Enhancing the Security and Integrity of America’s Research Enterprise

The White House Office of Science and Technology Policy

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Key takeaways

• The integrity of the research enterprise rests upon core principles and values.

• Principled international collaboration and foreign contributions are critical to the success of the U.S. research enterprise.

• Some individuals and foreign governments violate core principles of integrity and pose risks to research security.

• Hidden diversions of intellectual property weaken the U.S. innovation base and threaten our security and economic competitiveness.

• The U.S. Government is taking deliberate steps to address risks to research security and integrity while maintaining an open and collaborative enterprise.
INTEGRITY OF THE RESEARCH ENTERPRISE RESTS UPON CORE PRINCIPLES AND VALUES
Integrity of the research enterprise rests upon core principles and values

• **Openness and transparency** enable productive collaboration and help ensure appropriate disclosure of potential conflicts of interest and commitment.

• **Accountability and honesty** help acknowledge errors and correct behaviors that can hamper progress.

• **Impartiality and objectivity** protect against improper influence and distortion of scientific knowledge.

• **Respect** helps create an environment where all can be heard and contribute.

• **Freedom of inquiry** allows individual curiosity to guide scientific discovery.

• **Reciprocity** ensures scientists and institutions exchange materials, knowledge, data, access to facilities and natural sites, and training in a way that benefits collaborating partners proportionally.

• **Merit-based competition** helps ensure a level playing field where the best ideas and innovations can advance.

*The principles and values that underpin the integrity of the research enterprise comport with American values.*
Individuals, institutions, and governments share responsibility for integrity in the research enterprise

**Principles of integrity for responsible individuals and institutions:**
- Openness and Transparency
- Accountability
- Impartiality and Objectivity
- Honesty
- Respect

**Principles of integrity for responsible governments, reflected in U.S. government policy:**
- Openness and Transparency
- Accountability
- Freedom of inquiry
- Reciprocity
- Merit-Based Competition

*Behaviors that violate these shared principles jeopardize the integrity of the research enterprise.*
PRINCIPLED INTERNATIONAL COLLABORATION IS CRITICAL TO SUCCESS
International science is frontier science

- Enables cutting-edge research that no nation can achieve alone
- Strengthens scientific and diplomatic relations
- Leverages resources, including funding, expertise, and facilities
- Trains a robust S&T workforce capable of solving global problems
- International students and scholars contribute significantly to the U.S. research enterprise

In April 2019, a global collaboration of scientists at 60 institutions operating in 20 countries and regions captured the first ever image of a black hole.

RISKS TO RESEARCH SECURITY AND INTEGRITY
Some individuals and foreign governments violate core principles of integrity and pose risks to the research enterprise

**Risks to the Integrity of the Research Enterprise**
- Violations of responsible and ethical conduct of research
- Actions that undermine peer review and grant award processes

**Risk to National Security**
- Hidden diversions of research and/or resources that threaten U.S. leadership in emerging science and technology

**Risk to Economic Security**
- Hidden diversions of research and/or resources that weaken the innovation base and threaten economic competitiveness
Transparency and full disclosure are needed to properly assess risks.

For the purposes of this presentation:

A **conflict of interest** is a situation in which an individual, or the individual’s spouse or dependent children, has a financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of research.

A **conflict of commitment** is a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many institutional policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of institutional or funding agency policies or commitments. Other types of conflicting obligations, including obligations to improperly share information with, or withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment.
Examples of behaviors that increase risk and can harm the research enterprise

Irresponsible Conduct that Violates Funding Agency and Institutional Policies:

- Failures to disclose:
  - Financial conflicts of interest
  - Conflicts of commitment
  - External employment arrangements
  - Financial support that overlaps with U.S. funding
  - Shadow laboratories or other parallel research activities
- Diversion of intellectual property
- Peer review violations

Examples of Behaviors that May Violate Laws:

- Theft or diversion of materials and intellectual capital
- Grant Fraud

Potential Impacts:

- Distorted decisions about appropriate use of taxpayer funds
- Hidden transfers of information, know-how, data, and time
- Diversion of proprietary information and pre-publication data to foreign entities
- Loss of Federal research funding, or need to replace key personnel
- Damage to the reputation of research institutions and researchers
- Reputational, career, and financial detriment to individuals
- Loss of taxpayer and public trust in the research enterprise
Case study 1: Undisclosed conflicts of interest and commitment

Former chief of eye genetics at the Shiley Eye Institute at University of California San Diego Health:
- Received $10 million in NIH grants during 11 years at UCSD
- Founded U.S. pharmaceutical R&D company Calcyte Therapeutics
- Undisclosed founder and primary shareholder of a publicly traded Chinese biotech company that specialized in the same work he performed at UCSD
- Multiple undisclosed subsidiaries and additional companies in the U.S., China, and the Cayman Islands
- Undisclosed member of a foreign government sponsored talent recruitment program.

Unreported Conflict of Interest

Unreported Conflict of Interest

Unreported Conflict of Commitment

Impacts:
- **Distorts decisions** about appropriate use of taxpayer funds
- **Hidden transfers** of information, know-how, data, person-time

Researcher resigned from U.S. institution.

Source: [https://inewsource.org/2019/07/06/thousand-talents-program-china-fbi-kang-zhong-ucsd/](https://inewsource.org/2019/07/06/thousand-talents-program-china-fbi-kang-zhong-ucsd/)
Case study 2: Leadership failures to disclose conflicts of interest and commitment

Six scientists at the Moffitt Cancer Center, including the President and CEO and the Center Director, resigned due to violations of conflict of interest rules through their work with China.

- Did not report personal payments or foreign bank accounts totaling hundreds of thousands of dollars in research subsidies and annual salaries.
- Undisclosed members of a foreign government sponsored talent recruitment program.

Impacts:
- **Distorts decisions** about appropriate use of taxpayer funds
- **Hidden transfers** of information, know-how, data, person-time

Unreported Conflict of Interest
Unreported Conflict of Commitment

Researchers resigned from U.S. institution.
The Center returned more than $1 million in state money.

Sources:
- [https://www.tampabay.com/news/health/2020/02/07/moffitt-returns-1-million-to-state-money-was-linked-to-scientist-with-china-ties/?utm_cl=1J0T86fmdAbR1v8w.1](https://www.tampabay.com/news/health/2020/02/07/moffitt-returns-1-million-to-state-money-was-linked-to-scientist-with-china-ties/?utm_cl=1J0T86fmdAbR1v8w.1)
Case study 3: Distortion of the peer review process

Researcher served as a designated peer reviewer for funding agency grants.

- Undisclosed participant in a foreign-government sponsored Talent Recruitment Program
- Diverted proprietary information: Emailed grant applications to scientists in China and to some U.S.-based persons
  - Researcher instructed one recipient of the information to “keep it to yourself”
  - Stated in another note, “Here is the bone and meet [sic] you need.”
  - Emailed a grant application to a Chinese academic institution offering: “Some methods you may learn from this proposal. Keep this confidential.”

Unreported Conflict of Commitment

Violation of Peer Review Process

Impacts:
- Loss of taxpayer and public trust in the research enterprise
- Distorts decisions about appropriate use of taxpayer funds
- Diversion of proprietary information and pre-publication data to foreign entities

Researcher elected to resign from MD Anderson.
Case as reported by the Cancer Letter, April 26, 2019
Nine hackers working for the Mabna Institute, an Iranian government-sponsored entity, were indicted in 2018 for allegedly hacking into at least 144 U.S. universities and 176 universities in 21 foreign countries.

- Hackers allegedly stole 31.5 terabytes – about 15 billion pages – of academic data. Collectively, the victim universities spent an estimated $3.4 billion to acquire the data.
- Hackers waged a phishing campaign that successfully compromised the accounts of some 8,000 accounts to steal research and other academic data, such as journals, theses, dissertations and electronic books.

**Impacts:**
- Diversion of proprietary information and pre-publication data to foreign entities

*Charged by DOJ on March 23, 2018 for conspiracy to commit computer intrusions, conspiracy to commit wire fraud, unauthorized access to a computer, wire fraud, and aggravated identity theft. Defendant(s) are presumed innocent until proven guilty.*
Case study 5: Criminal grant fraud

Researcher found guilty of conspiring to commit federal grant fraud, making false statements, and obstruction by falsification

- Founded a U.S. company and applied for DOE and NSF grants to fund his U.S. company to conduct research between 2014-2016; at least some research had already been completed in China, including by researcher’s own “Satellite Lab”
- Signed undisclosed five-year employment agreement with Chinese University in 2014 to serve as Director of Research Institute

Grant Fraud “Shadow Lab”

Unreported Conflict of Commitment

Impacts:
- Distorts decisions about appropriate use of taxpayer funds

Researcher was found guilty on February 21, 2019.
Case # 7:17-cr-00073 (Western District of Virginia)
RISKS ASSOCIATED WITH FOREIGN GOVERNMENT SPONSORED TALENT RECRUITMENT PROGRAMS
Some government-sponsored talent recruitment programs are problematic

A foreign government sponsored talent recruitment program is an effort directly or indirectly organized, managed, or funded by a foreign government to recruit science and technology professionals or students (regardless of citizenship or national origin).

- Many countries sponsor talent recruitment programs for legitimate purposes of attracting researchers in targeted fields
- Many programs utilize legitimate means of attracting talent, including offering research fellowships and grants to incentivize researchers to physically relocate
- However, some programs encourage or direct unethical and criminal behaviors
- Contracts for participation in some programs, including some sponsored by the Chinese government, include language that creates conflicts of commitment and/or conflicts of interest for researchers
  - Requirements to attribute awards, patents, and projects to the foreign institution, even if conducted under U.S. funding
  - Requirements to recruit or train other talent recruitment plan members, circumventing merit-based processes
  - Requirements to replicate or transfer U.S.-funded work in another country

Transparency and full disclosure are essential to properly assess risks.
Example talent recruitment contract: Undisclosed employment

- U.S.-funded researcher working full time at a U.S. institution
- Undisclosed employment in another country for 9 months out of the year
Example talent recruitment contract: Directed output

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<th>(Foreign institution) shall provide (U.S.-funded researcher) with a basic start-up research fund with a cumulative amount of RMB 8,000,000. The aforementioned basic start-up research fund shall be used within five (5) years, with the fund for hardware construction being used within three (3) years. The start-up fund shall mainly cover the following expenditures for (U.S.-funded researcher) and his team, such as lab construction, equipments purchase, scientific research, academic exchanges, and salary for research assistants (A minimum of</th>
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<td>Within 3 years of project implementation (i.e. during interim review)</td>
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- U.S.-funded researcher is party to an undisclosed contract with a foreign institution
- U.S. researcher is obligated to file 2-3 foreign patents within 3 years.
- The nondisclosure of this contract does not give the university or the Federal funding agency knowledge of its patent rights.
- In some cases U.S.-funded researchers have secured foreign patents based at least in part on their U.S.-funded work.
Example talent recruitment contract: Other support

5. International cooperation and exchange

(1) Actively invite foreign outstanding young scholars to the school to participate in academic exchange activities, amplify opportunities to attract foreign talent, enhance teaching resource strengths.

(2) Serve an important bridging role between and the National Oceanic and Atmospheric Administration (NOAA).

2. Provide good work conditions for Party B.

(1) supports in forming a research team with 4-5 instructors as the backbone. This team, when introducing members meeting the conditions for selection under the Ocean University of China’s “Peak Building Talent Program” or “Young Talents Program” may apply for

- U.S. Government employee signed an undisclosed talent program contract with a Foreign institution.
- Contract raises concerns of preferential treatment to certain potential students
- Undisclosed commitment of the U.S. institution to a foreign institution
- Researcher received undisclosed support from foreign research team
These conditions are problematic for the U.S. Government and the Research Institution.

This contract cedes credit from the work conducted by a federally funded researcher and employee of a U.S. institution to a foreign institution.

These conditions may be problematic for the researcher—both the foreign institution and foreign government need to approve the application for termination of the contract. Penalty for breach of contract is not clearly defined.
Example talent recruitment contract: Intellectual property

(7) Intellectual Property Rights
Since the Institute is primarily subsidized by the Chinese government, the intellectual property rights of scientific research results belong to the Chinese scientific research unit that completes this project (you do not report intellectual property rights to U.S. University). If there is any commercial value in the scientific research, the Chinese scientific research unit and the scientific researcher shall own at least 75% of its value. If U.S. University wishes to share in the scientific results, U.S. University will not share in more than 25% of the commercial value.

Problematic for the Researcher, Research Institution, and U.S. Government:
• U.S.-funded researcher is party to an undisclosed contract with a foreign government
• Foreign government dictates that any IP the U.S.-funded researcher develops should not be reported to the U.S. institution
• Foreign government dictates the portion of IP owned by the foreign institution
Example talent recruitment contract: Intellectual property

3. Responsible for patent applications and technology industry transformations for the research institute’s *in vitro* synthetic biology results, and achieve transformation and transfer of 2-3 science and technology achievements in 3-4 years.

**Problematic for the Research Institution, and U.S. Government:**
- U.S.-funded researcher is party to an undisclosed contract with a foreign government
- Researcher is contracted to **transfer** 2-3 science and technology achievements to the foreign institution in 3-4 years.

Contract language from Case # 7:17-cr-00073 (Western District of Virginia)
Example talent recruitment contract: Objectives

2. Job Objectives during the Employment Period:
   A. Scientific Research Objectives:
      a. The laboratory in the United States will be gradually moved back to China to rebuild, and the international cutting-edge translational medicine will continue to be carried out.

- U.S.-funded researcher is party to an undisclosed contract with a foreign government
- Foreign institution dictates that the U.S.-based laboratory be moved to China; U.S. institution unaware of this commitment
Example talent recruitment contract: Problematic for researcher and institution

(4) U.S.-funded researcher cannot disclose or transfer technical achievements or technical information

(6) U.S.-funded researcher cannot unilaterally terminate the employment contract should one of the following situations occur:

1. During employment with national major scientific research project;

2. Has access to key technology and information of major scientific achievements and in the confidentiality time period;

Imposed secrecy

Stringent restrictions on termination of Contract – the U.S. researcher cannot unilaterally terminate the contract.
How widespread are behaviors that threaten research security and integrity?

- Data are incomplete but suggest widespread and systemic activity across geographic location and research discipline
- Incidents of concern are not unique to any one background, ethnicity, or nationality
- Other countries have identified similar behaviors in their research enterprises, and we are engaging with them to reach common awareness and share best practices

Inquiries from the National Institutes of Health are currently the most public. As of September 2020:
- Sent notices to over 92 academic and research institutions
- Identified concerns regarding more than 203 scientists
- Nearly all in pre-clinical research, across many fields of biomedicine, all across the United States

Since 2018, the National Science Foundation has recovered more than $5M through return of award funds when nondisclosure, false statements, or fraud were discovered. NSF’s inspector general has reported a 35% increase in caseload in the last year.

Many cases of concern have involved individuals with undisclosed participation in foreign government sponsored talent recruitment programs.
Comprehensive risk assessment and risk mitigation require a range of measures and response mechanisms.

In many instances, institutions have taken administrative action to address inappropriate behaviors. Prosecutions are consequential, but are not a substitute for an effective internal compliance program.
Some government sponsored talent programs are adapting in response to growing awareness of the risks they pose.

Translated from a 2018 local talents program contract, sponsored by the Chinese National Natural Science Fund Commission:

**III: Items to Pay Attention To**

In order to further do a better job in ensuring the safety/security of overseas talents, [we] ask the organizations not use e-mails in sending out notifications for interview/defense. Instead, they should use telephone calls or faxes in giving notifications in the name of inviting [the candidates] to come back to China to attend academic conferences and forums, the words “1000 Persons Plan” shall not appear in the written notifications.
U.S. GOVERNMENT ACTION

Balancing Openness with Security
U.S. government coordination to address key areas that impact the American research enterprise

On May 6, 2019 The White House Office of Science and Technology Policy established the Joint Committee on the Research Environment (JCORE) through the National Science Technology Council to address four critical issues related to the research enterprise.

Four subcommittees focus efforts on:

1. **Research Security**: Balancing openness with strengthening the security of our research enterprise

2. **Reducing Research Administrative Workload**: Reducing the administrative burdens that impede critical scientific research while ensuring we have appropriate accountability and oversight

3. **Rigor and Integrity in Research**: Fostering a research enterprise that upholds freedom of inquiry, reciprocity, and promotes positive incentives that underscore sound research practices

4. **Safe and Inclusive Research Environments**: Ensuring that the research environment is an environment that is merit-based, safe, inclusive, equitable, and welcoming to all
Strengthening the security of the U.S. research enterprise

The JCORE Research Security Subcommittee aims to protect America’s research enterprise without compromising our values or our ability to maintain the innovation ecosystem that has underpinned our leadership in science and technology.

The Subcommittee is comprised of over 20 science and security Federal agencies, and co-chaired by White House Office of Science and Technology Policy, the National Institutes of Health, National Science Foundation, and the Department of Energy.

**Research Security Subcommittee Focus Areas:**

1. Appropriate and effective risk management
2. Consistent, coordinated, and effective outreach to and engagement with academic and research institutions
3. Coordinated guidance for Federal agencies
4. Recommendations for academic and research institutions
JCORE research security subcommittee actions

- Developing guidance for Federal departments and agencies
- Developing best practices for universities and other research institutions
- Letter to the United States Research Community
- Developing education and outreach materials that highlight examples of risks to research
- Engagement with Congress
- Coordinating with the National Academies of Sciences, Engineering, and Medicine on the Science and Security Roundtable as directed by the 2019 National Defense Authorization Act
- Individual agencies are also taking policy actions in line with their mission

Letter to the United States Research Community

September 6, 2019

Letter to the United States Research Community

Dear Colleagues,

As a fellow researcher and former university vice president for research, I know firsthand that the open and internationally collaborative nature of the United States research enterprise has been critical to our country’s success, and that this success has underpinned our nation’s prosperity and security. Indeed, the values we cherish as Americans are the ethos of research itself: namely, the freedom to explore new frontiers, the commitment to openness and transparency through the sharing of methods and results, the ability to define difficult issues thoughtfully and with dignity, and the passion to work within and improve the lives of others. By adhering to these values and operating with due regard to principles of integrity — including reciprocity, openness, and transparency — our work has made America the world leader in science and technology. The Nation is indebted to you.

Yet we must not take our research enterprise for granted. Over the past several years, some nations have exhibited increasingly sophisticated efforts to exploit, influence, and undermine our research activities and environment. As researchers, we must acknowledge the changing geopolitical and international scientific landscape. United States policies and practices must evolve thoughtfully and appropriately to meet current and future challenges.

The success of our research enterprise is dependent on everyone upholding the principles of integrity.

Some of these recent efforts to exploit America’s research enterprise have come through foreign government-sponsored talent recruitment programs. Historically, researchers at United States institutions could in many cases participate in a talent program and simultaneously receive both foreign and United States government support. Under some circumstances, this was acceptable. However, it has become clear that features of some talent programs are unacceptable and inconsistent with our research values and research principles. Broader research ethics, both within talent programs and more generally, include the failure to disclose required information such as foreign funding, unapproved parallel foreign laboratories (so-called shadow labs), affiliations and appointments, and conflicting financial interests. Other inappropriate behaviors include conducting undisclosed research for foreign governments or companies on United States agency time or with United States agency funding, diversion of intellectual property or other legal rights, and breaches of contract and confidentiality in unverifiable gaming of the publication process.

Ultimately, these inappropriate behaviors, whether or not they arise through participation in a foreign talent program, interfere with the allocation of Federal funding in a fair manner based on merit. As a result, these breaches of research security and integrity place all others in the benefit of your hard work without bearing the associated risks or making the investments lowering by American taxpayers and other funders. These activities ultimately undermine the integrity of the research enterprise and, thus, our economic and national security.
Engagement and outreach

**White House Summit** on November 5th, 2019

- Convened more than 150 people from industry, academia, and the Federal government
- Provided and collected insights on the work of Joint Committee on the Research Environment (JCORE)

**Request for Information** on the American Research Environment on November 26, 2019, inviting the research community to provide input on all four JCORE focus areas
- Extensive interagency outreach to hundreds of institutions, faculty, and students across the country.
- Deep engagement with associations and societies, and with international partners.
Additional Administration Action Highlights

• Presidential proclamation to block certain graduate level and above Chinese nationals associated with entities in China that implement or support China’s Military-Civil Fusion strategy from using F and J visas to enter the United States.

• The National Institutes of Health issued a Statement, sent letters to grantee institutions requesting information about undisclosed foreign ties, and since 2018 has identified concerns regarding more than 189 scientists.

• The National Science Foundation issued a Dear Colleague letter, made policy changes to mitigate risks through changes to proposal submission requirements, and is acting on the recommendations of a study by the independent JASON group on research security. The JASON study identifies the threat of foreign influence as a complex issue that ‘can be addressed within the framework of research integrity’.

• The Department of Energy issued a directive prohibiting participation by DOE laboratory personnel in talent recruitment programs sponsored by certain foreign governments of risk and established an S&T risk matrix to help protect identified emerging research and technology areas.
Additional Administration Action Highlights

• The Department of State is engaging with partners to raise awareness of the risks of foreign interference on research integrity and security.

• As part of its China Initiative, the Department of Justice developed an enforcement strategy that combines outreach and enforcement to address threats posed by non-traditional collectors, including in academia. Recent criminal prosecutions alleging fraud and false statements by academics have highlighted concerning patterns of behavior, many of which involve Chinese talent plans.

• The Federal Bureau of Investigation’s Office of the Private Sector partnered with academic associations, hosted national level Academia Summits, and strengthened engagement with private industry and academia throughout the FBI’s 56 field offices.

• The Office of the Director of National Intelligence and the National Counterintelligence and Security Center strengthened partnerships with academia to raise awareness and provide context to better understand and recognize foreign influence activities.
Additional Administration Action Highlights

• The Department of Agriculture issued guidance on the inclusion of U.S. bilateral Science and Technology Agreements in USDA S&T agreements with foreign governments to ensure consistent application of provisions, such as intellectual property rights and benefit sharing. USDA is conducting enhanced training and awareness for its workforce on promoting and protecting American research and development.

• The Department of Defense established a Research Protection Initiative to establish consistent standards for the reporting of conflicts, detect incidents of problematic behavior, and work with academic institutions to limit undue foreign influence in research awards.

• The Department of Education has established new information collection requirements and systems to improve the transparency of foreign funding of institutions of higher education, opened ten civil compliance investigations of U.S. universities for failing to disclose their financial relationship with foreign sources, and identified previously undisclosed foreign funding totaling approximately $6.5 billion and over $1 billion in funding for unknown objectives from anonymous sources in China, Russia, Qatar, and Saudi Arabia.
For further information

• White House Joint Committee on the Research Environment: JCORE@ostp.eop.gov

• Email academia@fbi.gov or contact your local FBI field office

• Contact your Federal funding agency