

ONE HUNDRED FIFTEENTH 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) 225-2927
Minority (202) 225-3641

July 26, 2017

Mr. Roger Goodell
Commissioner
National Football League
345 Park Avenue
New York, NY 10154

Dear Commissioner Goodell:

We are writing to request information regarding the National Football League's (NFL) continued commitment to supporting research through the National Institutes of Health (NIH) into health issues affecting athletes. Through the Sports Health and Research Program (SHRP), NFL agreed to provide \$30 million in funding to NIH to support "research on serious medical conditions prominent in athletes and relevant to the general population."¹ To date, the NFL has donated approximately \$12 million to NIH for such research.² With the approaching expiration of the agreement establishing SHRP, we are interested in the NFL's plans for the remaining \$18 million pledged for NIH research, as well as your future plans for SHRP.

The NFL, NIH and Foundation for the National Institutes of Health (FNIH) signed interparty agreements establishing SHRP in 2012.³ According to the master Letter of Agreement

¹ Master Letter of Agreement, Sports and Health Research Program, The National Football League and the Foundation for the National Institutes of Health, Inc. (Sept. 4, 2012).

² Letter from Jeff Miller, Executive Vice President of Health and Safety, National Football League, to Dr. Walter Koroshetz, Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Dr. Kathy Hudson, Deputy Director for Science, Outreach and Policy, National Institutes of Health, and Dr. Maria Freire, President and Executive Director, Foundation for the National Institutes of Health (Mar. 11, 2016); SHRP Research Plan Schedule No. 1 (Nov. 30, 2012); SHRP Research Plan Schedule No. 2 (Mar. 12, 2013); SHRP Research Plan Schedule No. 3 (Mar. 12, 2013); SHRP Research Plan Schedule No. 4 (June 13, 2013).

³ Master Letter of Agreement, Sports and Health Research Program, The National Football League and the Foundation for the National Institutes of Health, Inc. (Sept. 4, 2012); Memorandum of Understanding between The Foundation for the National Institutes of Health,

(LOA), SHRP would commence on September 1, 2012 and terminate on August 31, 2017, unless renewed by the parties.⁴ Specific research areas to be funded would be determined through numbered research plans agreed to by the NFL, NIH, and FNIH.⁵ Finally, LOA established that the NFL was obligated to provide funding once a research plan had been approved and signed.⁶

Through SHRP, NIH has successfully executed four research plans.⁷ These involved a Chronic Traumatic Encephalopathy (CTE) Neuropathology Workshop, a program to study the neuropathology of CTE and the delayed effects of traumatic brain injury (TBI), an initiative to fund pilot projects for sports-related TBI and spinal cord injury research, and a workshop on brain-trauma-related neurodegeneration.⁸ Those research plans were funded with approximately \$12 million in donations from the NFL through SHRP.⁹

The NFL, NIH, and FNIH approved and signed a fifth research plan, Research Plan No. 5, that recommended a longitudinal study in high-risk adults to collect, validate, and analyze biomarker data to characterize CTE in individuals with a history of repetitive head impacts.¹⁰ That research plan listed anticipated costs of just over \$17.5 million, of which, the NFL was to provide \$16,325,242 through transfer to FNIH. FNIH was to provide \$1,248,894 out of remaining funds from previous NFL transfers.¹¹ The research plan outlined a schedule of

Inc., and The National Institutes of Health Office of the Director For the Sports and Health Research Program (Sept. 4, 2012).

⁴ Master Letter of Agreement, Sports and Health Research Program, The National Football League and the Foundation for the National Institutes of Health, Inc. (Sept. 4, 2012).

⁵ *Id.*

⁶ *Id.*

⁷ SHRP Research Plan Schedule No. 1 (Nov. 30, 2012); SHRP Research Plan Schedule No. 2 (Mar. 12, 2013); SHRP Research Plan Schedule No. 3 (Mar. 12, 2013); SHRP Research Plan Schedule No. 4 (June 13, 2013).

⁸ *Id.*

⁹ Letter from Jeff Miller, Executive Vice President of Health and Safety, National Football League, to Dr. Walter Koroshetz, Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Dr. Kathy Hudson, Deputy Director for Science, Outreach and Policy, National Institutes of Health, and Dr. Maria Freire, President and Executive Director, Foundation for the National Institutes of Health (Mar. 11, 2016); SHRP Research Plan Schedule No. 1 (Nov. 30, 2012); SHRP Research Plan Schedule No. 2 (Mar. 12, 2013); SHRP Research Plan Schedule No. 3 (Mar. 12, 2013); SHRP Research Plan Schedule No. 4 (June 13, 2013).

¹⁰ SHRP Research Plan Schedule No. 5 (July 24, 2014).

¹¹ *Id.*

payments, with the first payment of \$1.44 million from the NFL due to FNIH on or before April 1, 2015.¹² Despite the approval of Research Plan No. 5, the NFL never transferred funding to support the grant awarded based on this research plan. After attempts by the NFL to influence NIH's grant-decision making process, NIH directly funded the grant awarded to Boston University researcher Dr. Robert Stern to perform the longitudinal study on high risk adults under Research Plan No. 5.¹³

Since then there have been attempts to use the remaining approximately \$18 million in the NFL's contribution to SHRP to support other research efforts through NIH. Dr. Russell Lonser, a member of the NFL's Head, Neck, and Spine Committee, inquired into using the funding to expand an ongoing intramural study involving patients with TBI to incorporate athletes as well as involve the researchers from the second highest scored grant proposal under the Research Plan No. 5.¹⁴ NIH rejected the idea of using NIH's intramural program to fund a study outside of the regular NIH process of peer review. Subsequently, NIH wrote to the NFL to welcome the NFL's partnership through SHRP in a research plan involving youth concussions.¹⁵ In response, NFL did not make any commitment related to that proposal and reiterated the desire to fund a prospective longitudinal study under Research Plan No. 5 with the remainder of the NFL's contribution to SHRP.¹⁶

¹² *Id.*

¹³ *NFL Backs Away from Funding BU Brain Study, NIH to Fund it Instead*, ESPN (Dec. 22, 2015); *The National Football League's Attempt to Influence Funding Decisions at the National Institutes of Health*, Energy and Commerce Committee Democratic Staff Report (May 2016).

¹⁴ Briefing by Jeff Miller, Executive Vice President of Health and Safety, National Football League, to Energy and Commerce Democratic Staff (Apr. 14, 2016); Briefing by Dr. Walter Koroshetz, Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, to Energy and Commerce Democratic Committee Staff (Apr. 29, 2016); Briefing by Dr. Walter Koroshetz, Director, National Institutes of Neurological Disorders and Stroke, National Institutes of Health, to Energy and Commerce Committee Staff (Feb. 10, 2016).

¹⁵ Letter from Dr. Walter Koroshetz, Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, and Dr. Kathy Hudson, Deputy Director for Science, Outreach and Policy, National Institutes of Health, to Jeff Miller, Executive Vice President of Health and Safety, National Football League (Feb. 12, 2016).

¹⁶ Letter from Jeff Miller, Executive Vice President of Health and Safety, National Football League, to Dr. Walter Koroshetz, Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Dr. Kathy Hudson, Deputy Director for Science, Outreach and Policy, National Institutes of Health, and Dr. Maria Freire, President and Executive Director, Foundation for the National Institutes of Health (Mar. 11, 2016).

With little more than a month remaining in the initial five-year agreement establishing SHRP, the NFL has yet to contribute the remaining \$18 million pledged to support research into health issues affecting athletes through NIH.¹⁷ Since this research is critical to improving our understanding of the increased health risks that athletes face from their sport as well as ways to prevent and mitigate such risks for the future, we would hope that the NFL would follow through on its commitment to provide the balance of its \$30 million donation. In an effort to learn more about the NFL's current plans, we request responses to the following questions:

1. How does NFL plan to follow through with its commitment to donate \$30 million to support "research on serious medical conditions prominent in athletes" through NIH?
 - a. Specifically, when and how does NFL plan to distribute the remaining \$18 million committed to support NIH research through SHRP?
2. Does NFL plan to renew the agreement establishing SHRP?
 - a. If so, does the NFL plan to provide additional funding for the program beyond NFL's initial \$30 million commitment?

We appreciate your attention to this matter and would appreciate your response to these questions as soon as possible, but no later than August 11, 2017. If you have any questions, please contact Waverly Gordon of the minority committee staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Gene Green
Ranking Member
Subcommittee on Health



Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations



Jan Schakowsky
Ranking Member
Subcommittee on Digital Commerce
and Consumer Protection

¹⁷ Conversation with Kevin Klock, Director of Operations and Advisor to the President, Foundations for the National Institute of Health, to Energy and Commerce Democratic Committee Staff (July 7, 2017).