

## United States Senate

May 26, 2022

The Honorable Gary Peters  
Chairman  
Senate Homeland Security and Governmental Affairs Committee  
340 Senate Dirksen Office Building  
Washington, D.C. 20510

Dear Chairman Peters:

I write today regarding a disturbing issue that has appeared in recent news reports about the National Institutes of Health (NIH). As the committee charged with oversight of the federal government, I believe the Senate Homeland Security and Governmental Affairs Committee must immediately investigate a reported lack of transparency of taxpayer-funded royalty payments at the NIH and the potential conflict of interest that could exist.

In 2005, the British Medical Journal (BMJ), wrote an article raising issues of conflict of interests for NIH researchers who collected royalty payments.<sup>1</sup> At that time, NIH researchers were collecting \$8.9 million in royalty payments and could be financially benefitting from their discoveries commercialized by outside pharmaceutical or medical device makers. NIH researchers could have a conflict of interest if they could influence grants or clinical trials to favor their related discoveries.

In an Associated Press article that same year – now more than 17 years ago – NIH stated that new guidance was issued to try to address these concerns.<sup>2</sup> Additionally, the article mentioned that NIH scientists were required by law to accept the royalty payments and were told not to include it in their financial disclosures because it was considered to be federal compensation and not outside income. NIH stated that the new guidance clearly cited “compensation that may be affected by the study outcome” and “proprietary interested in the products, including patents, trademarks, copyrights or licensing arrangements.”

Despite the agency’s pledge to correct this issue, recent news reports have emerged showcasing the continued lack of transparency with royalty payments.<sup>3</sup>

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<sup>1</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC545012/>

<sup>2</sup> <https://www.nbcnews.com/health/health-news/report-researchers-mumon-financial-interests-flna1c9475821>

<sup>3</sup> <https://katv.com/news/nation-world/nih-slow-walks-disclosure-of-hundreds-of-millions-in-royalties-given-to-agency-scientists-natioal-institute-health-adam-andrzejewski-anthony-fauci-open-the-books>

The Honorable Gary Peters

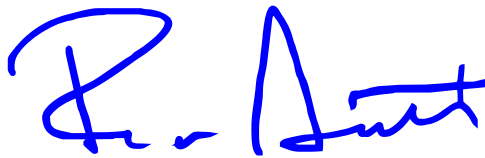
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NIH still does not readily report royalty payments and it is unclear what protections exist to shield clinical trial volunteers from clinical trials approved by researchers that may have a financial interest in the drug or device in the trial.

Researchers at the NIH serve the American taxpayer first, and the alleged impropriety and lack of transparency in these reports must be swiftly investigated. Congress must ensure that the health and wellbeing of Americans are not being manipulated for profit. The American people deserve answers, and I urge you to quickly take up this matter and hold a public hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Scott". The signature is stylized with a large initial "R" and a long, sweeping underline.

Rick Scott  
United States Senator

cc: The Honorable Jon Ossoff, Chairman of the U.S. Senate Permanent Subcommittee on Investigations