

Crackdown on Undisclosed Foreign Ties Impacts Higher Ed

March 12, 2020

Source: The Campus Legal Advisor

The U.S. Attorney's Office for the District of Massachusetts announced on Jan. 28 that Harvard University Professor Charles Lieber, Ph.D., was arrested and charged with a crime for allegedly lying to the U.S. government about his ties with China in connection with the application and receipt of federal grant money. This charge is the latest example of the U.S. government's crackdown on undisclosed university ties to China and illustrates the consequences for lack of candor.

Lieber is the chair of Harvard's Chemistry and Chemical Biology Department. According to an FBI affidavit filed with the court, Lieber's research group received more than \$15 million in federal grant funding from the National Institutes of Health and Department of Defense. Research institutions that apply for this funding are required to disclose any foreign financial conflicts of interest held by the individual responsible for conducting the research, which typically involves amounts greater than \$5,000. Although research institutions submit the grant applications, the individual responsible for conducting the research must certify all information contained in the grant application is accurate and acknowledge false statements may result in criminal, civil, or administrative penalties.

Lieber was appointed Strategic Scientist at the Wuhan University of Technology in China, a position he held from about Nov. 15, 2011, to Nov. 14, 2016, according to court documents. WUT agreed to pay Lieber \$50,000 per month and an additional \$1.5 million to establish a nanoscience research lab at WUT. Lieber entered into at least two other contracts with WUT, and he was receiving payments through 2017, according to the FBI affidavit.

During interviews with the NIH and DOD about his active federal grants, Lieber allegedly withheld information about his relationship with WUT and caused Harvard to represent to the NIH that Lieber had no formal association with WUT after 2012.

Senior Trump administration officials have long raised concerns over China's aggressive pursuit of U.S.-based research for its own use. During a conference on the Department of Justice's "China Initiative," U.S. Attorney General William Barr spoke of China's "outright stealing" of U.S. technology and the challenges that presents to the United States. In an Aug. 20, 2018, open letter by the NIH to its research partners, it stressed concerns over China's efforts to further its economic prosperity, national security, and intellectual property at the expense of the United States.

In addition to criminal charges brought against Lieber, the U.S. Attorney's Office for the District of Massachusetts indicted two Chinese nationals, further highlighting the U.S. government's crackdown on undisclosed foreign ties and academic espionage.

Yanqing Ye was charged with visa fraud, making false statements, conspiracy, and being an unregistered agent when she identified herself as a "student" on her visa application, even though she held the rank of lieutenant with the People's Liberation Army. She's also accused of accessing U.S. military websites and forwarding U.S. documents and information to China.

Zaosong Zheng was indicted for trying to smuggle vials of biological material from the United States to China. U.S. Customs and Border Protection officials caught Zheng before he boarded a flight to Beijing.

Issues concerning foreign involvement in federally funded research certainly aren't limited to China. The criminal charges brought against Lieber and the indictments of the two Chinese nationals serve as stark reminders of the importance of truthful and accurate disclosures in connection with the application and receipt of federal grant money and the importance of protecting valuable intellectual property and data.

Institutions should take the following steps to ensure compliance with disclosure requirements and safeguard intellectual property:

- Train and educate faculty and researchers about the importance of full and accurate disclosures of foreign support and affiliations and how to mitigate threats to intellectual property.
- Implement guidelines and policies regarding funding use, lab access, disclosure requirements, foreign government partnerships, and the protection of sensitive intellectual property.
- Develop a system of monitoring documents and information taken from research facilities to minimize the risk of foreign exploitation of data.
- Closely examine backgrounds, financing, and affiliations of foreign institutions that you work with.
- Assist staff and faculty with questions about their individual situations.

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