

# Implementing Foreign Influence Screening to Address Research Security Concerns

Applied Strategies for Research Applicant Screening Procedures in Response to Institutional or Regulatory Change

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## *Speaker Disclosures*

The speakers for this presentation have no real or perceived conflicts of interest related this presentation or any products or tools mentioned.

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# Learning Outcomes

- Techniques and tools for publication and grant reviews and education and employment verifications
- Approaches for restricted party screenings and export control assessments
- Strategies for risk evaluations of non-disclosures, licenses, and leadership review

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# Roadmap



## Setting up the Program

Statute Background  
Resources  
Organizational Structure



## Elements of Review

Restricted Party Screenings  
Publication and Grant Reviews  
Education and Employment Verifications



## Risk Assessment

Substantial Non-Disclosures  
Institutional Risk Analysis



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## Screening Foreign Researchers

- CS/HB 7017 (2021) was signed by the Governor of Florida on June 7, 2021. **Effective July 1, 2021**, state universities and specified state entities must screen certain applicants as specified by the new state law.
- Florida Statute 1010.35 requires each state university and specified state entity with a research budget of \$10 million or more to screen applicants for research positions who are citizens of a foreign country or have/had specified affiliation(s) with a foreign country of concern.
- The law requires a designated research integrity office to take reasonable steps to verify information listed in applications and report any substantial non-disclosures.
- The International Compliance Office is the designated foreign influence research integrity office at Moffitt.

\*Sourced from: <https://www.flsenate.gov/Committees/BillSummaries/2021/html/2578>

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## Who must be screened?

- Applicants for research or research-related support positions
  - Includes graduate and undergraduate student applicants and visiting researchers

**AND**

- Citizens of a foreign country and not permanent U.S. residents  
**OR**
- U.S. Citizens or permanent residents with
  - An affiliation with an institution or program in a “Country of Concern”  
**OR**
  - One year or more of training or employment in a “Country of Concern”
    - “Training” includes higher education in a COC

**“Countries of Concern” (COC) include** *People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Bolivarian Republic of Venezuela, and the Syrian Arab Republic.*

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## Enhanced Screening Review

The screening requires multiple areas of review to verify the disclosure of ALL:

- Higher education institutions ever attended,
- Previous employment positions and roles since the applicant's 18<sup>th</sup> birthday (of which only the last 10 years must be verified),
- Academic and professional publications,
- Current and pending funding support,
- Non-university professional memberships and activities, and
- Academic or professional affiliations with any institution or program in a COC.

### Additional Statute Requirements:

- Screening Must Occur Before Interview or Offer
- "Reasonable" Steps
- "Substantial" Non-Disclosures

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## Team Creation & Coordination

Creation of Foreign Influence Program

Enhanced Screening Implementation

### • Involvement with:

- Human Resources
- Immigration
- General Counsel
- Organizational Development
- Faculty Leadership
- Diversity
- Information Technology
- Graduate Medical Education (Clinical Trainees)
- Research Education & Training (Research Trainees)



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## Application Screening – Research Positions

### Potential Issues:

- **Sponsorship:** Questions sent to Immigration team.
- **Affiliation:** Vague in statute. Inquiries reviewed individually.
- **Training in a COC:** Includes enrollment in a higher education institution.

1. Are you legally authorized to work in the United States? Yes  No
2. Will you now, or in the future, require sponsorship to obtain authorization to work lawfully in the United States? Yes  No

**If you indicated that you are legally authorized to work in the US and don't require sponsorship now or in the future, please answer the two questions below.**

3. Do you have any affiliation with an institution or program in the following countries?
  - o The People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Bolivarian Republic of Venezuela, the Syrian Arab Republic, or any agency of or other entity under significant control of these countries? Yes  No
4. Have you had 1 year or more of employment or training (except employment or training by an agency of the U.S. Government) in the following countries:
  - o The People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Bolivarian Republic of Venezuela, the Syrian Arab Republic, or any agency of or other entity under significant control of these countries? Yes  No

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## Human Resources Processing

Automated email request with specific instructions and a link to the statute.

- Documents Requested:
  - Updated CV/Resume
  - Pre-Intake form for background checks and verification requests
  - Foreign Passport(s)
  - Diploma or other verifying information related to education

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# Submission Portal



Welcome Candidate!

Thank you for applying for a position at Moffitt Cancer Center! In order to comply with Florida State and Federal Regulations, our team needs to confirm a few extra details on your CV and Employment History **before** we are able to schedule an interview.

Please take a few moments to attest to the confirmations on each page and upload copies of the following documents:

- CV or Resume
- Pre-Intake Form
- Foreign Passport
- Diploma(s)


Please note that the above **documents are required** to be uploaded. Any omission of documents may **delay** this process and the scheduling of your interview.

Let's Get Started!

Please affirm that your Curriculum Vitae (CV) satisfies all of the requirements listed above.

I confirm that my CV contains all of the information requested. **(required)**

CV Upload: **(required)**



**Upload CV Files**

Click or Drag-&-Drop each file into 'Choose Files'

No file chosen  
 Maximum file size: 10.0 MB

To enhance the accuracy of our required background checks and increase the speed at which your application is processed by our partners, please provide us with digital copies of the following documents:

# Applicant Dashboard

Submission List Archived List Users

Hel [redacted]

## Submission List

Date Submitted	Applicant Name	Applicant Type	Background Check	Employment & Education Verification	ICO Review	Enhanced Screening Status	Date Modified	
Detail Approvals 05/24/2022 11:17 PM		NEMP/IGME	False	False	False	New	05/25/2022 10:54 AM	Delete Archive
Detail Approvals 05/24/2022 7:26 PM		Employees	False	False	False	New	05/25/2022 10:42 AM	Delete Archive
Detail Approvals 05/24/2022 5:46 PM		NEMP/IGME	False	False	False	New	05/25/2022 10:03 AM	Delete Archive
Detail Approvals 05/24/2022 4:46 PM		NEMP/IGME	False	False	False	New	05/25/2022 9:58 AM	Delete Archive
Detail Approvals 05/24/2022 3:04 PM		NEMP/IGME	False	False	False	New	05/24/2022 3:28 PM	Delete Archive
Detail Approvals 05/24/2022 1:14 PM		Employees	False	False	False	New	05/24/2022 1:41 PM	Delete Archive
Detail Approvals 05/24/2022 11:41 AM		NEMP/IGME	False	False	False	New	05/25/2022 10:03 AM	Delete Archive
Detail Approvals 05/24/2022 9:29 AM		NEMP/IGME	False	False	False	In Process	05/24/2022 10:10 AM	Delete Archive
Detail Approvals 05/23/2022 5:12 AM		Employees	False	False	False	New	05/23/2022 9:35 AM	Delete Archive
Detail Approvals 05/22/2022 6:39 PM		Employees	False	False	True	Interview Approved	05/23/2022 9:35 AM	Delete Archive
Detail Approvals 05/20/2022 10:08 PM		Employees	False	False	False	New	05/23/2022 9:32 AM	Delete Archive
Detail Approvals 05/19/2022 12:37 AM		Employees	False	False	True	Interview Approved	05/19/2022 8:48 AM	Delete Archive
Detail Approvals 05/17/2022 7:21 PM		NEMP/IGME	False	False	False	In Process	05/20/2022 1:51 AM	Delete Archive
Detail Approvals 05/13/2022 12:16 AM		NEMP/IGME	False	False	False	New	05/13/2022 8:49 AM	Delete Archive
Detail Approvals 05/11/2022 3:56 PM		NEMP/IGME	False	False	False	In Process	05/12/2022 1:18 PM	Delete Archive
Detail Approvals 05/11/2022 1:31 PM		NEMP/IGME	False	False	False	In Process	05/12/2022 1:18 PM	Delete Archive
Detail Approvals 05/10/2022 12:22 AM		NEMP/IGME	False	False	False	New	05/10/2022 10:27 AM	Delete Archive
Detail Approvals 05/09/2022 10:52 AM		Employees	False	False	False	Interview Approved	05/09/2022 12:16 PM	Delete Archive
Detail Approvals 05/08/2022 7:37 PM		NEMP/IGME	False	False	False	In Process	05/20/2022 8:49 AM	Delete Archive
Detail Approvals 05/07/2022 4:29 PM		NEMP/IGME	False	False	False	In Process	05/20/2022 8:49 AM	Delete Archive
Detail Approvals 05/06/2022 6:19 PM		Employees	False	False	False	Interview Approved	05/09/2022 10:00 AM	Delete Archive
Detail Approvals 05/06/2022 5:07 PM		NEMP/IGME	False	False	False	New	05/20/2022 8:48 AM	Delete Archive
Detail Approvals 05/05/2022 9:02 AM		Employees	False	False	False	Interview Approved	05/05/2022 9:50 AM	Delete Archive
Detail Approvals 05/05/2022 8:09 AM		NEMP/IGME	False	False	False	In Process	05/06/2022 11:28 AM	Delete Archive
Detail Approvals 05/04/2022 8:11 AM		NEMP/IGME	False	False	False	In Process	05/20/2022 8:47 AM	Delete Archive
Detail Approvals 05/03/2022 9:05 PM		NEMP/IGME	False	False	False	In Process	05/05/2022 3:05 PM	Delete Archive
Detail Approvals 05/03/2022 6:47 PM		NEMP/IGME	False	False	False	In Process	05/04/2022 12:43 PM	Delete Archive

## Screening Overview



### International Compliance Office (ICO)

- Conducts Restricted Party Screening
- Screens grants and funding (past, current, pending)
- Reviews publication, presentation, and abstracts to confirm reported academic product history

### Human Resources Compliance

- Conducts Background Checks (domestic and foreign)
- Initiates Education & Employment verification (domestic and foreign)

### Foreign Influence Manager (under ICO)

- Reviews all findings for any items of concern or non-disclosure that may require reporting
- Drafts report of any findings requiring Leadership approval

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## Restricted Party Screening



### Review Overview

- Screening of CV, to include employment/education institutions/professional memberships/funding entities.
- If there are any gaps in employment and education, the ICO team contacts the applicant and requests additional information regarding the gaps.
- ICO creates a report of all RPS results.
- Foreign Influence Manager reviews results as a part of overall Enhanced Screening process.

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# Restricted Party Screening



## Incorporation of RPS into Enhanced Screening process:

- Prior to the Florida law, the Export Control team conducted RPS and Export Control assessments at time of Visa application.
- There was a desire for the RPS to be conducted earlier so that if a license was needed that process could be started earlier.
- When ES became law, Moffitt Leadership took the opportunity to conduct RPS earlier in the hiring process, although not a specific requirement of the law.
- Export Control assessments are conducted after offer, as needed during Visa process.

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# Restricted Party Screening



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•Restricted Parties = Individuals or Entities that the US Government have determined are acting against the interest of the United States.

•U.S. export control laws prohibit U.S Persons, including Organizations, from engaging in activities with Restricted Parties.

•The Government maintains a multiple lists of restricted or denied parties.

•Moffitt uses a 3rd party vendor web-based software to conduct the Restricted Party Screenings (RPS) to ensure compliance. This RPS encompasses both the SDN and restricted party lists.

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## What Lists? – Restricted Party Screening



### The Department of Commerce Bureau of Industry and Security (BIS)

- **BIS Entity List:** The Entity List includes foreign organizations and individuals (businesses, research institutions, government and private organizations) subject to specific license requirements for the export, reexport and/or transfer (in-country) of specified items.
- **BIS Unverified List:** A list of parties whose bona fides BIS has been unable to verify. A statement must be obtained from such parties prior to shipping items not subject to a license requirement.

<https://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern>

### The Department of Treasury's Office of Foreign Asset Controls (OFAC)

- **OFAC SDN List:** A list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific.

<https://home.treasury.gov/policy-issues/financial-sanctions/specially-designated-nationals-list-data-formats-data-schemas>

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## Australian Strategic Policy Institute : China Defense Universities Tracker



- Funded by the U.S. State Department and developed by the Australian Strategic Policy Institute (ASPI).
- Military-civil fusion policy of the Chinese government and the Chinese Communist Party (CCP) is the merging of the military and civilian sectors to build China's economic and military strength.
- Per ASPI, CDU Tracker is a tool to help universities and researchers understand institutions in China and avoid harmful collaborations.
- Database which lists Chinese institutions categorized by very high, high, medium, or low risk.
- It lists known or suspected links to espionage or cyber-attacks, overview of their defense and security links, inclusion on U.S. federal end-user and restricted party lists that restricts exports to them, and several measures of their involvement in defense research.

<https://www.aspi.org.au/report/china-defence-universities-tracker>

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## Publication & Grant Review Risk Evaluation

The instance(s) may rise to the level of “substantial” based on the following criteria:

- Any undisclosed education or employment in any Country of Concern (COC).
- Any undisclosed education or employment related to research that appears connected to an issue of integrity or misconduct.
- Omitted publication or funding reveals affiliation with an institution not included on the CV.
- Numerous omissions from CV presents a pattern needing additional review.
- Escalated: Omitted publication or funding reveals affiliation with an institution not included on the CV that is located in a COC.
- Escalated: Omitted funding reveals a funding source not included on the CV that is located in a COC.

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## Publication & Grant Review



Florida Statute 1010.35 requires “reasonable steps” to ensure the disclosure of all published materials and funding sources.

### Also requires:

“... a list of all published material for which the applicant received credit as an author, a researcher, or otherwise or to which the applicant contributed significant research, writing, or editorial support...” (Florida Statute

1010.35(2)(b))

To assist in reducing incidental omissions we ask applicants for any website link(s) to publicly available publication list (Google Scholar, ORCID, etc.) that they maintain/review, if available.

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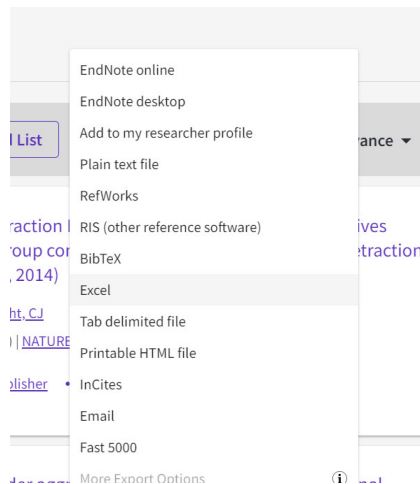


## Publication Review Tips

- Use a product that allows for the export and record of the information
- Reach out to your library

### Useful Fields:

- DOI, PMID, Publication ID
- Title
- Source Title & Publisher
- Publication Date (online and print)
- Publication Type
- Acknowledgments
- Authors (with AFFILIATIONS!)
- Research Organization(s)
- Funder(s)



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## Publication Review Tips

### Examples

- Exported Record
  - Affiliations
  - Funding information
- Publication Review
  - Author information/affiliations
  - Contributions section
  - COI statements
  - Acknowledgements
  - Funding statements

#### Authors Affiliations (export format example)

Name (Foreign Institution; Domestic University); Name (Domestic University);  
 Name (Foreign University; Domestic University); Name (Domestic University);  
 Name (Foreign Institution)

**Author contributions:** A.B., C.D.E., F.G., H.I.J., and K.L.M. designed the experiments; A.B., N.O., C.D.E., F.G., P.Q., H.I.J., R.S.T., and K.L.M. performed the experiments; P.Q. A.B., C.D.E., F.G., H.I.J., and R.S.T. analyzed the data and wrote the paper; and all authors discussed the results and commented on the manuscript.

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# Grant Review Tips



## Examples

### Acknowledgment

ARTICLE SECTIONS

X.Y.Z acknowledges support from Air Force Office of Scientific Research. A.B. acknowledges support from National Basic Research Program of China (Grant # ), International Science and Technology Cooperation Program of China (Grant # ), and the National Natural Science Fund for Distinguished Young Scholars (Grant # ). C.D.E. acknowledges a Private - Domestic Foundation Graduate Fellowship and a NSF Graduate Research Fellowship. This work was performed in part at the Center for ( ) of Domestic University.

### Acknowledgments

Go to: ▶

This work was supported by NIH Director's Pioneer Award (Grant # ), Private - Domestic in Neurosciences Award, National Security Science and Engineering Faculty Fellow (NSSEFF) award (Grant # ), and "National Thousand Talents Plan" award from China.

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# Background Checks & Verifications



## Background Checks (domestic and foreign)

- Conducted by third party vendor

Requires "reasonable" steps to verify all higher education attended and the last 10 years of employment.

- Initially entered and conducted through the vendor
- Candidate is contacted if any information or additional consent is needed from the vendor
- Alternative verification is requested from the applicant if the vendor is unable to verify

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## Evaluation of Findings and Risk



### High Risk – Requires leadership review

- Any applicant that is coming directly from or has been employed or attended a BIS Entity List or BIS Unverified list organization in the last 5 years, may require a license.
- Any applicant that would require a license for any other reason.
- Any Substantial Non-Disclosure as discovered by the Enhanced Screening process.
  - Example: Undisclosed affiliation with Country of Concern discovered in the Enhanced Screening process
- Any previous or current affiliation in a Foreign Talent Program.

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## Evaluation of Findings and Risk



Medium/High Risk – One of the following on their own does not require leadership approval, but if an applicant has more than one factor – ICO will ask for leadership review.

- A missing publication on their CV for Enhanced Screening, that reveals any undisclosed affiliation with a Foreign Source
- Current education and/or employment at an organization identified as a red flag by allied countries
- Any affiliation with a China Defense University Tracker Institute\*
- Entity list affiliation greater than 5 years ago \*
- Unverified list affiliation greater than 5 years ago\*
- MCC work includes high risk technology
- Indicators of active ongoing affiliations with high-risk government or foreign government connected institution or entity

\*Any Medium Risk affiliation that ended 10+ years ago require an additional risk factor in order to require leadership review.

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## *Enhanced Screening Outcomes*

### **Offer Approved**

- If no substantial non-disclosures, applicant is cleared for offer.

### **Leadership Review Required**

- If enhanced screening shows a need for leadership review:
  - ICO meets with hiring manager to discuss enhanced screening findings.
  - If hiring manager would like to move forward ICO sends enhanced screening report to department and research leadership for review.

### **Reporting Requirement**

- If a substantial non-disclosure is found, per Florida law, applicant must be reported to the local FBI office, whether approved for hire or not.

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## *If Hired: Export Control Visa Review*

- If the applicant requires a visa, an Export Control Assessment is completed. This process is initiated by our Immigration department.
- For this review, ICO requests an Export Control (EC) Assessment form be completed by the potential Team Member's Principal Investigator (PI)/Manager/Supervisor.
- The EC Assessment form is sent to capture the specific work that will be completed and any specialized technology that may be used.
- ICO reviews the EC Assessment form and if there are no concerns, approval is sent to Immigration.
- If responses show the need for controls ICO can mitigate with a Technology Control Plan or apply for a license as needed.

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## International Compliance Office Moffitt Cancer Center

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