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August 14, 2017

VIA FEDERAL EXPRESS AND EMAIL

Thomas A. Rust, Esq.
Chief Counsel and Staff Director
U.S. House of Representatives
Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515

Re: Referral of Office of Congressional Ethics Review No. 17-3509 (Representative Chris Collins)

Dear Mr. Rust:

We are counsel to Representative Chris Collins ("Rep. Collins") with regard to the Office of Congressional Ethics ("OCE") Review No. 17-3509, referred to this Committee on July 14, 2017. OCE's review was initiated on March 9, 2017 following submissions by Representative Louise Slaughter ("Rep. Slaughter"), a New York Representative with a personal vendetta against Rep. Collins. Instead of working to protect the residents of New York from Lake Ontario's flooding or focusing on the families of victims of Flight 3407 at a recent press conference, Rep. Slaughter has continued her crusade, calling Rep. Collins a criminal in an effort to gain political advantage and get even with Rep. Collins for his early support of President Donald Trump. Despite the lack of substance in Rep. Slaughter's claims, OCE initiated a review to look into two issues: (i) allegations that Rep. Collins may have shared or used material, nonpublic information in the purchase of Innate Immunotherapeutics Limited ("Innate") stock; and (ii) Rep. Collins may have also purchased discounted Innate stock that was not available to the public and that was offered to him based on his status as a Member. We write in response to OCE's Report and Recommendations (the "OCE Report").[1]

Rep. Collins has done nothing improper, and his cooperation and candor during the OCE review process confirm he has nothing to hide. Rep. Collins cooperated by producing over 2,800 pages of documents, providing extensive sworn testimony, and engaging fully with OCE through

[1] The OCE Report reveals that it expanded its inquiry, apparently *sua sponte*, to include a meeting he attended at the National Institutes of Health ("NIH") in 2013.

counsel. Rep. Collins' dealings with respect to Innate have been open, lawful, and forthright. There is nothing in the record to suggest, let alone support, the conclusion that Rep. Collins violated House rules, standards of conduct, or federal law. OCE's first and third recommendations should be rejected and this matter concluded without further review. Any result to the contrary would cause the continued and senseless multiplication of the time, energy, and resources that have already been squandered by this fruitless exercise.

Background and Rep. Collins' Relationship with Innate

The OCE Report details Rep. Collins' connection to Innate at length, based in large part on testimony provided by Rep. Collins himself.[2] This connection to Innate has been described by Innate's Chief Executive Officer as that of an "avid and unwavering supporter"[3] and has been well-publicized in the media. Consequently, it is not necessary to recount this history at length, save a few salient details that warrant emphasis.

Innate is an Australian biotechnology company with a novel technology that targets the human innate immune system. The company's lead drug candidate, MIS416, can trigger anti-inflammatory and reparative functions inside the central nervous system and was hoped to be a highly relevant drug candidate for the treatment of secondary progressive multiple sclerosis ("SPMS") and other neurological conditions where inflammation inside the central nervous system contributes to disease pathology.

Rep. Collins' relationship with Innate dates back more than fifteen years, and he has always been proud of the work done by the company. SPMS is one of the most debilitating diseases in the world, and Rep. Collins saw its deadly impact firsthand as it affected a close family member. In supporting the company, Rep. Collins—and everybody involved—was hopeful that Innate would be successful in developing a potentially life-saving treatment for the millions of individuals suffering from SPMS worldwide. Over the years, Rep. Collins invested significantly in Innate. Ultimately, he became Innate's largest shareholder and an uncompensated member of the board of directors.[4] Had MIS416 proven effective, the drug would have greatly improved the treatment options for SPMS, and it would have been very lucrative for Innate investors, including Rep. Collins. Unfortunately, on June 27, 2017 the company announced that its MIS416 trial did not show clinically meaningful or statistically significant differences in the measures of neuromuscular function or patient reported outcomes.

The OCE Review

In his role as a supporter, advocate, investor, and director of Innate, Rep. Collins frequently discussed the work Innate was doing with family, friends, staff members, and others (including other Members). One such individual was the then-Member from Georgia, Tom Price, who

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[2] *See* OCE Report ¶¶ 19-35.
[3] Declaration of Simon Wilkinson, attached hereto as Attachment 2, ¶ 11 (hereinafter, "Wilkinson Declaration").
[4] Described another way, a "supporter, advocate, investor, and director." *Id.* ¶ 29.

invested in Innate following discussion with Rep. Collins. During Secretary Price's confirmation process this past winter, political opponents seized upon his Innate investment in a spurious and ultimately unsuccessful attempt to confuse the issues and hinder the Secretary's confirmation process. Much of the focus at that time was Secretary Price's purchase of Innate stock through participation in a private placement offering.

Unjustified as it was, the scrutiny on Innate's private placement ultimately led to the primary allegation by Rep. Slaughter against Rep. Collins, namely that he may have purchased discounted Innate stock that was not available to the public and that was offered to him based on his status as a Member of Congress in that same private placement. The OCE review followed.

During this time period, political opponents of both Secretary Price and Rep. Collins were engaged in a full-fledged character assassination campaign premised on speculation and unfounded allegations. One outspoken booster of this push was, and continues to be, Rep. Slaughter. Rep. Slaughter continues to publicly lobby against Rep. Collins and lodged accusations related to his work on the 21st Century Cures Act and also that he and Secretary Price acted on inside information in participating in Innate's private placement. She also claimed, without any factual support, that Rep. Collins and Secretary Price received a "sweetheart" deal from Innate. It is no surprise, therefore, that the Democratic Party in New York sought to use the allegations against Rep. Collins for political gain.[5]

Critically, although this final allegation was the driving force behind the review, OCE recommends dismissing the allegation in light of the absence of a substantial reason to believe the claims.[6] OCE's review and recommendation in this respect is ironclad, well-supported, and wholly correct. Consequently, all three of the original allegations leveled by Rep. Slaughter, the media, and others, have been demonstrated apocryphal. The remaining charges, reviewed by OCE, were constructed by OCE acting on its own. However, these remaining recommendations are constructed from whole cloth and are without validity. Each recommendation is the result of a tortured interpretation of reality and also bespeaks a misunderstanding of the facts, the law, or both, and should be rejected. These recommendations should be dismissed without any additional investigation.

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[5] *See* Collins Calls Slaughter 'Despicable' for Blasting Him on Stock Trades, *The Buffalo News*, available at http://buffalonews.com/2017/07/03/stock-trades-slaughter-collins-toughest-nemesis/; *see also* Slaughter Takes Aim at Collins Again Over Stock Allegations, *State of Politics,* available at http://www.nystateofpolitics.com/2017/06/slaughter-takes-aim-at-collins-again-over-stock-allegations/

[6] *See* OCE Report ¶¶ 77-81. Similarly, the unfounded allegations related to the 21st Century Cures Act were not the subject of further review, nor was the insinuation that Rep. Collins and Secretary Price traded on inside information.

OCE Incorrectly Concluded There Is a Substantial Reason to Believe Rep. Collins Shared Material Nonpublic Information in the Purchase of Innate Stock

OCE dedicates the bulk of its report to the notion that Rep. Collins shared material nonpublic information related to Innate.[7] In other words, OCE implies that Rep. Collins engaged in insider trading or "tipping." Each facet of these claims has a specific definition under the federal securities laws. No facts sufficient to support these claims are present. Instead, the OCE Report inserts speculation where the facts did not support OCE's pre-determined decision, or ignores those facts that did not conveniently fit into a pre-fabricated narrative. Accordingly, OCE's conclusions must be rejected.

A. The Information Was Public

As an initial matter, public information *by its very definition* cannot support a claim for insider trading. Federal jurisprudence generally defines information as public when it has been disclosed "in a manner sufficient to insure its availability to the investing public."[8] The Securities and Exchange Commission, under Regulation FD, further recognizes that information on a company's website is public information where such a disclosure is "reasonably designed to provide broad, non-exclusionary distribution of the information to the public."[9]

Here, OCE has cited three "examples" of the type of communications Rep. Collins made to U.S. investors and suggests they contained both "public and nonpublic information."[10] Presumably, because OCE cites only these three "examples" despite having collected thousands of pages of documents, these represent the universe of emails to which OCE takes issue. With respect to each, OCE combs through the emails and nit-picks sentences or words in a tortured attempt to conclude that non-public information was contained therein. A rational review, however, demonstrates that OCE's conclusions are without basis.

1. The December 16, 2015 Email

OCE takes issue with two specific items in this email: that OCE could not obtain any information showing public disclosure of the number of trial participants that reflect the numbers in Rep. Collins' email; and that Innate did not disclose any information concerning "safety and efficacy" pertaining to the sixty-five "on drug" patients identified in the email.[11] However, the Phase 2B trial of MIS416 was always a "safety and efficacy" trial and, in fact, safety and efficacy is

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[7] *See id.* ¶¶ 17-74.
[8] *SEC v. Texas Gulf Sulfur Co.*, 401 F.2d 833, 854 (2d Cir 1968) (*en banc*).
[9] Selective Disclosure and Insider Trading, Exchange Act Release No. 33-7881, 65 Fed. Reg. 51,716 (Aug. 24, 2000).
[10] OCE Report ¶ 36.
[11] OCE Report ¶¶ 48-50.

synonymous with the Phase 2B stage of clinical development.[12] That Phase 2B was focused on safety and efficacy is further reinforced by the fact that the trial included those words in its very name.[13] Innate's CEO likewise confirms that in his extensive experience "comments about the safety and efficacy of Innate's trial were entirely reasonable given there had been no unexpected safety issues to date and Innate had repeatedly expressed confidence in the likely efficacy outcome of the trial based on the well-publicised compassionate use program."[14]

The number of trial participants is similarly obvious. Phase 2B was always intended to have an enrollment of 90, this public fact having been published from the beginning.[15] Further, Innate was frequently updating the public on enrollment, stating among other things that steady progress was being made, and providing public disclosure when enrollment or screening was at 45 patients,[16] 56 patients,[17] 77 patients,[18] and 80 patients.[19] In other words, "Innate was very public about the rate at which patients were being screened and enrolled into the study."[20]

2. The January 28, 2016 Email

OCE takes issue with three specific items in this email: that OCE did not obtain any information showing public disclosure of the number of Phase 2B trial participants on drug and those awaiting further evaluation that reflect the numbers in Rep. Collins' email; the relative timing of when the ninetieth patient would be on drug; and the fact that big pharma was urging Innate to move forward with a plan for scaled up manufacturing. Again, however, OCE fails to gather the facts or insists on verbatim precision that defies common sense.[21]

First, as Innate was closing in on completion of Phase 2B enrollment, it was "very clear about its anticipated timeline," which called for enrollment to be complete in the first quarter of 2016.[22] In addition, as OCE recognized, Innate disclosed contemporaneously with this email that 93 subjects were either enrolled, being screened, or coming off previous medications.[23] The

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[12] Wilkinson Declaration ¶ 14. *See also* "Phases of Clinical Trials" defining Phase IIb as "[w]ell controlled trials to evaluate efficacy (and safety) in patients with the disease or condition to be treated, diagnosed, or prevented." available at http://www.virginia.edu/vpr/irb/HSR_docs/CLINICAL_TRIALS_Phases.pdf
[13] Wilkinson Declaration ¶ 14.
[14] *Id.* ¶ 15.
[15] *Id.* ¶ 16.
[16] *Id.* ¶ 16(c).
[17] *Id.* ¶ 16(d).
[18] *Id.* ¶ 16(e).
[19] *Id.* ¶ 16(f).
[20] *Id.* ¶ 17.
[21] *See id.* ¶ 30 ("Even if some precise wording in the emails were not taken verbatim from ASX announcements, I do not believe that any information in the emails differed from information contained in ASX public filings or announcements.").
[22] *Id.* ¶¶ 18-19.
[23] OCE Report ¶ 54.

necessity for patients to undergo a previous medication "washout" period before starting on treatment with MIS416 was standard clinical trial practice and highly public.[24]

Finally, Innate could not have been more straightforward and public about its discussions with 'big pharma.' Having discussions with large pharmaceutical companies is "the common model for companies like Innate"[25] and Innate always intended for a major partnering agreement or acquisition transaction.[26] Quite simply, it was always Innate's "intention to monetize its technology through a partnership or acquisition by a large pharmaceutical company."[27] Further, a key component of this strategy was demonstrating a commercially viable large manufacturing process to enhance Innate's attractiveness to a potential partner or purchaser.[28] Innate's CEO describes this as "both common sense and highly typical,"[29] and he is absolutely correct.

3. The June 1, 2016 Email

With respect to this final "example," OCE notes only that it did not obtain any information showing public disclosure of the details of the private placement offer. OCE's conclusion that this was nonpublic information demonstrates a lack of understanding of the facts and law. First, it was clear to the marketplace that Innate would need to raise between three and five million Australian dollars in the short term based on cash burn and capital required to complete its spending initiatives.[30] Further, Innate's quarterly cash flow filings allowed anyone in the market to estimate how long the company's cash might last, thereby identifying the time in which a future placement or fundraising event would occur.[31] Indeed, this is the *key reason* the Australian Securities Exchange requires companies like Innate to file quarterly cash flow statements.[32]

In any event, the June 1, 2016 email from Rep. Collins was sent to existing shareholders on a confidential basis and sought to gauge possible interest in a potential capital raise. Confidentially relaying terms and conditions of a proposed private placement to select potential participants is a common, accepted, and legal practice.[33] It is also a matter of common sense, as private placements (when announced in conjunction with a general offer or "rights issue") are first secured such that, in the rights issue announcement, details about the amount raised in the private placement can be fully disclosed to the market.[34] And, in any event as a factual matter, the terms

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[24] Wilkinson Declaration ¶ 19.
[25] *Id.* ¶ 21.
[26] *Id.* ¶¶ 21(a)-(b), (i).
[27] *Id.* ¶ 22.
[28] *Id.* ¶ 23.
[29] *Id.*
[30] *Id.* ¶ 24.
[31] *Id.* ¶ 25.
[32] *Id.*
[33] Companies planning a private placement typically gauge the interest of potential buyers before the offering is publicly announced in a practice called wall-crossing.
[34] Wilkinson Declaration ¶ 27.

and conditions of the actual private placement were materially different from what was included in the email.

B. Even if Nonpublic, the Information Was Not Material

Having concluded that some information was "likely nonpublic" OCE then goes on to speculate further in asserting that it "may have been" important to investors making a decision on whether to purchase Innate stock.[35] This qualified conclusion misses the mark.

In the context of an undisclosed fact, the Supreme Court has held that information is material if "there is a substantial likelihood that a reasonable shareholder would consider it important" in making an investment decision.[36] To meet this materiality standard, there must be a substantial likelihood that a fact "would have been viewed by the reasonable investor as having significantly altered the 'total mix' of information made available."[37] The test requires far more than hypothetical significance but a showing that the fact "would have assumed *actual significance* in the deliberations of a reasonable investor."[38] Highly speculative or unreliable information will be deemed not material.[39]

Even if certain statements are deemed to have been non-public, OCE has made no showing of materiality. Instead, OCE relies only on conclusory statements and reference to an unnamed, purported expert. In each instance, the information cited by OCE as material is general, the result of common sense, or so widely known that it cannot meet even the most lenient test of materiality.[40] For instance, obtaining enrollment of 90 patients[41] was a necessary component of the Phase 2B trial all along, and a consistent subject of Innate public updates. That completion of the Phase 2B trial was significant to Innate's financial strategy[42] actually understates the issue—that *was* Innate's financial strategy (disclosed by the company as "Upon completion of Phase 2B (2016) – Innate's strategy is to license/sell to large Pharma company").[43] It is unclear what point OCE is attempting to make. Finally, updates on patient enrollment, eventual completion of

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[35] OCE Report ¶ 68.
[36] *TCS Indus., Inc. v. Northway, Inc.*, 426 U.S. 438, 449 (1976); *see also Basic, Inc. v. Levinson*, 485 U.S. 224, 231-32 (1988).
[37] *Id.* at 449.
[38] *SEC v. Hoover*, 903 F. Supp. 1135, 1140 (S.D. Tex. 1995) (emphasis added) (citing *Justin Indus. v. Choctaw Sec., L.P.*, 920 F.2d 262, 267 (5th Cir. 1990)).
[39] *See, e.g., Garcia v. Cordova*, 930 F.2d 826, 830 (10th Cir. 1991); *SEC v. Monarch Fund*, 608 F.2d 938, 942 (2d Cir. 1979) (stating that the "ability of a court to find a violation of the securities laws diminishes in proportion to the extent that the disclosed information is so general that the recipient thereof is still 'undertaking a substantial economic risk that his tempting target will prove to be a white elephant.'") (quoting *United States v. Chiarella*, 588 F.2d 1358, 1366-67 (2d Cir. 1978), *cert. granted*, 441 U.S. 942 (1979)).
[40] *See* Wilkinson Declaration ¶ 30 ("[T]he information provided in the three emails was either widely available to the market, or was generic, or was easily able to be inferred by any reasonable person following the Company's public announcements.").
[41] OCE Report ¶ 70
[42] *Id.* ¶ 71.
[43] Wilkinson Declaration ¶ 21(i).

enrollment, and specific communications with pharmaceutical companies are important touch points during the duration of the trial, but not individually relevant to the marketplace that was awaiting the final results.[44]

C. OCE Has Shown No Trading In Securities

OCE, despite submitting a recommendation that there is a "substantial reason" to believe that insider trading or tipping occurred, fails to even address a core element of that offense. Namely, that there were actual transactions that occurred as a result of Rep. Collins' "shareholder updates."[45] OCE neither made, nor attempted to make, any showing that either Rep. Collins or any of the recipients of the three "shareholder updates" purchased or sold Innate stock as a result of the information contained therein. Having completely glossed over this important component, it is clear that OCE has not met its burden of establishing a "substantial reason" to believe that there was any violation of House rules, standards of conduct, or federal law.

D. Rep. Collins Did Not Violate Any Innate Policies

Although not a focus of the OCE Report, it bears emphasis that Rep. Collins' email correspondence with shareholders violated no Innate policies. As a company listed on the Australian Securities Exchange, Innate must comply with strict continuous disclosure rules.[46] Innate takes these obligations very seriously and complies with them at all times.[47] Innate also has a securities trading policy,[48] a code of conduct and ethics,[49] and a market disclosure policy.[50] Innate's CEO, the individual responsible for all day-to-day activities of the company and a close associate of Rep. Collins, states unequivocally that he is "not aware of any information that would cause [him] to believe that Rep. Collins violated any [of these policies] or otherwise acted improperly in his role as an Innate director."[51] Likewise, it is his conclusion based on his decades of experience and in running Innate, that there is "nothing improper about any of [the shareholder update emails]."[52]

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[44] *See id.* ¶ 17 ("Identification of potential patients is a precursor to screening and enrolment and as such is not sufficiently material to be released to the market. It is not regarded as price sensitive information.").
[45] *See, e.g.,* United States Securities and Exchange Commission, Fast Answers: "Insider Trading" ("Illegal insider trading refers generally to *buying or selling a security* . . . while in possession of material, nonpublic information about the security.") available at https://www.sec.gov/fast-answers/answersinsiderhtm.html (emphasis added). *See also* Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j (prohibiting the use or employment of any manipulative or deceptive device or contrivance "*in connection with* the purchase or sale of any security") (emphasis added).
[46] Wilkinson Declaration ¶ 7.
[47] *Id.* ¶ 8.
[48] *Id.* Ex. B.
[49] *Id.* Ex. C.
[50] *Id.* Ex. D.
[51] *Id.* ¶ 12.
[52] *Id.* ¶ 13.

We respectfully submit that these views, while not determinative, deserve great weight. Mr. Wilkinson is an experienced industry professional and heavily involved in the day-to-day management and oversight at Innate. His close contact with both Innate and Rep. Collins puts him in an excellent position to opine on the key issues involved in this review. When Mr. Wilkson emphasizes that he is "not aware of any reason to believe that [Rep. Collins] acted improperly or illegally with respect to his role as an Innate supporter, advocate, investor, and director"[53] his statement should reverberate not only because he is in an excellent position to develop such a view, but also because it is true.

OCE Incorrectly Concluded There is a Substantial Reason to Believe Rep. Collins Took Official Action or Requested Official Actions that Would Assist a Single Entity in which He Had a Significant Financial Interest

With respect to the third recommendation by OCE—focusing on the National Institutes of Health—it is unclear what, exactly, OCE is alleging to have been improper. This confusion is, in part, the result of the fact that this inquiry was ginned up by OCE in the middle of the review phase and, in part, because it utterly lacks substance. Even a cursory review of the OCE Report confirms the absolute propriety of Rep. Collins' actions.

The allegations, in short are: that Rep. Collins (who was very publicly associated with Innate) mentioned MIS416 during a Subcommittee hearing to the then-Director of the National Institute of Neurological Disorders and Stroke ("NINDS");[54] the NINDS Director invited Rep. Collins to visit the intramural program where several investigators were working to develop treatments for Multiple Sclerosis; Rep. Collins accepted that invitation and his staff coordinated a visit to NIH through NIH's government liaison;[55] Rep. Collins actually visited NIH;[56] in advance of that visit, and in the interest of fair disclosure, Rep. Collins' Legislative Assistant identified Rep. Collins' connection to Innate, which was not "anything . . . that I didn't already know" per the NIH employee;[57] during his visit Rep. Collins requested and facilitated a meeting between an NIH employee and Innate's Chief Scientific Officer related to, among other things, design of Innate's next trial;[58] and that meeting then occurred.[59]

While this series of events is innocuous on its face, OCE seems to suggest a grand conspiracy to secure improper NIH assistance for Innate. This could not be further from the truth. First, Rep. Collins had a well-publicized connection to Innate founded on, as discussed above, a hope that

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[53] *Id.* ¶ 29.
[54] OCE Report ¶¶ 86-87.
[55] *Id.* ¶¶ 88-91.
[56] *Id.* ¶¶ 92-95. It can be inferred that this was a common occurrence, as OCE describes "NIH Employee 1" as a health policy analyst whose "main role in that position is managing interactions with Congress. She interfaces with congressional staff, sets up times for congressional visits, shares draft agendas with congressional staff, and assists with logistical support in receiving the members of Congress." *Id.* ¶ 93.
[57] *Id.* ¶¶ 96-100.
[58] *Id.* ¶¶ 106; 109.
[59] *Id.* ¶ 111.

the company could develop a potentially life-saving treatment for millions of individuals suffering from a debilitating disease. Based on his comments during a Subcommittee hearing, the NINDS Director then invited Rep. Collins on a visit to learn more. As a result of Rep. Collins' visit, a meeting was arranged between Dr. Gill Webster, the Chief Scientific Officer of Innate, and Dr. Bibiana Bielekova of NIH.

Ignoring the forest for the trees, OCE failed to even address NIH's mission before issuing its unfounded conclusion. NIH is one of the world's foremost medical research centers, with a mission as follows:

> [s]imply described, the goal of NIH research is to acquire new knowledge to help prevent, detect, diagnose, and treat disease and disability, from the rarest genetic disorder to the common cold. The NIH mission is to uncover new knowledge that will lead to better health for everyone. NIH works toward that mission by: conducting research in its own laboratories; *supporting the research of non-Federal scientists in universities, medical schools, hospitals, and research institutions throughout the country and abroad*; helping in the training of research investigators; *and fostering communication of medical and health sciences information.*[60]

The suggestion by OCE that Rep. Collins facilitated a meeting that is precisely in line with the public interest mission of NIH, yet somehow violative of House rules and standards of conduct, is not credible.

Furthermore, the meetings that occurred were typical in scope for NIH meetings of this nature, which are frequent and common.[61] As described by Dr. Webster, "[i]n my experience, the [NIH] are one of the foremost medical research facilities in the world" operating "for the public good and focus[ing] in part on attempting to understand difficult to treat diseases and research possible effective treatments for such diseases."[62] NIH's mission includes attempting to find a treatment for MS.[63] Dr. Webster was in the United States visiting several scientific collaborators assisting with Innate's clinical program and found time to meet with Dr. Bielekova at NIH.[64] There was no specific agenda and the interaction was a "meet and greet" in which two colleagues shared experiences and challenges pursuing possible treatment for progressive MS.[65] Two subsequent

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[60] National Institutes of Health, "About NIH, Frequently Asked Questions, Mission" available at https://www.nih.gov/about-nih/frequently-asked-questions (emphasis added).
[61] Declaration of Gill Webster, attached hereto as Attachment 3, ¶ 9 (hereinafter, "Webster Declaration").
[62] *Id.* ¶¶ 7-8.
[63] *Id.* ¶ 8.
[64] *Id.* ¶¶ 11-12.
[65] *Id.* ¶¶ 13-15.

meetings between Drs. Bielekova and Webster were by chance during industry conferences[66] which included social pleasantries and generic updates exchanged between professionals.[67] No aspect of these meetings was improper. To the contrary, they are the common interactions typical of colleagues looking to find solutions for debilitating diseases.[68]

Dr. Webster explains that these discussions are helpful to fostering cooperation, synergy, and the exchange of ideas among professionals. Further, they are integral to advancing the communities' understanding of challenging diseases.[69] There is no similar organization to the NIH in New Zealand that would provide similar guidance to entities attempting to find effective treatment for MS,[70] and Dr. Webster understands that part of Dr. Bielekova's role at the NIH is to have just these types of meetings that foster communication and the exchange of information.[71]

As Dr. Bielekova explained regarding the meeting with Dr. Webster, "[w]e always help people . . . . We do that a lot. Because we are a national resource, we do it a lot to pretty much anybody. If an investigator would call me today and say I am designing a phase two trial for progressive MS, could you help me, chances are I would help."[72] As she explained, guidance from leadership in her division "has always been that we need to share our expertise freely."[73] In short, the "community of scientists and clinicians attempting to treat MS shares a mutual obligation to exchange information that might help advance [the] understanding of the disease and how to potentially treat it."[74] As Dr. Bielekova elaborated, "it's in my interest, interest of NIH and interest of everybody to help with development drugs for this disease, because the societal need is so humungous, right? So, I mean I would feel that it's part of me being a federal employee to foster such . . . to give that knowledge so that companies can develop [e]ffective drugs."[75] Dr. Webster likewise confirms that Dr. Bielekova gave no special treatment and did not undertake to do any actions to benefit Innate.[76] In reality, Dr. Webster, and Rep. Collins, had an obligation to involve NIH in the studies conducted by Innate, and NIH welcomed the information as an important aspect of its mission.

OCE's suggestion that this highly common type of educational and scientific collaboration is somehow untoward fails to recognize the very nature of the mission of institutions like NIH and entities like Innate. Rep. Collins simply facilitated one such connection—integral to advancing the communities' understanding of challenging diseases—that is in the public interest. There has

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[66] *Id.* ¶¶ 17; 22.
[67] *Id.* ¶¶ 17-18; 23-24.
[68] *Id.* ¶¶ 20; 26.
[69] *Id.* ¶ 27.
[70] *Id.* ¶ 29.
[71] *Id.* ¶ 28. *See also* note 59, *supra* (the mission of NIH is, among other things, to "foster[] communication of medical and health sciences information").
[72] Transcript of Interview of NIH Employee 2, May 10, 2017 at 17-3509_000140:37, 146:19-21.
[73] *Id.* at 146:28-29.
[74] Webster Declaration ¶ 30.
[75] Transcript of Interview of NIH Employee 2, May 10, 2017 at 17-3509_000149:35-150:4.
[76] Webster Declaration ¶ 31.

been no showing, let alone a substantial reason to believe, that a violation of House rules and standards of conduct occurred.

Conclusion

As detailed above, Rep. Collins' has been open, honest, and at all times above-board in fulfilling his duties as a Member of the House of Representatives. His ownership of stock, role in, and connection to Innate is no secret. As an investor in Innate and advocate of Innate's mission he lauded the company, its science, and its goal of finding a treatment for a crippling and deadly disease.

This review was spurred by unfounded accusations that trace their origin to political opponents, including Rep. Collins' fellow Member from New York. Each of the original complaints lodged by Rep. Slaughter and others have been discounted or demonstrated to be without merit and, as discussed herein, the remaining issues that OCE did review are equally without force. OCE, and this Committee, should not be manipulated in this manner or used as a forum for political crusades such as that being pursued by Rep. Slaughter in her mudslinging campaign to seek a personal vendetta. Despite an exhaustive review, OCE has presented no compelling support for its conclusion that substantial reason exists for belief that a violation occurred. The uncontested facts, common sense, and the law all support the conclusion that OCE's recommendation should be rejected and this review concluded.

Sincerely,

E. Mark Braden

cc: Patrick McMullen, Esq.
Trevor M. Stanley, Esq. (via email only)
Kendall E. Wangsgard, Esq. (via email only)

Encls.

Declaration

I, Representative Chris Collins, declare (certify, verify, or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated August 14, 2017, relating to my response to the July 14, 2017, Committee on Ethics letter, are true and correct.

Signature: Chris Collins

Name: Representative Chris Collins

Date: August 14, 2017