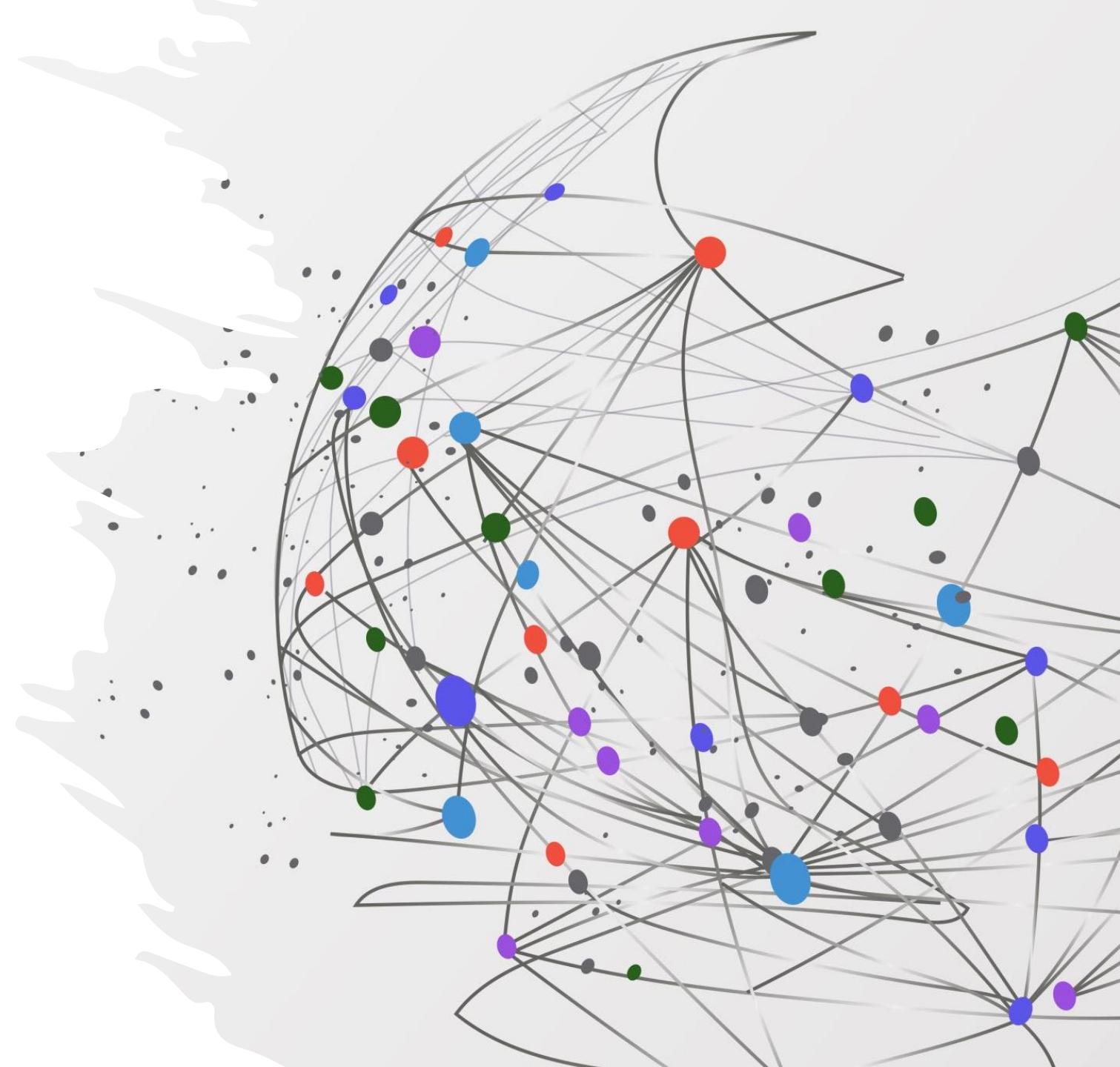


Foreign Talent Recruitment Programs

Research Town Hall

Susan Meyn
Amy Martinez
VUMC Office of Research

July 25, 2024



In the News:



United States
Attorney's Office
Northern District of Ohio

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Justice.gov > U.S. Attorneys > Northern District of Ohio > Press Releases > Cleveland Clinic to Pay Over \$7 Million to Settle Allegations of Undisclosed Foreign Sources of Funding on NIH Grant Applications and Reports

PRESS RELEASE

Cleveland Clinic to Pay Over \$7 Million to Settle Allegations of Undisclosed Foreign Sources of Funding on NIH Grant Applications and Reports

Friday, May 17, 2024

Share



For Immediate Release

U.S. Attorney's Office, Northern District of Ohio

The Cleveland Clinic Foundation (CCF) has agreed to pay \$7,600,000 to resolve allegations that it violated the False Claims Act (FCA) by submitting to the National Institutes of Health (NIH) federal grant applications and progress reports in which CCF failed to disclose that a key employee involved in administering the grants had pending and/or active financial research supported by other sources.

The New York Times
A Humble U.S. Tensions Over Taiwan Shielding the Solar Industry Recruiting Western Pilots

Ex-Harvard Professor Sentenced in China Ties Case



By Gina Kolata

Published April 26, 2023 Updated May 4, 2023



Share full article



The News

Charles Lieber, a former Harvard chemistry professor, was sentenced on Tuesday for making false statements to the U.S. government and for failing to declare large sums of money he'd been paid as part of a contract with a Chinese program, Thousand Talents, and Wuhan University in China.

Dr. Lieber was convicted of the charges in December 2021 after a jury trial. He is to serve two days in prison, followed by two years of supervised release with six months of home confinement. He also is to pay a fine of \$50,000 along with \$34,000 restitution to the Internal Revenue Service.



Providers Health Tech Payers Regulatory Finance Special Reports Fierce 50

HOSPITALS

Top exec, researchers resign from Moffitt Cancer Center over concern of IP theft by China

By Tina Reed · Jan 6, 2020 7:10am

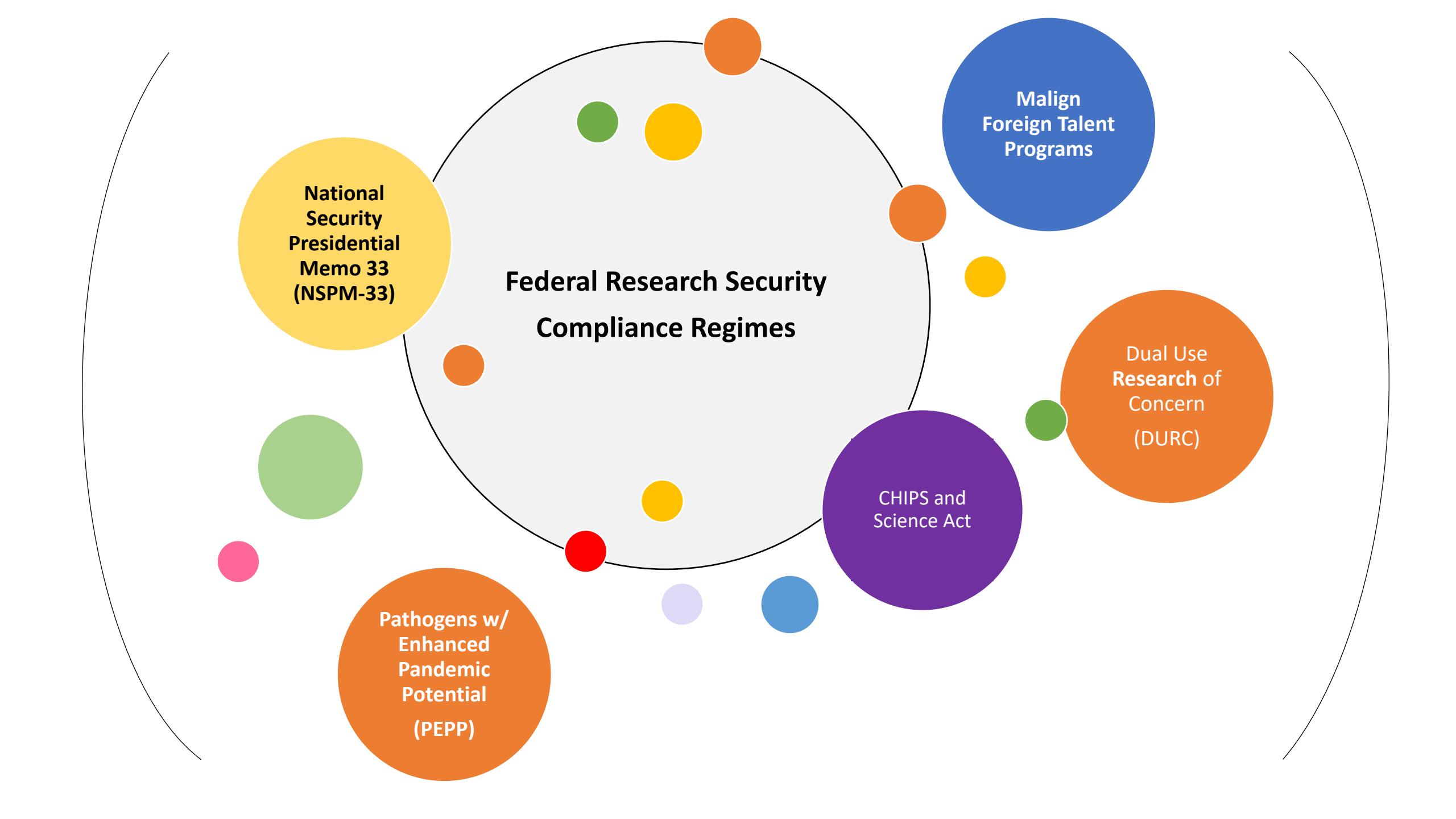
Cancer foreign partnerships intellectual property Research



The president and CEO of Moffitt Cancer Center and several others resigned recently "for violations of conflict of interest rules through their work in China," officials said in a statement. (Moffitt Cancer Center)

Several top executives stepped down from Moffitt Cancer Center in Florida—including President and CEO Alan List—following concerns about Chinese interference in research there.

List, M.D., as well as center director Thomas Sellers stepped down from the Tampa-based facility, which is one of 51 National Cancer Institute-designated Comprehensive Cancer Centers, "for violations of conflict of interest rules through their work in China," officials said in



Federal Research Security Compliance Regimes

**National
Security
Presidential
Memo 33
(NSPM-33)**

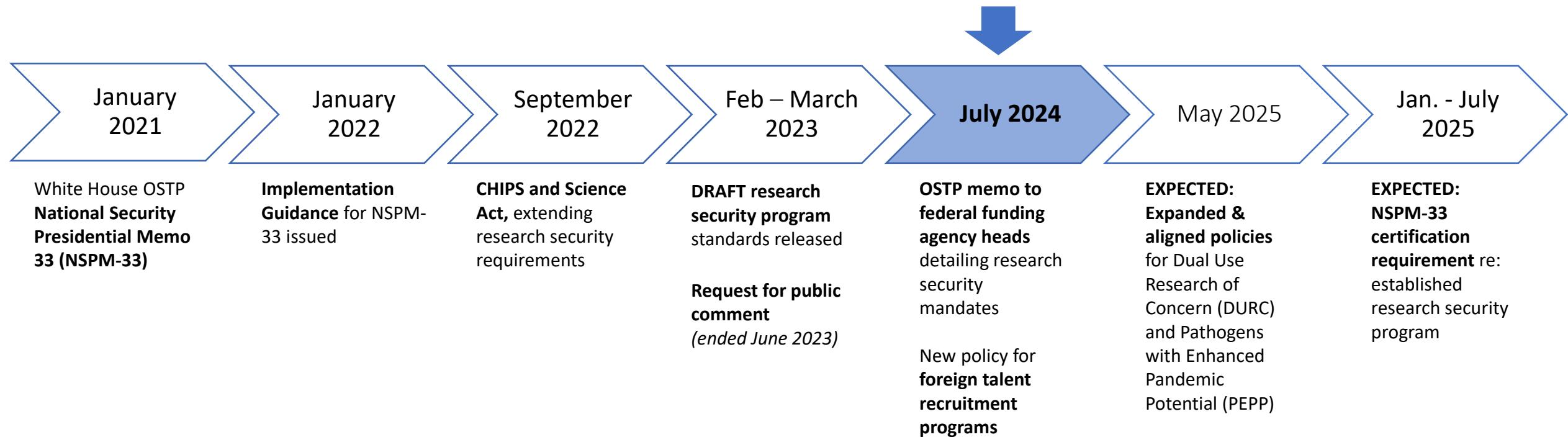
**Malign
Foreign Talent
Programs**

**Dual Use
Research of
Concern
(DURC)**

**CHIPS and
Science Act**

**Pathogens w/
Enhanced
Pandemic
Potential
(PEPP)**

New Research Security Regulations: A Timeline



What is a foreign talent recruitment program?

White House Office of Science and Technology Policy - Definition

A foreign talent recruitment program is any program, position, or activity that includes:

- **compensation** in the form of cash
- in-kind compensation, including research funding
- promised future compensation
- complimentary foreign travel
- things of non de minimis value
- honorific titles
- career advancement opportunities
- **or** other types of remuneration or consideration directly provided to an individual whether directly or indirectly stated in the arrangement, contract, or other documentation at issue; whether or not directly sponsored by the foreign country or by a foreign country at any level (national, provincial, or local); or their designee; or an entity based in, funded by, or affiliated with a foreign country

<https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf>

Current Priority: New Disclosure Requirements



All institutions receiving federal funds are required to have a policy addressing malign foreign talent programs by 8/9/24 (VUMC adopted 7/16/24).

- Department of Defense (DOD): All fundamental research projects will be reviewed by DOD for potential foreign influence
- National Science Foundation (NSF): All senior/key study personnel must:
 - provide additional disclosures at application
 - certify that they are not a party to a malign foreign talent recruitment program
- NIH: Actions and requirements pending

Policy

Any VUMC employed faculty, staff, and trainees defined as “Covered Individuals” by a U.S. federal funding agency who are engaged in U.S. federally funded activities are required to disclose participation in, or application to, programs or projects sponsored or supported by foreign governments, instrumentalities, or entities associated directly or indirectly with a foreign government (including affiliations, appointments, and other support). Such Covered Individuals are prohibited from participating in a Malign Foreign Talent Recruitment Program as defined here per guidance issued from the Office of Science Technology Policy (OSTP) and in accordance with both the National Security Presidential Memorandum-33 (“NSPM-33”) and the Creating Helpful Incentives to Produce Semiconductors (CHIPS) & Science Act of 2022 (H.R.4346 Sections 10631-10632).

Participation in any form of Foreign Talent Recruitment Program by Covered Individuals is subject to institutional review and must be disclosed via the appropriate VUMC COI disclosure systems at least annually. For federal grant applications, investigators and senior/key personnel will be required to disclose any Foreign Talent Recruitment Program participation at the time of submission. The PI will be required to certify that they do not participate in any Malign Foreign Talent Recruitment Program per funding agency requirements, prior to an award.

Policy Definitions

Covered Individual

Any VUMC faculty, staff or trainee who is funded by a federal award and contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and who is designated as a covered individual by the Federal research agency concerned.

Foreign Talent Recruitment Program

Any program, position, or activity **involving any country outside the U.S.** that includes compensation of any type whether or not directly sponsored by the foreign country or by a foreign country at any level (national, provincial, or local); or their designee; or an entity based in, funded by, or affiliated with a foreign country.

Malign Foreign Talent Recruitment Program

Any program, position, or activity that meets the criteria for type 1 or type 2 activities.

Policy Definitions

Malign Foreign Talent Recruitment Program - Type 1:

Participation in a Foreign Talent Recruitment Program where compensation or remuneration from **any foreign country outside the U.S.** is provided to the Covered Individual in exchange for any of the following:

- Unauthorized transfer of intellectual property, materials, data products, or other nonpublic information
- Recruiting trainees or researchers to enroll in such program, position, or activity;
- Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment
- Being unable to terminate the Program contract or agreement
- Being limited in the capacity to carry out U.S. federal research award
- Requirement to:
 - engage in work that overlaps or duplicates a federal research award;
 - obtain research funding from the foreign government's entities;
 - omit acknowledgement of the U.S. home institution and/or the federal funding agency;
 - not disclose participation in the program, position, or activity
- Having a conflict of interest or conflict of commitment contrary to a federal research award

Policy Definitions

Malign Foreign Talent Recruitment Program – Type 2:

Where a Covered Individual is sponsored or supported by a **foreign country of concern** or an entity based in a foreign country of concern (whether or not directly sponsored by the foreign country of concern).

Foreign countries of concern currently include:

- The People's Republic of China;
- The Democratic People's Republic of Korea (North Korea);
- The Russian Federation;
- The Islamic Republic of Iran; or
- An academic institution or foreign talent recruitment program on the list developed under §1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115–232).

Policy Definitions

Acceptable international collaboration activities

A Malign Foreign Talent Recruitment Program **does not include** typical academic activities, so long as the activity is not funded, organized, or managed directly or indirectly by an academic institution or a foreign talent recruitment program as defined in policy.

Some examples include:

- Making scholarly presentations and publishing written material
- Participating in international conferences, research projects and programs that involve open and reciprocal exchange
- Advising a foreign student enrolled at an institution of higher
- Involvement in national or international academies or professional societies
- Taking a sabbatical, serving as a visiting scholar, etc.
- Receiving prestigious awards

Implementation

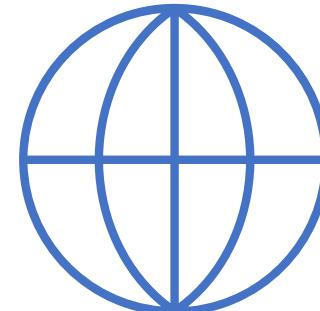
**VUMC policy approved
on July 16, 2024**

Town Hall
Department Chairs
Center/Institute Directors
Central Business Officers



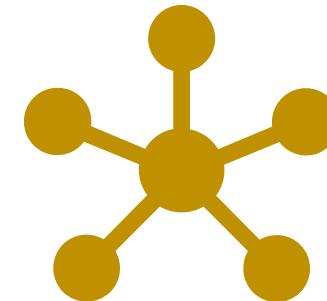
**Disclosures, certifications
per federal funding agency
requirements**

Continue to monitor for
updates

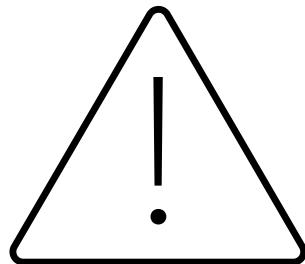


**Leverage existing
infrastructure**

Faculty and Staff COI
PEER
COEUS
Training



How do I disclose foreign support/participation in FTRPs to VUMC?



- Disclose all foreign support during the **Conflict of Interest** disclosures process
- Submit a new disclosure annually and immediately upon any changes in support

Not sure if your activity is reportable? Get in touch!

s.meyn@vumc.org

amy.f.martinez@vumc.org

All disclosures of foreign support undergo institutional review to determine if a management plan is needed.

Faculty system – COI questions

Do you receive financial support or other resources of any type related to your professional duties or expertise as a Vanderbilt faculty member from a foreign entity, foreign institution, or their agents (anyone acting on their behalf), not including funds paid directly to Vanderbilt University or Vanderbilt University Medical Center to support your research or other activities?

Do you receive any support from a foreign entity, foreign institution, or their agents (anyone acting on their behalf), not including collaborative project agreements through Vanderbilt University or Vanderbilt University Medical Center?

Are any members of your research program supported in any way by a foreign entity, foreign institution, or their agents (anyone acting on their behalf), not including members whose funding is paid to Vanderbilt University or Vanderbilt University Medical Center?

Staff system – COI questions

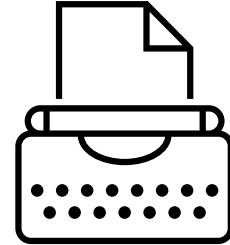
Do you receive financial support or other resources of any type related to your professional duties or expertise as a VUMC workforce member **from a foreign entity, foreign institution, or their agents (anyone acting on their behalf)**, not including funds paid directly to Vanderbilt University or Vanderbilt University Medical Center to support your research or other activities?

- If yes, please describe the financial support or other resources you receive and provide the name(s) of the foreign entity or foreign institution

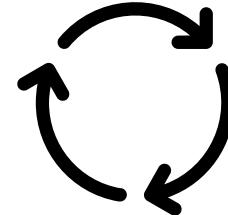
Do you receive any support from a foreign entity, foreign institution, or their agents (anyone acting on their behalf), not including collaborative project agreements through Vanderbilt University or Vanderbilt University Medical Center?

- If yes, please describe the support you receive and provide the name(s) of the foreign entity or institution.

When do I disclose foreign support/participation in FTRPs to Sponsors?



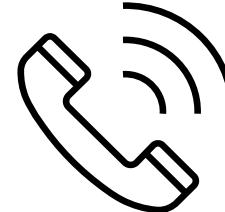
During **application** process as part of the Biosketch and Other Support
(Agency specific)



During the annual **RPPR** process



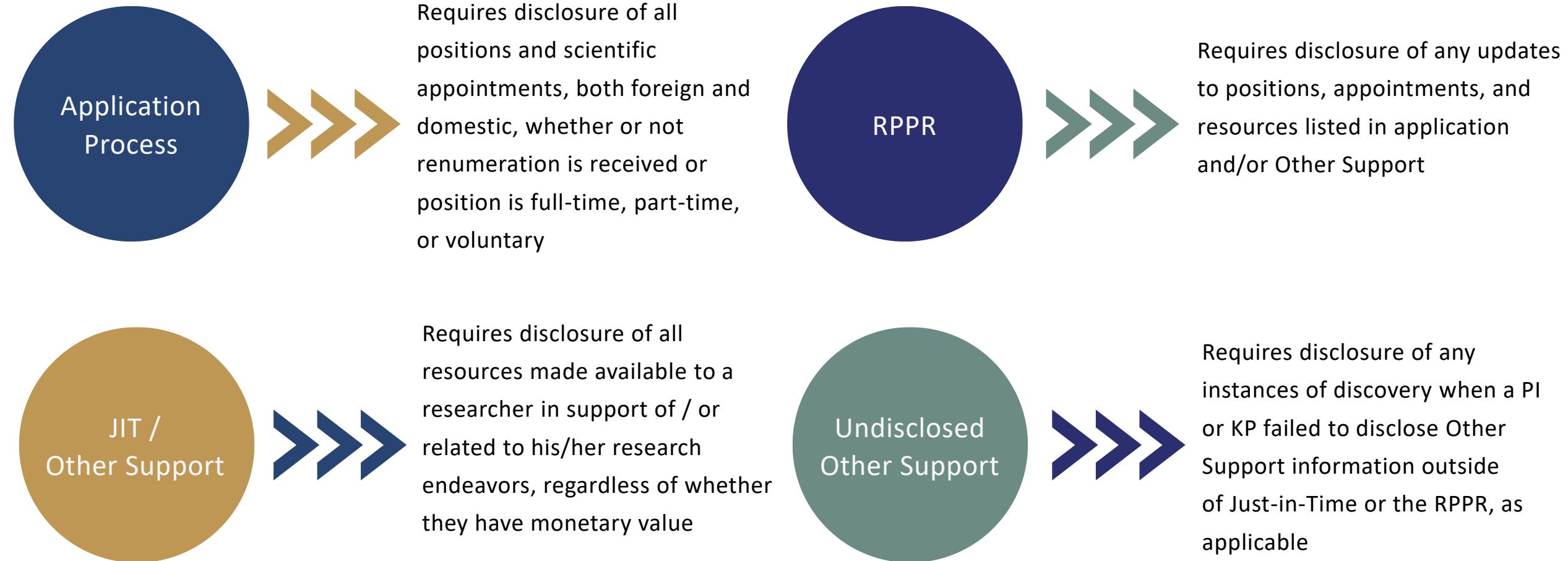
Prior to the award/
during the negotiation phase (JIT in Other Support)



Via immediate notification/
communication outside of JIT or a RPPR as undisclosed Other Support

Contact OSP for guidance

How do I disclose foreign support/participation in FTRPs to Sponsors?



***Specific requirements are subject to change pending funding agency policies!**

Contact OSP for guidance

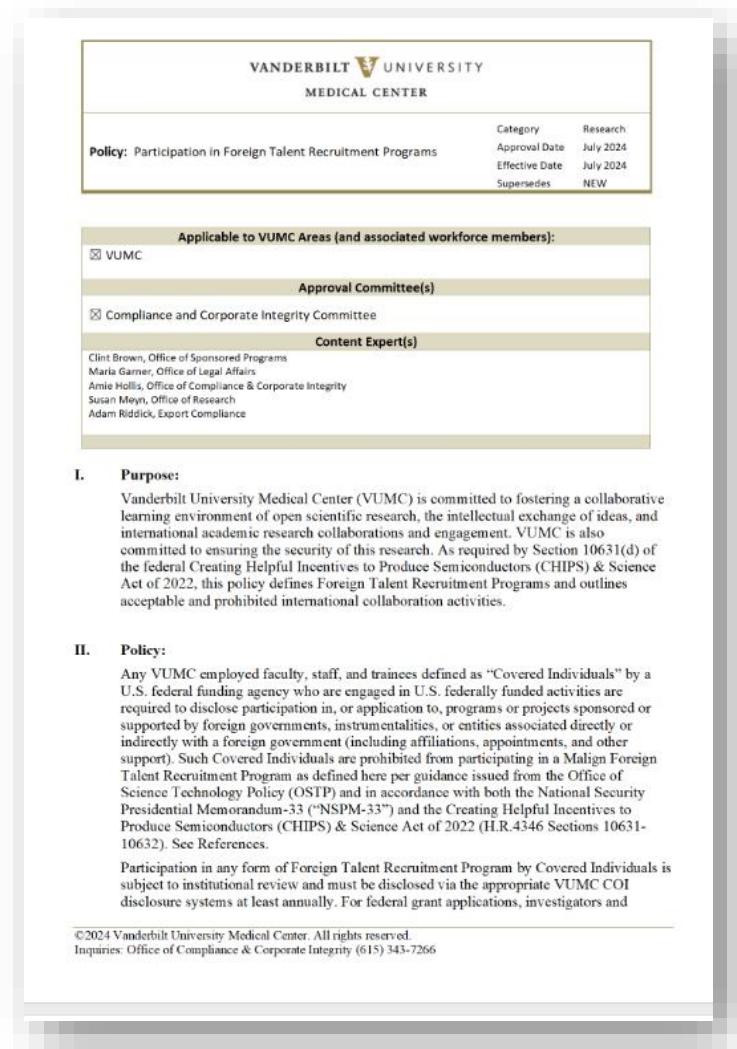


REMEMBER:

VUMC requires all designated PIs to individually submit a PI Assurance in PEER as part of the application process. This serves as attestation that:

- 1 **That the application is true, complete, and accurate to the best of their knowledge**
- 2 **That the PI accepts responsibility for the scientific conduct of the project and **will fulfill all reporting requirements****
- 3 **That false, fictitious, or **fraudulent statements or claims may subject them to criminal, civil, or administrative penalties****
- 4 **That the PI **will observe all sponsor and VUMC policies** – *Including FTRP policies***

VUMC Policy, Malign Foreign Talent Recruitment Programs



The screenshot shows the VUMC Policy document. At the top is the VUMC logo and the title 'Policy: Participation in Foreign Talent Recruitment Programs'. Below this are sections for 'Category' (Research), 'Approval Date' (July 2024), 'Effective Date' (July 2024), and 'Supersedes' (NEW). The 'Applicable to VUMC Areas (and associated workforce members)' section lists 'VUMC' with a checked box. The 'Approval Committee(s)' section lists 'Compliance and Corporate Integrity Committee' with a checked box. The 'Content Expert(s)' section lists 'Clint Brown, Office of Sponsored Programs; Maria Garner, Office of Legal Affairs; Amie Hollis, Office of Compliance & Corporate Integrity; Susan Meyn, Office of Research; Adam Riddick, Export Compliance' with a checked box. The 'I. Purpose' section discusses the commitment to a collaborative learning environment and the duty to ensure research security. The 'II. Policy' section details the prohibition of participation in Malign Foreign Talent Programs by 'Covered Individuals' and the requirement for disclosure. The footer includes a copyright notice for 2024 and an inquiry contact.

VANDERBILT UNIVERSITY
MEDICAL CENTER

Policy: Participation in Foreign Talent Recruitment Programs

Category	Research
Approval Date	July 2024
Effective Date	July 2024
Supersedes	NEW

Applicable to VUMC Areas (and associated workforce members):
 VUMC

Approval Committee(s):
 Compliance and Corporate Integrity Committee

Content Expert(s):
Clint Brown, Office of Sponsored Programs
Maria Garner, Office of Legal Affairs
Amie Hollis, Office of Compliance & Corporate Integrity
Susan Meyn, Office of Research
Adam Riddick, Export Compliance

I. Purpose:
Vanderbilt University Medical Center (VUMC) is committed to fostering a collaborative learning environment of open scientific research, the intellectual exchange of ideas, and international academic research collaborations and engagement. VUMC is also committed to ensuring the security of this research. As required by Section 10631(d) of the federal Creating Helpful Incentives to Produce Semiconductors (CHIPS) & Science Act of 2022, this policy defines Foreign Talent Recruitment Programs and outlines acceptable and prohibited international collaboration activities.

II. Policy:
Any VUMC employed faculty, staff, and trainees defined as "Covered Individuals" by a U.S. federal funding agency who are engaged in U.S. federally funded activities are required to disclose participation in, or application to, programs or projects sponsored or supported by foreign governments, instrumentalities, or entities associated directly or indirectly with a foreign government (including affiliations, appointments, and other support). Such Covered Individuals are prohibited from participating in a Malign Foreign Talent Recruitment Program as defined here per guidance issued from the Office of Science Technology Policy (OSTP) and in accordance with both the National Security Presidential Memorandum-33 ("NSPM-33") and the Creating Helpful Incentives to Produce Semiconductors (CHIPS) & Science Act of 2022 (H.R.4346 Sections 10631-10632). See References.
Participation in any form of Foreign Talent Recruitment Program by Covered Individuals is subject to institutional review and must be disclosed via the appropriate VUMC COI disclosure systems at least annually. For federal grant applications, investigators and

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Inquiries: Office of Compliance & Corporate Integrity (615) 343-7266

- Duty to disclose foreign support, direct or indirect
- Institutional review of any foreign talent recruitment program participation
- Bright-line prohibition on participation in Malign Foreign Talent Programs

VUMC's policy fully aligns to federal requirements and is consistent with peer direction.

<https://vanderbilt.policytech.com/docview/?docid=39>

Vanderbilt University Policy – appears to be essentially similar



The screenshot shows the Vanderbilt University Research Integrity and Compliance website. The header includes the Vanderbilt logo, 'VANDERBILT UNIVERSITY', 'Research Integrity and Compliance', and links for 'Human Subjects Research', 'Export Compliance', and 'F...'. The main title 'Malign Foreign Talent Recruitment Programs' is displayed prominently. A sidebar on the left lists 'On this page' sections: 'Characteristics of a Malign Foreign Talent Recruitment Program' and 'What Is Not Being Prohibited by CHIPS'. The main content area describes the definition of Malign Foreign Talent Recruitment Programs (MFTRP) according to NSPM-33 Implementation Guidance, mentioning compensation forms and the Federal Government's stance. It also states that MFTRPs are prohibited under the CHIPS and Science Act Section 10632. A 'Characteristics of a Malign Foreign Talent Recruitment Program' section is shown with a note about compensation by a foreign country.

Malign Foreign Talent Recruitment Programs

On this page

- Characteristics of a Malign Foreign Talent Recruitment Program
- What Is Not Being Prohibited by CHIPS

As defined in [NSPM-33 Implementation Guidance](#), Foreign Talent Recruitment Programs (FTRP) are efforts “organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students.” These efforts involve various forms of compensation, including cash, salaries, research funding, honorific titles, in-kind support, among others. Participating in a foreign talent recruitment program is not illegal. However, some Foreign Talent Recruitment Programs seek to misappropriate research and intellectual property through illicit or illegal means. The Federal Government has identified such programs as “Malign Foreign Talent Recruitment Programs” (MFTRP) and has banned participants in MFTRPs from receiving funds from federal sponsors.

As part of the CHIPS and Science Act Section 10632, you are prohibited from participating in a Malign Foreign Talent Recruitment Program and conducting federally sponsored research.

Characteristics of a Malign Foreign Talent Recruitment Program

Any program, position, or activity that includes compensation* by a foreign country at any level in exchange for the individual:

Resources

Office of Research

<https://www.vumc.org/oor/FTRPs>



Links to

- VUMC policy
- Federal funding agency requirements
- Federal policies and directives
- Training materials – *coming soon*

Contact us with additional training opportunities



THANK
YOU

Acknowledgements

- **Clint Brown**, Associate Vice President for Sponsored Research
- **Maria Garner**, Division Counsel, Office of Legal Affairs
- **Amie Hollis**, Research Compliance Officer
- **Adam Riddick**, Senior Export Compliance Manager
- **Wes Self**, Senior Vice President for Clinical Research

Panel Q&A

- **Clint Brown**, Associate Vice President for Sponsored Research
- **Maria Garner**, Division Counsel, Office of Legal Affairs
- **Amie Hollis**, Research Compliance Officer
- **Susan Meyn**, Associate Vice President for Research Resources
- **Adam Riddick**, Senior Export Compliance Manager
- **Wes Self**, Senior Vice President for Clinical Research



Please submit questions for the panel using
the Q&A function