

CATHY McMORRIS RODGERS, WASHINGTON  
CHAIR

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-3641

Minority (202) 225-2927

March 13, 2023

Lawrence A. Tabak, D.D.S., PhD.  
Acting Director  
National Institutes of Health  
9000 Rockville Pike  
Bethesda, MD 20892

Dr. Tabak,

Having not received a formal response to our letter on July 21, 2022, and pursuant to Rules X and XI of the U.S. House of Representatives, we renew our July 21, 2022, request for information concerning the National Institutes of Health's (NIH) failure since 2015, to convene the Scientific Management Review Board (SMRB) as required by the NIH Reform Act.<sup>1</sup>

According to a STAT review of agency records, the SMRB, tasked with making the NIH more efficient and more effective, "mysteriously stopped meeting seven years ago" and SMRB members do not know why.<sup>2</sup> As noted by STAT, "the de facto disappearance of the NIH's Scientific Management Review Board, critics charge, is emblematic of the agency's broader reluctance to accept criticism and to modernize. Some science policy experts have argued lately that the NIH operates too slowly, funds research too conservatively, and labors under a bureaucratic structure that is cumbersome and unwieldy."<sup>3</sup> Further, by not convening the SMRB, the NIH is missing opportunities to address profound scientific management concerns such as what actions NIH is taking, or needs to take, to increase support for young researchers in the NIH intramural program.

By not convening the SMRB for the last seven years, the NIH has failed to comply with the NIH Reform Act of 2006. This law created the SMRB to provide advice on the use of organizational authorities granted to the NIH, and formally and publicly to review NIH's

---

<sup>1</sup> 42 USC §281(e).

<sup>2</sup> Lev Facher, *A panel meant to make NIH efficient hasn't met for 7 years*, STAT, (May 9, 2022), available at [A panel meant to make NIH more efficient hasn't met for 7 years \(statnews.com\)](https://www.statnews.com/2022/05/09/nihs-smrb/)

<sup>3</sup> *Id.*

organizational structure at least once every seven years.<sup>4</sup> The law set out time frames for the Director to act on such recommendations and provide for review by Congress.<sup>5</sup> As required by the Reform Act, SMRB has conducted public reviews of NIH's organizational structure and processes from 2010 to 2015, but has not been convened since 2015.<sup>6</sup>

We note from the Board's chart posted on the NIH website, that the estimated annual cost for operating the Board, including compensation and travel expenses for members, but excluding staff support, is \$167,851. The estimate of annual person-years of staff support required is 2.2 full-time equivalent employees (FTEs), at an approximate annual cost of \$321,050.<sup>7</sup> The total annual cost of the Board is \$488,901. Without convening the SMRB as was done from 2010 to 2015, we are concerned that the NIH has diverted this funding reserved for operating and supporting the SMRB to other purposes.

In light of our concerns, please respond to the following by March 27, 2023:

1. Please explain why the NIH has failed to convene the SMRB since 2015. Who decided to stop convening the SMRB? When was this decision made? If the decision is in writing, please provide. If the decision is not in writing, why not?
2. Since the NIH has discontinued convening this board since 2015, how has the NIH used the \$488,901 per year or \$2,933,406 over six years?
3. Will the NIH return to the U.S. Treasury the more than \$2.9 million in funding that was not used for operating and supporting the SMRB?
4. Please name the NIH staff who were originally designated to be responsible for staff support of the SMRB. What have these designated staff been working on since 2015 instead of supporting the SMRB?
5. Will the NIH reconvene the SMRB, and if so, when?
6. Can you provide a list of all recommendations voted on by the SMRB and the votes with respect to each recommendation?
7. For those recommendations that were supported by the SMRB, please provide the status of implementation of those recommendations.

---

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

<sup>5</sup> 42 USC §281(e)(2)(f)(4)

<sup>6</sup> Matt Faherty, *New Science's Report on the NIH* (April 2022) available at <https://newsscience.org/nih/>

<sup>7</sup> National Institutes of Health, Scientific Management Review Board, <https://smrb.od.nih.gov/charter.html>

If you have questions about this correspondence, please contact Alan Slobodin of the Majority Committee Staff at (202) 225-3641.

Sincerely,

Sincerely,



Cathy McMorris Rodgers  
Chair  
Energy and Commerce Committee



Brett Guthrie  
Chair  
Subcommittee on Health



H. Morgan Griffith  
Chair  
Subcommittee on Oversight and Investigations

Cc: The Honorable Frank Pallone, Ranking Member, House Energy and Commerce Committee  
The Honorable Anna Eshoo, Ranking Member, Subcommittee on Health  
The Honorable Kathy Castor, Ranking Member, Subcommittee on Oversight and Investigations