



OFFICE OF THE VICE-PRESIDENT —
AGRICULTURE AND NATURAL RESOURCES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 10th Floor
Oakland, California 94607-5200

November 7, 2019

Transmitted via electronic mail

Re: Foreign Influence

Dear ANR Research Community:

UCANR values international collaborations and educational opportunities with foreign institutions, through collaborative research, and scholarly exchanges that are an essential part of the academic community. At the same time, the University of California must be careful to comply with U.S. laws and regulations that govern how international engagements are managed and reported.

The current regulatory landscape includes growing concerns by the US Government regarding inappropriate influence by foreign entities over federally funded research. In August 2018, Francis Collins, the director of the National Institutes of Health (NIH), issued a "[Foreign Influence Letter to Grantees \(PDF\)](#)" that reminded the research community of the need to "*disclose all forms of other support and financial interests, including support coming from foreign governments or other foreign entities... in accordance with the NIH Grants Policy Statement, [on] all applications and progress reports.*" As Dr. Collins' statement makes clear, transparency in this area is essential. UCANR and external funding agencies need to know about the relationships that UCANR and individual members of the research community have established with foreign organizations.

The following is a summary of key disclosure obligations that often come into play when working with international partners. The UC Office of the President Ethics, Compliance and Audit Services has compiled information about this topic on a [website](#), including links to UC and sponsor policies and communications from various agencies concerning foreign influence and disclosure requirements. All investigators with sponsored projects should check the sponsor's current disclosure requirements carefully, and if in doubt, contact the Office of Contracts & Grants at ocg@ucanr.edu for disclosure assistance or further guidance.

The **National Institutes of Health (NIH)** issued a Notice on July 10, 2019, reminding research institutions that NIH-funded researchers must "report foreign activities through documentation of other support, foreign components, and financial conflict of interest to prevent scientific, budgetary, or commitment overlap" ([NOT-OD-19-114](#)). Other Support includes "*all resources made available to a researcher in support of and/or related to all of their research endeavors, regardless of whether or not they have monetary value and regardless of whether they are based at the institution the researcher identifies for the current grant.*" An FAQ can be found [here](#).

The **National Science Foundation (NSF)** issued a [Dear Colleague Letter: Research Protection](#) from Director France Cordova on July 11, 2019 clarifying multiple steps NSF is taking to mitigate risks from "activities threatening our research community, such as certain foreign-government-sponsored talent recruitment programs." NSF has proposed clarification of the proposal disclosure requirements and reporting requirements for both current and pending support and professional appointments. Those clarifications are included in the draft Proposal and Award Policies and Procedures Guide ([NSF 20-1](#)). Effective January 2020, NSF proposes to use an electronic format for submission of biographical sketches, including disclosure of all appointments, and disclosure of current and pending support information.

The **Department of Energy** issued a [directive](#) dated June 7, 2019, mandating that "federal and contractor personnel fully disclose and, as necessary, terminate affiliations with foreign government-supported talent recruitment programs" on new DOE contracts and subcontracts. DOE is expected to issue a separate policy directive to implement the requirement on DOE grants and cooperative agreements.

NASA has long-standing restrictions regarding use of NASA funds to enter into agreements “to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement” ([grant restrictions](#), [contract restrictions](#)).

If you are an investigator on a federally-funded project, you should take the following actions:

1. Review and update Other Support and Current and Pending Support information in proposals
2. Review and update Biosketches
3. Ensure appropriate disclosure of foreign components for NIH-supported projects
4. Report all reimbursed or sponsored travel related to PHS-supported projects
5. Review Conflict of Interest (COI) disclosure and update as necessary
6. Reach out to UCANR’s [Export Control Officer](#) for guidance related to export control regulations
7. Contact the Office of Contracts & Grants when entering into a material transfer agreement or nondisclosure agreement when sharing or exchanging materials or information

In addition to Sponsored Projects, only designated University personnel are authorized to accept gifts from any source. For this reason, you must disclose to the UCANR’s Development Office all gifts solicited from any domestic or foreign individual or organization.

Because some federal agencies have begun to investigate cases where foreign support has not been properly disclosed, the UCOP Office of Ethics, Compliance and Audit Services (ECAS), has developed systemwide guidance for reporting and follow-up related to this issue. These “[Escalation Protocols](#)” are summarized here:

If you receive communication from a federal agency regarding federally funded research grants, contracts or awards in which the federal agency expresses concern about a foreign entity’s involvement in the research; or

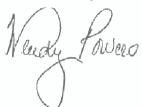
If you have knowledge of any violation of any federal agency policy or federal law regarding federally funded research grants, contracts or awards related to a foreign entity’s involvement in the research;

The university employee who receives the communication or has knowledge noted above must immediately (within 24 hours) notify ANR Controller [Jake McGuire](#), who will initiate the next steps to investigate and respond to this matter.

It is critical that every member of the UCANR community make every effort to understand the policies that govern their work and be certain that all necessary steps are taken to comply. To support increased awareness and understanding of these issues, the Office of Contracts and Grants is hosting a webinar at 9:30-10:30 am on Wednesday, December 4th on “Foreign Influence: What is Foreign Influence and how can I comply?” I encourage you to join this webinar on Zoom at: <https://ucanr.zoom.us/j/502451113> and/or call in at (669) 900-6833, Webinar ID: 502 451 113. The requirements related to foreign influence are complex, so please reach out to [Brian Oatman](#) in Risk & Safety Services and/or [Kathleen Nolan](#) in the Office of Contracts and Grants if you need further guidance and/or clarification.

Your help and cooperation will support our mission to connect the power of UC research in agriculture, natural resources, nutrition and youth development with local communities to improve the lives of all Californians.

Sincerely,



Dr. Wendy Powers
Associate Vice President



Jake McGuire
Controller and Chief Ethics & Compliance Officer