

# Science & Security: An Overview and Look Ahead

June 9, 2021

## **Moderator:**

**Robert Hardy**, *Director, Research Security & IP Management, COGR*

## **Panelists:**

**Sandra Brown**, *Vice Chancellor for Research, University of California, San Diego*

**Cassandra Farley**, *Research Integrity Officer, University of Florida*

**Randenka Maric**, *Vice President for Research, Innovation, and Entrepreneurship, University of Connecticut*

**David Norton**, *Vice President for Research, University of Florida*

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# Science & Security: Overview and Look Ahead

University of Florida

David P. Norton, Vice President for Research

Cassandra Farley, Research Integrity Officer

# Basic Questions Federal and State Stakeholders are Asking

- What do you know about the persons performing research at your institutions?
- What alliances/obligations do your researchers have with “adversarial entities”?
- What entities are providing support to the researchers at your institutions?
- Where are your researchers traveling internationally? Why?

# UF's Approach to Addressing Undue Foreign Influence

- Educate/inform faculty regarding the issue, disclosure requirements, and consequences for noncompliance
- Created online electronic disclosure system for outside activities
- Mandatory review/preapproval of all outside activities of faculty
  - Review/approval performed centrally by trained staff
- Active efforts to eliminate problematic secondary appointments/outside activities for faculty
- Continuing efforts to centralize system-based solutions to address issues and concerns



# Operating Guidelines

- Reinforce the University's expectations of full-time professional salaried employees (faculty)
- Recognize that certain countries are deemed to be economic, political, and security adversaries of the US, and the US government
- US government is the major funder of research at the University
  - Assume that funding decisions are impacted by researcher affiliations with "adversarial entities."

# Recent Florida Legislation

On 6/7/2021, the Governor signed HB7017--Act Relating to Foreign Influence, which was passed unanimously by the Florida Legislature

- Imposes restrictions/prohibitions on Florida universities from participating in certain agreements with or accepting grants from China, Russia, Iran, North Korea, Cuba, Venezuela, or Syria, particularly those agreements promoting culture or language for these countries
- Requires Florida universities to report any contract, gift, grant, endowment, award, or donation of money or property of any kind received directly or indirectly from a foreign source with a value of \$50,000 or more during the fiscal year.
- Requires foreign applicants for paid or unpaid research-related positions to disclose specified information, including complete employment, education, publication, and affiliation history, which must be screened by research integrity office prior to offer of position
- Requires review and prior approval by research integrity office for any foreign travel by university personnel.

# UF's Approach: International Risk Assessment



# What UF Reviews

## Employee Agreements

- Employment & consultant agreements
- Service on Board of Directors
- Equity ownership of company
- Cooperative agreements
- Non-disclosure agreements
- Any agreement that
  - Invokes assignment of IP
  - Requires supervision of persons or programs
  - Allows faculty to host persons from other countries in UF labs
  - Assigns a titled positions

## UF Agreements

- Research agreements
- Clinical trial agreements
- MTAs
- MOUs
- Cooperative agreements
- Data use agreements
- Non-disclosure agreements
- Licensing agreements
- Gift agreements
- UFIC Agreements



# How Agreements are Routed for Review

- **Sponsored Programs—Routing Questions**

- **Travel** or send anyone working on this project to a location outside the US for more than 2 weeks in any one visit or **more than 1 month over a 12 month period**?
- **Establish any relationships** with foreign entities, individuals or consultants; or have any of the work executed by a foreign entity, individual or consultant?
- **Pay non-UF personnel** salaries, wages, or any other compensation (including goods) for any work performed or engagement in **activities outside the US**? This includes field workers, research assistants, government representatives, participant payments, translators, drivers or any other laborers.
- **Transfer, ship or pack** in personal luggage for **transfer out of the US** any data, items, supplies, equipment, or materials purchased by UF or sponsored projects' funds?
- Perform any other activities not identified above outside the US or **engage with any other entity**, individual or consultant outside the US? This does NOT include conference attendance.
- **Interact** with an individual from, ship to, import from or travel to a country listed below? (**Sudan, Iran, Syria, N. Korea, Cuba, Crimea** region of Ukraine)

- **Outside Activities and all Other Agreements**

- Routed if activities will occur internationally or if agreement is with an entity based abroad

# Risk Considerations

- **Country**-- Is the country sanctioned? Are there safety or other concerns?
- **Activity/ Agreement Type**-- Is this a Talent Contract? Is the agreement binding? Who are the signatories?
- **IP Value**-- What is the likelihood of an invention disclosure? Value of potential IP?
- **PI**-- What areas does the PI work in? What is the PI's funding profile? Does the PI do restricted or classified research?
- **Export Control**-- Are there EC restrictions for the research or research group? Is a Technology Control Plan in place?
- **Department/ College**-- What is the primary research area for the department? What is department's funding profile? Does department do restricted or classified research?
- **Personnel**-- Will there be visitors from or to the foreign entity? How many? For how long?
- **Dollar Value**-- What is the value of the agreement? Who is funding it?
- **Military Entity or Affiliation**-- Does the foreign entity have a known military affiliation?
- **Restricted Party**-- Is the entity, or it's representative a restricted party?

# UF's Way Ahead

- Leveraging existing International Risk Assessment process to address evolving state and federal requirements
- Foreign Influence & Disclosure Task Force
  - Conducts gap analysis
  - Recommends solutions
    - Policy & process creation and revision
    - System building
    - Identify resource needs
- Compliance Working Group
  - Reviews activities that are escalated from the IRA process
- Designing system-based solutions to relieve some of the burden on researchers



# Contact Information

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- Website: <https://research.ufl.edu/compliance/international-engagement-and-collaborations.html>



# International Relationships and Institutional Approaches to Addressing the Issue of Foreign Influence



**Dr. Radenka Maric**

Vice President for Research, Innovation and Entrepreneurship

COGR Panel on Science and Security

9 June 2021

**UConn**

# Opportunity and Challenge

## *Opportunity*

UConn encourages and works to facilitate international collaborations in:

- Multidisciplinary research and sponsored program activities
- Academic programs
- Cultural and scientific exchanges

## *Challenge*

The University has traditionally relied on transparency and disclosure of international relationships by faculty and investigators to ensure compliance with research regulations and sponsor requirements

# UConn's Position

## Core Principles

- Innovation adds to the wealth of society.
- Fundamental science and R&D are the heart of innovation.

## However:

- Leadership in innovation cannot be taken for granted.
- Foreign collaborations require institutional oversight and should be transparent.
- Efforts to obtain confidential or unpublished research information are unethical.
- Researchers must disclose all domestic or foreign support and collaborations.
- Researchers must maintain confidentiality of proposal information.

# Areas of Concern

- **Failure to disclose**
  - Foreign grant, contract, and other financial or in-kind support
  - Foreign collaborators
  - Foreign employment arrangements and appointments
  - Foreign resources
- **Failure to secure and diversion of confidential research information and intellectual property**
- **Violation of export control regulations**
- **Violation of consulting and conflict-of-interest policies**
- **Noncompliance with controlled unclassified information (CUI) grant and contract terms**
- **Breaches of peer review confidentiality**



# UConn Response

## **Communicate transparency and compliance in research as an institutional priority**

- Annual message from President
- OVPR presentations to University Senate, faculty advisory groups, Council of Deans, Board of Trustees

## **Establish expectations and communicate to faculty during orientation and training**

- Faculty and investigators are required to be transparent in their research collaborations and support
- Focus on the issues and requirements; not the countries and nationalities

## **Engage with federal agencies directly**

- Explore “hypothetical” situations
- Establish a working relationship to address identified issues
- Understand agency expectations
- Identify potential best practices
- Engage external consultants

# UConn Response

## Educate investigators

- Emphasize that the requirement for disclosure and transparency are not new
- Develop more precise definitions and examples related to foreign support and foreign collaboration
- Establish what is acceptable and how to meet requirements
- Encourage faculty and investigators to correct/clarify instances of potential nondisclosure
- Identify individuals in OVPR who can provide guidance, review individual cases, and facilitate interactions with funding agencies

## Strengthen internal control points

- Review of release time for external activities (consulting) with foreign entities
- Clarify that conflict-of-interest disclosures apply to both domestic and foreign entities
- Expand export control review of research activities involving foreign persons and entities
- Monitor international transfer of large electronic files
- Evaluate options to improve capture of current and pending support
- Establish OVPR internal group to monitor and review potential cases or issues as they arise



*Thank you!*

**UConn**



# COGR

*Science and Security*

**Sandra A. Brown**

**Vice Chancellor for Research  
UC San Diego**

June 9, 2021







UC San Diego believes that scientific research and academic scholarship work best with open collaboration. We are committed to having an open, welcoming campus and respecting the rights of faculty.

At the same time, we must protect research integrity; address the federal government's increasing concerns about foreign entities unduly influencing U.S. research; and adhere to the guidelines and policies the government puts in place.



# Educational Efforts

Service-oriented approach to compliance

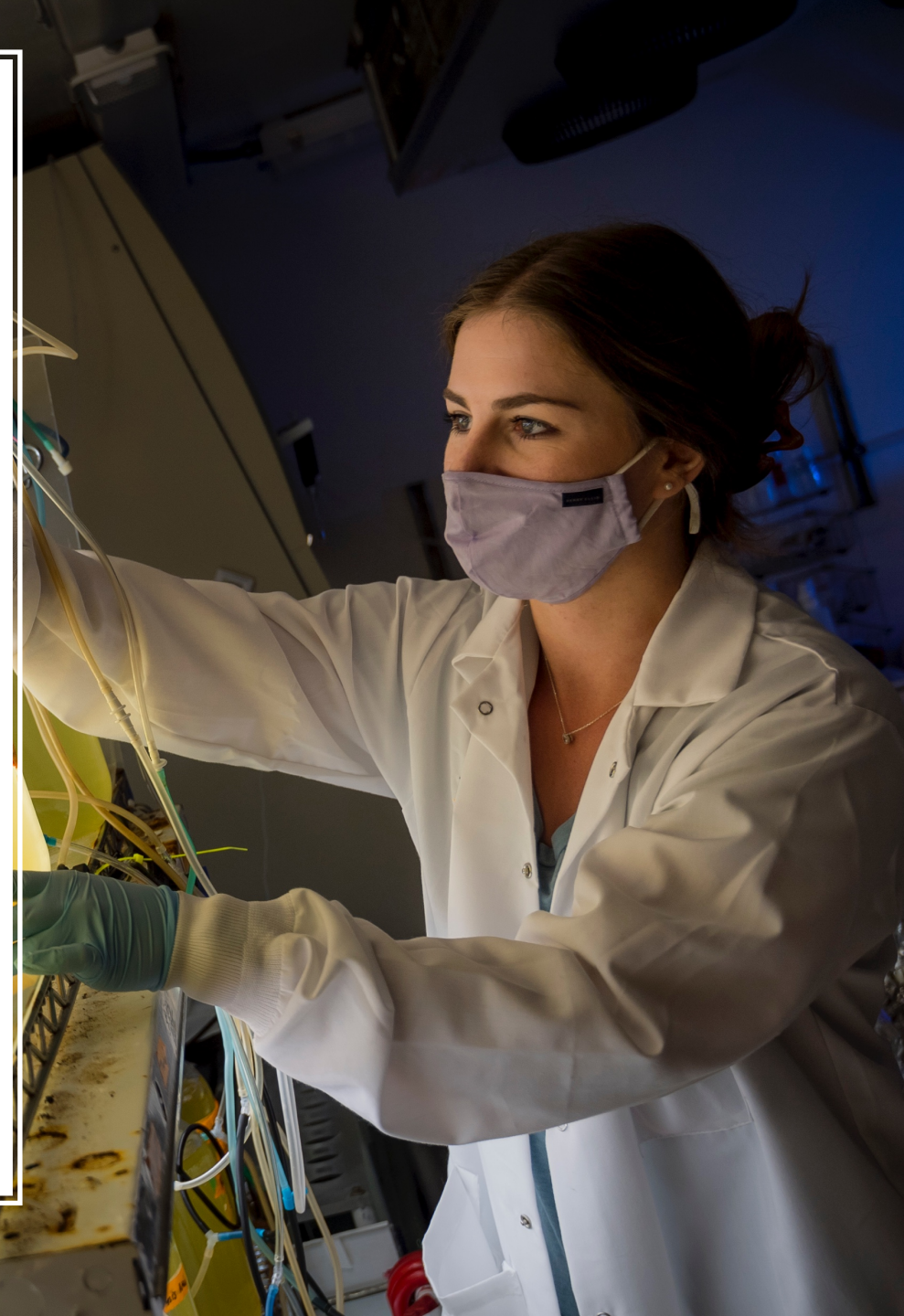
- Town halls
- Training sessions
- Newsletters
- Robust webpages with FAQs
- Subject Matter Experts for personal consults and guidance





# Faculty Service

- Ongoing education/awareness for faculty and staff
- Upgrading university systems to clarify / simplify disclosure activities
- Enhanced proposal development process to facilitate reporting of foreign engagements



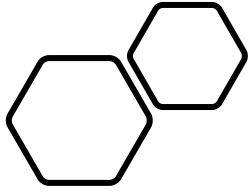




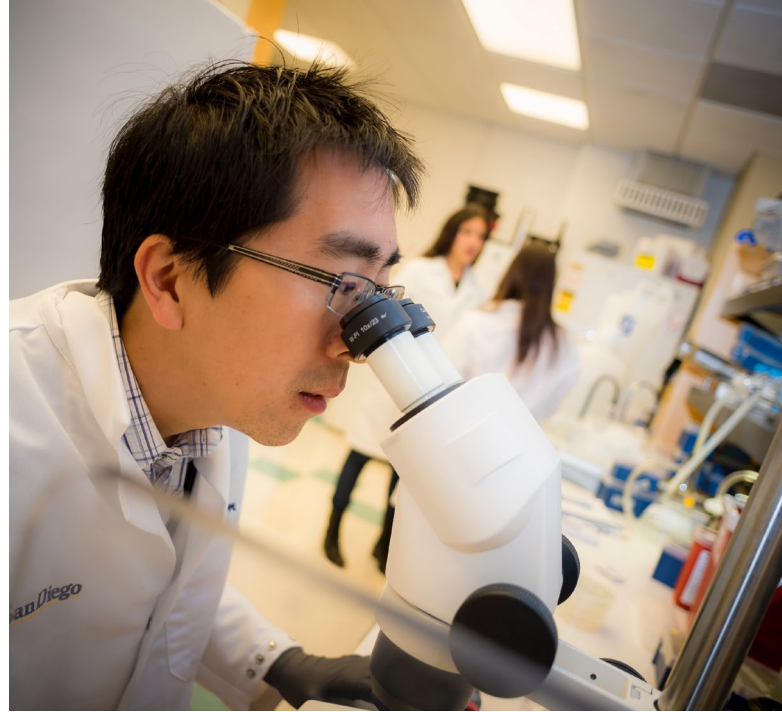
# Infrastructure

- New electronic contract and grant system that interfaces with e-conflict of interest and IRB systems
- Enhanced partnerships with institutional offices
- Active monitoring program for key risk areas
- Partnering with federal agencies and law enforcement





International research  
is sustainable if we  
hold ourselves  
accountable



# Coordination is Critical

Develop a central location to include critical information regarding International research and collaborations:

- Best practices
- Federal guidance
- Regulations, policies and procedures
- Institutional contacts
- FAQs



# Science & Security: Overview and Look Ahead

COGR Meeting  
June 9, 2021

Tobin Smith  
Association of American Universities



# Context

**Boston Herald**

Wanted by the FBI: Chinese national accused of doing research at Boston University under Chinese army orders

**NEWS**

## Emory professor hit with criminal charge, linked to Chinese government program

Xiojiang Li was a member of the Thousand Talents plan, a Chinese program that a Senate report last year said was designed to steal sensitive research.

## FBI chief says Chinese operatives have infiltrated scores of 'naive' U.S. universities

Associated Press  
Published

**Tampa Bay Times**

## Top Moffitt Cancer Center doctors failed to disclose payments from China, report says

The money came from the "Thousand Talents Program" and went to personal accounts set up in China.

**The Boston Globe**

Head of Harvard's chemistry department charged with lying about ties to Chinese university; two Chinese nationals accused of economic espionage

**REUTERS**

Michigan-based research institute to pay \$5.5 million over Chinese-funded grants

**npr**

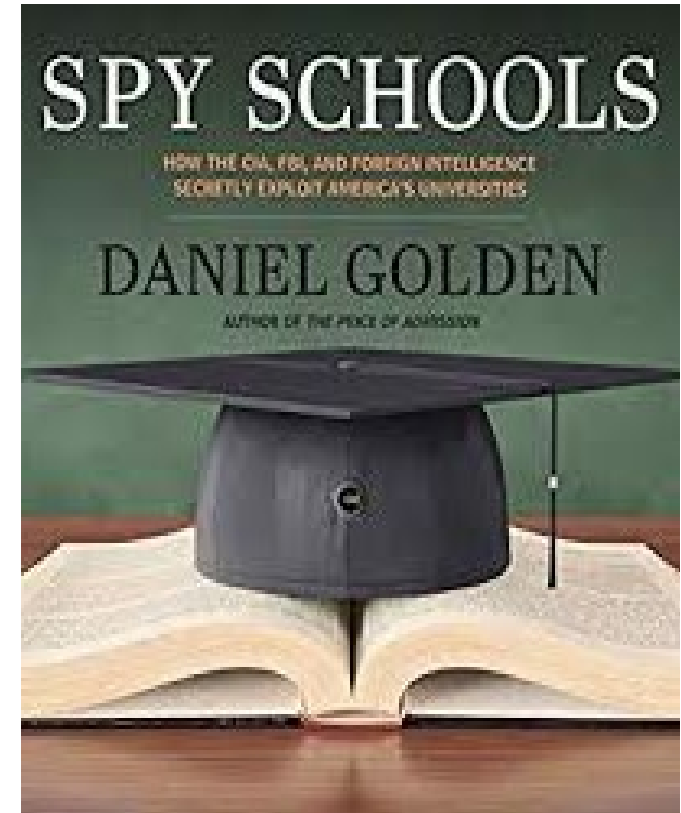
Former Cleveland Clinic Researcher Allegedly Failed To Disclose Ties To China



# Overview

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- U.S. policy towards China is changing
- Concerns are growing concerning undue foreign influence, IP theft, and threats to research integrity
- Federal and state governments are responding with new research security requirements
- Universities must respond



# U.S. Re-examining its Policy Toward China

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*Nearly half a century since Nixon's first steps toward rapprochement, the record is increasingly clear that Washington once again put too much faith in its power to shape China's trajectory....Neither carrots nor sticks have swayed China as predicted. Diplomatic and commercial engagement have not brought political and economic openness. Neither U.S. military power nor regional balancing has stopped Beijing from seeking to displace core components of the U.S.-led system. And the liberal international order has failed to lure or bind China as powerfully as expected. China has instead pursued its own course, belying a range of American expectations in the process.... That reality warrants a clear-eyed rethinking of the United States' approach to China.*

-- Kurt M. Campbell and Ely Ratner "The China Reckoning: How Beijing Defied American Expectations" Foreign Affairs, March/April 2018.



# Recent Federal Actions

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- National Security Presidential Memorandum 33 (NSPM-33)
- NSTC JCORE Recommended Practices for Strengthening the Security and Integrity of America's S&T Research Enterprise
- FY 2021 National Defense Authorization Act (NDAA)
  - Section 223 disclosure requirements
- FY 2020 NDAA
  - JCORE Research Security Committee & NASEM Roundtable on Science, Technology & Security
- FY 2019 NDAA
  - Export Control and Reform Act of 2018 (ECRA)
  - Section 889 – prohibition on telecommunications and video surveillance equipment

# Research Security Provisions in the Endless Frontier Act of Concern

Section	Title	Summary
Section 2303	Foreign government talent recruitment program prohibition.	Prohibits federal research awards from being awarded for any proposal where the principal investigator or other individuals directly involved in the research are members of a foreign government talent recruitment programs sponsored by China, Russia, Iran, or North Korea.
Section 2308	Plan with respect to sensitive or controlled information and background screening.	Requires NSF to develop a plan to identify research areas that may include sensitive or controlled information and provide background screening for individuals working in such research areas who are employed by NSF or are recipients of NSF funds.
Section 2526	Supporting documents.	Mandates NSF collect final copies of <u>any</u> contracts, agreements, or documentation of financial transactions between universities, their foundations, and related organizations and any educational, cultural, or language entity that is directly or indirectly funded by the Government of the People's Republic of China. Also requires NSF to collect a detailed description of any financial contributions from the Government of the People's Republic of China or its affiliates to the institution, a foundation of the institution, or related entities.
Section 3138	Review by CFIUS of certain gifts and contracts to universities	Expansion of CFIUS review to include certain gifts and contracts between universities and foreign persons.
Section 6124	Disclosures of foreign gifts and contracts at institutions of higher education.	Lowers the Section 117 reporting threshold to \$50,000. Creates a new requirement entitled "Institutional Policy Regarding Foreign Gifts and Contracts to Faculty and Staff" that would require universities to ensure that faculty and staff report <u>any</u> gifts from, or contracts, entered into, with a foreign source, and then maintain this information in a searchable database.

# University Associations Response

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- Work closely with federal intel, law enforcement & security agencies
- Promote & support positive legislative & regulatory efforts
- Advocate against problematic and unhelpful legislative and regulatory proposals
- Share and disseminate effective practices
  - AAU-APLU *effective practices survey*
- AAU-APLU Joint Presidential Working Group on Research Security
  - *Values and principles document*



# What Must Universities Do?

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- Talk more about what they already do relating to research security.
- Assess how and where they can do even more (e.g., faculty disclosure, COC/COI policies, faculty & student training/awareness, risk mitigation strategies, cyber and data security practices, etc.).
- Prepare to do even more.... *It is better to run from a tsunami than to be caught standing on the beach!*
- Work with university government relations officers to explain the importance of scientific openness, what fundamental research is, and why it is essential for universities to fulfil their research and education missions.