



INDUSTRIAL
SECURITY
DEPARTMENT

UNM INDUSTRIAL SECURITY

DISCLOSE

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U.S. Federal Response to Undue Foreign Influence at U.S. Universities

Opening remarks

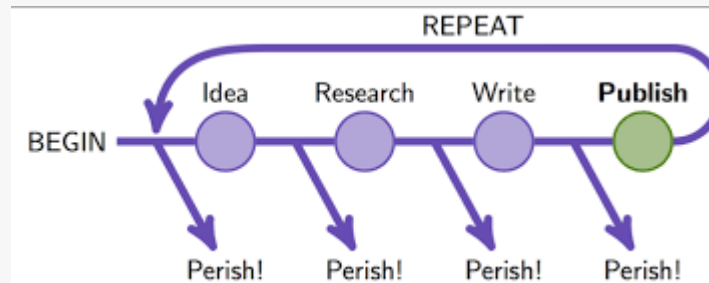


- UNM continues to support academic freedom and the ability to exchange ideas and collaborate with the brightest minds in the world to benefit not only the U.S. but the entire world. But when that sharing of information is a one way street and they are offering you money with caveats, there are disclosure requirements which are ***NOT NEW*** that the PI must comply with.
- Not illegal to collaborate with foreign nationals and get foreign support but understand your vulnerability and the risk of losing your research
- And may prevent PI's from obtaining U.S. Government funding in the future.
- In August of 2019, our office presented this to RAN and since then.....
- Faculty all over the U.S. have been arrested by the FBI and graduate students sent home because they didn't do something that has always been required and there is absolutely no reason for it to happen at UNM.
- It is the researcher's **CONDUCT** that is being scrutinized not their nationality
- The whole point of this training is to be transparent and to **DISCLOSE** all support, *whether foreign or domestic*.
- Foreign support means all countries
- International collaborations between scientists are acceptable and often encouraged. But the relationship must be vetted by the government agency and disclosed ***prior*** to entering an agreement with a foreign entity.
- I am referring to the Chinese Communist Party (CCP) and People's Liberation Army (PLA) when I speak of China.

R&D research 2019

- The U.S. Government provided ~\$151.5 billion for R&D research in 2019.
 - There is growing – **bipartisan** – concern of theft of US taxpayer funded research by other countries to advance their own objectives
 - If you are being funded by U.S. money then the American public should benefit from their investment
 - It is a conflict of interest and/or conflict of commitment to do the same work in a foreign country that you are doing on a US government contract
 - This is not limited to defense research
 - Biomedical research is highly targeted - in particular Cancer, Alzheimer's, and now COVID related research has led to increased interest and cyber activity
- UNM receives ~\$500 million in contracts and grants every year

The research must be protected from theft or the researcher cannot continue the work, they cannot publish, they cannot get patents, they cannot advance their careers.



Letters Requiring Disclosure

■ NIH August 23, 2018

<https://www.nih.gov/about-nih/who-we-are/nih-director/statements/statement-protecting-integrity-us-biomedical-research>

<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-19-114.html>

■ *Department of Defense released a similar memo on 10/10/2019*

https://rso.tamus.edu/wp-content/uploads/2019/10/DOD_201910.pdf

■ *Department of Energy released a updated directive on 09/04/2020*

<https://www.directives.doe.gov/directives-documents/400-series/0486.1-BOrder-a/@@images/file>

■ *NSF released a similar letter on 7/11/2019*

https://www.nsf.gov/pubs/2019/nsf19200/research_protection.jsp

	NIH has investigated almost 190 scientists at more than 65 institutions for foreign influence
	○ 133 undisclosed foreign grants
	○ 102 undisclosed talent awards
	○ 17 undisclosed foreign companies
	○ 54 resignations or terminations
	Nearly every scientist was well-funded and established

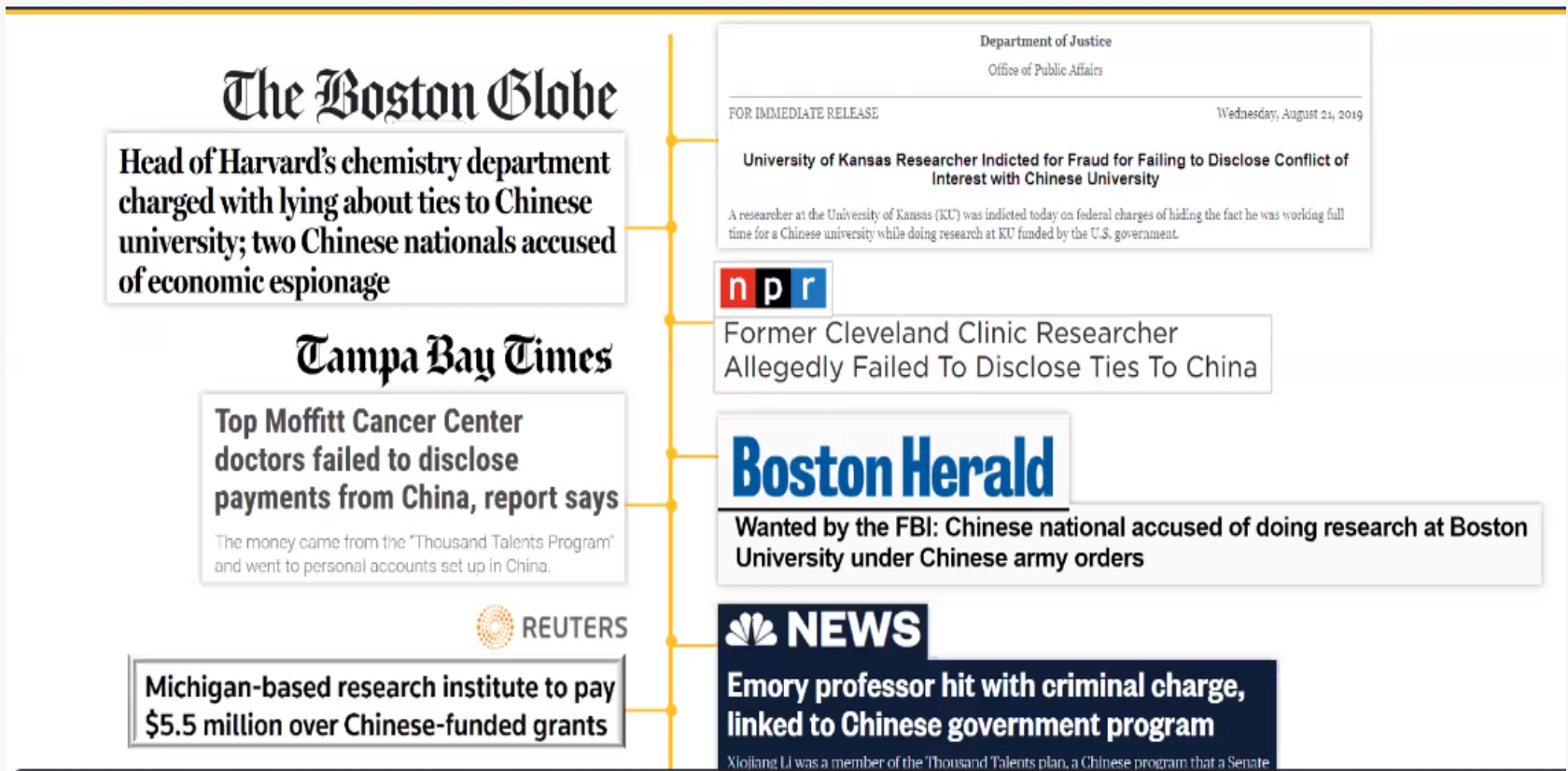
Foreign Talent Program

- Talent Plans were created by the Chinese Communist Party to recruit *mostly* ethnic Chinese who are living overseas to work at Chinese universities
- If a researcher agrees to work for another government they are obligated to sign a multi-year contract that requires recruitment of other researchers
- A number of Talent Plan recruits have been identified at the U.S. border with sensitive, export-controlled, or proprietary information as they attempted to leave for China

- The PRC government seeks intellectual capital, ideas, and information on grant proposals
- Some techniques may not be illegal but are unethical and lack transparency and reciprocity
 - Unauthorized sharing of pre-publication research data by faculty/students
 - Acquiring advance access to grant proposals
 - Influencing the grant approval process



Consequences of China exploiting their own citizens and U.S. researchers



January 14, 2021

MIT Professor Charged by the FBI for hiding work he did for the Chinese government while he was also collecting U.S. dollars for his nanotechnology research <https://www.justice.gov/usao-ma/pr/mit-professor-arrested-and-charged-grant-fraud>

Foreign Talents Case Study

Harvard Graduate Students

Intellectual Property Theft Case Study

- Zaosong Zheng, 29, a medical student from China
- Tried to smuggle biological material taken from Beth Israel Deaconess Medical Center out of the country back to China
 - 21 vials wrapped in plastic and hidden in a sock
- Some vials contained a colleague's work he had replicated without the authorization or knowledge of the lab
- Arrested by FBI on Dec. 10, 2019, at Boston's Logan International Airport



Case Study

- Yanqing Ye, a student at Boston University's Department of Physics, Chemistry & Biomedical Engineering
- A lieutenant in the People's Liberation Army (PLA)
- Studied at the National University of Defense Technology (NUDT), a top military academy directed by the CCP in China
- On January 28, 2020, a federal arrest warrant was issued for Ye after she was charged with acting as an agent of a foreign government, visa fraud, making false statements, and conspiracy
- Returned to China before she could be arrested



Harvard and Wuhan University of Tech

- Chair of Harvard's Chemistry and Chemical Biology Departments
- Received \$15 million in DoD & NIH grants
- Pioneer in nanoscience and nanotechnology
- Involved in China's Thousand Talents Program
- On January 28, 2020, Lieber was arrested by the FBI
- Charged with making false statements to federal investigators
- Gave Harvard false information



<https://www.justice.gov/opa/pr/harvard-university-professor-and-two-chinese-nationals-charged-three-separate-china-related>

Lieber Arrest Affidavit

" 3. Based on the evidence gathered to date, LIEBER was a "Strategic Scientist" at WUT [Wuhan Institute of Technology] and a contractual participant in China's Thousand Talent Plan for significant periods between at least 2012 and 2017. The terms of LIEBER's Thousand Talents contract called for LIEBER to be paid up to **\$50,000 per month** in salary and approximately **\$150,000 per year for living and personal expenses** by WUT. LIEBER was also awarded **more than \$1.5 million** by WUT and the Chinese government to establish a research lab and **conduct research at WUT.** "

54 Scientists Lose Jobs Due To NIH Probe

54 Scientists have lost their jobs due to NIH probe and University of Texas System by wrongfully withholding information from feds regarding a relationship with the Wuhan Institute of Virology.



https://www.sciencemag.org/news/2020/06/fifty-four-scientists-have-lost-their-jobs-result-nih-probe-foreign-ties?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axioschina&stream=china

Section 117 Reporting - 1965

6.5 Billion Dollars Unreported

- Section 117 of the Higher Education Act requires institutions of higher education to transparently report foreign gifts and contracts from a foreign source that, alone or combined, are valued at \$250,000 or more in a calendar year. ***Over the course of the last year***, the Department of Education has uncovered 6.5 billion dollars in unreported financial ties.
- Massive failure of many colleges and universities to disclose more than \$6.5 billion in funding and resources from foreign sources including China, Russia, Saudi Arabia, the United Arab Emirates, and Qatar. “***After four decades of pervasive noncompliance*** by colleges and universities, this landmark report produced by the Office of the General Counsel empowers American taxpayers with the transparency they deserve about the relationships between taxpayer-supported institutions and foreign actors, who may not have the best interests of students at heart.”
- ***This is most likely why the \$250,000 gift threshold will be changed to \$50,000***

October 20, 2020

<https://www.ed.gov/news/press-releases/us-department-education-uncovers-vast-underreporting-foreign-gifts-and-contracts-higher-education-institutions>

Don't confuse Section 117 Reporting and FCOI Disclosures with today's topic. They are different disclosure responsibilities required of the PI.

Department of Education Letters

- Fordham University August 10, 2020

<https://www2.ed.gov/policy/highered/leg/fordham-20200810.pdf>

- University of Stanford August 10, 2020

<https://www2.ed.gov/policy/highered/leg/stanford-20200810.pdf>

Stanford was given 30 days to comply with 13 extensive requests for information, including a request for a ***list and contact information and area of research for temporary researchers, scholars and faculty at Stanford who are from or affiliated with the government of the PRC and/or its agencies from 2010 to present.***

- University of Alabama

On December 22, 2020 the Department of Education sent a section 117 letter of investigation to the University of Alabama for failure to disclose an alleged partnership with the Wuhan Institute of Virology.

<https://www2.ed.gov/policy/highered/leg/u-alabama-wiv.pdf>

- University of New Mexico

On January 15, 2021 we received a letter regarding Section 117 reporting

<https://www2.ed.gov/policy/highered/leg/new-mexico-20210115.pdf>

Support Does Not Only Mean \$\$

“But I don’t get paid to collaborate on publications”

- NSF <https://www.nsf.gov/bfa/dias/policy/cps.jsp>
- NIH <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-19-114.html>

Positions, Appointments, and Affiliations

Any position or scientific appointment held by investigators that is relevant to the application must be disclosed-including *domestic or foreign, paid or unpaid*, or full/part-time/voluntary. *Titled academic, professional, or institutional appointments, including adjunct, visiting, or honorary must be disclosed.*

Non-Financial Resources

- Selection to a foreign “talents” or similar-type program.
- Provision of high-value materials that are not freely available (e.g., biologics, chemical, model systems, technology, etc.)
- External consulting
- Support “provided directly to an individual that supports the senior/key personnel’s research efforts *to include a visiting scholar or other personnel supporting your research*”
- Gifts and Endowments
- “In-kind contributions such as office/laboratory space, equipment, supplies, employees, and students.”

How UNM is Addressing Foreign Influence

University-wide Communication

- On December 7, 2020 the Provost and VPR put out an email to ALL FACULTY regarding disclosure requirements.
- Provost will follow with a Communique
- VPR website to follow in February 2021

How UNM is Addressing Foreign Influence Cont.

- The *onus is on the PI* to disclose. If changes occur during the contract or if something was accidentally omitted in the original proposal, it must be updated with the sponsor as soon as possible.
- OSP will be collecting and submitting the CV or Bio-sketch, Current and Pending, and any other documents that require this type of reporting as listed in the solicitation for each sponsor *at the proposal stage*.
- All forms included in OSP's records must be complete and accurate and include both paid and unpaid collaborations or projects.

Questions?

Help at UNM

- Office of Sponsored Projects (osp@unm.edu) or Faculty Research Development Office (frdo@unm.edu) for contract questions and Section 117 reporting.
- Office of Research and Compliance for COI in Research matters (<https://researchcompliance.unm.edu/>)
- Export Control for Export Control Regulations (<https://isd.unm.edu/export-control/about.html>) for export control reviews
- Industrial Security Department for undue influence awareness training and foreign travel briefings and (<https://isd.unm.edu/>)

Relevant agency websites:

- National Science Foundation (NSF): <https://www.nsf.gov/bfa/dias/policy/>
- Department of Defense (DOD): https://rso.tam.us.edu/wp-content/uploads/2019/10/DOD_201910.pdf
- Department of Energy (DOE): <https://www.directives.doe.gov/directives-documents/400-series/0486.1-BOrder-a/@@images/file>
- National Institution of Health (NIH) <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-19-114.html>



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