

# Report on Research Compliance Volume 17, Number 7. June 25, 2020 Criminal Charges Reveal Reality of China's Connections to Investigators

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By Theresa Defino

From a lost-and-then-recovered hard drive with a “confidential” file to vials secreted in socks packed in a suitcase, the more than half-dozen criminal cases against U.S. researchers for inappropriate foreign ties have a few elements in common with spy novels and James Bond films.

These kinds of details are what get the most attention so far, as there have been no jail terms or hefty fines. That’s because with few exceptions, the cases of accused investigators are still winding their way through the court system; a recently concluded case resulted in just a one-year probation.

However, that doesn’t mean some others won’t be going to jail, perhaps for a long time. And in likely every case, those involved have already lost, or will lose, their employment and careers. And the cases undoubtedly bring unwanted attention to both the accused investigators and their institutions.

The past two-and-a-half years have seen the first criminal cases brought by the U.S. Department of Justice (DOJ) against investigators who have undisclosed or otherwise illegal support from foreign organizations, with cases heating up after NIH Director Francis Collins in July 2018 warned universities to determine if there were any in their midst.<sup>[1]</sup> These handful stand in contrast to the single case against an institution, which paid \$5.5 million to settle False Claims Act allegations related to two investigators.<sup>[2]</sup>

At a June meeting of the NIH Advisory Committee to the Director, Michael Lauer, deputy director for extramural research, said the agency is aware of 399 “scientists of concern,” and has begun investigating 189 of these.<sup>[3]</sup> But it’s not just NIH-funded researchers who have been accused. Others have been supported by the departments of Energy and Defense, as well as the National Science Foundation (NSF) and NASA.

## Charges Added In Lieber Case

The most recent development came June 9, when a Boston grand jury indicted Charles Lieber, a former Harvard University department chairman, on two counts of making a false claim about employment with a Chinese university.<sup>[4]</sup> The charges came nearly five months after he was arrested on one count. Lieber, now on leave as head of the Department of Chemistry and Chemical Biology, was accused of lying to Harvard, and causing Harvard to lie to NIH about his Chinese ties.

Lieber is alleged to have been under contract with China’s Thousand Talents Plan from “at least” 2012 to 2015, which paid him \$50,000 per month at one point, reimbursed living expenses of \$158,000, and provided more than \$1.5 million for a Wuhan University of Technology research lab. During the same period, Lieber was the principal investigator on \$15 million in awards from NIH and the Department of Defense. If convicted, Lieber could be sentenced to up to five years in prison, three years of supervised release and a fine of \$250,000 per count. Lieber’s attorney told *The Harvard Crimson* he “has dedicated his life to science and to his students” and “is the victim in this case, not the perpetrator.” He pleaded not guilty on June 16.<sup>[5]</sup>

Other notable cases follow, in order of oldest to newest.

- Yiheng Percival Zhang, a former professor at Virginia Tech University, was indicted in November 2017, had a bench trial in September of 2018 and learned he was convicted in February 2019 when Chief Judge Michael F. Urbanski of the Western District of Virginia announced his ruling: guilty on three counts of making false statements, one count of obstruction by falsification, and one count of conspiracy.<sup>[6]</sup> He was sentenced in September 2019 to “time served, which included incarceration for approximately three months, and home incarceration for approximately two years.” Zhang’s drawn-out case was perhaps the first to highlight foreign support, as he was found to have been “working as a paid researcher for the Tianjin Institute of Industrial Biotechnology, Chinese Academy of Sciences [in], at least, 2014” and “caused fraudulent grant proposals to be submitted to the NSF” under the Small Business Innovation Research program. “Evidence presented at trial indicated grant funds obtained would be used for research Zhang knew had already been done in China,” according to DOJ.
- Feng “Franklin” Tao, on leave as an associate professor at the University of Kansas’ (KU) Center for Environmentally Beneficial Catalysis, was indicted in August 2019.<sup>[7]</sup> A second indictment on Jan. 15, 2020, brought total charges to two counts of wire fraud and one of program fraud. The government alleges Tao was selected in January 2018 to receive China’s Changjiang Professorship, part of one of its talent recruitment programs, to teach and conduct research at Fuzhou University full time. Under a five-year contract, he reportedly recruited four other investigators to join Fuzhou. Tao also worked at Nagoya University, in Japan, in 2018. None of these arrangements were reported to KU, according to DOJ, which provided no dollar amount of any compensation he may have received. If convicted, Tao “could face up to 20 years in federal prison and a fine up to \$250,000 on each of the wire fraud counts and up to 10 years and a fine up to \$250,000 on the program fraud count,” the government said. The case is still in the pretrial phase, with the most recent action being the scheduling of a status conference via video for June 29.
- Zaosong Zheng, a Chinese national and former medical student at Harvard University, was arrested at Boston Logan International Airport on Dec. 10, 2019, after U.S. customs officials “identified” him “as a high risk for possibly exporting undeclared biological material,” searched his luggage, and discovered “21 vials wrapped in a plastic bag and concealed in a sock.”<sup>[8]</sup> According to a statement from an FBI agent, Zheng initially denied knowing about the vials, then confessed eight of them were stolen from a research lab at Beth Israel Deaconess Medical Center, while the others were duplicates he made. The agent said Zheng reported that, “upon his return to China, he was planning to immediately go to his lab in China and begin working on his research using the stolen vials. Zheng explained that if the results of his research were successful in any way that he planned to publish a paper in his name.” He remained in custody until March and is scheduled for a status conference Aug. 12.
- Yanqing Ye, also a Chinese national and a former student at Boston University (BU), was charged with one count each of visa fraud, making false statements, acting as an agent of a foreign government and conspiracy, DOJ announced on Jan. 28 in the same statement it issued for Zheng’s arrest. According to her FBI wanted poster, while at BU studying in the “Department of Physics, Chemistry and Biomedical Engineering from October of 2017 to April of 2019, Ye allegedly continued to work as a PLA [People’s Liberation Army] Lieutenant completing numerous assignments from PLA officers such as conducting research, assessing United States military websites, and sending United States documents and information to China.”<sup>[9]</sup> She has not yet been arrested and is believed to be in China.
- James Patrick Lewis, a former West Virginia University physics professor, pleaded guilty to one count of fraud on March 10 related to work he did at the Chinese Academy of Sciences during the fall 2018 academic

semester, after having been granted leave by WVU under the guise of being a new parent.<sup>[10]</sup> Lewis was a Thousand Talents program member with a three-year contract to “maintain an active research program that yielded publications in high quality, peer-reviewed journals, and to provide research training and experience” to academy students. “Lewis was promised benefits, including a living subsidy of 1 million Yuan (approximately \$143,000), a research subsidy of 4 million Yuan (approximately \$573,000), and a salary of 600,000 Yuan (approximately \$86,000),” the government said. Lewis, who resigned from WVU, agreed to pay WVU \$20,189 in restitution as part of his plea, which reflected his “full salary” during the time he was in China, DOJ said. Lewis faces up to 10 years’ incarceration and a fine of up to \$250,000 when he is sentenced at a date still to be announced.

- Simon Saw-Teong Ang, a University of Arkansas (UA) engineering professor, was arrested May 8 on a charge of wire fraud, punishable by up to 20 years in prison.<sup>[11]</sup> Ang allegedly signed UA disclosure forms from 2015 to 2019 indicating he did not have any conflicts of interest to report, despite evidence that he was listed as the technology director for a Chinese firm and held a position with a Chinese university. He was the principal investigator for more than \$5 million in awards since 2013 from NSF, NASA and the departments of Energy and Defense. Ang’s activities were discovered when UA personnel read a hard drive that someone had turned in to a lost-and-found department and discovered a file marked “confidential,” in which he reportedly wrote emails noting he was a member of China’s Thousand Talents Scholars program and that “if this leaks out, my job here will be in deep troubles.”
- Xiao-Jiang Li, a former Emory University professor, pleaded guilty to filing a false tax return and was sentenced to one-year probation, DOJ officials announced May 11.<sup>[12]</sup> Li simultaneously worked for Emory University and two Chinese Universities from 2012 to 2018, conducting similar large animal model research on Huntington’s disease. The government said Li earned “at least \$500,000 in foreign income that he never reported on his federal income tax returns,” received as part of Li’s involvement in China’s Thousand Talents Program, which he reportedly joined in 2011. “Li’s false income tax returns came to light after [NIH] reviewed Li’s NIH research grant applications and became concerned that he had failed to disclose, among other things, foreign research activity. Those concerns prompted Emory University, and later, federal law enforcement, to investigate the matter, which revealed Li’s false tax returns,” the government said. Li also agreed to pay restitution of \$35,089 and to file accurate tax returns.
- Qing Wang, a former Cleveland Clinic Foundation employee, was arrested on May 13 and charged with “false claims and wire fraud related to more than \$3.6 million” in NIH funding.<sup>[13]</sup> DOJ officials allege Wang “knowingly failed to disclose to NIH that he had an affiliation with and held the position of Dean of the College of Life Sciences and Technology at the Huazhong University of Science and Technology (HUST) and received grant funds from the National Natural Science Foundation of China (CNSF) for some of the same scientific research funded by the NIH grant.” He allegedly was “provided \$3 million in research support to enhance the facilities and operations at HUST,” and “received free travel and lodging for his trips to China, to include a three-bedroom apartment on campus for his personal use.”

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