



Congress of the United States
House of Representatives
Washington, DC 20515-1403

April 30, 2020

Francis Collins
National Institutes of Health (NIH)
9000 Rockville Pike
Bethesda, Maryland 20892

Dear Dr. Collins,

We write to you seeking clarification regarding the National Institute of Health's (NIH) safeguards against foreign exploitation of the NIH's peer-review grants process.

During an interview with Science Magazine, the director of NIH's extramural research program, Michael Lauer, stated that the Chinese Communist Party often takes a two-pronged approach to stealing research from the NIH. They infiltrate the NIH's grant review process and share the grant proposals with colleagues in China. Their colleagues in China then set up "shadow-labs" that recreate the stolen NIH-funded research. Dr. Lauer repeatedly pointed to China's Thousand Talents Program (TTP) enrollees when discussing NIH's ongoing intellectual property theft investigations.

According to Dr. Lauer, in August of 2018, nearly two years after being alerted of possible foreign espionage by the FBI, the NIH launched investigations into 250 NIH researchers with suspicious foreign ties. At just one research center, the University of Texas's M.D. Anderson Cancer Center, five different scientists have been investigated for improperly sending confidential information to China. Emails were uncovered suggesting a scientist sent confidential research data to China in exchange for \$75,000 and a 1-year appointment under China's TTP. Another scientist at M.D. Anderson offered to smuggle research materials into China, "(if I can figure out how to get a dozen tubes of frozen DNA onto an airplane)." Rooting out bad actors is an important deterrent against Chinese Communist Party-directed espionage, and I applaud the NIH's efforts to investigate wrongdoing.

However, an ounce of prevention is worth a pound of cure. The Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, issued a staff report on threat posed to U.S. research enterprises by China's Talent Recruitment Plans. According to the report, the NIH has contacted "70 institutions regarding more than 130 individuals" over concerns about undisclosed foreign funding. The report presents a series of case studies regarding grant recipients' undisclosed ties to China.

In one example from the report, "Individual Z" worked at a US medical school and received NIH grants. This individual failed to disclose that they were a professor at Peking University even after being repeatedly questioned by university authorities. Individual Z also failed to disclose grant money they had

accepted from the Natural Science Foundation of China (NSFC). Despite this, Individual Z maintains a position at the US medical school and continues to receive NIH funding.

Similarly, while working at an American medical research institution and receiving NIH funding, "Individual X" failed to disclose NSFC funding and their position as professor at Huazhong University of Science and Technology. Yet as the study finds, the individual's employing "institution allowed the individual to continue as a principal investigator on the NIH grant and NIH has yet to take any further action." All in all, the Senate report contains seven NIH case studies, all of which involve a researcher failing to disclose a financial or contractual relationship with the Chinese government. But none of the case studies resulted in immediate, decisive disciplinary action by NIH.


According to the report, "NIH was able to determine that taking administrative action, such as holding awards, changing the principal investigator, or other grants actions, was necessary for 66 individuals" of the original 130 that the NIH had highlighted as concerning. The repeated deceptions outlined over these seven case studies call for an immediate administrative response. But in most cases, the NIH took no action.

Consequently, we respectfully request answers to the following questions:

- What sort of criteria does the NIH apply when deciding whether to take administrative action against grant recipients who have failed to disclose foreign ties? If possible, please provide a case study of an instance where NIH has taken administrative action against a grant recipient due to their undisclosed ties to a foreign government.
- Does the NIH have administrative protocols (carrots or sticks) it can use to encourage US research institutions to disallow suspect individuals from continuing to work on NIH-funded projects?
- In some case studies, academic institutions themselves failed to disclose violations by their employees. Can the NIH apply disciplinary action to institutions that fail to conform to NIH reporting requirements? If so, has it? Please provide a written case study or outline potential actions NIH could take.

Please provide my office with a written response, no later than August 3, 2020. My office is located at 1713 Longworth House Office Building, Washington D.C. 20515. Should you have any questions, please contact Lindsay Ratliff in Representative Banks' office at Lindsay.Ratliff@mail.house.gov.

Sincerely,



Jim Banks
Member of Congress



Mike Gallagher
Member of Congress