



# Research Administration Forum

## Office of Contract and Grant Administration

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May 9, 2019

The UCLA logo consists of the word "UCLA" in white, bold, sans-serif capital letters, centered within a solid blue rectangular background.

## Office of Contract & Grant Administration

### Agenda

- REMINDER: State of California Indirect Cost Rate
- ATTENTION: Updated EPASS
- TRENDING TOPIC: Foreign Influence

# State of California Indirect Cost Rate

REMINDER

Facilities	Administration	Total Rate	Base	Effective Date
0%	25%	25%	MTDC	January 1, 2016
5%	25%	<b><u>30%</u></b>	<b>MTDC</b>	<b>July 1, 2019</b>
10%	25%	35%	MTDC	July 1, 2020
15%	25%	40%	MTDC	July 1, 2021

Based on Start Date

# State of California Indirect Cost Rate

WHY?

Letter to UC Chancellors dated February 12, 2019 from the Executive Vice President and Chief Financial Officer

“The commitment to gradually increase indirect cost recovery for agreements from State of California agencies is part of our larger effort to fully recover the costs of extramural projects conducted at the University. Recovering the full cost of a project ensures that we maintain our infrastructure and the quality of our research and training. UC and CSU simply cannot subsidize these costs.”

# Updated EPASS

ATTENTION

## EPASS updated on 4/12/2019

- Does this project involve activities outside the U.S. or partnership with International Collaborators, whether funded or not funded?
  - If yes, list country(ies) in the *Remarks* section

# FOREIGN INFLUENCE

TRENDING TOPIC

## In the news ...

- About three weeks ago, the University of Texas MD Anderson Cancer Center moved to fire three scientists flagged by the NIH over violations of agency rules

# FOREIGN INFLUENCE: DoD

National Defense Authorization Act for FY 2019 (NDAA)

## Section 889 titled “PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT”

- Executive agencies may not expend loan or grant funds to procure or obtain, extend or renew a contract for covered telecommunications equipment or services or with any entity employing such equipment
- Includes Huawei and ZTE among other companies

# FOREIGN INFLUENCE: DoD

National Defense Authorization Act for FY 2019 (NDAA)

Section 1091 titled “PROHIBITION OF FUNDS FOR CHINESE LANGUAGE INSTRUCTION PROVIDED BY A CONFUCIUS INSTITUTE”

- “None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended to support a Chinese language program at an institution of higher education that hosts a Confucius Institute”

# FOREIGN INFLUENCE: DoD

National Defense Authorization Act for FY 2019 (NDAA)

## Section 1286 titled “INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS”

- To support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security
- To limit undue influence, including through foreign talent programs, by countries to exploit United States technology within the Department of Defense research, science and technology, and innovation enterprise

# FOREIGN INFLUENCE: DoD

## SECTION 1286 CONTINUED ...

Section 1286 requires development of the following:

- “training and other support for academic institutions to promote security and limit undue influence on institutions and personnel”
- “assess whether individuals affiliated with Department of Defense programs have participated in or are currently participating in foreign talent programs or expert recruitment programs”

# FOREIGN INFLUENCE: DoD

SECTION 1286 CONTINUED ...

Memo from the Under Secretary of Defense dated March 20, 2019

- All new DoD Notices of Funding Opportunities pertaining to research and research-related educational activities shall require Other Support “for all key personnel, whether or not the individuals’ efforts under the project are to be funded by the DoD”

# FOREIGN INFLUENCE: NIH

August 2018

- NIH Director's "Dear Colleague Letter" dated August 20, 2018
- "Diversion of intellectual property (IP) in grant applications or produced by NIH-supported biomedical research to other entities, including other countries"
  - "Sharing of confidential information on grant applications by NIH peer reviewers with others, including foreign entities, or otherwise attempting to influence funding decisions"

# FOREIGN INFLUENCE: NIH

December 2018

NIH Director's "Dear Colleague Letter" dated August 20, 2018

- "Failure by some researchers working at NIH-funded institutions in the U.S. to disclose substantial resources from other organizations, including foreign governments, which threatens to distort decisions about the appropriate use of NIH funds."

Dr. Collins reminds us all that "all applications and progress reports include all sources of research support, financial interests, and relevant affiliations"

# FOREIGN INFLUENCE: NIH

December 2018

## NIH Advisory Committee to the Director – December 2018 Report

- “small numbers of scientists have committed serious violations of NIH’s policies and systems by not disclosing foreign support (i.e., grants), laboratories, or funded faculty positions in other countries.”
- “Issues identified by NIH include not disclosing foreign financial conflicts; not fully and accurately disclosing other financial support during grant application, award, and implementation processes; and not disclosing conflict of commitment.”

# FOREIGN INFLUENCE: NIH

December 2018

## NIH Advisory Committee to the Director – December 2018 Report

- “In some instances, foreign scientists have failed to disclose other affiliations and positions that often come with resources and equities.”

There are multiple opportunities to disclose all other funding support

- Proposal
- JIT
- Progress Reports

# FOREIGN INFLUENCE: What's Next?

April 2019

NSF Letter dated April 24, 2019

- Response to Congressional inquiry hinted at changes to their Current and Pending instructions
  - “NSF is currently in the process of developing a clear, standardized, web-based disclosure form for researchers to list all sources of current and pending support”

... Possible updates after this month's FDP Meeting

# Any Questions?

UC Rate: <https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/indirect-cost-recovery/state-of-california.html>

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