

## **Guidance Regarding Foreign Influence in University Research**

Texas State University encourages international collaboration, and recognizes it is important for investigators to be transparent about their foreign relationships and activities.

The current regulatory landscape informing the research enterprise includes serious growing concerns by the US Government concerning inappropriate influence by foreign entities over federally funded research. As a result, academic research institutions have a heightened interest in understanding the affiliations and dealings faculty members may have with foreign governments and entities.

### **Background**

Federal agencies have issued statements expressing growing concerns over the potential for foreign influence in the following areas:

- failure by some researchers to disclose contributions of resources from other organizations, including foreign governments;
- diversion of intellectual property to foreign entities;
- sharing of confidential information by peer reviewers with others, including in some instances with foreign entities, or otherwise attempting to influence funding decisions.

Sponsoring federal agencies have expressed concern of threats from foreign entities, and the 2019 National Defense Authorization Act included a provision alluding to the restriction of federal funding to institutions doing business with certain Chinese telecommunications companies. **Federal Bureau of Investigations (FBI)**

### **Disclosure of Foreign Relationships and Activities**

All investigators on sponsored projects should check the sponsor's current disclosure requirements carefully and, if in doubt, contact Research Compliance and Integrity at 512-245-2314 for disclosure assistance or further guidance. In addition, investigators should take the following actions:

- Review and update Other Support and Current and Pending Support information in proposals
- Review and update biosketches
- Ensure appropriate disclosure of foreign components for NIH-supported projects
- Review FCOI disclosure and update as necessary
- Report all reimbursed or sponsored travel related to PHS-supported projects
- Reach out to Research Compliance and Integrity for guidance related to export control regulations
- With the assistance of Technology Transfer and Contracts, enter into a material transfer agreement or nondisclosure agreement when sharing or exchanging materials or information

## TRANSPARENCY IN DISCLOSURE

### Disclosure to Sponsors

Be thorough and complete in accounting for all forms of research support, including from foreign sources and gifts, in NIH's Other Support, NSF's Current and Pending, and similar documentation submitted to other sponsors.

NIH Grants Policy Statement defines foreign component as “any significant scientific element or segment of a project outside of the United States, either by the recipient or by a researcher employed by a foreign organization, *whether or not grant funds are expended.*” The definition of foreign component includes “collaborations with investigators at a foreign site anticipated to result in co-authorship; use of facilities or instrumentation at a foreign site; or receipt of financial support or resources from a foreign entity.” Other sponsors have similar requirements to disclose foreign components.

There are multiple ways in which foreign components should be disclosed, including:

- Identifying a foreign component in an NIH grant application;
- Listing a non-U.S. performance site;
- Identifying foreign relationships and activities in a biosketch;
- Answering “yes” to the question on the FCOI Disclosure asking, “Do you receive anything of value from a foreign entity or collaborator related to your institutional research and responsibilities?”

Financial resources should be disclosed even if they relate to work that is performed outside of a researcher's appointment period. For example, if a researcher with a 9-month appointment spends two months at a university outside of the U.S. during the summer conducting research funded by a foreign award, that activity should be disclosed.

Disclose collaborations with foreign or domestic entities in compliance with sponsor requirements in your proposals and reporting. These collaborations may include exchanges of personnel, materials, or data, or other significant activity likely to result in co-authorship. Check your sponsor's current disclosure requirements carefully.

Participation in foreign talent programs, such as China's Thousand Talents Programs must be disclosed to federal sponsors. Principal Investigators (PIs) should review all pending proposals and active awards to ensure that all foreign components have been disclosed. If a PI identifies an omission or error in a previously submitted proposal, the PI should contact Research Integrity and Compliance (RIC) for assistance.

PIs should review all pending proposals and active awards to ensure that all financial entities have been disclosed. If a PI identifies an omission or error in a previously submitted proposal or progress report, he or she should contact Research Compliance and Integrity for assistance.

## **Disclosure to University**

Disclose outside professional activities and financial relationships, whether compensated or uncompensated. Activities requiring disclosure include support from foreign governments and foreign academic institutions, domestic and foreign consulting relationships, visiting positions at domestic and foreign institutions, investment in a start-up company, etc.

Discuss any invitation for any academic appointment or position at another domestic or international institution (visiting, honorary, or other) with your department chair prior to accepting the appointment.

Disclose to RIC any involvement in any foreign recruitment or “talent” programs. These programs are of particular interest to the federal government, as they are viewed as presenting a uniquely high risk of undermining U.S. economic and security interests.

## **Disclosure to the Public**

Disclose financial interests related to your research in all public sharing of your research results - presentations, publications or otherwise. Journals and professional organizations have different standards for disclosure than the University. Review those standards for each relevant journal or organization. Remind your research team and coauthors to review those standards.

## **Engaging Foreign Visiting Scholars & Postdoctoral Researchers**

Visiting scholars and researchers are an asset to the University’s research programs. In addition to restricted party screening, it is important to follow proper appointment processes to ensure individuals are properly vetted, and that access to the University’s space and systems is appropriate for the proposed work.

Be diligent in evaluating the nature of any visiting collaborators: visitors with extended stays, or who do not have the appropriate background for the anticipated research activity, must be carefully scrutinized. Any activity that raises suspicion should be reported to RIC.

Additional information may be found on RIC’s [Visiting Scholar & Postdoctoral Research Associate Request](#) webpage.

## **Export Controls**

Regulations around export controls are complex and constantly evolving, and there several issues to be considered before engaging in a wide range of export-controlled activities. This includes collaborating with international partners, making financial

transactions, international shipments, transferring technology, traveling abroad, or using restricted materials for research.

Most of the research at Texas State is categorized fundamental research, where export laws do not apply. However, some items/technologies fall under the reach of U.S. export control laws. Sponsored research may have export restrictions on particular items, equipment, technology and data. Additionally, the research may have restrictions on the participation of foreign nationals and/or freedom to publish the results of the research.

Several countries are under comprehensive federal embargo (Cuba, Iran, North Korea, Syria, and the Crimea Region of the Ukraine). Travel to/from these countries/territories will be reviewed by RIC in advance of the anticipated activity to ensure appropriate clearance can be obtained.

Review of international visitors and foreign entities are routinely conducted to ensure compliance with a variety of federal restricted party lists.

International shipments should be reviewed prior to shipment to ensure that a license is not required. This assessment is based on the item, destination, recipient, and end-use, as well to ensure items are not being exported to a denied or restricted entity or individual. Review International Shipping Guidelines and Best Practices for additional details.

Visit RIC's [Export Control webpage](#) for additional information.

## **Foreign Travel**

Agencies and other entities that fund your work may require advance approval and/or disclosure of foreign travel or domestic travel sponsored by foreign entities. Check the requirements associated with your specific funding sources.

All international travel by faculty and staff must receive approval from the President or the President's approved delegate before making the trip. Additionally information may be obtained from the [Travel Office](#) or [RIC](#).

## **Intellectual Property and Agreements**

To ensure that intellectual property is protected and, when required, appropriately reported to sponsors, promptly disclose any potential inventions or other intellectual property to [Technology Transfer and Contracts](#) (TTC).

If you are involved in a startup based on licensed technology from Texas State, the company should disclose to TTC any investments, partnerships, or sublicenses made with foreign entities.

When materials or data will be shared with other institutions, foreign or otherwise, a material transfer agreement (MTA), data use agreement (DUA), or nondisclosure agreement (NDA) should be in place, governing the use of those materials or data.

Having an agreement also allows Texas State to complete all required internal controls and checks. TTC provides guidance on these agreements

Remember that all agreements must be reviewed by TTO and only the Associate Vice President for Research, or his or her designee, has the appropriate signature authority to enter the University into an agreement.

Accepting any sensitive or controlled information under a research contract may require heightened cybersecurity requirements. Please contact the Information Security Office to confirm these requirements can be properly managed prior to proposal submission.

## **Resources and Agency Specific Guidance**

### **Federal Bureau of Investigations (FBI)**

FBI report on the risks to academia: <https://www.fbi.gov/file-repository/china-risk-to-academia-2019.pdf/view>

### **The National Science Foundation (NSF)**

NSF issued a Dear Colleague Letter: Research Protection from Director France Cordova on July 11, 2019 clarifying multiple steps NSF is taking to mitigate risks from “activities threatening our research community, such as certain foreign-government-sponsored talent requirement programs.” NSF has proposed clarification of the proposal disclosure requirements and reporting requirements for both current and pending support and professional appointments. Those clarifications are included in the draft Proposal and Award Policies and Procedures Guide (NSF 20-1) . Effective January 2020, NSF also proposes to use an electronic format for submission of biographical sketches, including disclosure of all appointments, and disclosure of current and pending support information.

NSF Dec. 2019 report (compiled by JASON), "Fundamental Research Security:" [https://www.nsf.gov/news/special\\_reports/jasonsecurity/JSR-19-2IFundamen...](https://www.nsf.gov/news/special_reports/jasonsecurity/JSR-19-2IFundamen...)

NSF Statement on security and science dated Oct. 23, 2018: <https://www.nsf.gov/nsb/publications/2018/NSB-2018-42-statement-on-secur...>

### **The National Institutes of Health**

NIH issued a Notice on July 10, 2019, reminding research institutions that NIH-funded researchers must “report foreign activities through documentation of other support,

foreign components, and financial conflict of interest to prevent scientific, budgetary, or commitment overlap” (NOT-OD-19-114). Other Support includes “*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.”

NIH Other Support and Foreign Components [FAQ](#), August 6, 2019

NIH Definition of Foreign

Component: <https://grants.nih.gov/grants/glossary.htm#ForeignComponent>

NIH Definition of Other Support: <https://grants.nih.gov/grants/forms/othersupport.htm>

NIH Application Instructions (Foreign Components mentioned on page 66): <https://grants.nih.gov/grants/how-to-apply-application-guide/forms-e/general-forms-e.pdf>

NIH Guidance on Investigator Disclosures of Foreign Financial

Interest: <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-18-160.html>

NIH, Office of the Director, Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components (NOT-OD-19-114) - July 10, 2019

NIH Advisory Group to the Director, Working Group on Foreign Influences on Research Integrity Update - June 19, 2019

## **Department of Energy (DoE)**

DoE issued a directive dated June 7, 2019, mandating that “federal and contractor personnel fully disclose and, as necessary, terminate affiliations with foreign government-supported talent recruitment programs” on new DOE contracts and subcontracts. DOE is expected to issue a separate policy directive to implement the requirement on DOE grants and cooperative agreements.

June 7, 2019 DOE Directive regarding Foreign Government Talent Recruitment Programs: <https://www.directives.doe.gov/directives-documents/400-series/0486-1-bo...@@images/file>

## **The National Aeronautics and Space Administration (NASA)**

NASA has long-standing restrictions on using NASA funds to enter into agreements “to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the

bilateral involvement is funded or performed under a no-exchange of funds arrangement” (grant restrictions, contract restrictions).

### **The Department of Defense (DoD)**

On October 10, Michael D. Griffin, Department of Defense (DOD) Undersecretary for Research and Engineering, released a [letter](#) addressed to the academic community describing threats to our collaborative research environment by foreign governments and outlining steps taken by DOD and other federal agencies to protect the integrity of the research enterprise.