

NIH Decision Matrix for Assessing Potential Foreign Interference for Covered Individuals or Senior/Key Personnel

Introduction

NIH presents its Decision Matrix for Assessing Potential Foreign Interference as part of its ongoing efforts to be transparent about its [policies and procedures](#). The Decision Matrix is based on the [NIH Grants Policy Statement \(GPS\)](#), NSPM-33, [NSPM-33 Implementation Guidance](#), and [2 CFR 200.206](#).

Consistent with [NSPM-33 Implementation Guidance](#) NIH's approach to addressing foreign interference has been and continues to be applied in a nondiscriminatory manner that does not stigmatize or treat unfairly members of the research community, including members of ethnic or racial minority groups, and in a manner that does not discriminate with respect to national origin or identity. NIH recognizes that properly conducted international collaborations are an integral part of the United States remaining competitive.

To better understand how the NIH Decision Matrix fits into its ongoing efforts to address inappropriate foreign interference, we point interested readers to materials on [our web site](#), which includes a description of [how the agency handles allegations](#). There has been a [marked decline in new allegations since 2020](#); from 2020 onward [most cases have come to NIH's attention through self-disclosures](#) (i.e., the institution discovers non-compliance and reports it to NIH).

How Disclosures are Used

NIH has long required applicants and recipients to disclose current and pending other support and to, as appropriate, submit management plans for significant financial conflicts of interest. NIH uses the disclosures of current and pending other support to ensure that there is no scientific, budgetary, or commitment overlap ([NIH GPS 2.5.1](#)).

- **Scientific overlap** occurs when (1) substantially the same research is proposed in more than one application or is submitted to two or more funding sources for review and funding consideration or (2) a specific research objective and the research design for accomplishing the objective are the same or closely related in two or more applications or awards, regardless of the funding source.
- **Budgetary overlap** occurs when duplicate or equivalent budgetary items (e.g., equipment, salaries) are requested in an application but already are provided by another source.
- **Commitment overlap** occurs when an individual's time commitment exceeds 100 percent (i.e., 12 person months), whether or not salary support is requested in the application.
- **Overlap, whether scientific, budgetary, or commitment of an individual's effort greater than 100 percent, is not permitted.** Any overlap will be resolved by the agency with the applicant and the Principal Investigator at the time of award.

NIH has posted [examples of overlap](#).

Scientists are required to disclose information about significant financial interests to their institutions, who in turn may then submit conflict of interest management plans to NIH ([NIH GPS 4.1.10](#)). Financial conflicts of interest must be managed by the recipient to assure that NIH-funded work is conducted objectively, free of personal financial biases. [NIH has posted an example](#) of improperly disclosed and managed financial conflict of interest.

International Collaborations and Foreign Components

NIH strongly encourages international collaborations, while at the same time requiring that grant-related documents submitted to the agency contain information that is true, complete, and accurate ([NIH GPS 2.3.7.6](#)) and assuring that there is no scientific, budgetary, or commitment overlap ([NIH GPS 2.5.1](#)) and no inadequately managed financial conflict of interest ([NIH GPS 4.1.10](#)). NIH encourages researchers and institutions to consider the criteria for successful collaborations described in the [2019 NSF-commissioned JASON report](#) (see pages 34-36).

NIH reminds the community that foreign components, that is international collaborations or other activities that involve substantive work on the NIH project occurring outside of the United States, must undergo prior approval ([NIH GPS 8.1.2](#)). NIH defines foreign components as the “performance of any significant scientific element or segment of a project outside of the United States, either by the recipient or by a researcher employed by a foreign organization, whether or not grant funds are expended.” Foreign components may include the involvement of human subjects or animals, extensive foreign travel by recipient project staff for the purpose of data collection, surveying, sampling, and similar activities, any activity of the recipient that may have an impact on U.S. foreign policy through involvement in the affairs or environment of a foreign country, collaborations expected to result in co-authorship within the context of the proposed NIH award, use of facilities or instruments in a foreign site, receipt of financial support or resources from a foreign entity, or any activity of the recipient that may have an impact on U.S. foreign policy through involvement in the affairs or environment of a foreign country ([NIH GPS 1.2](#)).

Allowable Activities

As a rule, and consistent with applicable law, NIH has no objections to foreign collaborations and activities that are unrelated to NIH-funded work and that do not present concerns about possible scientific, budget, or commitment overlap; financial conflict of interest; or undisclosed foreign components. Such activities might include lectures, teaching, letters of recommendation, advisory boards, peer review, and foreign honors. Principal Investigators and Key Personnel on NIH awards may participate in foreign research grants and/or foreign employment but, [as described recently by OSTP](#), may not participate in malign foreign talent recruitment programs. They must disclose all domestic and foreign research activities to NIH and submit copies of foreign grants, agreements, and contracts to NIH ([NIH GPS 2.5.1](#)). Grant applicants and recipients should reach out to NIH program staff with questions about planned foreign collaborations and activities within the context of proposed NIH applications and awards; they should also reach out to program staff about questions related to possible scientific, budgetary, or commitment overlap with applications and awards, and/or plans to manage financial conflicts of interest.

[NIH has posted examples](#) of problematic activities reflecting inappropriate foreign interference.

Allegations, Compliance Reviews, Institutional Actions, Appeals, and Referrals

NIH has posted [a detailed description](#) regarding its approach to foreign interference compliance reviews. The Decision Matrix offers additional detail as to how NIH considers whether to contact institutions to request additional information. For most allegations, [NIH closes its compliance reviews internally](#) without outreach to institutions.

As NIH issues grants to institutions which in turn designate individuals to serve as Principal Investigators or Key Personnel ([NIH GPS 2.1.2](#)), NIH typically conducts compliance reviews in coordination with institutional leadership. Institutions are required to have internal controls to assure compliance with all terms and conditions of award ([45 CFR 75.303](#), [NIH GPS 8.3](#)). When outreach to institutions does occur,

institutions may carry out their own internal investigations and impose administrative or employment actions according to their policies and procedures, as well as their considerations of due process.

When compliance reviews reveal concerns, NIH may implement remedies for non-compliance ([NIH GPS 8.5](#)). These remedies include, but are not limited to, specific award conditions; modification of terms and conditions of award; suspension, termination, or withdrawal of support of an award; conversion from advance payment to reimbursement; and recovery of funds. NIH generally follows [NSPM-33 Implementation Guidance](#) in its consideration of remedies; as noted in [that Guidance](#) (page 12) factors to consider include harm or potential harm to US or agency interests, intent of the offender, offender's knowledge of requirements, pattern of violations, existence or timing of self-disclosure, available resources for the offender, and any other mitigating factors.

Grant recipients may appeal certain post-award administrative decisions ([NIH GPS 8.7](#)).

Should NIH refer a particular scientist or organization for possible suspension and debarment, the DHHS Suspension and Debarment Official will oversee proceedings and due process as required by Federal Regulations ([2 CFR 180](#)).

Entities

As required by law, NIH recipients are barred from using Federal funds to engage in certain activities with certain foreign entities ([NIH GPS 4.1.37](#)). Otherwise, all other proposed engagements with foreign entities that may meet the criteria for a foreign component should be discussed with NIH staff as part of the foreign component prior approval process ([NIH GPS 8.1.2](#)).

**NIH Decision Matrix for Assessing Potential Foreign Interference for Covered Individuals or Senior/Key Personnel
(Use for Initial Assessment)^{1,2,3}**

Consistent with NSPM-33, NSPM-33 Implementation Guidance, and 2 C.F.R. 200.206, NIH has developed this Matrix as a guide to assist NIH in reviewing grant applications and ongoing awards for signs of potential foreign interference, and in appropriately mitigating risk. The rows below describe conditions in which NIH will contact the grant applicant or recipient for further information, and in which mitigation may be required, recommended, or not needed. NIH is making this document public to be transparent about the types of behaviors the NIH finds problematic and to provide NIH-funded researchers a better understanding about how their applications and disclosures may be received and reviewed.

Rating	Factor 1: Foreign Talent Recruitment Program ^{4,5}	Factor 2: Foreign Funding ^{6,7}	Factor 3: Affiliation with Foreign Institutions or Entities ^{6,8}
<p style="text-align: center;">Mitigation measures required.</p> <p style="text-align: center;">Contact recipient institution for more information.</p>	<p>Indicators of active (ongoing) participation in a malign foreign talent recruitment program (MFTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.</p> <p>[Note: this factor/rating is automatically disqualifying]</p>	<p style="text-align: center;">Indicators of undisclosed or incompletely disclosed active (ongoing) funding from a Foreign Country of Concern (FCOC) or an FCOC-connected entity</p>	<p style="text-align: center;">Indicators of an undisclosed or incompletely disclosed active (ongoing) affiliation with an institution or entity located in or connected to a Foreign Country of Concern (FCOC).</p>
<p style="text-align: center;">Mitigation measures recommended.</p> <p style="text-align: center;">Contact recipient institution for more information.</p>	<p>Within the past 5 years: Indicators of past participation in a malign foreign talent recruitment program (MFTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.</p> <p style="text-align: center;">Or</p> <p>Indicators of undisclosed or incompletely disclosed active (ongoing) participation in a foreign talent recruitment program (FTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022</p>	<p>Within the past 5 years: Indicators of undisclosed or incompletely disclosed past funding from a Foreign Country of Concern (FCOC) or an FCOC-connected entity.</p> <p style="text-align: center;">Or</p> <p>Indicators of undisclosed or incompletely disclosed active (ongoing) funding from a foreign country or foreign entity that is <u>not</u> a Foreign Country of Concern (FCOC) or an FCOC-connected entity.</p>	<p>Within the past 5 years: Indicators of undisclosed or incompletely disclosed past affiliation with an institution or entity located in or connected to a Foreign Country of Concern (FCOC).</p> <p style="text-align: center;">Or</p> <p>Indicators of an undisclosed or incompletely disclosed active (ongoing) affiliation with an institution or entity located in or connected to a foreign country that is <u>not</u> a Foreign Country of Concern (FCOC).</p>
<p style="text-align: center;">Mitigation measures suggested.</p> <p style="text-align: center;">Consider contacting recipient institution.</p>	<p>Within the past 5 years: Indicators of undisclosed or incompletely disclosed past participation in a foreign talent recruitment program (FTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.</p>	<p>Within the past 5 years: Indicators of undisclosed or incompletely disclosed past funding from a foreign country or foreign entity that is <u>not</u> a Foreign Country of Concern (FCOC) or an FCOC-connected entity.</p>	<p>Within the past 5 years: Indicators of an undisclosed or incompletely disclosed past affiliation with an institution or entity located in or connected to a foreign country that is <u>not</u> a Foreign Country of Concern (FCOC).</p>

<p>No mitigation needed.</p>	<p>No indicators of current or past (within 5 years) participation in a malign foreign talent recruitment program (MFTRP)</p> <p>and</p> <p>No indicators of undisclosed or incompletely disclosed current or past (within 5 years) participation in a foreign talent recruitment program (FTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.</p>	<p>No indicators of undisclosed or incompletely disclosed current or past (within 5 years) funding from a foreign country or foreign entity.</p>	<p>No indicators of an undisclosed or incompletely disclosed current or past (within 5 years) affiliation with an institution or entity located in or connected to a foreign country.</p>
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Note 1: As defined by Section 223 of the NDAA for FY 2021 and NSPM-33 Implementation Guidance, **“Covered individual”** for purposes of this Matrix means **“an individual who (a) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and (b) is designated as a covered individual by the Federal research agency concerned.”** Consistent with [NSPM-33](#) and [NSPM-33 Implementation Guidance](#), this means principal investigators (PIs) and other senior/key personnel seeking or receiving Federal research and development funding (i.e., extramural funding).

Note 2: Only Factor 1 – “Mitigation measures required” is automatically disqualifying.

Note 3: Consistent with [NSPM-33 Implementation Guidance](#) this approach must be applied in a nondiscriminatory manner that does not stigmatize or treat unfairly members of the research community, including members of ethnic or racial minority groups, and in a manner that does not discriminate with respect to national origin or identity.

Note 4: Malign Foreign Talent Recruitment Program (MFTRP) is defined by Section 10638(4) of the [CHIPS and Science Act of 2022](#).

Note 5: A Foreign Talent Recruitment Program (FTRP) is any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue. ([Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs](#); see also Section 10638(4) of the [CHIPS and Science Act of 2022](#))

Note 6: Foreign Country of Concern (FCOC) is defined in Section 10638 of the [CHIPS and Science Act of 2022](#).

Note 7: 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 directly 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). ([NSPM-33 Implementation Guidance](#))

Note 8: Organizational affiliations: 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. ([NSPM-33 Implementation Guidance](#))