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ONE HUNDRED EIGHTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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June 4, 2004

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Harold Varmus, M.D.  
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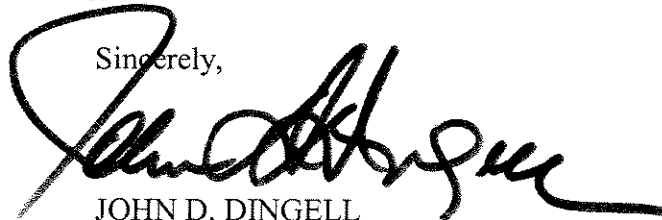
Dear Dr. Varmus:

On May 18, 2004, you testified before the Subcommittee on Oversight and Investigations in a hearing entitled "NIH Ethics Concerns: Consulting Arrangements and Outside Awards." We now ask for your help on several additional questions (attached).

Because we wish to include the questions and responses in the printed record of this hearing, please respond no later than Friday, June 18, 2004. Please fax and e-mail the response. The faxed response should be directed to Billy Harvard, Committee on Energy and Commerce, Majority staff, at 202-226-2447, and Voncille Hines, Committee on Energy and Commerce, Minority staff, at 202-225-5288. The e-mail copy of the response should be directed to ([Billy.Harvard@mail.house.gov](mailto:Billy.Harvard@mail.house.gov)) and Voncille Hines ([Voncille.Hines@mail.house.gov](mailto:Voncille.Hines@mail.house.gov)). Due to the uncertainties of postal deliveries on Capitol Hill, we ask that your response not be sent through the postal service.

If you have any questions, please have your staff contact David Nelson, Minority Investigator/Economist, Committee on Energy and Commerce, at 202-226-3400.

Sincerely,



JOHN D. DINGELL  
RANKING MEMBER

Attachment

Harold Varmus, M.D.

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cc: The Honorable Joe Barton, Chairman  
Committee on Energy and Commerce

The Honorable James C. Greenwood, Chairman  
Subcommittee on Oversight and Investigations

The Honorable Peter Deutsch, Ranking Member  
Subcommittee on Oversight and Investigations

**Questions for Dr. Harold Varmus,  
(Former Director, National Institutes of Health (NIH))  
President and Chief Executive Officer  
Memorial Sloan-Kettering Cancer Center  
from the Honorable John D. Dingell  
regarding the May 18, 2004, hearing entitled  
“NIH Ethics Concerns: Consulting Arrangements and Outside Awards”**

1. Given all the Title 42 monies that have flowed to the intramural program at NIH, the unique research opportunities, and the top rate facilities and colleagues, how sure are you that the opportunity for government employees to augment their incomes with outside monies is such an important factor in recruiting and maintaining top NIH scientists?
2. In your testimony, you appeared to say that the Office of General Ethics (OGE) encouraged you to relax the standards. Specifically, did anyone at OGE or at the Department of Health and Human Services (HHS) ask, or encourage, you to eliminate the \$25,000 annual cap or eliminate disclosure for 94 percent of NIH employees?
3. Does it serve the public to have NIH scientists not disclose the sources and amounts of their outside income?
4. Did any NIH or HHS official, responsible for reviewing ethical issues, ever report unacceptable requests or unethical behavior of NIH employees to you when you served as the NIH Director? If so, how often and in what instances?
5. When you appeared before the Blue Ribbon Panel on March 12, 2004, you advocated, “ensuring full public disclosure of activities by all who have major leadership positions, regardless of salary mechanisms.”

Were these not the very same disclosure requirements that you changed back in 1995 when you were Director of NIH? Do you think your decision to exempt top NIH employees from full public disclosure regulations was a mistake?

6. We have repeatedly heard that prohibiting outside consulting and award acceptance would hinder NIH employees from taking an active role in the broader scientific community. You re-emphasized this belief in your Blue Ribbon Panel testimony when you stated, “It is a matter of allowing people to interact with the entire range in the scientific community.”

How is interacting with the scientific community contingent upon accepting stock options, awards, or other financial compensation for their activities?

7. If interacting with other scientists is a way to further their intellectual base, learn more about new procedures and developments, touch base with peers, and participate in issues and activities that are truly of interest to these employees, why does compensation play a vital role?

8. When you appeared before the Blue Ribbon Panel, you stated that, “Much as I respect ethics officers, there is a weakness there. The ethics officer usually works for the Institute. The ethics officer is limited to the experiences of a single individual. Sometimes these individuals don’t know as much as they ought to know about what is going on in science and in the commercial world.”

How do you propose we ensure that the NIH ethics officers have the necessary skills and training to make competent and complete ethics decisions about outside activities and consulting agreements?