USC Office of Culture, Ethics and Compliance

RESEARCH COMPLIANCE NEWSLETTER

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In This Issue:

** Federal Sponsor Foreign Influence Investigations Continue
** All HHS COI Training Moving to TrojanLearn on July 1, 2021
** Research Data Analytics at USC
** DOE Revises Foreign National Screening Order (DOE O 142.3B)
** Export Sanctions Updates: China and Russia
** New Submission Requirements for DoD-funded Journal Articles
** Additional COVID-19 Resources for Researchers

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This newsletter is prepared by the USC Office of Culture, Ethics and Compliance and is intended to provide you with current information about research compliance issues. For additional information, to view past newsletters, or to provide comments about this or any future issues of this newsletter, please contact the USC

Federal Sponsor Foreign Influence Investigations Continue

NIH

The NIH continues to investigate universities and researchers that it believes have not transparently disclosed financial ties to foreign entities and governments. In a presentation to a senior NIH advisory panel, NIH Director of Extramural Research Mike Lauer shared that as of June 2020, some 54 scientists have resigned or been fired on the basis of their failure to appropriately disclose their foreign relationships and support to their universities and the NIH. For 93% of the 189 scientists whom NIH has investigated, China was the source of their undisclosed support. Some three-quarters of those investigated had active NIH grants, and nearly half had at least two grants.

NIH remains at the forefront of federal efforts to identify and block behavior that many U.S. government officials believe poses a significant threat to the country's economic well-being and national security. Several bills pending in Congress seek to limit that threat in various ways, including by limiting the flow of scientific talent from China to the United States, and by restricting access to federally funded research that provides a foundation for cutting-edge technologies and new industries.

Dr. Lauer also provided a glimpse into the scope of the overall investigations. There are 399 scientists "of possible concern" to NIH and the Federal Bureau of Investigation flagged 30% (121) of them. An additional 44 have been flagged by their own institutions. Of that pool, Lauer said, investigations into 63%, or 256 scientists, came out "positive." Investigations into some 19% came up "negative," he noted, whereas the status of the remaining 18% is "pending."

You can read the full article [here].

NSF

In addition to the NIH, the National Science Foundation (NSF) has for the first time released figures on actions taken against researchers who have been found to violate rules regarding the disclosure of foreign ties. Since 2018, the agency has reassigned, suspended, or

terminated grants, forced institutions to return funds, or barred researchers from applying for future funding in 16 to 20 cases where rules weren't followed, according to Rebecca Keiser, the agency's first chief of research security strategy and policy.

You can read the full article here.

All HHS COI Training Moving to TrojanLearn on July 1, 2021

All researchers who propose or conduct research sponsored by the Department of Health and Human Services (NIH, CDC, HRSA) must complete training at least once every four years regarding conflicts of interest in research. USC offers online training on the requirements of federal regulations and USC policy, as well as on diSClose, USC's online disclosure system. To date, the initial training requirement has been fulfilled by completing the CITI online USC Conflict of Interest training, and subsequent refresher training has been completed in TrojanLearn. Effective immediately, TrojanLearn training will satisfy both the initial training requirement and the refresher training. *As of July 1, 2021, the CITI training will no longer be accepted and all training (initial and refresher) must be completed in TrojanLearn.*

For instructions on how to complete the training, see: https://ooc.usc.edu/conflict-of-interest/conflict-of-interest-in-research/hhs-required-coi-training/

Research Data Analytics at USC

The Office of Culture, Ethics and Compliance has implemented a data analytics platform that enables monitoring of charges to grants and contracts and other financial transactions that implicate compliance risk. The platform integrates data from multiple sources including Kuali Financial Systems (KFS), Concur, and publicly available databases to support monitoring in the following risk areas:

- Charges near end dates
- Cost transfers
- Disclosure of international relationships
- Business dealings with foreign government officials.

The platform enables an efficient, streamlined method to conduct analytics, create dynamic risk rankings, and enable regular monitoring of transactions across risk areas.

When high-risk transactions are identified, the Office of Culture, Ethics and Compliance engages with departments and researchers to

determine whether the transaction is permissible or requires additional documentation or corrective action. As the university transitions to new grant and financial systems in the coming months, OCEC is partnering with relevant stakeholders to continue to refine the data analytics program.

If you have any questions regarding the program, please contact Grace Shin, Senior Business Data Analyst, at shingrac@usc.edu.

DOE Revises Foreign National Screening Order (DOE O 142.3B)

On January 15, 2021, the Department of Energy (DOE) issued a revised order on its Unclassified Foreign National Access Program (DOE O 142.3B). The Order requires DOE approval for foreign national access to DOE sites, information, or technologies. The previous version of the order included an exemption for institutions of higher education, but that exemption was removed in late 2019.

Recently, DOE program officers have increasingly exercised their personnel approval rights under the order. Organizations such as COGR and AAU/APLU have been discussing concerns about the order with senior DOE management, but it appears unlikely that the situation will change fundamentally without intervention by new DOE leadership. If USC researchers become aware that their DOE-funded project requires compliance with DOE O 142.3B and its foreign national access approval requirement, they should reach out to their Contracts and Grants Officer in the Department of Contracts and Grants and to the Office of Culture, Ethics and Compliance for guidance.

Export Sanctions Updates: China and Russia

In recent months, the Department of Commerce and the State Department have both issued new sanctions against China and Russia for reasons of national and economic security.

China

The Department of Commerce (BIS) continues to add governmental and commercial organizations to the BIS "Entity List" for engaging in activities contrary to the national security or foreign policy interests of the United States.

- On April 8, 2021, BIS added seven Chinese entities to its Entity List because it concluded that the entities are involved in building supercomputers used by the Chinese government in furtherance of what are seen as destabilizing military

- modernization efforts.
- These sanctions follow the addition of 24 governmental and commercial organizations to the Entity List in 2020 on the basis that each poses a significant risk of supporting procurement of items for military end-use in China.

Russia

In March 2021, both the Department of Commerce and the State Department issued heightened sanctions against Russia.

- The Commerce Department determined that Russia has used chemical or biological weapons in violation of international law and issued an order generally prohibiting exports of any item controlled for national security reasons under the Export Administration Regulations (EAR).
- The State Department issued an order generally prohibiting the export of any defense article or service controlled under the International Traffic in Arms (ITAR) regulations.

When an entity is sanctioned by the Commerce and/or Statement Department, exports to that entity are generally prohibited. USC conducts screening of the entities with whom it conducts business or from whom it accepts funding to ensure compliance with applicable sanctions. If you are intending to export any items or information to either China or Russia, please reach out first to the Office of Culture, Ethics, and Compliance for guidance.

New Submission Requirements for DoD-funded Journal Articles

The Department of Defense recently issued an update to the DoD Grants and Agreements Regulations (DoDGARs) that requires awardees to send all significant scientific or technological findings, recommendations, and results derived from DoD endeavors, including the final performance report, to the Defense Technical Information Center (DTIC). In addition, awardees are required to send to DTIC the final peer-reviewed manuscripts of journal articles when they are accepted for publication and titles and publication dates are finalized.

To facilitate the required submission of journal articles, DTIC offers portals for uploading documents. Submitters without CAC, PIV or ECA cards can submit their publications at https://go.usa.gov/xGyqj. CAC, PIV, and ECA cardholders can learn how to submit their publications on the submit to DTIC page on the R&E Gateway.

For more information, please review 2 CFR Section 1134.140 and the full article available on the DTIC website.

Additional COVID-19 Resources for Researchers

For any researchers looking for additional COVID-19 research resources, the Council on Governmental Relations has published a robust list:

https://www.cogr.edu/institutional-and-agency-responses-covid-19-and-additional-resources

Additional resources are available on the Office of Research website:

https://research.usc.edu/