



TO: Chief Research Officers

FROM: Andrew Karberg, Associate Counsel

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RE: Foreign Influence Disclosure Guidance for Federally Funded Research

The U.S. Government continues to express growing concerns regarding the influence of foreign governments and entities over federally-funded research. In particular, the federal government is focused on the failure or alleged failure of some federally-funded researchers to adequately disclose their relationships with foreign entities. Such errors in disclosure may jeopardize a researcher's eligibility or that of her/his institution to obtain future funding.

The University of Massachusetts values international collaboration, transparency, diversity, and the exchange of ideas, scholars, and students from around the world. These international collaborations, dialogues, programs, services, and educational opportunities are essential to the fulfilment of our global mission. It is important for UMass researchers, however, to be fully transparent about all of their relationships, activities, and collaborations, whether foreign or domestic.

Transparent and full disclosure protects you, your collaborators, the Federal government, and UMass. Disclosure allows appropriate review to determine if there are any potential conflicts of commitment, conflicts of interest, duplications of research, and/or diversion of intellectual property in the performance of federally-funded research.

Federal Agencies' Concerns Regarding Foreign Influence in Federally Funded Research

- An issue that is garnering a great deal of scrutiny by the federal government is participation in *foreign talent programs*¹. Just as companies compete for unique and exceptional employees, nations now compete for talented, entrepreneurial, educated, driven, and gifted citizens. Many foreign governments are directly competing with the U.S. to recruit the best and brightest. Countries seek to capitalize upon the perception that the U.S. is a less attractive environment to foreigners and available federal funding for research is decreasing. To do so, some are creating direct financial incentives to draw gifted scientists, researchers, and educators to relocate and do work in their country. Additionally, governments may create comprehensive programs to identify, develop, and retain their most talented citizens. Some such talent recruitment plans offer participants competitive salaries, tenure, promotion, honorific titles, or state-of-the-art research facilities, with the ultimate aim of transferring their knowledge, expertise, and experience back, even if it includes proprietary information or violating export controls to do so.

Not only should participation in a foreign talent program be disclosed to federal sponsors,

¹ Links to additional information on foreign talent programs: [Britain](#), [Canada](#), [France](#), [Germany](#); [China](#); [Iran](#).



UMass researchers should also reach out to their Chief Research Officer or Research Administration Office to discuss such activity, even if they've previously disclosed their participation to other UMass officials. Depending on an individual's research portfolio, he or she may be advised to terminate his or her affiliation with the foreign talent program.

- The National Institutes of Health, Department of Energy, and Department of Defense have expressed concerns regarding foreign influences on research integrity.² Section 1286 of the National Defense Authorization Act for 2019 established an initiative to raise the awareness of “undue influence” on research, prevent theft, and track individuals that have participated in “foreign talent-recruitment programs.”
- In March 2018, National Institutes of Health (NIH) issued a notice reminding research institutions that Principal Investigators (PIs), sub-awardees, and co-PIs must disclose all foreign financial interests. In August 2018, Francis Collins, NIH's Director, issued a directive to all researchers to “disclose all forms of other support and financial interests, including support coming from foreign governments or other foreign entities...[on] all applications and progress reports.” (See: “[NIH Foreign Influence Letter to Grantees](#)”). The August 2018 “Dear Colleagues” letter also reiterated that the disclosures must include “relevant affiliations.” In July 2019, NIH issued, “[Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components](#),” reiterating expectations for disclosure of other support, foreign components, and financial conflicts of interest.
- On January 31, 2019, the [Department of Energy](#) (DoE) issued a policy memorandum requiring employees, contractors, fellows, interns, and grantees to fully disclose and, as necessary, terminate all affiliation with foreign government-supported talent recruitment programs. Then, in June 2019, DoE issued a more detailed directive mandating all personnel disclose and, as necessary, terminate affiliations with foreign talent recruitment programs.
- On March 20, 2019, Michael D. Griffin, the Under Secretary of Defense for Research and Engineering, issued a memorandum directing all Department of Defense (DoD) Grants Managers and other personnel supporting the award and administration of funding for research and research-related educational activities to require broad disclosures about other research and support by key personnel on DoD-funded projects.
- NASA has long-standing restrictions on use of NASA funds for bilateral coordination or collaboration with China or Chinese-owned entities.
- The National Science Foundation issued a statement in October 2018 reminding US universities of the need to transparently and rigorously adhere to conflict of interest and commitment policies. On July 11, 2019, France Cordova, NSF Director, issued a [Dear Colleague Letter](#) outlining NSF existing disclosure expectations for current and pending support, announcing a JASON commission to further study the issues related to science and security, and issuing a policy that NSF personnel and IPAs detailed to NSF cannot participate in foreign government talent recruitment programs.

² Other U.S. government agencies – including the Departments of Education, Commerce, Defense, and Homeland Security – have similarly warned of the potential risks of foreign influence on US campuses.



Given the heightened scrutiny around international collaborations, the University reminds researchers of the following resources, support, and best practices:

- **If you are approached or contacted by outside law enforcement**: faculty, staff, researchers, and students should direct any in-person law enforcement inquiries to the attention of campus police/public safety personnel, who will contact the Office of General Counsel for appropriate legal guidance. For further information please see: <https://www.umassp.edu/general-counsel/how-to>.
- **International collaborations are encouraged.** However, we urge researchers to give the utmost attention to full and transparent disclosure. Campus Chief Research Officers and Research Administration Offices will work with you to assess your unique facts and provide the best possible guidance.
- **Foreign components involved in federally-funded research should be disclosed on proposals, progress reports, and final technical reports.** Under the NIH Grants Policy Statement, a *Foreign Component* is defined 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**” [emphasis added]. 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 can be disclosed to the NIH:

- (1) Identifying a “foreign component” in an NIH grant application;
 - (2) Listing a “non-U.S. performance site”;
 - (3) Identifying foreign relationships and activities in a biosketch;
 - (4) Checking “yes” to the question on the Cover Page Supplement Form asking, “Does this project involve activities outside of the United States or partnerships with international collaborators?”
 - (5) 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 nine month appointment spends two months at a university outside of the U.S. during the summer conducting research under a foreign award, that activity should be disclosed.
 - (6) 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 the campus Research Administration Office to correct the error or omission.
- **Researchers should ensure they disclose all applicable “Other Support” as required by federal sponsors.** “Other Support” includes all financial resources, domestic or foreign, cash or in-kind, available in direct support of a researcher’s research endeavors. Such support should be disclosed on an “Other Support” or “Current & Pending” form. ([NIH guidance on how to complete “Other Support”](#)).



Most federal sponsors will have their own guidance on how to complete “Other Support” forms. Please remember, **it is ultimately the responsibility of the individual researcher** to ensure that the report of Other Support is complete and accurate to the best of his or her knowledge. PIs should review all pending proposals and active awards to ensure that all Other Support has been disclosed. If a PI identifies an omission or error in a previously submitted proposal, he or she should contact the campus Research Administration Office to correct the error or omission.

- Disclose to your appointing official all outside activities and consulting. The disclosure must precede commencement of the outside activity. Full and transparent disclosure is necessary to ensure the outside activity or consulting does not give rise to an actual (or perceived) conflict of interest or commitment. [See Board of Trustee Policy: T96-039](#)
- Disclose to Compliance or Research Administration Office all outside (non-UMass) financial interests relating to your research. This may include sponsored travel, honorarium payments, speaking fees, and any financial interests, relationships, or affiliations with entities or governments including foreign governments and institutes of higher education.
- Fully disclose all activities, affiliations, and relationships in accordance with the policies of outside organizations, such as scientific journals and professional societies when speaking, publishing, and/or teaching.
- Disclose potential inventions and intellectual property to the Office of Commercialization and Technology Ventures or Technology Transfer Office on your campus.
- Disclose all gift solicitations, domestic or foreign, to the Office of Advancement.
- Faculty are reminded that state ethics law 268A prohibits state employees from soliciting or accepting any gift (e.g., gratuity, benefit, favor, service, discount, entertainment, food, drink, travel expense, or registration fee) from an individual seeking to influence the employee’s official conduct.