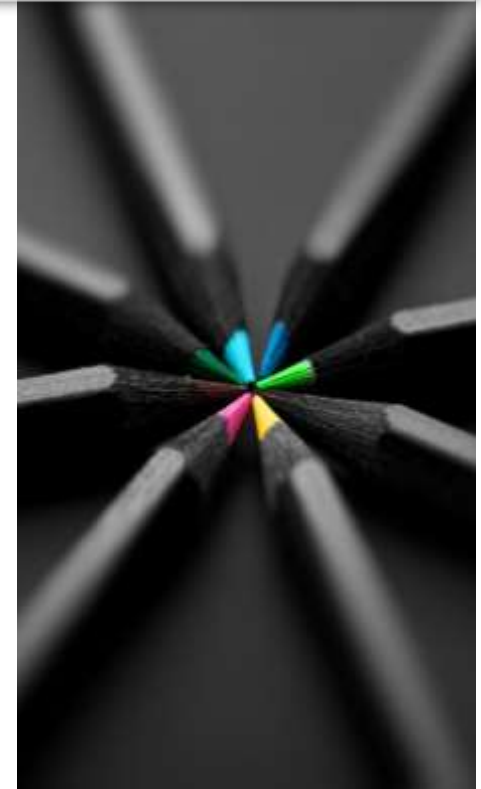
NSF's Next Steps

- Strengthen NSF's capacity to understand and mitigate risks via a robust CRSSP team
- Enhance awareness of research security risks and protections at NSF and within our grantee organizations
- Work with U.S. interagency partners to harmonize implementation of NSPM-33
- Hear from and partner with the research community to mitigate risks and promote science



Conclusion

- Universities and federal agencies should **actively encourage international collaboration**
- Universities and federal agencies have critical roles to play to **promote research security**
- Proposers and awardees should **disclose** the full extent of their activities



Jean Feldman (NSF)

Proposed Enhancements to Biographical Sketch Coverage

- Increase of Page Limitation from 2 to 3 pages
- Addition of Contextual Statement Regarding Purpose of Biographical Sketch Information
- Incorporation of FAQs
 - Professional Appointments
 - Use of “Et Al”
- Incorporation of Reference to new Disclosure Table entitled, *NSF Preaward and Postaward Disclosures Relating to the Biographical Sketch and Current and Pending Support* that has been developed to assist users in completion of these sections of the proposal

Proposed Enhancements to Current and Pending Support Coverage

- Addition of Contextual Statement Regarding Purpose of Current and Pending Support Information
- Enhancement of coverage regarding reporting of in-kind contributions not being used on the proposal being submitted
- Incorporation of FAQs
 - Movement of examples of Current and Pending Support to full text
 - Difference between information provided on the NSF Budget and Current and Pending Support

Proposed Enhancements to Current and Pending Support Coverage (Cont'd)

- Addition of New Requirements to be Addressed in Current and Pending Support
 - A brief statement regarding the overall objectives of the project; and
 - The potential overlap with any active or pending proposal or in-kind contribution and this proposal in terms of scope, budget, or person-months planned or committed to the project by the individual
- Incorporation of Reference to new Disclosure Table entitled, *NSF Preaward and Postaward Disclosures Relating to the Biographical Sketch and Current and Pending Support* that has been developed to assist users in completion of these sections of the proposal

NSF's Term and Condition on Post Award Disclosure

- Effective October 5, 2020, NSF modified its award terms and conditions to require the AOR to notify NSF if the organization discovers that a PI or co-PI on an active NSF award failed to disclose current support or in-kind contribution information as part of the proposal submission process
- Organizations have 30 calendar days to submit undisclosed current support or in-kind contribution
- This information must be submitted via the “Other Request” notification in the Notification and Request Module in Research.gov
- NSF may consult with the AOR, or designee, if necessary, and determine the impact of the new information on the NSF-funded grant, and, where necessary, take appropriate action

Other Active Support Disclosure Requirements in Annual and Final Project Reports

- Effective October 5th, 2020, NSF modified its Annual Project Report Format to require PIs and co-PIs to notify NSF when active other support has changed since the award was made, or since the most recent annual report
 - This requirement is included in the NSTC-approved Research Performance Progress Report Format
 - An NSF-approved format for Current and Pending Support must be used to update the Other Support in annual reports



Michelle Bulls (NIH)



FDP Federal Panel – Foreign Influence

NIH OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION

FDP MAY 2021, MICHELLE BULLS



Overview

- Commitment Transparency
 - Why is it so important?
 - NIH Examples
 - Our Approach
- Recap – form and instructions updates
- Resources



COMMITMENT TRANSPARENCY

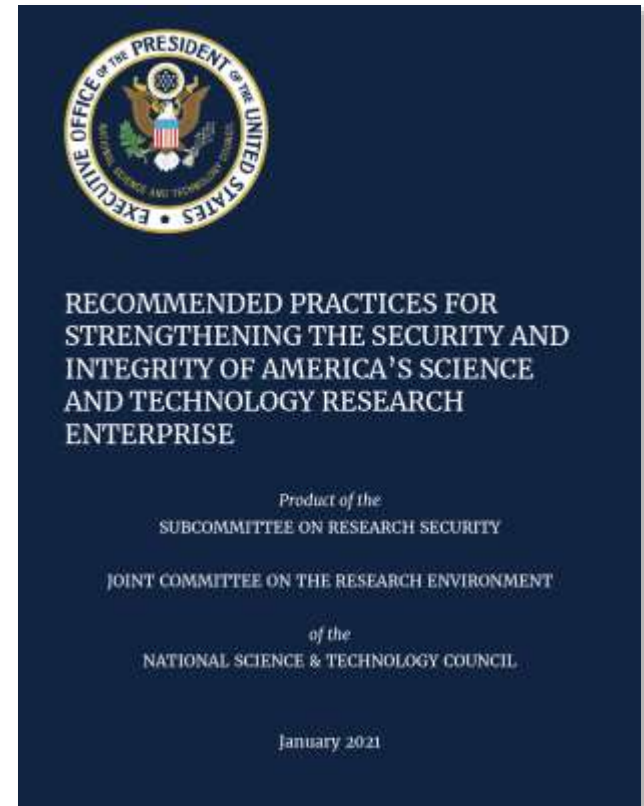
What is commitment transparency?

Transparency and reporting of *all* research activities, domestic and foreign

- Openness and transparency enables productive collaboration and helps ensure appropriate disclosure of potential conflicts of interest and commitment
- Failure by some researchers at NIH-funded institutions to disclose substantial contributions of resources from other organizations, including foreign governments, threatens to distort decisions about the appropriate use of NIH funds

Office of Science and Technology Policy (OSTP) Core Values

- Openness and transparency
- **Accountability and honesty**
- Impartiality and objectivity
- Respect
- Freedom of inquiry
- Reciprocity
- Merit-based competition



NIH's Areas of Concern

- Failure by some researchers at NIH-funded institutions to disclose substantial contributions of resources from other organizations, including foreign governments and businesses, which threatens to distort decisions about the appropriate use of NIH funds and accurate evaluation of commitment of effort to US-supported research;
- Diversion of proprietary information included in grant applications or produced by NIH- supported biomedical research to other entities, including other countries; and
- Failure by some peer reviewers to keep information in grant applications confidential; including, in some instances, disclosure to foreign entities or other attempts to influence funding decisions.

Undisclosed Employment Agreements

Chinese Academy of Sciences

Employment Contract of "Recruiting Overseas Professionals"



Employer (Party A):



Employee (Party B):



2014

Article 1 Position and Term of Employment

Party A employs Party B as a professor in "Thousand Talents Program" for a period of five years. The employment period is from [REDACTED] 2019. Party B shall work full time at Party A premise as a professor effective from the commencement date of this contract.

2. Job Objectives during the Employment Period:

A. Scientific Research Objectives:

a. The laboratory in the United States will be gradually moved back to China to rebuild, and the international cutting-edge translational medicine will continue to be carried out.

Undisclosed Employment Agreements

- Time commitment – sometimes full-time
- Substantial funding for research (including start-up funds)
- Laboratory, equipment, personnel
- Signing bonus, salary, housing, other benefits
- Deliverables: training personnel, papers, patents/IP
- Creates conflicts of commitment (>100% effort), interest

Institutions say they are unaware

[REDACTED] – Thousand Talents Program – Dr. [REDACTED]

We were unaware of these additional funding sources [REDACTED] until the communication from Dr. Lauer at the NIH. In response to the NIH request we have obtained translations of certain of these applications/contracts [REDACTED] and have now had the opportunity to review these translations. Before we complete our response to the concerns from NIH regarding these sources of funding and your affiliations I would like further clarification from you regarding the following.

A Regarding the Thousand Talents Program. Dr. [REDACTED]

when we spoke about these issues you indicated that this was an honor program for distinguished scientists, comparable to an academic title. It is clear from the contract that this program includes provision of space, staff and funds for laboratory research and expected research deliverables from the recipient. Please provide us with a detailed summary of the work that you are conducting using these funds.

New cases continue

- At least 450 scientists
- 200+ institutions, many fields of biomedicine, all over US
- Denials despite documentation to the contrary; explanations
 - “I allowed XXX to use my name as PI”
 - “I knew nothing about this grant...”
 - “I didn’t actually do the work...”
 - “The affiliations [in published papers] were in error.”

Our Approach

- To support the need for full transparency, NIH has updated forms and instructions
- Utilized JCORE guidance, and collaborated with other research agencies
- Institutions and researchers need to fully disclose, and institutions must have policies to ensure that they are aware of *all* research endeavors
- Form updates ensure that NIH is receiving all the information needed to support sound funding decision



RECAP - FORM AND INSTRUCTION UPDATES

Biosketch Format Updates

- Biosketch Form & Instructions:
 - Updated title of Section B to capture all scientific appointments (***all*** positions and scientific appointments, foreign and domestic)
 - Removed Section D: Research Support, which duplicates information provided in Other Support

Note: Scholastic Performance will remain in Section D for fellowship Biosketch

- Page limit has not changed (5 pages)

Other Support Format Updates

- Updated form and instructions provide more structured format
- Supporting documentation
 - copies of contracts, grants or any other agreement specific to senior/key personnel foreign appointments and/or employment with a foreign institution for all foreign activities and resources that are reported in Other Support. If the contracts, grants or other agreements are not in English, recipients must provide translated copies.
- Immediate notification of undisclosed Other Support
 - When a recipient organization discovers that a PI or other Senior/Key personnel on an active NIH grant failed to disclose Other Support information outside of Just-in-Time or the RPPR, as applicable, the recipient must submit updated Other Support to the Grants Management Specialist named in the Notice of Award as soon as it becomes known.
- PI or other senior/key personnel will electronically sign submissions to certify accuracy of the information provided

Implementation of Changes to the Biographical Sketch and Other Support Format Page

- NIH expects applicants and recipients to use the updated Biosketch and Other Support format for applications, Just-in-Time (JIT) Reports, and Research Performance Progress Reports (RPPRs) as of **May 25, 2021**
- NIH will require the use of the updated format pages on and after **January 25, 2022**
 - Electronic signatures and supporting documentation will be required beginning **January 25, 2022**
 - Failure to follow the appropriate formats on or after January 25, 2022, may cause NIH to withdraw applications from or delay consideration of funding.
- Applicants and recipients remain responsible for disclosing all research endeavors regardless of the version of the forms used

Learn more: [NOT-OD-21-110](#)



RESOURCES

Resources

- SciENCv
 - Updated [SciENCv](#) Biosketch template is available!
 - NIH is collaborating with SciENCv on a template for Other Support
 - Use of SciENCv will NOT be required
- Additional Resources (Continually updated)
 - [Other Support Page](#)
 - Forms, Instructions, FAQs and samples
 - [Biosketch Page](#)
 - Forms, Instructions, FAQs and samples
- Send inquiries related to changes to the biographical sketch and other support templates to nihosbiosketch@nih.gov.



Dr. Bindu Nair (DoD)



Discussion and Q&A



Thanks!

- Logistics & Coordination

- Lillian Andrews (NAS)
- David Wright (FDP)

- Panelists

- Michelle Bulls
- Jean Feldman
- Dr. Rebecca Keiser
- Dr. Bindu Nair