

March 2, 2025

Dr. Jay Bhattacharya
Nominee for Director of the National Institutes of Health
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Dr. Jay Bhattacharya:

Congratulations on your nomination to serve as Director of the National Institutes of Health (NIH). If you are confirmed, the American people will depend on you to lead the nation's largest public funder of biomedical research in their best interest. It is critical that you avoid entering this role with conflicts of interest that threaten the public's trust in the NIH and its critical decisions regarding funding medical research and licensing taxpayer-funded patents and inventions. To protect the public's trust, I request that you agree to recuse from matters involving your former clients and employers and, for at least four years after you leave office, to not work as a lobbyist or join the industries that you regulated at the NIH. In addition, I request that, as soon as you take office, you end the Trump Administration's illegal and highly damaging NIH research funding freeze, which has hurt researchers and endangered vital public health research.¹

Your predecessor Monica Bertagnolli, along with several other Senate-confirmed administration officials in recent years, mitigated concerns about their potential conflicts of interest by going beyond what was required under ethics law, the presidential ethics pledge, and even agreements with the Office of Government Ethics and the Designated Agency Ethics Officials.² I urge you to do the same.

First, I ask that you commit to recuse from all particular matters involving your former clients and employers for at least four years. For over two decades, you have worked as a research associate with Acumen LLC, which offers analytical research services to the federal government,³ and has

¹ Letter from Senator Elizabeth Warren to Director of National Institute of Health Matthew Memoli and Director of National Science Foundation Sethuraman Panchanathan, February 12, 2025, https://www.warren.senate.gov/imo/media/doc/warren_markey_letter_to_nih_nsf_on_funding_cuts.pdf.

² See, e.g., Office of Senator Elizabeth Warren, "Senator Warren Secures Historic Ethics Commitments from NIH Nominee, Dr. Monica Bertagnolli Pledges Not to Work for Giant Pharmaceutical Companies Immediately After Government Service," press release, August 29, 2023, <https://www.warren.senate.gov/newsroom/press-releases/senator-warren-secures-historic-ethics-commitments-from-nih-nominee-dr-monica-bertagnolli-pledges-not-to-work-for-giant-pharmaceutical-companies-immediately-after-government-service>.

³ U.S. Congress, "Resume: Jay Bhattacharya, M.D., Ph.D.," April 2022, <https://www.congress.gov/118/meeting/house/115561/witnesses/HHRG-118-IF16-Wstate-BhattacharyaJ-20230328-SD088.pdf>.

contracts with multiple agencies across the Department of Health and Human Services (HHS) — including NIH.⁴ Your relationship with Acumen LLC will raise serious doubts about your impartiality if you participate in matters that involve the company. Former NIH Director Bertagnolli agreed to recuse from her former employers’ and clients’ specific-party matters for four years — going beyond the two-year recusal requirement in former President Biden’s ethics pledge — as did over a dozen other Biden appointees.⁵ You should do the same.

Second, you should commit to not seek compensation from any pharmaceutical company or other company that you regulate or otherwise interact with while in government, for at least four years after leaving office. If, for example, you were to join a pharmaceutical company that, during your government service, received an exclusive patent to bring an NIH-funded drug to market, the public would reasonably question whether you had influenced licensing decisions to secure a lucrative post-government arrangement.⁶ During his confirmation process, HHS Secretary Robert F. Kennedy Jr. committed to not work for a pharmaceutical company for at least four years after leaving office.⁷ Numerous Biden appointees also voluntarily agreed to a four-year cooling-off period, including: Bertagnolli, who agreed to not work for “any pharmaceutical company with annual revenues at or above \$10 billion” for four years after leaving office; OECD Ambassador Sean Patrick Maloney, who agreed to not work for the crypto industry; members of the Federal Reserve Board of Governors who agreed to not work for financial services companies; and military leaders who agreed to not work for defense contractors.⁸ By doing the same, you can mitigate concerns about your potential conflicts of interest in this role.

⁴ Acumen, “Services,” <https://www.acumenllc.com/services>; Orange Slices, “Acumen wins NIH NIDDK Urological Diseases in America (UDA) Compendium support contract,” September 9, 2024, <https://orangeslices.ai/acumen-wins-nih-niddk-urological-diseases-in-america-uda-compendium-support-contract/>; USA Spending, “Acumen LLC,” <https://www.usaspending.gov/recipient/43b6a6cc-9216-fae5-3cba-fffd776feb1c-C/latest>; SBIR, “Acumen LLC: Company Information,” <https://legacy.www.sbir.gov/node/1045595>.

⁵ Office of Senator Elizabeth Warren, “Senator Warren Secures Historic Ethics Commitments from NIH Nominee, Dr. Monica Bertagnolli Pledges Not to Work for Giant Pharmaceutical Companies Immediately After Government Service,” press release, August 29, 2023, <https://www.warren.senate.gov/newsroom/press-releases/senator-warren-secures-historic-ethics-commitments-from-nih-nominee-dr-monica-bertagnolli-pledges-not-to-work-for-giant-pharmaceutical-companies-immediately-after-government-service>.

⁶ American Prospect, “The NIH’s ‘How to Become a Billionaire’ Program,” David Dayden, October 18, 2023, <https://prospect.org/health/2023-10-18-nih-how-to-become-billionaire-program/>.

⁷ Office of Senator Elizabeth Warren, “At Hearing, Warren Slams RFK Jr. for Dangerous Conflicts of Interest, Profiting From Anti-Vaccine Conspiracies,” press release, January 29, 2025, <https://www.warren.senate.gov/newsroom/press-releases/at-hearing-warren-slams-rfk-jr-for-dangerous-conflicts-of-interest-profiting-from-anti-vaccine-conspiracies>.

⁸ Letter from NIH Director Nominee Monica Bertagnolli to Senator Elizabeth Warren, August 11, 2023, <https://www.warren.senate.gov/imo/media/doc/Bertagnolli%20Letter%20to%20Senator%20Warren%2008.2023.pdf>; Letter from Ambassador to OECD Ambassador Nominee Sean Patrick Maloney to Senator Elizabeth Warren, February 9, 2024, <https://www.warren.senate.gov/imo/media/doc/Signed%20Warren%20Letter.pdf>; Office of Senator Elizabeth Warren, “In Response to Senator Warren’s Questions, Secretary of Defense Nominee General Lloyd Austin Commits to Recusing Himself from Raytheon Decisions for Four Years,” press release, January 19, 2021, <https://www.warren.senate.gov/newsroom/press-releases/in-response-to-senator-warrens-questions-secretary-of-defense-nominee-general-lloyd-austin-commits-to-recusing-himself-from-raytheon-decisions-for-four-years>; Office of Senator Elizabeth Warren, “In Response to Senator Warren, Federal Reserve Nominees Make Historic Ethics Commitments,” press release, February 10, 2022, <https://www.warren.senate.gov/newsroom/press-releases/in-response-to-senator-warren-federal-reserve-nominees-make-historic-ethics-commitments>.

Relatedly, you should commit to not lobby the NIH for four years after leaving office. The rampant revolving door of former government leaders lobbying the agencies they once led, while their government relationships remain fresh, erodes Americans' faith in the federal government. To mitigate that concern, multiple Biden appointees agreed to a post-employment lobbying ban, including Treasury Assistant Secretary for Investment Security Paul Rosen, Chairman of the Joint Chiefs of Staff Charles Q. Brown, and Defense Secretary Lloyd Austin.⁹ You should commit to not lobby the NIH for at least four years after leaving office, either as a formal registered lobbyist or as an informal "shadow lobbyist" — given that former high-level officials can leverage their influence not only by directly lobbying but through facilitating others to do so.

By making these commitments, you would increase Americans' trust in your ability to serve the public interest, rather than the special interests of large NIH contractors or regulated drug companies, during your time at the NIH. I urge you to demonstrate a commitment to public integrity and request that you reply to the following questions in writing by March 10, 2025:

1. Will you commit to recuse from all particular matters involving your former clients and employers for at least four years?
2. Will you commit to not seek employment or board membership with, or another form of compensation from, a company that you regulate or otherwise interact with while in government, for at least four years after leaving office?
3. Will you commit to not lobby the NIH — including through work as an informal "shadow lobbyist" — for at least four years after leaving office?

Sincerely,



Elizabeth Warren
United States Senator

⁹ Office of Senator Elizabeth Warren, "In Response to Senator Warren's Questions, Secretary of Defense Nominee General Lloyd Austin Commits to Recusing Himself from Raytheon Decisions for Four Years," press release, January 19, 2021, <https://www.warren.senate.gov/newsroom/press-releases/in-response-to-senator-warrens-questions-secretary-of-defense-nominee-general-lloyd-austin-commits-to-recusing-himself-from-raytheon-decisions-for-four-years>; Office of Senator Elizabeth Warren, "Questions for Mr. Paul M. Rosen, of California, to be Assistant Secretary of the Treasury for Investment Security, Department of the Treasury, from Senator Elizabeth Warren," https://www.warren.senate.gov/imo/media/doc/paul_rosen_-_revised_responses_to_questions_for_the_record_from_senator_warren.pdf; Office of Senator Elizabeth Warren, "At Hearing, Warren Secures Ethics Commitment Joint Chiefs of Staff Nominee General Brown; Reiterates Concern over Senior Military Holds," press release, July 11, 2023, <https://www.warren.senate.gov/newsroom/press-releases/at-hearing-warren-secures-ethics-commitment-joint-chiefs-of-staff-nominee-general-brown-reiterates-concern-over-senior-military-holds>.