Foreign Influence Working Group: Research Security Updates

FDP Meeting (The Mayflower)
May 23, 2024
Session Description

• This session will cover the latest updates from our federal partners on research security topics of interest, including the status of release of the final Research Security Standards, the NSF-funded SECURE Center, the research training modules, plans for agency adoption (beyond NSF) of the Common forms, testing and implementation of the July 2024 portal for reporting foreign gifts/grants over $50K from countries of concerns, risk rubric updates, risk mitigation reviews, any special agency required terms and conditions, and any special legislative actions still under consideration at that time. Representatives from DoD, Dept. of Energy, NIH, and NSF will be attending to provide in-person updates.

• Speakers:
  Sarah Stalker-Lehoux and Jean Feldman, NSF
  Michelle Bulls and Patricia Valdez, NHI
  Julie Anderson, DOE
  Jason Day, DOD

• Moderators:
  Pamela Webb, Minnesota and Jim Luther, Yale
Since our Last Meeting ...

- **New Foreign Financial Disclosure Report Portal for >$50k**
  - Deadline extended to September 3, 2024
- **NSF PAPPG – including implementation of Common Forms and MFTRP certifications** *(Summary of Changes)*
- **OSTP Memorandum Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs** *(February 14, 2024)*
- **JASON published Safeguarding the Research Enterprise ("SRE Report")** - March 21, 2024
- **DOJ's NPRM on Sensitive Data**
- **HHS OIG Survey on Reporting of Monetary Donations that Support Research and Related COGR Questionnaire** *(January 2024)*
- **FDP RSS Subcommittee Survey on NSF Risk Assessment (RSS Session)**
- **DARPA published updated FAQs on its Fundamental Research Risk-Based Security Review Program (FRR-BS)** on May 3, 2024
Since our Last Meeting ...

- OSTP memorandum Policy Regarding Use of Common Disclosure Forms for the “Biographical Sketch” and the “Current and Pending (Other) Support” Sections of Applications by Federal Research Funding Agencies - February 2024

- Cybersecurity and Infrastructure Security Agency (CISA) issued a Notice of Proposed Rulemaking (NPRM; 89 FR 23644) for the Critical Infrastructure Act of 2022 (CIRClIA) cyber incident reporting requirements for covered entities

- U.S. Department of Commerce announced the addition of 37 new Chinese entities to its Entity List

- FBI ‘did not intend negative impact’ of prosecuting Chinese academics with ties to Beijing under Trump-era China Initiative (South China Morning Post)
Emerging Areas of Interest

- Status of release of the final Research Security Standards
- RECR and Connection to Research Security Training
- China Initiative
- SECURE Proposal
- Special agency required terms and conditions
Speakers

Sarah Stalker-Lehoux, Deputy Chief of Research Security, Strategy and Policy
Office of the Chief of Research Security, Strategy and Policy

Jean Feldman, Head, Policy Office
Division of Institution and Award Support
Office of Budget, Finance and Award Management
Topics

- FFDR Training and Resources
- Status Update on the NSF-funded Secure Center
- Status Update on the Research Training Modules
NSF Postaward Foreign Financial Disclosure Report (FFDR) Requirements

• FFDR requirements apply to each IHE that receives an award or funding amendment on an existing award made on or after May 20, 2024
  • Each IHE must submit an institutional report annually – negative reports are required
  • Reporting includes any gift or contract with a cumulative value of $50K or more per source from a country of concern
  • Reports must be submitted by July 31 each calendar year in Research.gov
    • A one-time grace period for submission of the first report has been provided. The grace period expires on September 3, 2024
  • IHEs must maintain copies of relevant records
  • NSF may request copies of contracts, agreements, or documentation of financial transactions associated with disclosures.
  • Organizations other than IHEs are not required to submit annual FFDR reports
  • A new term and condition has been added implementing this requirement post-award
FFDR Timing

**A** – Effective date of new award/funding amendment on existing award starts before May 20, 2024

**B** – Effective date of new award/funding amendment on existing award starts on or after May 20, 2024, but on or before June 30, 2024

**C** – Effective date of new award/funding amendment on existing award starts after June 30, 2024

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<table>
<thead>
<tr>
<th>Scenario</th>
<th>Is Reporting Required?</th>
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<tbody>
<tr>
<td>A – Effective date of new award/funding amendment on existing award starts before May 20, 2024</td>
<td>No, my institution does not have the new reporting term and condition and is not required to report</td>
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<tr>
<td>B - Effective date of new award/funding amendment on existing award starts on or after May 20, 2024, but on or before June 30, 2024</td>
<td>Yes, my institution has the new reporting term and condition and is required to report</td>
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<td>C – Effective date of new award/funding amendment on existing award starts after June 30, 2024</td>
<td>Report not required in 2024, but my institution will be required to report in 2025</td>
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FFDR Portal Key Takeaways

• All FFDR Preparers in the same IHE can create a report in Research.gov, edit an existing report, or submit a report created by another FFDR preparer

• Only one FFDR can be submitted in Research.gov per IHE

• On July 1, 2024, all FFDR Preparers affiliated with an IHE that has received a new award or a funding amendment on an existing award between May 20, 2024, and June 30, 2024, will receive a system-generated email notifying them that the IHE must submit an FFDR for Year 1

• Every IHE organization must submit a negative or positive report in Research.gov

• Foreign support received between July 1, 2023, and June 30, 2024, will report in Year 1 submission window which begins on July 1, 2024

• Once a report is submitted to NSF in Research.gov, it cannot be deleted or withdrawn

• Submitted report for Year 1 can be edited until September 3, 2024. After September 3, the FFDR Preparer must submit a request to Office of the Chief of Research Security Strategy and Policy Office to amend the submitted report

• FFDR is specific to financial support received from a foreign country of concern (i.e., People’s Republic of China, Democratic People’s Republic of Korea, Russian Federation, and Islamic Republic of Iran)

• If the cumulative value of all gifts and contracts received from a foreign source does not equal or exceed $50,000, then it is not required to report them in Research.gov
FFDR Future Plans

- Monitor feedback from the research community
- Add “copy” feature to reduce administrative burden for Year 2 and subsequent year reports
- Consider adding capability to download submitted reports
- Enhance post-submission processes (i.e., amendment and extension requests)
- Enhance FFDR functionality based on future PAPPG requirements
FFDR Training Resources

• FFDR Demo Site in Research.gov
  • May 20 – June 28, 2024
  • Must have FFDR Preparer role to access demo site in Research.gov
  • All FFDR functionality accessible except report submission and system-generated emails will be disabled
  • Demo data will be deleted prior to opening of reporting period on July 1, 2024

• Research.gov About Foreign Financial Disclosure page Frequently Asked Questions (FAQs)
  • How to Prepare and Submit a Foreign Financial Disclosure Report (FFDR) Guide
Save the Dates for Upcoming FFDR Outreach Opportunities

• FFDR Webinar & Demo
  • July 9th at 2:00 – 3:00 PM ET

• FFDR Virtual Office Hours
  • July 16th at 2:00 – 3:00 PM ET
  • July 31st at 2:00 – 3:00 PM ET
**SECURE Center Timeline**

- **Solicitation**
  - May '23
  - Letter of Intent (Sept. 8)
  - Deadline (Oct. 30)

- **Reviews and Panels**
  - Jun '23
  - Jul '23
  - Aug '23
  - Sep '23
  - Oct '23
  - Nov '23
  - Dec '23

- **BFA Review**
  - Mar '24
  - Apr '24
  - May '24

- **Reverse Site Review**
  - Recommend Award

- **Awards**
  - Anticipated Award Start Date (Sept. 1)
CHIPS+: Research Security Training Modules

1. What is Research Security?
2. Disclosure
3. Manage and Mitigate Risk
4. International Collaboration
The modules are now available on the NSF website

https://rst.nsf.gov
https://new.nsf.gov/research-security/training

Multiple options for accessing modules:
- Web-based versions that can be taken online
- IHEs can download for integration into learning management systems
- Questions? Check out the recently released FAQs!
Michelle Bulls
Director, Office of Policy for Extramural Research Administration (OPERA)
michelle.bulls@nih.gov

Patricia Valdez
Chief Extramural Research Integrity Officer
Office of Extramural Research Administration
patricia.valdez@nih.gov
Common Forms for Biographical Sketch and Current and Pending (Other) Support: NIH Implementation

- Planned NIH Implementation:
  - Effective for all applications and RPPRs submitted on or after **May 25, 2025**, Applicants/Recipients must use the Common Forms for both Biographical Sketch and Current and Pending (Other) Support.
  - Applicants/Recipients will be required to use Science Experts Network Curriculum Vitae (SciENcv) for completing and certifying the Common Forms.
  - SciENcv will generate a digitally certified PDF for use in application submission.
  - Applicants/Recipients will be required to obtain an ORCID ID and enter it in the Persistent Identifier (PID) section of the Common Forms. They must also link their ORCID ID to their eRA Commons Personal Profile.
  - NIH will have a separate supplement form to collect the three required agency specific data elements (i.e., Personal Statement, Contributions to Science and Honors) to adhere our Peer Review Regulations at 42 Code Federal Regulations Part 52.

Send inquiries to: nihosbiosketch@nih.gov
Common Forms for Biographical Sketch and Current and Pending (Other) Support: SciENcv Implementation

• OPERA is working with SciENcv to develop compatibility features [e.g., Application Programming Interface (API)] to assist entities with full implementation in May 2025.

• Reminder: Until the Common Forms are fully adopted, NIH requires applicants and recipients to use the current NIH Biosketch and Other Support formats for applications, Just-in-Time (JIT) Reports, and Research Performance Progress Reports (RPPRs).
  • Electronic signatures and supporting documentation are required.
  • Failure to follow the appropriate formats may cause NIH to withdraw applications from or delay consideration of funding.

Send inquiries to: nihosbiosketch@nih.gov
Research Security Program Guidelines – NIH Comments

• In April, agencies were given the opportunity to review and comment on the updated Draft Guidelines for Research Security Programs.

• NIH recommendations included:
  • Incorporating institutional certifications into Sam.gov as part of the standard assurances.
  • Use of the term “certify” rather than “attest” throughout, in line with the recommendation above.
  • Clarifying edits regarding the term “sensitive R&D”. Suggested referring to risks, and risk mitigation instead.
  • Foreign travel security training should be required for all covered individuals, rather than just those participating in sensitive R&D.
  • The criteria for agencies to implement additional requirements should align with the disclosure policy memorandum.
WHAT TO EXPECT - TIMELINE
## NIH Implementation Timeline

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<thead>
<tr>
<th>Period</th>
<th>Tasks</th>
<th>Status</th>
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<tr>
<td>Spring 2024</td>
<td>• Published Guide notice announcing FORMS-I (<a href="#">NOT-OD-24-086</a>), including Common Forms update.</td>
<td>✓</td>
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<td>• Commence internal and external communications outreach.</td>
<td>✓</td>
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<td>May 2024</td>
<td>• Submitted implementation plan to OSTP.</td>
<td>✓</td>
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<td>• Publish FORMS-I 60-day Federal Register Notice.</td>
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<td>• External outreach at May FDP meeting.</td>
<td>✓</td>
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<td>Summer 2024</td>
<td>• Publish Guide notice on NIH’s implementation of Common Forms, pending OSTP approval of implementation plan.</td>
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<td>• Collaborate with SciENcv on development of electronic NIH Common Forms and API.</td>
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<td>• Begin process of reviewing and updating internal and external NIH resources (e.g., webpages, How to Guide, FAQs, etc.) to align with Common Forms.</td>
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<td>July 2024</td>
<td>• Publish FORMS-I 30-day Federal Register Notice.</td>
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<td>• Submit PRA clearance packages for FORMS-I (0925-0001 and 0925-0002) to OMB/OIRA.</td>
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<td>• Submit RCF for Common Forms (3145-0279) to OMB/OIRA.</td>
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<td>Status</td>
<td>Fall 2024</td>
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<td>• Publish new FORMS-I application guide by late October.</td>
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<td>• Publish Guide Notice(s) with reminders and final implementation details for FORMS-I, Common Forms, and updates to NIH Hyperlinks Policy.</td>
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<td>• Continued external communication to extramural community.</td>
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<td>Status</td>
<td>Early 2025</td>
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<td>• Work with SciENcv on user acceptance testing and rollout of API for external users.</td>
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<td>• Enable launch of NIH Common Forms in SciENcv no later than 60-days prior to May 25, 2025 (i.e., March 25, 2025).</td>
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<td>• External and internal trainings/webinars.</td>
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<td>Status</td>
<td>May 2025</td>
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<td>• Effective for due dates on/after May 25, 2025, applicants/recipient must use the Common Forms and will be required to use SciENcv.</td>
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<td>• Applicants/Recipients will be required to enter the ORCID ID into SciENcv in the Persistent Identifier (PID) section of the Common Forms.</td>
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<td>• NIH will require applicants/recipient to link their ORCID ID to their eRA Commons Personal Profile.</td>
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Office of Research, Technology, and Economic Security (RTES)

RTES Vetting Center

Julie K. Anderson, Director
Margaux Murali, Deputy Director
May 2024
Due Diligence, Liaison & Assessment

- Conduct or facilitate due diligence reviews, in coordination with other internal reviews
- Develop comprehensive risk assessment frameworks
- Review FOAs and awards to ensure the appropriate RTES measures are in place

Information Sharing (Internal)
- Resource to program offices on RTES
- Foster cross-office information sharing through program RTES POCs
- Train offices on how to identify, communicate, and mitigate security risks

Communications & Outreach (External)
- Conduct outreach with the broader scientific community on RTES topics
RTES Policy Working Group

Chair:
Julie Anderson (IA-63 Director)

Vice-Chairs:
Jennifer Mahalingappa (GC)
Jeremy Ison (S4)

Working Group includes 10 members (in addition to the 3 Chairs) who represent the following offices:
S3; S4; NNSA; GC; IN/CI; RTES Office; ARPA-E; Office of Science; EERE; LPO

Financial Assistance Policy Subcommittees
#1: 90-Day OSTP Plan
#2: Common Forms
#4: CHIPS training requirements
#6: NSPM-33 Program Guidance
#7: OSTP actions not otherwise covered
#16: FOA & Award Requirements

Crosscutting Subcommittees
#3: Digital Persistent Identifiers
#5: CHIPS MFTRP Requirements
#11: COI/COC Rulemaking
#13: Definitions for FOCI, FEOC, and Foreign

National Lab Policy Subcommittees
#8: DOE Policy 485.1A Pilot (financial assistance/lab)
#10: Updates to DOE Order 142.3B
#19: Updates to DOE Order 486.1A

Review Process Subcommittees
#9: Foreign Nationals Reviews
#12: RTES Risk Matrices
#14: Harmonize DOE approach to FEOC Prohibitions
#15: Disclosures for FOCI and Foreign Collaboration
#17: Economic Security
Common Form Implementation

• Starting May 2025, digital persistent identifier (ORCID iD) will be required (optional until then)

• Two Updates to Certification Statement
  • Certification statement will directly acknowledge that the information supplied is material to a funding decision (same language DOE has used since 2022).
  • Certification statement for completion of research security training pursuant to 42 U.S.C. 19234(a).

• Anticipated implementation date = May 2025

• Dependent on OMB/OIRA Paperwork Reduction Act (PRA) clearance process

• Exploring SciENcv as an option for electronic implementation
## Principles for Evaluating RTES Risk

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<tr>
<th>Onshore, Reshore, and Reassert U.S. Leadership in Manufacturing of Critical and Emerging Technologies</th>
<th>Bolster Supply Chain</th>
<th>Make Risk-Based Investment Decisions</th>
<th>Protect the Taxpayer</th>
<th>Emphasize two-way Transparency</th>
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Due Diligence Review: Risk Factors

- Technology Sensitivity
- Critical Infrastructure
- IP Potential
- Supply Chain
- Foreign talent programs
- Funding Sources
- Patents
- Entity Lists
- FOCI
- Criminal or Regulatory
- Equipment/supplies
- Entity Lists

Technology

Individuals

Entities
Office of Research, Technology, and Economic Security (RTES)

Office of the Secretary (S1 & S2)

Office of the Under Secretary for Infrastructure (S3)
- National Nuclear Security Administration (NNSA)
- International Affairs (IA)
- RTES Office (IA-63)
- Office of Federal Energy Management Programs (FEMP)
- Office of State and Community Energy Programs (SCEP)
- Office of Manufacturing & Energy Supply Chains (MESC)
- Grid Deployment Office (GDO)
- Office of Clean Energy Demonstrations (OCED)
- Loan Programs Office (LPO)

Office of the Under Secretary for Science and Innovation (S4)
- Advanced Research Projects Agency – Energy (ARPA-E)
- Office of Technology Transitions (OTT)
- Office of Science (SC)
- Office of Electricity (OE)
- Office of Energy Efficiency and Renewable Energy (EERE)
- Office of Fossil Energy and Carbon Management (FECM)
- Office of Nuclear Energy (NE)
Jason Day
Research Policy Director
OUSD(R&E), Basic Research Office
• Date and time
  • 2:30 – 3:45 EST today

• Description:
  • The National Science Foundation will pilot a proposal review process for national security concerns. This session will provide an overview of the process and pending pilot and provide an opportunity for feedback and discussion with FDP members.

• Speakers:
  • Lisa Nicholls- University of Michigan, Mark Sweet- University of Wisconsin, Madison, Doug Backman - University of Central Florida, and Sarah Stalker-Lehoux - Deputy Chief of Research Security, Strategy, and Policy, National Science Foundation
Thanks