



JOHNS HOPKINS
UNIVERSITY

Complying With Funder Expectations Regarding Other Support & Foreign Components

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A Message from Vice Provost Wirtz and Vice Provost Links

“Johns Hopkins has a long and distinguished history of seeking collaboration abroad and welcoming international students and scholars to our campuses. We highly value and want to enhance education and training activities with international partners that can lead to broadly published research and the free sharing of knowledge.”

“While we are committed to these core values, we also recognize that we must be compliant with the requirements of the sponsors, both domestic and foreign, that fund our research enterprise.”

March 2, 2020

“U.S. Accuses Harvard Scientist of Concealing Chinese Funding”

- ▶ Lieber, chair of Harvard’s chemistry department, lied about contacts with Chinese foreign talent program.

“Medical Student Arrested Trying to Smuggle Specimens to China”

- ▶ Zheng, a Harvard-affiliated medical student and cancer researcher was caught leaving the US with multiple vials of stolen cells.

“Couple Charged in US with IP Theft Used to Market Chinese Biotech Firm”

- ▶ Trade secret theft has been a recurring theme in escalating trade tensions between the US and China. The NIH has been working with federal investigators to probe grant recipients’ foreign ties, particularly with China.

Foreign Influence on US Research

Congress Creates Two New Bodies to Tackle Foreign Influence on US Research

- ▶ What Happened?

Congress approved the National Defense Authorization Act (NDAA) to establish two new bodies that will work to prevent foreign governments from exploiting US research.

- ▶ What Happens Now?

One body will coordinate government agency action to safeguard federally funded research from cyberattacks, theft, and foreign threats. The other body, made up of academic, government, and industry officials, will advise the government on national security while balancing beneficial international collaborations.

NIH Investigations Continue

- ▶ “Fifty-four scientists have lost their jobs as a result of NIH probe into foreign ties”
 - ▶ According to Mike Lauer, the scope of the investigation had targeted 189 scientists at 87 institutions.
 - ▶ As a result of an ongoing investigation by the NIH into the failure of NIH grantees to disclose financial ties to foreign governments, 54 scientists have resigned or been fired.
 - ▶ Types of violations included:
 - Failure to disclose to the NIH receipt of a foreign grant
 - Failure to disclose participation in a foreign talent program
 - Ties to foreign companies
 - Violations of NIH’s peer review system

DOJ Inquiries on Foreign Influence on US Research

Department of Justice Reaches \$5.5 Million Settlement with Van Andel Research Institute

▶ What Happened?

Van Andel Research Institute (VARI) was alleged to have violated the False Claims Act by submitting federal grant applications and progress reports to NIH and failed to disclose Chinese Government grants.

▶ What Happens Now?

VARI has reached a settlement of \$5.5 million. Department of Justice reminds institutions everywhere that they must deal “honestly and transparently when applying for government funding.”

Source: https://www.justice.gov/usao-wdmi/pr/2019_1219_VARI

DOJ Inquiries on Foreign Influence on US Research

- ▶ **“ New Developments in the DOJ’s Inquiry into Chinese Influence at American Research Institutions”**
 - ▶ May 11, 2020, Professor Simon Ang, director of the University of Arkansas’s High Density Electronics Center, was charged with one count of wire fraud for failing to fully disclose his affiliation with China’s talent programs, including the Thousand Talents Program (“TTP”).
 - ▶ May 12, 2020, Dr. Qing Wang, former professor of molecular medicine at the Cleveland Clinic Lerner College of Medicine (“Cleveland Clinic”), was charged with submitting false claims and committing wire fraud, allegedly having received approximately \$3.6 million in NIH funding while failing to disclose his position as Dean of the College of Life Sciences and Technology at the Huazhong University of Science and Technology (“HUST”), and his receipt of research grants received from the National Natural Science Foundation of China to the Cleveland Clinic and NIH.

Bipartisan Focus on Foreign Governments Targeting US Funded Researchers

- ▶ **August 2018:** Dr. Francis Collins issues Statement on Protecting the Integrity of US Biomedical Research; Congressional Testimony & Advisory Committee to Director (ACD).
- ▶ **December 2018:** NIH Advisory Committee issues reporting recommending additional institutional oversight.
- ▶ **March 2019:** Under Secretary for Defense issues directive that grant applications include a detailed list of other grants and support.
- ▶ **July 2019:** NIH Issued a Notice NOT OD-19-114, Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components and accompanying FAQ.
- ▶ **November 2019:** US Senate Permanent Subcommittee on Investigations issues Report on Threats to the US Research Enterprise: China's Talent Recruitment Plans; recommending funding agencies more closely regulate in this area.

Department of Defense

- ▶ **March 2019:** DOD issued a memo clarifying that key personnel must disclose current and pending support in grant applications.
- ▶ Now required for all of DOD. The required disclosure must include detailed information about all projects funded or applied for, regardless of funding source, including domestic or foreign sources, and including amounts paid to the key personnel directly (e.g. not through JHU).
- ▶ Exclusion of sources of support may be considered by DoD as provision of false information by the PI certifying the submission.

National Science Foundation

- ▶ **May 2019:** NSF issued a draft Proposal and Award Policies and Procedures Guide for comment.
- ▶ Includes a requirement for senior personnel to report in grant proposals all sources of funding and payment.
 - ▶ Paid through institution or directly to faculty member.
- ▶ Final PAPPG issued, effective for all proposals submitted and awards made on or after June 1, 2020.
- ▶ Recorded webinar on changes available.

Overarching Message from NIH

- ▶ Complete and accurate reporting of research support is required.
 - ▶ Both internal and external sources.
 - ▶ Specify the relationship to NIH funding.
- ▶ Such disclosure is needed for both NIH and JHU to assess overlap.
 - ▶ Scientific
 - ▶ Budgetary
 - ▶ Availability of time
- ▶ Includes support that is “related to” NIH-supported research.
- ▶ Whether or not the support has a monetary value.
- ▶ Regardless of whether it is based at JHU for the current award.

Department of Energy

- ▶ **June 2019:** DOE issued Order 486.1 authorizing DOE to prohibit DOE contractors from participating in foreign government talent recruitment programs.
 - ▶ Specifies countries designated by DOE as “foreign country of risk.”
 - ▶ DOE may be flowed down to universities through contracts and subcontracts from DOE national labs.
 - ▶ Currently does not apply to DOE grants.

Other Support: Who must report?

- ▶ All individuals designated in application as senior/key personnel.
- ▶ Principal Investigators and Project Directors.
- ▶ Other individuals “who contribute to the scientific development or execution of a project in a substantive, measurable way, whether or not they request salaries or compensation.”

Reportable Other Support

- ▶ Consulting and Outside Professional Activities
 - ▶ Note: Non-research activities, such as science advisory board, would not be considered other support.
 - ▶ Note: All activities are subject to JHU's policies, including conflict of interest policies: http://web.jhu.edu/conflict_of_interest/overview_of_policies
- ▶ Training Awards, Gifts and Prizes/Institutional Support
 - ▶ Reportable if designated/used in support of research.
 - ▶ Start-up support is excluded.
- ▶ Domestic and foreign grants and contracts.
 - ▶ Includes those provided through JHU, another institution, or the researcher directly.
 - ▶ This includes participation in foreign talent programs.

Reportable Other Support Cont.

- ▶ Appointments and Affiliations
 - ▶ Must list all positions and appointments, both domestic and foreign.
 - ▶ Includes academic, profession or institutional appointments, paid or not (adjunct, visiting, honorary).
 - ▶ This should be listed in the Biosketch.
- ▶ In-Kind Support
 - ▶ Particularly want to know support for research performed outside JHU.
 - ▶ This may be reported under Facilities and Other Resources OR Other Support.

Examples of In-Kind Other Support

- ▶ Financial support for visiting scholars and other laboratory personnel.
 - ▶ Students, postdocs or scholars working in the JHU lab who are supported by a foreign entity either through salary, stipend or living/travel expenses.
- ▶ Provision of office/laboratory space, equipment, supplies, materials that are uniquely available.
 - ▶ Excludes core facilities that are widely available.

Foreign Component: Prior Approval Required

- ▶ Foreign components must meet two criteria:
 - ▶ A portion of the work will be conducted outside of the US; and
 - ▶ Activities are considered significant.
- ▶ Examples of what may be considered significant include:
 - ▶ Collaborations with investigators at a foreign site which may result in co-authorship.
 - When the analysis of the data at a foreign site is part of the scientific conclusions of your federally funded project.
 - ▶ Use of facilities or instrumentation at a foreign site.
 - ▶ Receipt of financial support or resources from a foreign entity (e.g. free testing of samples)
 - ▶ Post docs employed at JHU who will continue to collaborate on the research when they return to their home country should be disclosed as a possible foreign component.
- ▶ If an activity does not meet these criteria because the research is being conducted within the US, but there is a non-US resource that supports the research, it should be reported as Other Support

Note on Conflict of Interest Disclosure Requirements

- ▶ Key personnel who receive outside compensation of any amount ***including travel reimbursement from foreign institutions*** must disclose that through eDisclose.
- ▶ While there are exemptions under the federal regs for travel reimbursement from domestic institutions of higher learning, those exceptions *do not* apply to foreign organizations.

Case Studies

- ▶ Dr. A serves as PI on two active NIH awards. Dr. A has two visiting scholars (a graduate student and postdoctoral fellow) who are supported by the Chinese Scholarship Fund. Dr. A must:
 - Obtain approval in accordance with the JHU Visitors policy.
 - Consult with the Export Controls Office.
 - List scholars as Other Support in grant applications.
 - Update Other Support in progress reports.

- ▶ Dr. A continues to collaborate with scholars (including publishing) once they return to their home institution. Dr. A must:
 - Obtain prior approval from NIH for Foreign Component.
 - Report any sources of foreign support in Other Support.
 - Keep NIH updated in progress reports.

Case Studies

- ▶ Dr. B serves as PI on one active NIH award. Dr. B is also a recipient of the Young Thousand Talents Program, which includes a stipend from the Chinese government along with an affiliation with XYZ University in China. Dr. B must:
 - ▶ Obtain approval for the affiliation/appointment from department chair and disclose, in writing, the proposed arrangement to the Vice Dean for Faculty.
 - ▶ Include the stipend provided in Other Support.
 - ▶ Include the affiliation in Bio Sketch.

- ▶ Dr. B's affiliation includes access to labs or equipment at XYZ University. Dr. B must:
 - ▶ Request prior approval for the foreign component.
 - ▶ Include lab access in facilities section of applications.

Case Studies

- ▶ Dr. C has an NIH grant and also has an appointment and lab at a foreign university. The research being done at the foreign lab is unrelated to the PI's NIH project. Dr. C must:
 - ▶ Obtain prior approval for the appointment from department chair and disclose, in writing, the proposed arrangement to the Vice Dean for Faculty.
 - ▶ Report this to NIH as Other Support.
 - Include all resources made available to Dr. C in support of and/or related to Dr. C's research efforts. (e.g. lab space, materials, staff)
 - ▶ This would not qualify as a foreign component of the NIH research since the foreign work is not part of the NIH-funded project.

Federal Agency Information on Disclosing Other Support and Foreign Components

▶ NIH:

https://grants.nih.gov/grants/policy/nihgps/HTML5/section_2/2.5.1_just-in-time_procedures.htm

<https://grants.nih.gov/faqs#/other-support-and-foreign-components.htm>

▶ NSF:

https://www.nsf.gov/pubs/policydocs/pappg19_1/pappg_2.jsp#IIC2h

▶ DOE:

<https://www.energy.gov/sites/prod/files/2019/06/f63/DOE%20%20486.1.pdf>

<https://www.directives.doe.gov/directives-documents/400-series/0486.1-border/@@images/file>

▶ DOD:

<https://www.research.psu.edu/sites/default/files/A3%20-%20USD%20Research%20Protection%20Memo.pdf>

https://mrdc.amedd.army.mil/index.cfm/resources/researcher_resources/reporting/technical

<https://cdmrp.army.mil/funding/pa/fy17-arp-gai.pdf>

Resources

- ▶ JHURA Guidance:
https://research.jhu.edu/jhura/wp-content/uploads/sites/2/2019/02/NIH-Policy-Foreign-Component_original.pdf
<https://research.jhu.edu/jhura/federal-agency-updates/>
<https://research.jhu.edu/jhura/compliance/foreign-engagement/>
- ▶ JHU Export Controls Office:
<https://research.jhu.edu/jhura/compliance/export-controls/>
- ▶ JHU Policies on Disclosure and Professional Commitment and Conflict of Interest:
http://web.jhu.edu/conflict_of_interest/overview_of_policies
- ▶ Johns Hopkins Compliance Line:
<https://www.safeathopkins.org/resources/johns-hopkins/johns-hopkins-compliance-line/>