



Export Control and International Compliance

The changing landscape of US research funding and foreign influence concerns



Speakers



- Dr. Laurie Locascio, Vice President for Research
- Dr. Dan Lathrop, Professor (CMNS/ENG) and Chair of the ECIC
- Dr. Phil DeShong, Professor (CMNS) and Chair of the COI
- Adam Grant, Director of the Export Compliance Office (Research)
- Wendy Montgomery, Director of the Office of Research Administration (Research)
- Dr. Beth Brittan-Powell, Director of Joint Research Collaborations (Research)
- Rebecca Hunsaker, Director of Research Admin (BSOS)



FEARLESS IDEAS

Session Outline

- Introductions – Dr. Laurie Locascio
- Summary of issues/enforcement activities
- Researcher Transparency and Risk Reduction
- Proposal process and certifications
- Agency-specific disclosure requirements
 - NSF, NIH, DOE, DoD, NASA
- Panel discussions and Q and A



FEARLESS IDEAS

'Has it peaked? I don't know.' NIH official details foreign influence probe
By Jeffrey Mervis | Jun. 22, 2020, 2:45 PM

NSF's handful of foreign influence cases may be due to how it investigates them
By Jeffrey Mervis | Jul. 14, 2020, 12:00 PM

Fifty-four scientists have lost their jobs as a result of NIH probe into foreign ties
Jeffrey Mervis | Jun. 12, 2020, 6:00 PM

Charles Lieber Arrested
By JONATHAN SHAW
1:28:20

Exclusive: US National Science Foundation reveals first details on foreign-influence investigations
NEWS · 07 JULY 2020 · CLARIFICATION 08 JULY 2020, CORRECTION 09 JULY 2020

Van Andel Institute to pay \$5.5 million for not disclosing Chinese grants
December 19, 2019 02:24 PM

U.S. science groups wary of new Senate bills to curb foreign influences
By Jeffrey Mervis | Jun. 18, 2020, 9:00 AM

Department of Justice
Office of Public Affairs
FOR IMMEDIATE RELEASE
Thursday, July 23, 2020
Researchers Charged with Visa Fraud After Lying About Their Work for China's People's Liberation Army
China's San Francisco Consulate Harboring Known Fugitive from Justice

Education Department escalates inquiry into reporting of foreign gifts and contracts
Submitted by Elizabeth Rodden on February 20, 2020 - 3:00am

Department of Justice
Office of Public Affairs
FOR IMMEDIATE RELEASE
Wednesday, August 21, 2019
University of Kansas Researcher Indicted for Fraud for Failing to Disclose Conflict of Interest with Chinese University

NIH probe of foreign ties has led to undisclosed firings –and refunds from institutions
By Jeffrey Mervis | Jun. 26, 2019, 5:10 PM

Institutional Risk

“NSF has for the first time...reassigned, suspended or terminated grants, forced institutions to return funds or barred researchers from applying for future funding...”

FOR IMMEDIATE RELEASE

Thursday, December 19, 2019

Department Of Justice Reaches \$5.5 Million Settlement With Van Andel Research Institute To Resolve Allegations Of Undisclosed Chinese Grants To Two Researchers



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Focus of Enforcement Activities

- Undisclosed:
 - foreign collaborators
 - gifts/contracts from foreign sources
 - affiliations where grant recipient spent months outside US
 - foreign talent program participation
 - foreign patents, ties to foreign company
- Conflicts of commitment
- Shadow labs (duplicating US-funded labs) in other countries
- Peer review violations, such as disclosure of confidential proposal information
- Travelers leaving the US with sensitive data



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Conflicts of Interest



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Financial Misconduct



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Foreign Talent Program

The U.S. Government is especially concerned about the active recruitment of foreign scholars into “foreign talent (recruitment) programs” by foreign governments.

- Attempts to influence foreign nationals to misappropriate federally funded research results and intellectual property from U.S. institutions of higher education.

FBI warning: These recruitment programs may require U.S. researchers:

- To sign contracts that limit who they can hire in their U.S. laboratory
- To hire and mentor students from a specified country
- To spend time at the foreign institution
- To name the foreign institution as a primary contributor



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Talent Programs – Agency Response

- Foreign talent programs are not banned.
- *Disclose, disclose, disclose!*

- NSF and NIH have suspended and terminated grants where the PI did not disclose talent program participation.
- Funding agencies may require a copy of the talent program contracts prior to making an award or releasing a funding increment.
- Specific talent program contractual requirements, as identified above, may deem the PI ineligible to receive U.S. Government funding.
- DOD has suggested that policy changes may be forthcoming, which will prevent foreign talent program participants from obtaining or otherwise working under DOD funding.



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The Good News?

- To date, the known enforcement activities appear to be cases of gross misconduct and not minor oversights or accidental omissions.

• **You can reduce your risk!**

Materials accurate as of 19Nov2020.

How can you reduce your risk?

- **Disclose** (to the University and on Proposals as required)!
- **Understanding** what types of engagements or activities have **elevated risk**
- **Seek guidance** from knowledgeable University personnel **before** committing to activities with elevated risks
- Carefully **vet your research collaborators, lab appointees, and peer reviewers**
- Travel with a **clean laptop – no sensitive files on hard drives (including email)**
- **Disclose**



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Generally Low-Risk Activities:

- Presenting research at open academic conferences
 - **(EXCEPT FOR** conferences in, or hosted by, sanctioned countries (Iran, Syria, N Korea, Cuba, Sudan)
- Research collaborations with foreign universities and international researchers in basic research topics
- Domestic consulting activities when properly disclosed and your IP is protected
- Teaching at foreign universities **(when disclosed!)**



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Outside activities with the potential for elevated risks...

- Contracts that affect your university obligations
- Developing technologies that closely relate to your University research
- Having equity in a company that could benefit from decisions you make at the University
- Relationships that could influence (or be perceived by others to influence) your research findings
- Would require you to license or assign intellectual property to the company that may include or relate to your University research
- Includes co-authoring with foreign military personnel
- Providing technical assistance to any foreign entity
- Includes travel from the US with unpublished technical data stored on your electronic devices

NOTE: These activities may not be prohibited but we recommend that you seek guidance!



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Where to seek help

Considering outside professional activities

- Your supervisor, department chair, or unit head
- COI Committee chairs (Phil DeShong, Joe Smith)
- UM Ventures (intellectual property concerns)

Considering foreign engagements

- Your supervisor, department chair, or unit head
- Export Compliance Office (Adam Grant)

Questions about disclosing on federal proposals

- Department proposal admin
- Your ORA contract admin



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Internal reporting on outside professional activities

- Responsibility for managing potential conflicts of interest (COI) or commitment (COC) begins with YOU.
- UMD's Policy on Conflict of Interest and Conflict of Commitment requires faculty and exempt staff to report outside professional activities to their unit head as soon as possible.
<https://policies.umd.edu/policy/13d68522-d512-427c-a50c-662f5f8b1fea/>
- Outside Professional Activities Report (OPA) Annual reporting requirement
<https://ares.umd.edu/home>

Talk to the COI Committee!
coi@umd.edu



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At last he had found the Regulatory Guidelines.

External Reporting

Materials accurate as of 19Nov2020.

Kuali Research Certifications

I have disclosed in the proposal, as may be required, all professional activity performed within or outside of the University of Maryland (paid and unpaid), including foreign affiliations, and/or support from other companies, universities and government entities (e.g. Talent programs; consulting activities.) If you are unsure whether all disclosure requirements have been met please contact your ORA/SPA Contract Administrator.




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Why do the Certifications matter?

- Official PI and Co-I confirmation of proposal content
- The compliance questionnaire helps ORA identify activities that may need additional support from compliance offices (Export, COI, IRB, Research Safety, IACUC, etc.)
- Acknowledgement and acceptance of the sponsor's representations and certifications
- Electronic signature is provided as proof in audits, inquiries and investigations



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Assessment

Context

- ...of the capacity of the individual to carry out the research as proposed
- ...of potential overlap/duplication with the project being proposed

Materials accurate as of 19Nov2020.

https://www.nsf.gov/bfa/dias/policy/papp/pappq20_1/faqs_cps20_1.pdf

NSF Research and Academic Support

Type of Activity	Report in Biosketch	Report in current/pending support	Report in Facilities, Equipment & Other Resources sections	NEW! Post-award Reporting Requirements
Academic, professional, institutional appointment (regardless of paid status)	✓			✓
Gifts		NOT required to report		
In-kind contributions <i>with no associated</i> time commitment - intended for use on this project			✓	✓
In-kind contributions <i>with no associated</i> time commitment - NOT intended for use on this project		NOT required to report		
In-kind contributions <i>with associated</i> time commitment - intended for use on this project			✓	✓
In-kind contributions <i>with associated</i> time commitment - NOT intended for use on this project		✓		✓
"Start-up" packages or academic year salary from proposing organization		NOT required to report		
"Start-up" packages NOT from proposing organization		✓		✓
Mentoring as part of their regular appointment at the proposing organization		NOT required to report		
Mentoring: in-kind support either directly or through their organization from an external source to support mentoring of undergraduate or graduate students		✓		✓
Planned, pending, and current support provided to individual		✓		✓
Research conducted as part of consulting agreement		✓		✓

Materials accurate as of 19Nov2020.

NSF clarifications

Need to report:

- Lab space in a foreign country
- Research funding received personally or through another professional appointment
- Material/data provided by 3rd party for use in our investigator's research
- Access to postdocs/students/technicians donated by a third party for use in our investigator's research
- Received from an external source to mentor a research postdoc conducting our investigator's research
- Activities that happen outside the appointment (e.g. summer months for 9-month faculty)

This is not an exhaustive list!



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Examples: What to Disclose to NIH about Senior/Key Personnel on Applications and Awards - <https://grants.nih.gov/policy/protecting-innovation.htm>

Type of Activity	Report in Biosketch / Application	Report as Foreign Component in Application	Obtain Prior Approval and Report as Foreign Component in RPPR	Report as Other Support (JIT)	Report as Other Support (RPPR)	Review for potential FCOI
All positions and affiliations, including volunteer positions, relevant to the application	✓					✓ -- If personal payments to the individual
Relevant appointments at foreign institutions – even if labeled as “guest,” “adjunct,” “honorary,” with or without salary support	✓					✓ -- If personal payments to the individual
The number of person-months devoted to projects, even if there is no salary support or direct personal payments to the scientist				✓	✓ -- If new	
Income, salary, consulting fees, and honoraria in support of an individual's research endeavors				✓	✓ -- If new	✓
Participation in a foreign talent or similar-type programs				✓	✓ -- If new	✓
Ongoing and completed research projects from the past three years that the applicant wishes to highlight	✓					
All resources and other support, both domestic and foreign, for ongoing research projects, including those conducted at a different institution				✓	✓ -- If new	✓
In-kind contributions from domestic and foreign institutions or governments that support research activities				✓	✓ -- If new	✓
Performance of any significant part of an NIH project outside of the US, whether or not funds are expended		✓	✓ -- If new			
Post-doc, student, or visiting scholar supported by a foreign government or institution				✓	✓ -- If new	
Travel paid by a foreign institution or government over \$5,000 per year						✓
Financial interests received from a foreign Institution of higher education or a foreign government						✓

NIH clarifications

Other Support

- ALL financial resources in direct support of research
- Must include SOURCE of support
- Includes: commercial and institutional resources
- Excludes: training awards, prizes, gifts

Foreign Component

- Performance of significant scientific element outside of the US, whether or not funds are expended
- Examples include
 - extensive foreign travel for data collection, surveying, etc.
 - Collaborations with foreign site Investigators
 - Use of facilities at foreign site
 - Receipt of financial support/resources from foreign entity

Confidentiality and Security

- Peer Review program
- No sharing applications, proposals, or meeting materials to anyone who has not been designated a participant
- Must work within secure NIH platform
- Do not send any application information via unsecured email

Materials accurate as of 19Nov2020.

Know Your Agency

- DOD
 - New disclosure requirements for talent programs
- DOE
 - Foreign national approval requirements
- NASA
 - Funding prohibitions on collaborations w/ Chinese entities
- USDA

New SciENCv page under Proposal Development on ORA's website

Using SciENCv @ UMD

View/print the SciENCv guide - [SciENCv Instructions Guide](#)

SciENCv	
SciENCv (Science Experts Network Curriculum Vitae) is a free tool made available through the National Library of Medicine's National Center for Biotechnology Information (myNCBI) platform. Researcher's profiles are associated with the individual, and not their institution.	
Getting Started with SciENCv	SciENCv Resources
Use SciENCv to create compliantly formatted NIH, NSF, & IES Biographical Sketch and Current & Pending Support documents. NIH eRA Commons, NSF, and ORCID account holders who have linked their accounts to NCBI can populate their SciENCv profiles with the information stored in their eRA, NSF, or ORCID accounts. The information transferred to SciENCv can be changed, hidden, augmented or deleted. SciENCv users control the content displayed in their SciENCv profiles.	<ul style="list-style-type: none">• NSF FAQs SciENCv• NSF Biosketch video• NSF Current and Pending video• SciENCv full help text• Integrating with ORCID video• Link Google Scholar to ORCID<ul style="list-style-type: none">◦ Export Google Scholar to BibTeX◦ Import BibTeX file into ORCID• Assign Delegates in MyNCBI & SciENCv



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<https://ora.umd.edu/SciENCv>

College Resource Pages

The links and templates below are to provide helpful guides for proposal development and award management. They are not mandatory for proposal submission but are recommended for use.

For Investigators:

- [How to Certify a KR proposal](#)
- [What do the certification questions mean?](#)

Helpful links and templates:

- [KR Questionnaire for Funded Proposals](#)
- [KR Questionnaire for Non-Funded Proposals](#)
- [Data Use Agreement Questionnaire](#)
- [KR Approver Delegation Letter template](#)
- [Kuali Research Training](#)

More information regarding proposal development can be found on the [BSOS Proposal Development Resources](#) page. <https://bsos.umd.edu/academics-research/kuali-research-resources>



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College Resource Pages

AgPAS (Pre-Award Services)

[Home](#) > [About AGNR](#) > [Information For](#) > [AgPAS \(Pre-Award Services\)](#)

<https://agnr.umd.edu/about/information/faculty-staff/agpas-pre-award-services>

< Faculty & Staff

AGNR Awards Nominations

Administrative Services

News and Updates

AgPAS (Pre-Award Services)

Notice of Intent to Submit

Questionnaire - Funded

Questionnaire - Non-Funded

Career Integration

FYI E-mail

PEMS Review

Faculty Research Resources

AgPAS is AGNR's Pre-Award Services unit for all proposals going forward from the college. If you intend to submit a proposal, please complete the **Notice of Intent to Submit** webform. Once received, your Contract Administrator will contact you to coordinate the process.

Access AgPAS Services

Notice of Intent/Questionnaires ▾

News ▾

Forms & Tools ▾

Mission/Procedures/Staff ▾



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ECICquestions@umd.edu