

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

Testimony before the House of Representatives Committee on Science, Space and Technology

Examining Federal Science Agency Actions to Secure the U.S. Science and Technology
Enterprise

Michael S. Lauer, M.D.

Deputy Director for Extramural Research

National Institutes of Health

February 15, 2024

Chair Lucas, Ranking Member Lofgren, and distinguished members of the committee, I appreciate the opportunity appear before you to testify on the work the National Institutes of Health (NIH) is doing to protect the integrity of the U.S. biomedical enterprise from inappropriate foreign interference. It is through these efforts that NIH enables scientific discovery while assuring honesty, transparency, integrity, fair merit-based competition, and protection of intellectual capital and proprietary information. We appreciate the Committee's continued interest and support in our efforts to address research security issues facing biomedicine.

The United States is the world leader in biomedical research. As the largest public funder of that research, NIH sets the standard for innovation and scientific discovery that aims to advance the health of the nation. We exemplify and promote the highest levels of scientific integrity, public accountability, and social responsibility in the conduct of science. We promote open collaboration by leveraging the formal and informal cooperation of scientists at research institutions around the world, which is imperative to solving the most pressing and perplexing public health challenges. This exchange of knowledge is an essential part of innovation, and it is critical to our global competitiveness.

The overwhelming majority of researchers participating on NIH grants, whether U.S. or foreign born, are honest, hard-working contributors to the advancement of knowledge that benefits us all. Integrity and international collaboration should be thought of as "both-and" rather than "either-or."

Some foreign entities and governments, however, have historically attempted to exploit the openness of our research system, in order to obtain a competitive advantage.

Ensuring the integrity and academic competitiveness of U.S. biomedical research and innovation is a top priority for NIH. In 2018, NIH developed and published a list of behaviors which do not align with NIH's focus on integrity. The list was developed as a response to NIH learning, in 2016, about certain inappropriate activities of some peer reviewers who had been involved with foreign talent recruitment programs or other foreign entities.

These behaviors can include the following:

- Stealth employment, often at the behest of malign foreign talent recruitment programs;
- Undisclosed and sometimes duplicative sources of foreign research support;
- Undisclosed conflicts of interest, sometimes involving tens of thousands or even hundreds of thousands of dollars directly given to NIH-funded scientists in personal bank accounts or even in cash;
- Breaches of peer review integrity rules; and
- Repeated misrepresentations to institutional officials and to NIH. These misrepresentations are sometimes abetted by foreign institutions in the form of "comfort letters" which contain demonstrably false information and can only be interpreted as attempts to mislead American universities and US government agencies.

As part of its standard policies and processes, NIH requires grant applicants and recipients to attest that information provided to the agency is true, complete, and accurate; furthermore, applicants and recipients attest that the information provided is true to the best knowledge of Principal Investigators. More recently, NIH has added language to its disclosure forms in which Principal Investigators and Key Personnel must personally sign a statement attesting to the truth, completeness, and accuracy of their disclosures. Should NIH learn of possible misrepresentations or violations of grant terms and conditions, it will conduct a review, often in

concert with institutional officials, and as appropriate implement remedies and/or enforcement actions in line with existing regulations. These include, but are not limited to, specific award conditions, funding restrictions, grant suspension or termination, and/or referral to other agencies including the DHHS Office of the Inspector General.

If NIH identifies potential misrepresentations on grant documents or non-compliance with terms and conditions of award, we conduct thorough, rigorous, and in-depth grant reviews, and, as appropriate, we will work with our recipient institutions to help protect the research and the funding itself. If necessary, we will work with institutions to pursue administrative actions that they can take involving specific grants, to have funds returned, to suspend or terminate awards, or to share relevant information with law enforcement as appropriate.

As published on our website ([Foreign Interference | grants.nih.gov](https://www.nih.gov/foreign-interference-grants)), since 2018 NIH has received allegations involving over 600 scientists. We in the Office of Extramural Research have contacted institutions in 255 cases where there were likely foreign interference concerns with scientific or budgetary overlap, overcommitment, or undisclosed financial conflicts of interest. Our efforts have led to hundreds of administrative actions on grants, three criminal convictions, and two false-claims civil settlements. Nonetheless, it is important to keep in mind that fewer than 1% of the approximately 40,000 NIH-funded Principal Investigator scientists have been linked to foreign interference concerns.

Since 2020, the number of new allegations of undue foreign interference have substantially declined, and most have come from self-disclosures on the part of universities discovering problems on their own. This trend may be related to outreach on the part of government agencies and professional groups. We appreciate the proactive efforts many recipient institutions are taking to comply with longstanding disclosure requirements meant to prevent or address just the kinds of behaviors we have seen in our foreign interference cases.

NIH has no tolerance for breaches of integrity or misuse of federal taxpayer funds. It is never acceptable for scientists or institutions to hide significant financial interests or to provide information that is not true, complete, or accurate, as this behavior may lead our agency to make inappropriate funding decisions. It is particularly concerning when problematic behavior occurs at the instigation or support of malign foreign actors.

We were pleased to work with the White House Office of Science and Technology Policy on implementing the National Security Presidential Memorandum 33, a document which describes cross-government efforts to address research security concerns. Our work with the National Science Foundation helped create updated forms, instructions, and policy terminology for disclosure documents that also aim to reduce administrative burdens. We have also partnered with other agencies to develop research security programs, and we participate in related National Academies and international outreach. NIH will continue to diligently protect the security and integrity of U.S.-taxpayer funded biomedical research, along with all of our federal partners.

Thank you for the opportunity to be here today. I look forward to answering your questions.