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By Theresa Defino

◆ **Although full implementation is several years away, leaders of research institutions and organizations representing them are asking the Department of Defense to exempt fundamental research from requirements in DoD's Cybersecurity Maturity Model Certification (CMMC) program.** Contractors and possibly subcontractors would be required to obtain third-party CMMC depending on the type of information they hold and the level of security required. In a recent letter, the Council on Governmental Relations, the Association of American Universities, and others expressed concern that "without additional clarification, [there is] too much room for the inappropriate application of certification requirements that are not relevant to the fundamental research activities that a project may include." (9/17/20)

◆ **"What would you do if, as the Dean of Research at a major university, a group of students, postdocs, and junior faculty reported that they had been pressured into writing reviewer critiques for a senior faculty member?"** That's the question Mike Lauer, NIH deputy director for extramural research, posed on his *Open Mike* blog. According to Lauer, this situation was faced by an institutional official, and NIH leaders "were so impressed by the careful handling" that was done that the agency decided to "share this story" with some identifying details removed and fictional names added. Under the title, "Case Study in Review Integrity: Abuse of Power," the blog entry is part of a "series to raise awareness, encourage dialog and inspire creative problem solving for challenges in maintaining integrity in peer review." (9/17/20)

◆ **Texas A&M University (TAMU) professor Zhengdong Cheng was arrested Aug. 23 and charged with conspiracy, making false statements and wire fraud in connection with payments the Department of Justice (DOJ) said were provided by a Chinese university while he was also the recipient of awards from NASA.** As described in an Aug. 24 DOJ news release, "Cheng and TAMU [allegedly] received funds based on Cheng knowingly providing false information to TAMU and consequently to NASA. In addition to the funds, Cheng personally benefited from his affiliation with TAMU and NASA with increased access to unique NASA resources, such as the International Space Station, according to the complaint. This access allegedly allowed Cheng to further his standing in China at Guangdong University of Technology and other universities. The charges further allege he held senior research positions there unknown to TAMU and NASA and was able to serve in the People's Republic of China Talents program." (9/3/20)

◆ **A Harvard University professor is facing a new indictment that adds charges for "tax offenses" to those disclosed earlier this year also stemming from alleged payments from China.** On July 28, Charles Lieber, on leave as chair of the Chemistry and Chemical Biology Department, "was indicted by a federal grand jury in Boston on two counts of making and subscribing a false income tax return and two counts of failing to file reports of foreign bank and financial accounts," DOJ announced. Lieber is accused of entering into a three-year Thousand Talents contract under which Wuhan University of Technology paid him "a salary of up to \$50,000 per month, living expenses of up to \$150,000 and [an award of] more than \$1.5 million to establish a research lab at WUT." Payments were reportedly made in 2013 and 2015, and DOJ alleged that in 2018 and 2019, "Lieber lied to federal authorities about his involvement in the Thousand Talents Plan and his affiliation with WUT." (9/3/20)

◆ **The National Science Foundation has insufficient controls “to account for certain types of equipment purchased by award recipients,”** according to a new audit by NSF’s Office of Inspector General; OIG made seven recommendations, all of which the agency accepted. As OIG explained, awardee institutions “may request to use NSF award funds to purchase equipment, ranging from scientific equipment to airplanes. NSF decides whether to vest title to equipment in the Government” or in the name of the institution. (9/3/20)

◆ **The HHS Office of Research Integrity concluded that Anil K. Jaiswal, a former professor of pharmacology at the University of Maryland School of Medicine,** “intentionally, knowingly, or recklessly: (a) used random blank background sections of film or empty boxes to falsely represent or fabricate western blot analyses; (b) used manipulated images to generate and report falsified data in figures; and (c) used mislabeled images to falsely report data in figures.” (8/27/20)

◆ **NSF OIG has issued two audits, one of which demonstrates OIG’s new approach to shortened audits when no significant problems are observed.** In a report dated Aug. 5, auditors reviewed \$203,800 of the \$38.8 million Temple University claimed from Feb. 1, 2016, to Jan. 31, 2019, on 210 NSF awards. The audit was ended after a survey phase, based on the “positive aspects of the internal control system, lack of reconciliation issues, minimal questioned costs, and the limited NSF expenditures over the 3-year period.”

In their testing, auditors “identified two transactions totaling \$5,969 of questioned costs charged to two NSF awards. Improved oversight is needed in two areas to ensure costs claimed are reasonable, necessary, and in accordance with Federal and NSF award requirements,” they said. “The two areas are: 1) \$4,524 for a purchase near the award expiration; and 2) \$1,445 in unallocable travel.” Temple agreed with both findings.

The second is a full audit of Yale University, in which OIG said NSF should seek repayment of \$251,973 for unallowable costs claimed on more than \$96 million among 465 NSF awards expended from Feb. 1, 2016, to Jan. 31, 2019. Yale, however, disputed more than half of the total questioned. Auditors tested 250 transactions representing \$3.9 million in expenditures. Of these, they questioned “\$108,144 of expressly unallowable expenses charged to NSF awards, \$83,309 of expenses not appropriately allocated to NSF awards, \$39,850 of consultant costs not supported by an executed service agreement, \$15,252 of internal service provider expenses not appropriately billed, and \$5,418 of inappropriately applied indirect costs,” according to the Aug. 11 report.

Additionally, auditors concluded that Yale’s accounting system is “unable to adequately identify expenses related to costs drawn down in ACM\$,” that Yale used incorrect indirect cost rates, and that the university was not in compliance with its own “internal policies and/or procedures.” Yale opposed repayment of \$137,433 among the total questioned costs. In particular, it disagreed with \$26,151 for summer salaries and a small amount for travel; \$58,577 for equipment; and \$12,855 in costs for an internal information technology service center. Yale also opposed questioned costs of \$39,850 for a software support arrangement with a vendor. Initially, Yale said, the services were not procured properly, but problems were corrected, and amounts are allowable. (8/27/20)

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