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ONE HUNDRED SIXTEENTH CONGRESS

*Congress of the United States*

*House of Representatives*

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

September 23, 2020

The Honorable Francis Collins  
Director  
National Institutes of Health  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Dr. Collins,

We write to request a briefing from the (NIH) to provide more details on its approach to tackling the challenge of foreign influence on NIH-supported biomedical research, as set forth in NIH's FY 2021 budget justification.

NIH correctly observed in its FY 2021 budget document that the U.S. biomedical enterprise is made possible because the overwhelming majority of researchers participating in NIH grants, whether U.S. or foreign-born, are honest contributors. NIH properly recognized the importance of scientific collaborations, including those involving international institutions, to advance its mission. We strongly agree with NIH on these points.

At the same time, NIH has also demonstrated its commitment to dealing with foreign influences on research integrity. We strongly support NIH in these efforts. Plans for ensuring NIH biomedical research program integrity and security is of great public interest because NIH is the world's largest biomedical research agency with the crucial mission of advancing human health through science and the increasing awareness throughout the nation that NIH programs funded annually by nearly \$39.2 billion needed to be protected from intellectual property theft and undue foreign influence.<sup>1</sup> As the largest funder of biomedical research in the world, the NIH

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<sup>1</sup> *About NIH*, National Institutes of Health, available at <https://www.nih.gov/about-nih> (last visited Feb. 5, 2020); *Budget*, NAT'L INST. OF HEALTH, available at <https://www.nih.gov/about-nih/what-we-do/budget> (last visited Feb. 5, 2020).

research community faces significant exposure to risks related to undue foreign influence on research, with more than 80 percent of NIH funding awarded to more than 300,000 researchers at more than 2,500 research institutions globally.<sup>2</sup> Recently, Federal Bureau of Investigations (FBI) Director Christopher Wray described how Chinese researchers intentionally conceal participation in Chinese talent recruitment programs while accepting millions of dollars in U.S. federal grant funding as part of a larger agenda secretly to steal and bring U.S. knowledge and innovation back to China.<sup>3</sup> Director Wray noted that the pandemic has not stopped China's behaviors and that a whole-of-society response is needed in America to understand that the Chinese government is engaged in a broad, diverse campaign of theft and malign influence, and they operate in a fundamentally different system than ours.<sup>4</sup>

NIH's FY 2021 budget document outlines many actions taken by the NIH to address concerns related to undue foreign influence on the biomedical research enterprise. We would appreciate the NIH setting up a briefing to Minority Committee staff to provide more details about these actions, and, to the extent possible, any assessments on the effectiveness of some of the actions. We would respectfully request a briefing by October 7, 2020, to cover the following questions:

1. NIH noted that it is actively partnering with other federal departments and agencies to address concerns related to undue foreign influence on the biomedical research enterprise.
  - a. How is the NIH coordinating information-sharing among other federal government agencies and research and development entities that may share scientists?
  - b. How is the NIH coordinating information-sharing with law enforcement and with prosecutors? What is the nature of that coordination? For example, does NIH refer information, or does NIH take an active role in the investigations? What is the total number of law enforcement actions, criminal and civil, involving NIH-referred information that have been completed and what are the outcomes? How many ongoing criminal investigations are underway and how many civil case investigations?
  - c. How many referrals has NIH made to the Department of Health and Human Services (HHS) Office of Inspector General (OIG)? What are the nature of these referrals? How many of these referrals have resulted in outcomes, and what were the outcomes?

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<sup>2</sup> *Id.*

<sup>3</sup> Federal Bureau of Investigation, *The Threat Posed by the Chinese Government and the Chinese Communist Party to the Economic and National Security of the United States*, (July 7, 2020) available at <https://www.fbi.gov/news/speeches/the-threat-posed-by-the-chinese-government-and-the-chinese-communist-party-to-the-economic-and-national-security-of-the-united-states>

<sup>4</sup> *Id.*

2. NIH stated it has also been working to bolster its own internal controls and increasing awareness among NIH staff. How is the NIH Office of Intramural Research evaluating the effectiveness of the added guidance to the Intramural Source Book, and what were the findings, if any?
3. NIH regularly communicates with grantees to provide training and compliance support for issues involving financial conflict of interest requirements. Nevertheless, in its November 2019 report, the U.S. Senate Permanent Subcommittee on Investigations staff reported identified weaknesses in a decrease in NIH's tracking and reporting foreign financial conflicts of interest.<sup>5</sup>
  - a. The report revealed that site visits by the NIH's Division of Grants Compliance and Oversight fell from 28 in 2012 to only three in 2018.<sup>6</sup> Does the NIH plan to increase the number of site visits, or have alternative strategies to advance compliance and provide oversight to institutions?
  - b. Institutions are responsible for soliciting and reviewing disclosures of significant financial interests from each investigator who is planning to participate in or is participating in NIH-funded research.<sup>7</sup> Has the NIH found this trust-based system to provide reliable and effective reporting?
4. NIH has taken numerous steps to protect the integrity of the peer review process. In addition to issuing Guide Notices and blogs, NIH has referred several cases to the HHS OIG for consideration of debarment or suspension and has removed the violating individuals from peer review service. How many such referrals has NIH made to the HHS OIG? What were the outcomes? Have there been any debarments or suspensions? Is NIH required to go through the HHS OIG to seek debarment or suspension of individuals or are there other direct avenues to debarment or suspension available through HHS?
5. What NIH offices are involved in the NIH's efforts to address concerns related to undue foreign influence on NIH-supported biomedical research? What is each office's role and responsibility?
6. Has NIH coordinated awareness or training with other HHS Staffing or Operating Divisions about this foreign influence threat and vulnerability to determine if other HHS programs are at risk?

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<sup>5</sup> See *Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans*, Staff Report Permanent Subcommittee on Investigations, United States Senate (Nov. 2019), available at <https://www.hsgac.senate.gov/imo/media/doc/2019-11-18%20PSI%20Staff%20Report%20-%20China's%20Talent%20Recruitment%20Plans.pdf>.

<sup>6</sup> *Id.*

<sup>7</sup> See 42 C.F.R. § 50.604(d).

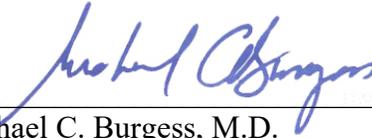
Your assistance is greatly appreciated. Should you have any questions, and to schedule the requested briefing, please contact Alan Slobodin or Diane Cutler of the Minority Committee Staff at (202) 225-3641.

Sincerely,



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Greg Walden  
Republican Leader  
Committee on Energy and Commerce



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Michael C. Burgess, M.D.  
Republican Leader  
Subcommittee on Health



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Brett Guthrie  
Republican Leader  
Subcommittee on Oversight and  
Investigations