

UNIVERSITY of HAWAI'I®  
SYSTEM



Office of the Vice President for Research and Innovation

# Protecting UH Research

U.S. Federal Focus on Research Security



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# Purpose

Understand the current U.S. federal government focus on protecting intellectual property through research security requirements for academia

“Some foreign governments, including those of the People’s Republic of China, Russia, and Iran, are working vigorously...to acquire, through both licit and illicit means, U.S. research and technology. There have been efforts to induce American scientists to secretly conduct research programs on behalf of foreign governments or to inappropriately disclose non-public results from research funded by U.S. government sources. This is unacceptable.”



Source: <https://www.whitehouse.gov/wp-content/uploads/2022/01/010422-NSPM-33-Implementation-Guidance.pdf>



# White House focus on research security

## Trump Administration

- 2019: OSTP-led initiative to coordinate federal research policies
- 2021: National Security Presidential Memorandum 33 (NSPM-33)

## Biden Administration

- 2022: Guidance for implementing NSPM-33
  - Federal sponsoring agencies to develop model grant application forms, and
  - Clear and effective rules for ensuring research security and researcher responsibilities

# NSPM-33

Issues guidance to federal sponsoring agencies:

- Disclosure Requirements and Standardization
- Digital Persistent Identifiers
- Consequences for Violation of Disclosure Requirements
- Information Sharing
- Research Security Programs

NATIONAL SCIENCE AND TECHNOLOGY COUNCIL



GUIDANCE FOR IMPLEMENTING NATIONAL  
SECURITY PRESIDENTIAL MEMORANDUM 33  
(NSPM-33) ON NATIONAL SECURITY  
STRATEGY FOR UNITED STATES  
GOVERNMENT-SUPPORTED RESEARCH AND  
DEVELOPMENT

*A Report by the*

**Subcommittee on Research Security**

**Joint Committee on the Research Environment**

January 2022

# NSPM-33: Standardization of Disclosure Requirements

- Common disclosure forms have been developed for:
  - Biographical Sketch, and
  - Current and Pending (Other) Support
  - The Common Disclosure forms were published on 11/1/23.
- The forms include individual certifications for disclosure accuracy and completeness.
- Also includes updated Definitions (Nov 2023)
- NSF will implement these forms with the PAPPG 24-1

# NSPM-33: Standardization of Disclosure Requirements

CURRENT AND PENDING (OTHER) SUPPORT COMMON FORM

November 1, 2023

“Consistent with NSPM-33, individuals are required to disclose contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs. Further, if individuals receive direct or indirect support that is funded by a foreign government-sponsored talent recruitment program, even where the support is provided through an intermediary and does not require membership in the foreign government-sponsored talent recruitment program, that support must be disclosed. Individuals must also report other foreign government sponsored or affiliated activities. In accordance with 42 USC § 19232, individuals are prohibited from being a party in a malign foreign talent recruitment program.”

# NSPM-33: Standardization of Disclosure Requirements

A table entitled, NSPM-33 Implementation Guidance Pre- and Post-award Disclosures Relating to the Biographical Sketch and Current and Pending (Other) Support<sup>1</sup> has been created to provide helpful reference information regarding pre-award and post-award disclosures. The table includes the types of activities to be reported, where such activities must be reported in the application, as well as when updates are required in the application and award lifecycle. A final column identifies activities that are not required to be reported.

Type of Activity to be Disclosed	Biographical Sketch	Current & Pending/ Other Support	Annual Project Reports	Post-Award Information Terms & Conditions
<b>PERSONAL INFORMATION</b>				
Professional preparation (e.g., educational degrees)	✓			
Organizational Affiliations <sup>#</sup>	✓			
Academic, professional or institutional appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary	✓			
Paid consulting that falls outside of an individual's appointment; separate from institution's agreement		✓	✓	✓
<b>RESEARCH FUNDING INFORMATION</b>				
Current and pending support: All R&D projects currently under consideration from whatever source, and all ongoing projects, irrespective of whether support is provided through the proposing organization, another organization, or <i>directly</i> to the individual, and regardless of whether the support is direct monetary contribution or in-kind contribution (e.g., office/laboratory space, equipment, supplies, or employees)		✓	✓	✓
Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs <sup>6</sup>	✓ (Appropriate placement may be contract-dependent)			
In-kind contributions not intended for use on the project/proposal being proposed		✓	✓	✓
Visiting scholars funded by an entity other than own institution		✓	✓	✓
Students and postdoctoral researchers funded by an entity other than own institution		✓	✓	✓
Travel supported/paid by an entity other than own institution to perform research activities with an associated time commitment		✓	✓	✓
Certification by the individual that the information disclosed is accurate, current, and complete		✓	✓	✓

# NSPM-33: Consequences for Violation of Disclosure Requirements

Serious potential consequences for the University:

- Rejection of an R&D application
- Preserving an award, but requiring removal of certain individuals
- Suspension or termination of an R&D award
- Suspension or denial of Title IV funds by the Department of Education (resulting in denial of federal student aid)
- Alert other federal agencies of the non-compliance



# NSPM-33: Research Security Program

Certification from the university that a research security program has been implemented with five elements:

- Cybersecurity
- Foreign travel security
- Research security training
- Export control training, as appropriate
- Appoint a Research Security point of contact (POC)



# Extramural Disclosure Training (EDT)



- Effective October 1, 2023
- EDT is required for PIs, investigators and other senior/key personnel on UH extramural requests for funding (grant applications) submitted through myGRANT
- Take the course in Lulima
- More information and link to course at:  
<https://research.hawaii.edu/ors/training/>

# Internal and External Disclosures

## DISCLOSURES TO THE UNIVERSITY (INTERNAL)

- Conflict of Interest (COI) disclosure
- Conflict of Commitment (COC) disclosure
- Intellectual property and inventions disclosure
- myGRANT Proposal Development Questionnaire

## DISCLOSURES TO SPONSORS (EXTERNAL)

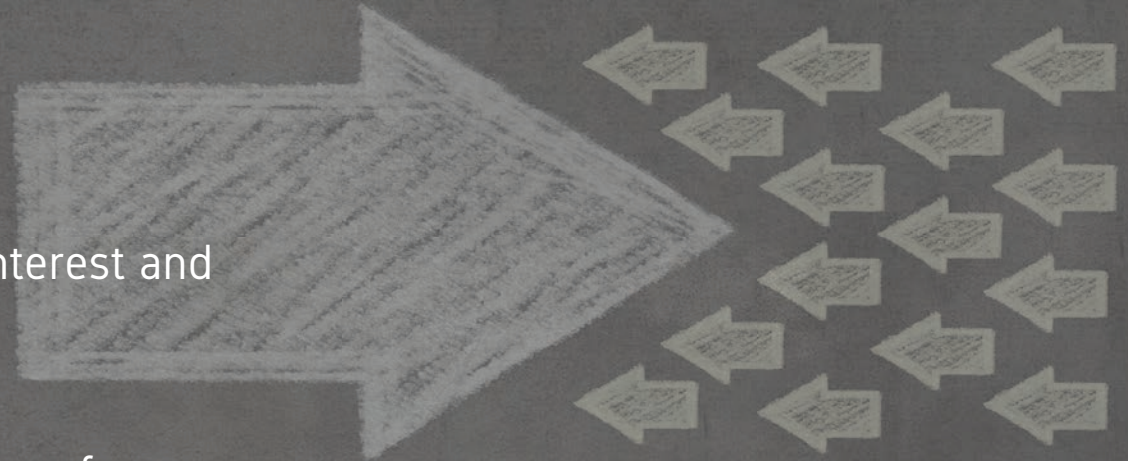
- Biographical sketch – affiliation or appointment disclosure
- Current and Pending Support – external support disclosure

# UH COI Policies

UH Executive Policy 12.214: Conflicts of Interest and Commitment (<http://go.hawaii.edu/Pgx>)

UH Administrative Policy 12.304: Procedures for Disclosing and Addressing Conflicts of Interest Related with Extramurally-Funded Activities (<http://go.hawaii.edu/2gP>)

UH Administrative Policy A5.504: Procedures for Disclosing and Addressing Conflicts of Interest and Commitment (<http://go.hawaii.edu/Pgk>)



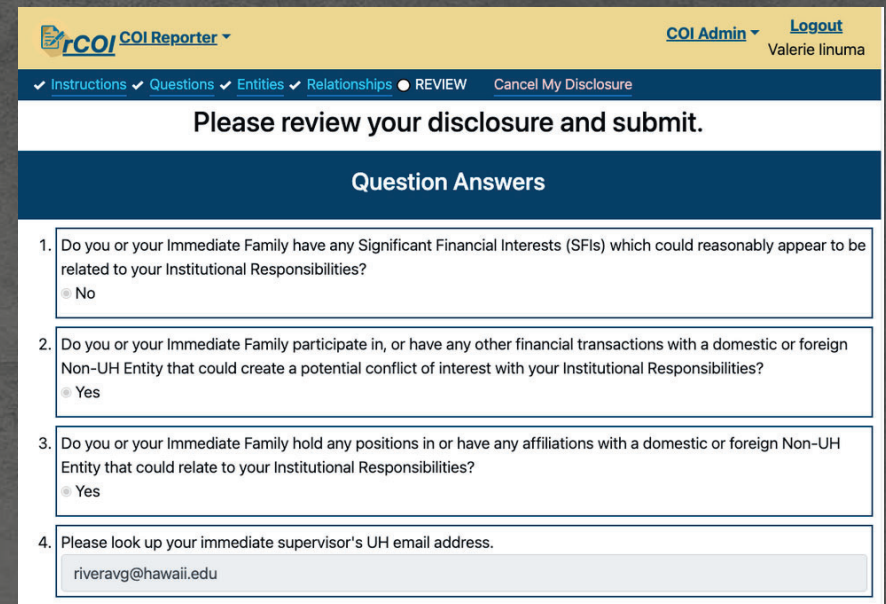
# Conflicts of Interest (COI)

## Who needs to submit a COI disclosure?

Investigators and senior/key personnel named on extramural proposals and awards must submit their COI disclosure form through the rCOI system.

NOTE: myGRANT access is not required to complete the rCOI form

<https://mygrant.ors.hawaii.edu/rCOI>



The screenshot shows the 'rCOI COI Reporter' web application interface. The top navigation bar includes 'Instructions', 'Questions', 'Entities', 'Relationships', 'REVIEW' (the current stage), and 'Cancel My Disclosure'. The user is logged in as 'Valerie linuma'. The main content area displays the message 'Please review your disclosure and submit.' followed by a 'Question Answers' section. This section contains four questions with radio button options for 'Yes' or 'No'. The first three questions are about financial interests and affiliations, and the fourth is about the supervisor's email address, which is filled in as 'riveravg@hawaii.edu'.

rCOI COI Reporter COI Admin Logout Valerie linuma

Instructions Questions Entities Relationships **REVIEW** Cancel My Disclosure

Please review your disclosure and submit.

Question Answers

1. Do you or your Immediate Family have any Significant Financial Interests (SFIs) which could reasonably appear to be related to your Institutional Responsibilities?  
 No
2. Do you or your Immediate Family participate in, or have any other financial transactions with a domestic or foreign Non-UH Entity that could create a potential conflict of interest with your Institutional Responsibilities?  
 Yes
3. Do you or your Immediate Family hold any positions in or have any affiliations with a domestic or foreign Non-UH Entity that could relate to your Institutional Responsibilities?  
 Yes
4. Please look up your immediate supervisor's UH email address.

## Important Note

When reporting your involvement with external (non-UH) entities, you **MUST** disclose your relationships with both domestic and **FOREIGN** organizations, governments and individuals.



**When in doubt, report!**

# DISCLOSURES TO SPONSORS



# Sponsor-Specific Disclosures

Always follow specific instructions for disclosures required by extramural sponsors.

- **Biographical Sketch**
  - List all positions, affiliations, and appointments
    - Including both foreign and domestic
- **Current and Pending Support**
  - Also known as "Other Support," include **ALL** sources of support for your research, including
    - Including both foreign and domestic

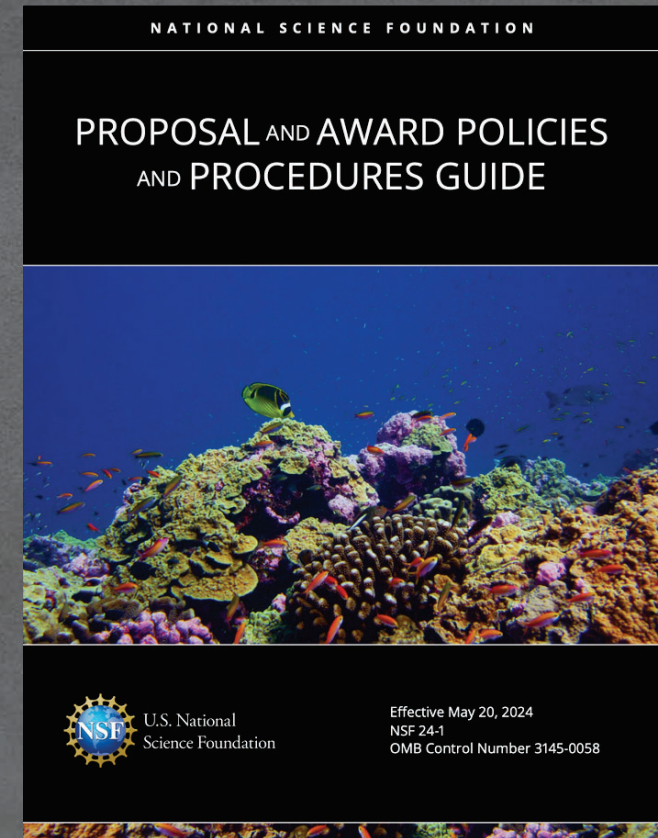


# NSF Update - PAPPG 24-1

NSF will release the latest Proposal & Award Policies & Procedures Guide (PAPPG 24-1) for proposals submitted or due on or after May 20, 2024.

Relevant changes:

- Malign Foreign Talent Recruitment Programs
- Common Forms for the Biographical Sketch and Current and Pending (Other Support)



# Malign Foreign Talent Recruitment Program (MFTRP)

Any program, position, or activity that includes **compensation**\* by a foreign country at any level that involves one or more of the following:

- Unauthorized transfer of IP, materials, data products, or other nonpublic information;
- Recruitment of trainees or researchers to enroll in the program;
- Establishing a lab or company, or accepting a faculty position or other appointment, in the foreign country;
- Being unable to terminate the foreign talent recruitment program;
- Being limited in the capacity to carry out a research and development award, or requires engagement in work that overlaps or duplicates a federal award;
- Being required to apply for funding from the sponsoring foreign government;
- Being required to omit acknowledgement of the recipient institution (UH) or the federal agency sponsoring the research;
- Being required not to disclose participation in the program to the federal research agency or employing institution (UH); or
- Having a conflict of interest or commitment contrary to a federal award.

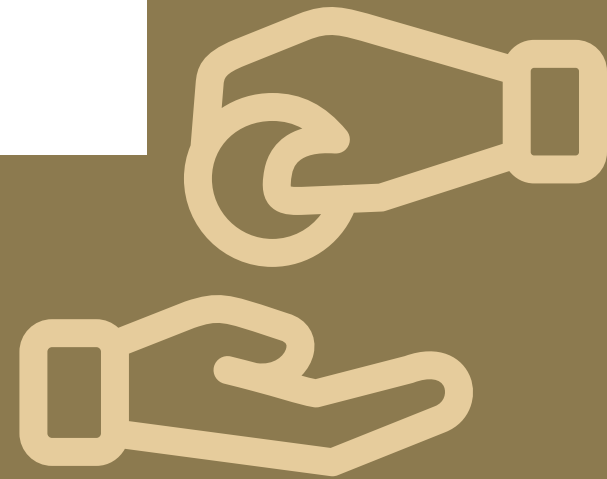


**AND** Sponsored by one of the following:

- A foreign **country of concern** as defined by the Secretary of State, and currently includes **China, North Korea, Russia, and Iran**;
- An entity based in a foreign country of concern; or
- An academic institution or foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of Section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019

# \*Compensation

Compensation broadly includes cash, in-kind compensation, research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement, or other types of remuneration or consideration.



# Foreign Countries of Concern

China

North Korea

Russia Federation

Iran



## NSF Certification Required



- MFTRP definition - PAPPG Introduction, Section D
- Any individual who is a current party to a MFTRP is ineligible to serve as a senior/key person on an NSF proposal/award
- Each senior/key person must certify prior to the proposal submission that they are NOT a party to a MFTRP (through Biographical Sketch and Current and Pending Support)
- Certification annually thereafter
- Organizations must certify upon proposal submission that all senior/key personnel have been made aware of and complied with the requirement that they are not a party to a MFTRP.

# NSF Common Forms - Biographical Sketch

- Required for all senior/key personnel
- Individuals are required to disclose contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs
- Must certify that they are not a party to a Malign Foreign Talent Recruitment Program (MFTRP)
- Must be created in SciENCv
- Page limitation has been removed

## BIOGRAPHICAL SKETCH COMMON FORM November 1, 2023

This Biographical Sketch Common Form provides instructions for submission of a biographical sketch by each individual identified as a [senior/key person](#) on a Federally funded research project. The biographical sketch is used to assess how well qualified the individual, team, or organization is to conduct the proposed activities.

Consistent with NSPM-33, individuals are required to disclose contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including [foreign government-sponsored talent recruitment programs](#). Further, if individuals receive direct or indirect support that is funded by a foreign government-sponsored talent recruitment program, even where the support is provided through an intermediary and does not require membership in the foreign government-sponsored talent recruitment program, that support must be disclosed. Individuals must also report other foreign government sponsored or affiliated activities. In accordance with 42 USC § 19232, individuals are prohibited from being a party in a [malign foreign talent recruitment program](#).

A table entitled, *NSPM-33 Implementation Guidance Pre- and Post-award Disclosures Relating to the Biographical Sketch and Current and Pending (Other) Support*<sup>1</sup> has been created to provide helpful reference information regarding pre-award and post-award disclosures. The table includes the types of activities to be reported, where such activities must be reported in the application, as well as when updates are required in the application and award lifecycle. A final column identifies activities that are not required to be reported.

Individuals are reminded **not to submit any personal information in the biographical sketch**. This includes items such as: home address; home telephone, fax, or cell phone numbers; home e-mail address; driver's license number; marital status; personal hobbies; and the like. Such personal information is not appropriate for the biographical sketch and is not relevant to the merits of the proposal. The Federal research funding agency is not responsible or in any way liable for the release of such material.

The format of the Biographical Sketch Common Form is provided below. There is no page or character limit to this section of the application.

**\* = required**

### **\*Identifying Information**

**\*Name:** Enter the name of the senior/key person (Last Name, First Name, and Middle Name, including any applicable suffix).

**Persistent Identifier (PID) of the Senior/Key Person:** Enter the PID of the senior/key person. The PID is a unique, open digital identifier that distinguishes the individual from every other researcher with the same or a similar name.

**\*Position Title:** Enter the current position title of the senior/key person.



# NSF Common Forms - Current and Pending (Other) Support

## CURRENT AND PENDING (OTHER) SUPPORT COMMON FORM November 1, 2023

The individual agrees to update this disclosure at the request of the Federal research funding agency prior to the award of support and at any subsequent time the agency determines appropriate during the term of the award. (Refer to the Federal research funding agency's policy on updating award support).

### Instructions for Submission of the Current and Pending (Other) Support Common Form

Current and pending (other) support information is used to assess the capacity or any [conflicts of commitment](#) that may impact the ability of the individual to carry out the research effort as proposed. The information also helps assess any potential scientific and budgetary overlap/duplication with the project being proposed.

This document provides instructions on submission of current and pending (other) support information for each individual identified as a [senior/key person](#) on a Federally funded research project.<sup>1</sup>

A separate submission must be provided for each proposal and active project, as well as in-kind contributions using the instructions and format specified below. Note that there is no page limitation for this section of the application, though some fields have character limitations for consistency and equity.

Consulting activities must be disclosed under the proposals and active projects section of the form when any of the following scenarios apply:

- The consulting activity will require the senior/key person to perform research as part of the consulting activity;
- The consulting activity does not involve performing research, but is related to the senior/key person's research portfolio and may have the ability to impact funding, alter time or effort commitments, or otherwise impact scientific integrity; or
- The consulting entity has provided a contract that requires the senior/key person to conceal or withhold confidential financial or other ties between the senior/key person and the entity, irrespective of the duration of the engagement.

Consistent with NSPM-33, individuals are required to disclose contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including [foreign government-sponsored talent recruitment programs](#). Further, if individuals receive direct or indirect support that is funded by a foreign government-sponsored talent recruitment program, even where the support is provided through an intermediary and does not require membership in the foreign government-sponsored talent recruitment program, that support must be disclosed. Individuals must also report other foreign government sponsored or affiliated activities. In accordance with 42 USC § 19232, individuals are prohibited from being a party in a [malign foreign talent recruitment program](#).

- Required for all senior/key personnel
- Used to assess the capacity or any conflicts of commitment that may impact the ability of the individual to carry out the research effort as proposed
- Information helps assess any potential scientific and budgetary overlap/duplication with the project being proposed
- Must certify that they are not a party to a Malign Foreign Talent Recruitment Program (MFTRP)
- Must be created in SciENCv

# Consequences for Non-Disclosure

- Submission of proposals through UH myGRANT requires the PI and senior/key personnel to certify that the information within the proposal is true, complete, and accurate.
- The PI must further certify in myGRANT that Conflict of Interest requirements have been addressed.
- When applying for federal funding, misrepresentations and/or omissions may be subject to individual prosecution and liability pursuant to, but not limited to, False Claims Act under 18 U.S.C. §§ 287, 1001, 1031 and 31 U.S.C. §§ 3729-3733.



**When in doubt, report!**



# Resources



UH COI Resources page: <https://research.hawaii.edu/orc/conflicts-of-interest/resources/>

Submit UH COI Disclosure Form:

<https://research.hawaii.edu/orc/conflicts-of-interest/coi-disclosure/>

More information in foreign interference in university research:

<https://research.hawaii.edu/orc/export-controls/foreign-influence-in-university-research/>

NIH on foreign interference: <https://grants.nih.gov/policy/foreign-interference.htm#:~:text=NIH%20and%20the%20biomedical%20research,information%20of%20the%20participating%20countries.>

NSF PAPPG May 2024 Update on YouTube:

<https://www.youtube.com/watch?v=5kqPiOzeJoM>

# CONTACTS

Office of Research Compliance

Website: [research.hawaii.edu/orc](https://research.hawaii.edu/orc)

Internal disclosure questions: [COI@hawaii.edu](mailto:COI@hawaii.edu)

Office of Research Services

Website: [research.hawaii.edu/ors](https://research.hawaii.edu/ors)

ORS directory: <https://research.hawaii.edu/ors/ors-directory/>