



Federal Sponsor Update – Foreign Influence



Senate recently requested information (before and after awards) from large federal granting agencies:

- Protect the integrity of U.S. taxpayer-funded research;
- Ensure that IP and technology resulting is not stolen by foreign organizations and governments
- Clarify the roles of grant and program officers, Offices of Inspector General, and grant recipients.

Universities continue to be primarily responsible for policies and procedures that:

- Collect information as requested in funding guidelines including all disclosures;
- Identify technologies that can be protected and brought to the public;
- Identify and manage conflicts of interest

NIH stated it shares these concerns and published a Guide Notice on how NIH policy and procedure addressed this. The guidance focused on:

- Identifying foreign components of a research project;
 - A research project contains a foreign component if a significant element or segment of the project is conducted outside the US
 - Elements of a Foreign Component include:
 - Work by a researcher or recipient in a foreign location, regardless of whether NIH grant funds are expended on the work; AND/OR
 - Work by a researcher in a foreign location who is employed or paid by a foreign organization, regardless of whether NIH grant funds are expended.
- Disclosure of research support (Other Support)

NIH Other Support disclosures must include:

- All positions and scientific appointments in foreign and domestic institutions that are relevant to the application, including affiliations with foreign governments.
 - Full-time, part-time, and voluntary appointments even if remuneration is not received.
- All resources and other support for all senior/key personnel, regardless of whether or not they request salary or compensation.
- All current projects and activities involving senior/key personnel, even if support is in-kind (space, equipment, supplies, etc). This includes support from foreign universities, governments, talent programs, and other entities.
- The total award amount for the entire period and number of person-months for the projects by each senior/key personnel.

NSF and DOD also require broad disclosure of Senior/Key Personnel research support.

- NSF Current and Pending Support disclosures must include support provided through the proposing organization or directly to the individual (including consulting)
- NSF is developing new forms for biosketch and Current and Pending Support for all proposal submissions (early 2020)
- Under the National Defense Authorization Act, DOD implemented similar support disclosure requirements for key personnel
 - DOD will use the information to “support protection of IP, controlled information, key personnel, and critical technologies relevant to national security.”
 - DOD calls out foreign talent programs as a particular point of concern for IP diversion

DOE has a more aggressive stance on engagement with foreign talent programs, and may limit collaboration on projects with researchers from certain countries.

- 12/2018: DOE's Working Group on Economic and National Security Issues reviewed a proposed policy to prohibit DOE funded recipients from using US tax dollars to support international collaborations with, or to support foreign nationals from "sensitive countries," which were not listed, in areas of research identified by the group.
- In January 2019, the DOE stated intent to limit engagement with non-US talent programs, indicating that current or future participation would jeopardize funding eligibility.

Congress is focused on threats of foreign influence on US research.

Faculty members and grant administrators must review federal sponsor submission requirements for foreign activities, biosketches and other support disclosures. They must be up-to-date and fully reflect the information required by the sponsor.

- Incomplete or inaccurate disclosures may lead to actions against the University:
Disallowance of costs, withholding future funding, award suspension or termination
- Sponsors may also refer individual researchers for suspension or disbarment; non-compliance may lead to legal actions (DOJ).

NYU has not restricted faculty engagement in talent programs such as China's Thousand Talents Program, yet faculty should be aware that affiliations with such programs and other non-US government programs may impact federal funding decisions.