

GENERAL QUESTIONS

What are the specific concerns regarding “foreign influence” in the academic setting?

The current regulatory landscape reflects serious growing concerns by the US Federal Government concerning inappropriate influence by foreign entities over federally funded research. Federal government agencies have expressed concern that some foreign actors, particularly foreign state adversaries, are seeking to acquire U.S. academic research and information illicitly or illegitimately in order to advance their own scientific, economic, and military development goals through the exploitation of the culture of collaboration and openness on university campuses.

More specifically, three specific areas of concern have been identified by the federal government, including 1) diversion of intellectual property, 2) peer reviewers inappropriately sharing confidential information on grant applications and 3) failure of researchers at NIH and other federally funded U.S. institutions to disclose substantial resources from foreign entities, including foreign governments.

What are “foreign talent recruitment programs” and why is there concern about them?

The federal government is concerned that foreign talent recruitment programs may be used by foreign governments to acquire, legally and illegally, U.S. government-funded scientific research in order to dominate high technology sectors currently led by U.S. entities. As described by the FBI, these programs target individuals who are working in technological fields of interest to the foreign government, offering competitive salaries, state-of-the-art research facilities and/or honorific titles to encourage the transfer of ideas and intellectual property

At present, there is no generally applicable U.S. legal or regulatory prohibition on participation in a foreign recruitment program. However, the Department of Energy (DOE) issued an [internal directive](#) that prohibits DOE employees and contractor employees from participating in certain foreign talent recruitment programs to ensure protection of U.S. competitive and national security interests as well as DOE program objectives. Similarly, National Science Foundation (NSF) announced a [policy](#) prohibiting NSF personnel and Intergovernmental Personnel Act (IPA) individuals from participating in foreign government talent recruitment programs due to risk concerns.

What general guidance should I follow to ensure I am aware of what I must disclose, where to disclose and who to contact for internal assistance?

Foreign Disclosure General Guidance for Principal Investigators:

- Read sponsor guidelines, Funding Opportunity Announcements (FOAs), proposal questions, and award documents carefully to ensure that you and other project personnel are correctly answering the questions that address foreign engagements, foreign affiliations, and Foreign Components and collaborations, as required by the sponsor.

- Review agency definitions to verify that your interpretation of your sponsor's Terms and Definitions is correct. The Office of Sponsored Projects Administration (OSPA) and your sponsor's program and grants management staff can be contacted with questions about definitions.
- Review AR 7:2 Financial Conflicts of Interest in Research and include appointments, affiliations and research support that involve a foreign entity in your disclosure. You should contact Emily Bradford, COI Compliance Administrator, at emily.bradford@uky.edu for guidance if needed.
- Contact the Office of Sponsored Project Administration (OSPA) with internal questions concerning activities being proposed in a foreign country and identify the foreign countries where the research activities are being conducted.

Should researchers at UK stop foreign collaborations and/or stop welcoming foreign students and visitors to their lab?

UK encourages and supports international collaboration. A high degree of transparency regarding relationships with outside entities is essential to successful international partnerships in full compliance with University and Federal requirements. It is best practice, consistent with federal agency guidance and university policy to disclose any appointments, affiliations and research support that involve a foreign entity.

I am a 9-month academic year faculty member at UK. Do I need to disclose activities I engage in during the summer months outside of that appointment?

Outside activities require pre-approval by your unit/department, and disclosure to sponsors. This includes work during off-duty periods. Disclosure is necessary because it may affect how a sponsor views your other commitments relative to performing work for them. When in doubt, disclose the engagement to your College and to your sponsor.

I have many collaborators. How do I know if I should report a collaboration?

While most collaborations are acceptable and encouraged, we recommend researchers err on the side of transparency. It is best practice to disclose any affiliations, appointments and research support that involve a foreign entity.

How do I disclose international collaborations to federal research sponsors?

This varies by federal sponsor. Generally, the following processes apply:

- Appointments to external entities (whether paid, unpaid, adjunct, voluntary, or honorific) should be disclosed in your biosketch;
- All resources made available to you in support of and/or related to all of your research endeavors, regardless of whether they have monetary value, are disclosed, depending on the

sponsor, in 'Other Support' or 'Current and Pending Support' or 'Facilities, Equipment and Other Resources' documents, either at time of proposal and/or in annual reports;

- Performance of any significant scientific element or segment of a project outside the United States, by 1) the recipient or by a researcher performing work in a foreign location or 2) a researcher employed or paid by a foreign organization, whether grant funds are expended, should be disclosed in the proposal. The addition of a foreign component to an ongoing grant must be disclosed to the federal funding agency prior to the initiation of the engagement.

If you have any questions on how to disclose a foreign collaboration in your proposal, please contact your College Grant Officer (CGO). For questions about disclosure after you received an award, please contact your OSPA Research Administrator (RA).

Should I disclose foreign students, postdoctoral candidates or other trainees (including visiting scholars) in proposals and awards?

You must disclose any foreign students, postdoctoral candidates, and other trainees including visiting scholars on sponsored research. If they are performing work outside the United States, this creates a Foreign Component. If they are working in the United States but receiving any support from a foreign entity, this constitutes 'Other Support.' This disclosure also includes students who are 'volunteers' (i.e., who are not UK-enrolled students but are foreign students here in a voluntary capacity (Other Support) or are students in another country that are provided to a UK researcher to do work there (Foreign Component)).

Do I need to make disclosures related to the work of my graduate students if they are foreign nationals? Does this affect Postdoctoral scholars?

In most cases, there is no reason to disclose participation of foreign students or postdocs on sponsored research, especially if all such work will be performed in the U.S. However, classified and export-controlled projects will be subject to foreign national restrictions. It may be possible to employ certain foreign nationals on controlled projects after appropriate licenses and/or exemptions are secured. Please contact John Craddock, OSPA's Export Control Compliance Officer at john.craddock@uky.edu for more information on such cases. There are no foreign national restrictions on "Fundamental Research" projects. However, there may be cases where working with a student or postdoc might be considered a "foreign component," if that student or postdoc is performing effort in a foreign country. For example, NIH defines a [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."

I have been invited to a foreign institution to present at a conference. If I attend, do I need to disclose my participation?

In general, one-time travel to present at a conference would not require disclosure to sponsors. If, however, that travel establishes a relationship with a foreign university, government, or other entity

(e.g., results in an honorary or visiting appointment or an offer to set up laboratory space at that institution), then that may need to be disclosed, depending on the sponsor and their specific guidelines.

How do I know if a company, university, or other entity creates risk? Do you have examples of entities that I should not work with or that invite extra scrutiny?

The federal government maintains lists of entities that are higher risk, information that changes frequently. UK uses software called Visual Compliance to screen proposed partners of UK against these lists, including sponsors of research, proposed vendors or subcontractors, and others. Please contact John Craddock, OSPA's Export Control Compliance Officer, at john.craddock@uky.edu if you have questions about specific foreign entities.

What if I author a publication that acknowledges federal (e.g., NIH, NSF, DoD, etc.) support for the work, and the publication has a foreign co-author and/or acknowledges support from a foreign entity – is that an international collaboration I should disclose?

It depends on the level of activity of the foreign author:

- If the author performed a limited part of the work e.g. ran some statistics, and the paper does not acknowledge any foreign funding, you should be prepared to answer a question regarding the author's role but don't need to do anything else.
- If the foreign author acknowledges funding for his or her work limited work, that funding should be included as Current and Pending Support or Other Support for the PI in proposals and progress reports
- If the work done by the foreign author is significant then it constitutes a [Foreign Component](#), which requires prior approval by NIH. If the foreign collaboration was described in the funded proposal, it is already approved. If it was not in the proposal, prior approval must be requested from the grants management official before initiating the collaboration

I'm running a federally-funded clinical trial at UK. One of my collaborators in a foreign country leads a study site. What do I need to disclose?

You should disclose this collaboration to the sponsor. Contact your OSPA Research Administrator (RA) for assistance.

Do foreign influence issues apply only to NIH grants?

No. The Department of Defense (DOD), the National Science Foundation (NSF), and the Department of Energy (DOE) have also issued statements regarding this issue. Given the current U.S. Government focus on this issue, similar guidance, statements, or requirements will likely be forthcoming from other funding agencies.

Can I add disclosures to current projects or proposals?

Yes, contact your OSPA Research Administrator (RA) for assistance with correcting your application or notifying the sponsor of your award.

What should I do right now if I am engaged in sponsored research activity and have appointments, affiliations and research support that involve a foreign entity?

1. All research personnel whose research is supported with federal funding should update their other support documentation.
2. Biosketches should be current and thorough, review and update as necessary.
3. In progress reports, you should indicate any change in support for Key Personnel that occurred over the last budget year. If you wish to make a change to your project that requires prior approval, the progress report is NOT the place to do that; prior to the report being submitted, a formal prior approval request should have been sent to NIH via your OSPA Research Administrator (RA).
4. You should review your Financial Conflict of Interest (FCO) disclosure and make updates as necessary. AR 7:2 Financial Conflicts of Interest in Research requires updated disclosure statements within 30 days of acquiring a new financial interest, including foreign appointment, affiliation or research support) that reasonably appears related to your institutional responsibilities, including sponsored research projects.

Who should I contact for more information about disclosures of appointments, affiliations and research support that involve a foreign entity?

If you have questions about including disclosure in proposals or after award, please contact your College Grant Officer (CGO) or OSPA Research Administrator (RA).

For questions about what to include in your Financial COI disclosure, contact Emily Bradford, COI Compliance Administrator, at emily.bradford@uky.edu.

Where can I get information about export control regulations related to my international travel, research and foreign engagement?

Faculty and staff who engage in the following activities should be aware of export controls and understand those activities may be subject to U.S. export regulations.

- Shipments to foreign locations
- Procurement of goods or services from foreign vendors
- Payments to foreign nationals and foreign companies
- Faculty and staff travel to foreign countries
- Contracting with a foreign source

- Hosting foreign visitors and delegations
- Foreign national access to controlled chemicals, microorganisms and toxins
- Research involving specific military applications
- Research collaboration with a third party appearing on a U.S. restricted party list

Information about export control and sponsored research is available at <https://www.research.uky.edu/office-sponsored-projects-administration/export-control-and-sponsored-research> . Please contact John Craddock, OSPA's Export Control Compliance Officer at john.craddock@uky.edu.

QUESTIONS RELATED TO National Institutes of Health (NIH)-FUNDED PROJECTS

What is the NIH definition of a foreign component, and has it changed?

The NIH definition of a Foreign Component has not changed and is “The performance of 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.”

I have several Visiting Scholars and Scientists in my lab. They are paid by their home institution, which is in another country. The Visiting Scholars/Scientists are not Key Personnel on my NIH grants. Does this need to be disclosed?

Yes, visiting scholars or scientists who are paid by their home institution are supporting your research endeavors and therefore should be disclosed to NIH as Other Support.

I have several Visiting Scholars and Scientists in my lab. They are Key Personnel paid under my NIH grants. They do not have any other source of income. Do I have to disclose this?

In general, no. If the visiting scholars or scientists are already known to NIH because they are listed as Key Personnel, then they would not need to be disclosed as Other Support. The visiting scholar or scientist would need to list in their biosketch any affiliations they may hold outside of UK. In addition, they are required to complete a COI disclosure at UK.

There are numerous student researchers, staff members, and postdocs in my lab from another country. Am I expected to report this now?

You do not need to disclose **unless** they are conducting research in a foreign country, which would require sponsor approval as a Foreign Component. If they are being paid by someone other than UK, or

are volunteers, that would be reportable as Other Support and should be reported as normally required by the sponsor.

How do I know if my NIH project has a foreign component, and how do I notify the NIH?

If a portion of the project will be conducted outside of the United States, and if the activities are significant, then there is a foreign component. All foreign components require prior approval by the NIH.

If known at time of proposal, it should be disclosed in the proposal, using question 6, “Does this project involve activities outside of the United States or partnerships with international collaborators?” on the “R & R Other Project Information” form.

If not included in the proposal, submit a prior approval request at any time throughout the life of the award. To submit a prior approval request, prepare a justification and contact your OSPA Research Administrator (RA).

All prior approval requests must be submitted by your OSPA RA to the NIH grant management specialist (GMS) for your award. If you are uncertain whether the activities are significant, you should be transparent and submit the prior approval request.

If a visiting scholar, student or postdoc is supported by a foreign entity (e.g., a university or foreign government fellowship) but the work is done at UK, is this reported to the NIH as “other support” or as a “foreign component”?

The first step in determining whether research constitutes a foreign component is to evaluate whether a portion of the research is being conducted outside of the United States. In this example, all the work is being conducted in the United States, so there is no Foreign Component. However, this must be reported as Other Support either in the Just in Time (JIT) request, or in the next Research Performance Progress Report (RPPR).

What should I do if I’m not sure if a collaboration rises to the level of a foreign component or other support where disclosure is required by the NIH?

If work will be performed outside the United States, submit a prior approval request via OSPA Research Administrator (RA) and the NIH will determine whether it is considered a foreign component.

If work will not be performed outside the United States, disclose the collaboration in the next Other Support you submit either by responding to a ‘Just in Time’ (JIT) request, or in your next Research Performance Progress Report (RPPR) submission.

Where can I find more information from the NIH about foreign influence?

On August 23, 2018, NIH issued a statement on protecting the integrity of U.S. biomedical research and expressed concerns about the failure of NIH-funded researchers to fully disclose substantial contributions of resources from foreign entities. In July 2019, NIH published a [Notice](#) and FAQs with additional information in three areas: Other Support, Foreign Components and Financial Conflicts of Interest.

QUESTIONS RELATED TO National Science Foundation (NSF)-FUNDED PROJECTS

Has NSF's guidance on foreign collaborations and disclosures changed?

NSF guidance in the 2020 version of the Proposal & Award Policies & Procedures Guide (PAPPG) guide is clarified to make clear that all appointments and resources available to a researcher in support of their research efforts must be disclosed.

How do I disclose foreign collaborations to NSF?

These may be disclosed on the proposal cover page, in the "International Activities Country Names" box, and an explanation/justification must be provided in the project description. Substantial collaborations not included in the budget should be described in the Facilities, Equipment and Other Resources section of the proposal.

Appointments at a foreign entity should be disclosed in the biosketch and include any titled academic, professional, or institutional position whether remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).

Current and pending support information must be provided through use of an NSF-approved format for everyone designated as senior personnel on the proposal. Current and pending support includes all resources made available to an individual in support of, and/or related to, all research efforts, regardless of whether they have monetary value.

Current and pending support also includes in-kind contributions (such as office/laboratory space, equipment, supplies, employees, students). In-kind contributions not intended for use on the project/proposal being proposed also must be reported.