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New VARI Settlement Includes NIH Restrictions

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In addition to making \$6.6 million in repayments to NIH within a 20-month period as part of two extraordinary False Claims Act (FCA) settlements related to undisclosed and inappropriate foreign support and involvement, the Van Andel Research Institute (VARI) now also must comply for a year or longer with certain award terms and complete a corrective action plan imposed by NIH.

The Department of Justice (DOJ) announced VARI's first FCA settlement of \$5.5 million on December 19, 2019.^[1] The second, which called for a payment of \$1.1 million, became public Sept. 1.^[2] VARI officials have not admitted to wrongdoing as part of either settlement.

In describing the second settlement, DOJ officials noted that NIH "imposed Specific Award Conditions on all of VARI's NIH grants." DOJ explained that federal rules "allow NIH to impose Specific Award Conditions on grant recipients, including on recipients that have a history of failures to comply with the terms of a federal award."

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