

Federal Policies and Guidance Related to Undue Foreign Influence at U.S. Research Institutions

This series of AAMC communications provides background information, relevant federal policies, and institutional considerations related to concerns about the impact of undue foreign influence in U.S. federally funded research. Following a [prior issue brief](#) focused on the NIH’s response, this document looks at other policies and regulations across the federal government.

Government-Wide Coordination and Legislative Proposals

The National Science and Technology Council (NSTC), overseen by the White House Office of Science and Technology Policy, launched a [Joint Committee on Research Environments](#) in May 2019. A subcommittee focused on research security, comprised of 17 different agencies from across the government, is working on coordinating federal outreach to research institutions, developing guidance and best practices, and standardizing conflict of interest and commitment disclosure requirements and enforcement.

In May 2019, several members of the House of Representatives introduced [H.R. 3038](#), the Securing Science and Technology Act (SASTA), to standardize and evaluate existing mechanisms of control for federally-funded research. SASTA has been endorsed by AAMC and several other higher education organizations, in a [letter](#) which cited the legislation as “a proactive and sensible approach to safeguarding federally funded research and development from growing threats of foreign interference, cyberattacks, theft, and espionage.” The Secure American Research Act ([S. 2133](#)), an additional bill aimed at protecting research from foreign interference, was introduced in the Senate in July.

National Science Foundation

The National Science Foundation (NSF) has made several recent policy changes to mitigate risks to NSF policies, programs, and priorities, due to foreign government actions, as summarized in a July 2019 [Dear Colleague Letter](#) on research protection from NSF Director France Cordóva, PhD. In Jan. 2018 the agency issued a [change](#) to proposal submission requirements, mandating that any request for funds for an international branch campus of a U.S. institution justify why the project activities cannot be performed at the domestic location. NSF released a [draft](#) Proposal & Award Policies & Procedures Guide (PAPPG) in the [federal register](#) in May 2019 to clarify proposal disclosure requirements, part of a broader effort to enforce existing disclosure rules for NSF project personnel.

The agency also put in place a [requirement](#) that rotators working onsite at NSF must be U.S. citizens or have applied for U.S. citizenship, and recently issued a [personnel policy](#) that prohibits the participation of NSF personnel and Intergovernmental Personnel Act assignments detailed to NSF in foreign government talent recruitment programs.

Department of Energy

The Department of Energy (DOE) recently instituted two major policy changes intended to address the issue of foreign government influence in research. In June 2019, the agency issued a [directive](#) prohibiting participation in foreign government talent recruitment programs of certain countries of risk (currently [limited to](#): China, Iran, North Korea, and Russia). The directive is applicable to DOE employees and contractors; the [memo](#) initially announcing the policy also indicated limitations for recipients of DOE grants and cooperative agreements.

In Dec. 2018, the agency also issued a [memo](#) on international science and technology engagement policy, reiterating its interest in research collaboration but stating that foreign countries “have exploited the openness of the U.S. system to their benefit, and the detriment of U.S. national interests.” The memo establishes a DOE S&T Risk Matrix, which identifies emerging research areas and technologies subject to limited access by “sensitive country foreign nationals” and prohibition as topics for collaboration. The Risk Matrix effective date is given as Jan. 2019, although it does not appear to be publicly accessible. The DOE memo also sets up a Federal Oversight Advisory Body to maintain the Risk Matrix and process exemptions for certain research, such as those supported under government to government agreements.

Department of Defense

The [FY2019 National Defense Authorization Act](#) (NDAA), signed into law in Aug. 2018, directs the Secretary of Defense in Section 1286 to establish an initiative to work with academic research institutions on: limiting undue foreign influence (including through talent recruitment programs); supporting the protection of intellectual property and information about national security relevant technologies; and developing domestic talent in relevant scientific and engineering fields.

A Mar. 2019 [memo](#) on implementing this section of the NDAA directs that research funding opportunities from the DOD request additional information regarding key personnel on the application, “whether or not the individuals’ effort under the project are to be funded by the DOD.” This information includes a list of all current projects the individual is working on; the percent effort and timeline for those projects; and the source and funding amount of any other support.

Other Agencies

This document is not exhaustive but is intended to provide an overview of certain ongoing activities at several federal agencies which fund scientific research. Note that there are additional policies regarding foreign influence across the federal government, including from the Department of Education, the Department of Commerce, and the Department of Health and Human Services.

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