

Research Integrity & Undue Foreign Influence

NIH Strengthens Other Support & Biosketch Requirements Concerning Foreign Appointments and Employment

Research institutions and individual grantees will soon face increased National Institutes of Health (NIH) requirements to disclose Other Support and Biographical Sketch (Biosketch) information concerning foreign appointments and employment. See [“Upcoming Changes to the Biographical Sketch and Other Support Format Page for Due Dates on or after May 25, 2021,” NOT-OD-21-073](#). The initial NIH notice called for compliance effective May 25, 2021, but NIH officials have stated they plan to update the notice to “encourage” compliance starting May 25th but not mandating compliance until January 2022.

These new guidelines reflect NIH’s continued focus on researcher transparency with respect to foreign research-related activities – in part to deter improper foreign influence in federally-funded research. Key changes and takeaways are summarized below.

Changes to Requirements to Disclose Other Support

- **Copies of Foreign Contracts, Grants & Employment Agreements Must Be Provided to NIH:** Other Support submissions listing foreign activities or resources must include English-language copies of any contracts, grants, or other agreements for all foreign appointments or employment with foreign institutions, whether or not such affiliations have monetary value.
- **Immediate Notification of Previously Undisclosed Other Support:** When a research institution discovers that a researcher on an active NIH grant has failed to disclose Other Support information that should have been reported to NIH, the institution must alert the project’s Grants Management Specialist “as soon as [the non-disclosure] becomes known.”
- **Researchers Must Certify to Their Other Support Submissions:** Individual researchers must now certify specifically the accuracy of information included on their Other Support submissions.

Changes to Biosketch Requirements

- **Express Addition of Scientific Appointments to Biosketch Detail Requests:** Formerly the “Positions and Honors” section of the Biosketch, NIH has updated this section to include “Positions, Scientific Appointments, and Honors.”
- **Updated Instructions Regarding All Positions and Scientific Appointments:** NIH has now explicitly stated that “all positions and scientific appointments both domestic and foreign, including affiliations with foreign entities or governments” must be listed in this section, whether or not such positions or appointments have monetary value.

Key Takeaways

These new NIH requirements impose significant new compliance obligations on research institutions and individual researchers alike. A failure to comply with these changes could expose research institutions and individual researchers to potential liability. Research institutions will be responsible for “immediately” notifying NIH of past non-disclosures (as of 5/25/21, pending an update from NIH), and the failure to do so could result in significant consequences. Further, if individual researchers do not properly carry out the requirement to certify the accuracy of their Other Support submissions, this could provide grounds for personal civil or criminal liability.

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For more information about these developments, please contact a member of our Foreign Influence and Compliance team:

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