

Research Integrity & Undue Foreign Influence

In the midst of a global pandemic, international scientific collaboration has perhaps never been more important. However, the U.S. government's efforts to prevent and investigate undue foreign influence in federally-funded research remain active.

Why Foreign Influence Matters

As tensions between the U.S. and various foreign governments increase, accusations of academic espionage by foreign-supported researchers at U.S.-based research institutions are on the rise. The NIH, NSF, DOE, and other agencies are increasingly warning institutions of researchers who have not disclosed foreign associations in compliance with grant funding regulations and other laws. The government continues to initiate enforcement actions and we expect this to increase in frequency and scope during the coming months.

As a result, research and academic institutions in the U.S. need to be ever more vigilant to mitigate brand risk, the loss of federal funds, the risk of undermining intellectual property assets and exposure to enforcement actions.

How Robust are your Institution's Procedures for Exporting Research Materials?

In an increasingly global society, international projects and collaborations remain essential to continue the advancement of science and technology. Such collaborations may involve sharing physical research materials like biological samples, chemicals, and research equipment.

International exports of research materials may be subject to strict regulatory requirements based on the country and specific recipient to which they are going, their potential range of uses, and their dollar value. Making the decision tree more complicated is the fact that multiple federal agencies regulate exports.

Examples of more significant agency regulations/federal laws with which institutions must comply:

- Department of State International Traffic in Arms Regulations (ITAR)
 - Export control of defense items
- Department of Commerce Export Administration Regulations (EARs)
 - Export control of items that have both commercial and possible military applications (“dual-use”)
- International Air Transport Association Dangerous Goods Regulations
 - Regulations concerning items transported/shipped by airplane
- Toxic Substances Control Act

Have you established meaningful processes to screen the end-user?

- Check institutional and individual end-users against the Consolidated Screening List (“CSL”)
 - A list of parties for which the United States Government maintains restrictions on certain exports, re-exports, or transfers of items
 - Includes information maintained by the Department of Commerce (Denied Persons List, Unverified List, and Entity List), Department of State (Nonproliferation Sanctions, AECA Debarred List), Department of Treasury (Specially Designated Nationals List and more)
 - Available for free at www.trade.gov

Have you documented the shipment/use restrictions/ownership rights via a Materials Transfer Agreement where appropriate?

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- ▶ Have you established additional internal protocols to ensure that materials are exported in a compliant fashion?
 - Establish export control administrator(s)/department responsible for reviewing, approving, and documenting exports
 - Centralize shipping processes, such that a responsible official must review every shipment (e.g., no shipping label without vetting the shipment)
 - If centralized shipping is impracticable, consider using a commercially available platform that will walk personnel through export control measures
 - At minimum, make sure that only specially trained personnel can ship hazardous materials
 - Train personnel on applicable laws, regulations, and polices, document the training, and ensure employees and contract staff know who to turn to for export assistance/approvals