

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.

Review Process for Accurate Time and Effort Reporting

Research and academic institutions receiving federal grants are required to accurately track their time and effort and only charge grants for the time and effort that they spend working on those grants. Accurate time and effort reporting is important to ensure that the federal awarding agency is paying its proportionate share of research costs, without overpaying for the federally funded work.

Recent cases have highlighted the need to ensure accurate time and effort reporting:

- The Department of Justice continues to investigate and exact settlements from researchers and institutions involving misreporting of time and effort – usually in the form of False Claims Act settlements.
- In one recent case that also involved unreported foreign affiliations, a professor was charged with federal program fraud for allegedly getting paid hundreds of thousands of dollars by a Chinese institution, while still accepting a full-time salary from his home institution in the U.S., a portion of which was paid via federal research grants. Among the evidence brought to light during the government's investigation were travel records purporting to show that the professor spent 146 days in China in a single year – an amount of time not consistent with a full-time appointment in the U.S.

To mitigate risks related to inaccurate time and effort reporting, institutions should develop multiple layers of checks and balances to identify potential issues before they take on a life of their own.

- Provide periodic (annual if possible) training to faculty, researchers and compliance staff on time and effort reporting requirements.
- Develop internal processes to track effort levels and ensure timely completion of time and effort reports.
- Establish a risk-based approach to flag potentially significant issues (e.g., examining the highest funded researchers, researchers with a threshold number of active awards/grants, or awards/grants over a certain dollar amount).
- Cross-check conflicts of interest and other internal disclosures to confirm that effort levels being requested or reported are reasonable based on outside activities (consulting, visiting appointments, etc.) and home institution responsibilities.
- Periodically review travel records to ensure that researchers are spending adequate time at their home institution to fulfill time and effort requirements.