Demonstration of International Collaborations and Agreements Assessment Tools

March 20, 2024

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- Lisa Nichols – Executive Director, Research Security, University of Michigan, Co-Chair FDP Research Security Subcommittee (RSS)

Moderators
- Doug Backman, Director of Compliance, University of Central Florida, Co-Chair, RSS
- Sarah Stalker-Lehoux, Deputy Chief of Research Security Strategy and Policy, NSF, Co-Chair, RSS
Agenda

- International Collaborations Tool
- International Agreement Risk Assessment Matrix
- Questions and open discussion on institutional tools and resources
- Areas of interest noted during registration
MIT’s Informal International Collaborations (IIC) tool provides MIT researchers guidance needed to navigate federal laws, regulations, and agency requirements for their collaborations with international peers and entities.

Informal collaborations include activities such as conversations, speaking engagements, sharing of ideas or data with researchers from other institutions where there is no agreement to which MIT is a party, no required deliverable, and no funds exchanged between the participants to pay costs of the collaboration, or for any other purpose.

Informal or unofficial collaborations may be subject to the same regulations, restrictions and reporting requirements as formal agreements (grants, contracts, DUAs, etc.).

By providing the information requested in the IIC tool, researchers can get helpful guidance to enter into or maintain existing collaborations, while ensuring compliance with federal regulations and Institute policies.

MIT endeavors to respond to most requests in one business day.

These ARE NOT considered formal or legal reviews.
Informal International Collaborations Tool

Add a new collaboration

*Subject Matter of Collaboration
Quantum computing, AI, Robotics, etc.

*Type(s) of Interactions
Foreign visitors to MIT, MIT visitors to foreign institution, shipment of any materials to entity, co-authoring scholarly works, use of entity facilities and equipment, online research collaboration, etc.

*Is this a Current or Potential Future Collaboration?

Select **New Collaboration** and complete all required fields marked with a red asterisk*. 

Using the Tool
Submit
Clear
Close
<table>
<thead>
<tr>
<th><strong>Collaborator</strong></th>
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<tbody>
<tr>
<td>Name of individual with whom you have informal international collaboration</td>
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<tr>
<th><strong>Collaboration’s Affiliated Entity</strong></th>
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<tr>
<td>Name of the entity with which you have informal international collaboration (or enter unaffiliated)</td>
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<th><strong>Country</strong></th>
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- Unknown
- US Person
- Non-US Person
- Unknown
- Organized in the US
- Organized / Located in a country outside the US
Informal International Collaborations Tool

Optional Fields, additional information about Collaboration’s Affiliated Entity:

- Common Name
- Street
- City
- State/Province
- Zip/Postal Code

*Parent Organization information, if known*
- Name
- Common Name
- Country

Previous Name of Foreign Institution (If Known)
Collaboration Period (Start Date, End Date)

Upload Attachment
Upload any document that more fully describes the collaboration.
International Agreement Risk Assessment Matrix

- Can be used for research security risk reviews of sponsored and unfunded agreements, gifts, or outside activities.

- Establishes a risk score of low, medium, or high. Also conducive to numerical scores.

<table>
<thead>
<tr>
<th>Country</th>
<th>Source of Foreign Funding</th>
<th>Presence on Entity and Related Lists/Potential for Negative Military, Human Rights or Economic Impact</th>
<th>Indicators of a malign FTRP (criteria in section 10638(4)(A)(i)(ix) of the CHIPS Act)</th>
<th>Involves Critical or Emerging Technologies</th>
<th>U.S. Federal Agencies Funding the PI</th>
<th>Research Stage</th>
<th>Potential for Risk to the Individual or Institution, Including Reputational</th>
<th>Publication or Date Restrictions</th>
<th>Termination Clause</th>
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<tbody>
<tr>
<td>Comprehensive Sanctions(^\text{*H})</td>
<td>COC foreign government (H)</td>
<td>Restricted Party/Consolidated Screening(^\text{4} (H))</td>
<td>Indicators(^\text{6} ) present (H)</td>
<td>Present on list or similar tech (M)</td>
<td>DoD, DoE, NASA, DHS(^\text{7} (M))</td>
<td>Applied (M)</td>
<td>Yes (H)</td>
<td>Yes (M)</td>
<td>Yes (\text{YES})</td>
</tr>
<tr>
<td>Country of Concern (COC) per CHIPS Act (China, Russia, N. Korea, Iran)(^\text{*M})</td>
<td>COC Foreign entity closely affiliated with foreign government/military (M)</td>
<td>Annex of EO14032 (^\text{2} **DOD FY 21 NDAA 1260H and NS-CMIC List} (M)</td>
<td>No indicators of a malign FTRP</td>
<td>STEM field (L)</td>
<td>Other federal agencies (L)</td>
<td>Basic</td>
<td>No</td>
<td>No (\text{NO})</td>
<td>No (\text{NO})</td>
</tr>
<tr>
<td>Country of Particular Concern per State Dept.(^\text{*L})</td>
<td>COC Foreign entity not affiliated with foreign government/military (L)</td>
<td>List of Institutions (Part 3) (FY 19 NDAA 1285 (c)(8)(A)) (M)</td>
<td>NA</td>
<td>NA (e.g., data or material transfer/use agreement)</td>
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**Notes:**
- \(\text{H} - \text{Higher Concern; } M - \text{Moderate Concern; } L - \text{Lower Concern}\)
- \(\text{**Non-Specially Designated Nationals Chinese Military-Industrial Complex Companies List}\)
The International Agreement Risk Assessment Matrix includes potential risk factors to consider when assessing a proposal for research funding from a foreign sponsor, a non-monetary agreement with a foreign partner (e.g., collaborative or data or material transfer) or a gift. It can also be used to assess outside activities (consulting agreements) on request. The matrix differs from federal matrices, such as the DoD Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions, which assess current and past support and activities of senior personnel, including whether and when they and their collaborators disclosed activities. This matrix includes many of the same factors as federal matrices as they relate to an agreement, including non-public matrices (e.g., DOD and considerations of critical and emerging technologies), as well as factors that could heighten risk concerns (e.g., applied research) when considered with other factors (e.g., possible dual or military use). The weighting of the factors taken into consideration the degree of risk the U.S. government has assigned (e.g., a country or entity where export and re-export privileges have been denied versus an entity that one should use caution in dealing with).

1. Comprehensively Sanctioned Countries: Cuba, Iran, North Korea, and Syria, and more recently, Russian claimed regions of Ukraine (Donetsk, Luhans, and Crimea). Broad-based trade restrictions for an entire country or region. The most significant sanctions.

2. Foreign country of concern per the CHIPS and Science Act of 2021. China, North Korea, Russia, and Iran.

3. The State Department’s list of “Countries of Particular Concern” countries that have engaged in or tolerated “particularly severe violations of religious freedom,” includes Burma, China, Cuba, Eritrea, Iran, North Korea, Nicaragua, Pakistan, Russia, Saudi Arabia, Tajikistan, and Turkmenistan.

4. Presence on U.S. Gov. restricted party lists indicates restrictions on certain exports, re-exports, or transfers (blocked, denied, debared). Indicators of an association with an entity on one of the lists, the Bureau of Industry and Security (BIS) entity list, is included in the DoD Decision Matrix.

5. The Annexe of ECO14032 (DOD FY 19 NDAA 1200H [Entities Identified as Chinese Military Companies Operating in the United States] and NS-CMIC List (Non-Specially Designated Nationals Chinese Military-Industrial Complex Companies List from the Department of the Treasury’s Office of Foreign Assets Control) are included in the DoD Decision Matrix.

6. List of FTRPs (Part 3) (FY 19 NDAA 1286 (C)/(A) — developed by DoD and included in the DoD document Countering Unwanted Foreign Influence in Department-funded Research at Institutions of Higher Education and the DoD Decision Matrix. “Caution is advised for any researcher or institution engaging with institutions on this list.”

7. List of FTRPs (Part 3) (FY 19 NDAA 1286 (C)/(A) — developed by DoD and included in the DoD document Countering Unwanted Foreign Influence in Department-funded Research at Institutions of Higher Education and the DoD Decision Matrix includes “foreign talent recruitment programs that pose a threat to national security interests of the United States.”

8. The Australian Strategic Policy Institute’s China Defense Universities Tracker has been used by institutions to assess risk of potential international partners, however, it has not appeared in federal matrices and it is not clear how much weight federal agencies place on this tool.

9. Indicators of a malign FTRP might include “establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a federal research and development award; or, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award.”

10. Federal agencies that fund military or dual use research or research involving critical and emerging technologies have demonstrated lower risk tolerance with international activities, primarily those involving foreign countries of concern, and may request removal of a PI from an award if international activities are deemed high risk and unable to be satisfactorily managed or mitigated.
We asked: What topics participants were most interested in hearing about and what types of tools and information are of interest.

We heard and hope we addressed in our presentations:
• Who is conducting the assessments. What is the feedback to the PI.
• Tips and lessons learned.
• What conclusions have institutions drawn from the data they are collecting through their respective tools?
• Best practices in assessing these types of agreements
• Thought process behind the development of the tools.
• If something is deemed high risk, does it still move forward?
• How often are international collaborations declined/denied based on the risk assessment and what has been the cultural impact?
• Collaboration with countries of concern
Questions?

What are other institutions doing? Anything unique from what Greg and Lisa presented? Some variation?
We asked: What topics participants were most interested in hearing about and what types of tools and information are of interest. We heard:

- How to comply with the requirements in the absence of final guidelines and how this will be audited as part of the Single Audit.
- More clarification on gift determination as it relates to disclosure. When to report restricted gifts in current and pending support.
- Clear language and policies from our federal partners.
Areas of Interest Noted During Registration

- New, easy tools, checklists or flowcharts for quick assessment; use cases on how to apply assessment tools; tools to help identify risk level and thresholds/flags to increase security; training information for contract and grants officers.
- Assessment tool and other free online resources that can be adapted for other institutions' use (availability of tools to research orgs) and don’t require additional FTE to use.
- Tools to help better define research security processes and procedures.
- Best practices and risk mitigation strategies.
- Tools for evaluating international collaborations and determining criteria for approval.
- Tools that distinguish between actual reg/policy requirements and those not prohibited but highly problematic from a USG view.
- Tools/practices to ensure different offices with involvement are working from same script.
- How to determine if a talent plan is malign and researcher is affiliated/help faculty determine
Areas of Interest Noted During Registration

- We heard but **may need to address in a separate discussion or refer to other subcommittees:**
  - Foreign financial questionnaire
  - Subawards:
    - Best approach to perform the (NIH) subrecipient risk assessment when working with international collaborators.
    - Specific language institutions have built into foreign subawards to address NOT-OD-23-182.
    - Terms for high-risk subawardees.
    - Compliance tools for subcontracting to international partners.
    - How pushback from Foreign Institutions about required NIH Foreign language is handled.
  - Contracts/agreements:
    - Template cooperation agreements (e.g., for particular fields of science).
    - Recommended language that's been successfully negotiated.
    - Tools and processes useful to contract negotiators
Thank you!