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## Foreign Interference in National Institutes of Health Funding and Grant Making Processes: A Summary of Findings From 2016 to 2021

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Since the National Institutes of Health (NIH) started working in 2016 on undue foreign interference in NIH-funded research, we have become aware of three types of problems:

- Undisclosed sources of foreign research support, which have led to NIH making ill-informed funding decisions. These sources of support include undisclosed foreign employment, undisclosed foreign talent recruitment awards, and undisclosed foreign research grants. We have seen cases in which scientists' misrepresentations led to NIH funding duplicative projects or projects compromised by conflicts of commitment. A [now-publicized example occurred at Ohio State University](#) (see also the public court document attached).
- Undisclosed conflicts of interest, which have led to NIH overseeing awards that were inadequately managed for prevention of bias. In the Ohio State University case, the scientist had undisclosed positions and equity interest in foreign companies that should have been subject to a conflict-of-interest plan. Had NIH been aware, NIH would have most certainly not funded the grants or would have taken other actions to protect the grant.
- Violations of peer review integrity rules. For example, [one scientist sent confidential NIH grant applications to scientists in China](#), even though he had signed [an attestation](#) that he would not share any peer review materials with anyone.

We began contacting institutions in July 2018 about scientists who may have engaged in these behaviors. As of early June 2021, we had contacted 93 institutions about 214 scientists. Over 90% of these cases involve activities based in the People's Republic of China. We learned about these concerns in a variety of ways: self-disclosure from institutions (N=56); referral from law enforcement (N=75); and other routes such as anonymous tips and NIH staff noticing discrepancies in publications and grants records (N=83). We work with institutions on compliance reviews, which are not government investigations; in some cases, we have referred cases to the U.S. Department of Health and Human Services Office of Inspector General (OIG) for further formal investigation.

Most of these 214 compliance reviews are still open and ongoing. Nonetheless, we have confirmed that in a large proportion of cases, scientists failed to disclose foreign grant

support (N=147) and/or participation in foreign talents programs (N=119). Institutions have executed or enabled employee separations (e.g., terminations, resignations, or early retirements) in 79 cases and removed scientists from NIH grants without employment actions in 39 other cases; thus, institutions have removed 118 scientists from NIH-funding support.

We refer allegations to OIG for further investigation and anticipate referring dozens more. Criminal or civil complaints have led to two convictions ([Emory University](#) and [Ohio State University](#)) and a \$5.5 million false claims settlement ([Van Andel Research Institute](#)), with other cases pending. We are not aware of the exact number of other criminal complaints since some are under seal.

Individuals violating laws and policies represent a small proportion of scientists working in U.S. institutions. We must ensure that our responses to this issue do not create a hostile environment for colleagues who are deeply dedicated to advancing human health.

Additional information and resources can be found on [our website](#).

#### Scenarios:

These scenarios are based on real cases. Given the hundreds of cases and repetitive patterns we have seen, the scenarios below cannot be linked to any one individual.

- Case Study #1: Duplicative funding
  - NIH-funded scientist is employed by:
    - An American medical school on a 12-month schedule; and
    - A foreign university on a six-month contract.
  - The American medical school is unaware of the six-month foreign contract.
  - The foreign university contract includes >\$500,000 per year of funding support, along with provision of laboratory space, equipment, and trained staff.
  - The scientist has told the American medical school that he is giving a few lectures at the foreign university but nothing more. On his internal disclosure documents, he checks “no” when asked about outside research activities.
  - The scientist has a fully-functioning lab in the foreign university.
  - After receiving support for a project proposal on an NIH grant award, the scientist arranges for the same proposal to be translated to a foreign language and submitted to a foreign government funding agency.
  - The foreign funding agency issues the award to the scientist through the foreign university.
  - Six months later, the scientist is asked on a standard NIH progress report, “Has there been any change in other research support for your individual research endeavors?”. He answers, “No, NOTHING TO REPORT” – a false statement.

- He translates the NIH progress report into a foreign language and submits it to the foreign funding agency as evidence of progress in his foreign university laboratory.

Consequence: When the American medical school learned of these previously undisclosed activities, it:

- took an employment action; and
- refunded the NIH >\$1 million for duplicative funding.

- Case Study #2: Conflict of interest

- NIH-funded scientist is employed by an American medical school on a 12-month schedule.
- He owns majority equity interest in a foreign company valued at \$20 million. The company is receiving patents and selling products derived from his American NIH-funded research.
- The American medical school is unaware of the scientist's equity interest in the foreign company.
- On annual internal disclosure form, he checks "no" when asked about significant financial interests – a false statement.
- On NIH grants, his institution declares that there are no financial conflicts of interest to disclose or manage.

Consequence: When the American medical school learned of these previously undisclosed financial interests, it took an employment action.

- Case Study #3: Dishonesty after-the-fact

- NIH-funded scientist is employed by:
  - An American medical school on a 12-month schedule; and
  - A foreign university on a full-time "Talents" contract.
- The Talents award includes \$1,000,000 start-up funds followed by \$250,000 of research funds per year, along with laboratory space, equipment, and trained staff. There is also salary of >\$100,000 per year, a housing allowing of \$75,000, and covered travel.
- The American medical school is unaware of the full-time foreign Talents contract
- NIH learns of the Talents award and asks the American medical school for information to assess possible scientific, budgetary, or commitment overlap.
- The American medical school asks the scientist about these activities, and he categorically denies any foreign employment. He says that the Talents award is "just an honor, nothing more." He says that any foreign grants were written by others without his permission.
- The American medical school discovers:
  - Signed Talents application;

- Talents shortlisting notification;
  - Signed Talents contract – which includes financial support for research;
  - Signed foreign university contract; and
  - Funded foreign grants, along with correspondence indicating that the scientist played an active role in writing the proposals.
- When confronted, the scientist continued to deny any foreign activities other than the “honor.”

Consequence: The American medical school took an employment action.

- Case Study #4: Overcommitment and dishonesty after the fact

- NIH-funded scientist is employed by:
  - An American medical school on a 12-month schedule; and
  - A foreign university on a full-time contract.
- The American medical school is unaware of the full-time foreign contract.
- Through his foreign affiliation, the scientist has been supported on five foreign grants over the past seven years; at least two foreign grant awards are active. None of the foreign grants have been mentioned in any NIH grant document.
- The scientist cites the foreign grants as sources of support in multiple publications.
- NIH contacts the American medical school, asking about the undisclosed foreign grants.
- The American medical school states that the scientist denies receiving any foreign funds.
- When the NIH pushes back, the American medical school locates several foreign grant applications that clearly identify the scientist as the PI. Furthermore, foreign web sites, along with publications, identify the foreign grants as linked to the PI.
- The scientist now claims that the apparent link between him and the foreign grants is because he allowed his name to be used as PI in order to help a former student now based in the foreign country. The scientist claims he never even read the grant (the grant in which he is designated as PI).
- Upon further investigation, the American medical school determines that the PI in fact played a major role in writing the grant and in overseeing the work supported by the grant at the foreign university. The American medical school found that he spent an inordinate amount of time away from campus, far more than allowed under outside activity rules.

Consequence: The American medical school:

- Took an employment action; and
- Refunded the NIH for time spent charging for salary when the scientist was based at his foreign employer.