

Congress of the United States
Washington, DC 20515

September 24, 2020

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, Southwest
Washington, D.C. 20201

Dear Secretary Azar:

We write to you regarding the funding recommendations made by the National Institutes of Health (NIH) Human Fetal Tissue Ethics Advisory Board (Advisory Board). Internal Department of Health and Human Services (HHS) documents released by the United States House Committees on Energy and Commerce (E&C) and Oversight and Reform (COR) reveal that restrictions on fetal tissue research, including the convening of this Advisory Board, were advanced at the behest of the White House in defiance of NIH scientific evidence. We urge you to stand up for science, preserve scientific integrity, and use your authority to stop ideologically motivated efforts to restrict federally funded research using fetal tissue.

Biomedical researchers use fetal tissue because it remains an irreplaceable resource for research aimed at improving our understanding of fetal and human development and identifying treatments for a vast array of conditions, including Amyotrophic Lateral Sclerosis (ALS), spinal cord injury, Parkinson's disease, HIV/AIDS, and other viral diseases like Zika and coronavirus. Vaccines for polio, hepatitis A, measles, mumps, rubella, chickenpox, and rabies exist because of our nation's longstanding and previously bipartisan support for research using fetal tissue.

On June 5, 2019, HHS imposed restrictions on biomedical research using fetal tissue that have had a chilling effect on innovative studies to address a multitude of diseases, including COVID-19.¹ Agency documents released by E&C and COR last week demonstrate that these restrictions were motivated by ideology and unsupported by science. While NIH experts continued to assert the scientific value of research using fetal tissue, Assistant Secretary for Health Brett Giroir and other political appointees instead worked in coordination with the White House—including the Executive Office of the President, the Domestic Policy Council, and the White House Counsel's Office—to pursue a restrictive, dangerous policy to undermine and ultimately cease all federally funded intramural and extramural fetal tissue research projects and contracts.²

¹ Department of Health and Human Services, Statement from the Department of Health and Human Services (June 5, 2019) (online at <https://www.hhs.gov/about/news/2019/06/05/statement-from-the-department-of-health-and-human-services.html>); *Trump Ban on Fetal Tissue Research Blocks Coronavirus Treatment Effort*, Washington Post (March 18, 2020) (online at https://www.washingtonpost.com/health/trump-ban-on-fetal-tissue-research-blocks-coronavirus-treatment-effort/2020/03/18/dd9f754-685c-11ea-abef-020f086a3fab_story.html).

² Email from Senior Counselor to the Secretary Paula Stannard, Department of Health and Human Services, to Carrie Wolinetz, Ph.D., Associate Director for Science Policy, National Institutes of Health, and Lawrence

On June 13, 2019, the House of Representatives rejected the Administration's new policy and overwhelmingly passed an amendment to blunt its impact by a vote of 225 to 193.³ On March 31, 2020, Representatives Schakowsky and Pocan introduced legislation to enact guardrails protecting fetal tissue research from political interference in light of the urgency to mitigate the spread of the coronavirus.⁴ On April 6, 2020, several Members of Congress sent a letter urging you to reverse the June 2019 restrictions on the use of fetal tissue for federally funded research on coronavirus treatments or vaccines.⁵ On July 31, 2020, once again, the House of Representatives voted to pass a Labor, Health and Human Services, Education, and Related Agencies appropriations bill that would require timely and ethical evaluations of fetal tissue research, rather than eliminating this type of research altogether.⁶

Further, the Advisory Board members you appointed to review critical biomedical research proposals did not represent the full range of perspectives on fetal tissue research in the scientific community. Only one Board member has actually used fetal tissue in research; 10 out of 15 Board members, including its Chair, have publicly expressed their opposition to the research they were charged to review.⁷ It is unsurprising that the Advisory Board decided to reject all but one of 14 research proposals submitted for consideration—a study on alternative models to fetal tissue research—after meeting for just one day of deliberations and only a 42-minute public session.⁸ Since then, a coalition of nearly 80 patient advocacy groups, institutions of higher education, and professional medical organizations have urged you to reject the recommendations and revoke the HHS policy to restrict fetal tissue research in order to ensure the health and safety of our communities.⁹

Tabak, D.D.S., Ph.D., Principal Deputy Director, National Institutes of Health (Oct. 18, 2018) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Stannard%20NIAID%20Contract%20Email%20%28FTR%200003081%29_FINAL.pdf); Email from Assistant Secretary for Health Brett Giroir, Department of Health and Human Services, to Carrie Wolinetz, Ph.D., Associate Director for Science Policy, National Institutes of Health, et al. (May 20, 2019) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Giroir%20EOP%20Email%20%28FTR%200002223-0002224%29_FINAL.pdf).

³ Labor, Health and Human Services, Education, Defense, State, Foreign Operations, and Energy and Water Development Appropriations Act, 2020, H.R. 2740: Roll Vote No. 321.

⁴ Protecting Cures Act of 2020, H.R. 6417, 116th Cong. (2020).

⁵ Letter from Representatives Jarred Huffman, Jan Schakowsky, Diana DeGette et al. to Secretary Alex M. Azar II, Department of Health and Human Services (Apr. 6, 2020) (online at <https://huffman.house.gov/download/fetal-tissue-research-letter-to-hhs-462020>).

⁶ Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021, H.R. 7617, 116th Cong. (2020).

⁷ *Fetal Tissue Research Advisory Board Convenes, with a Strong Anti-Abortion Tilt*, Washington Post (Aug. 4, 2020) (online at www.washingtonpost.com/health/fetal-tissue-research-advisory-board-convenes-with-a-strong-anti-abortion-tilt/2020/08/04/f138d08a-d5c7-11ea-930e-d88518c57dcc_story.html).

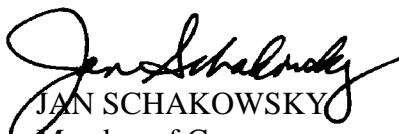
⁸ Ibid; National Institutes of Health, Report of the Human Fetal Tissue Research Ethics Advisory Board—FY2020 (Aug. 18, 2020) (online at www.osp.od.nih.gov/wp-content/uploads/HFT_EAB_FY2020_Report_08182020.pdf).

⁹ Letter from Coalition Urging Secretary Alex M. Azar II, Department of Health and Human Services to reject Advisory Board Recommendations (August 31, 2020) (online at https://www.isscr.org/docs/default-source/policy-documents/coalition-letter-to-hhs-on-hft-eab-august-31-2020.pdf?sfvrsn=d13843b1_2)

Over the past seven months of the COVID-19 pandemic, you have repeatedly failed to defend public health in the face of President Trump's continued attempts to subvert our nation's scientific experts and mislead the American people. The Trump Administration's failure to combat this crisis has cost lives, and the Administration must let science lead the way in order to save lives. We urge you to reject the ideologically driven recommendations of the Board and advance the crucial, promising, and significant biomedical research recommended by NIH's peer-review process.

Allowing this research to proceed, using the strongest scientific methods and evidence, makes it more likely we can support patients, find cures, and develop treatments for devastating diseases like COVID-19. You must stand up for the integrity of science and biomedical research.

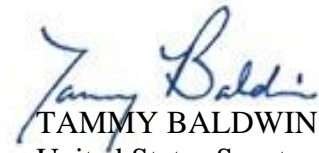
Sincerely,



JAN SCHAKOWSKY
Member of Congress



MARK POCAN
Member of Congress



TAMMY BALDWIN
United States Senator

Rep. Diana DeGette
Rep. Suzan DelBene
Rep. Jackie Speier
Rep. Barbara Lee
Rep. Carolyn B. Maloney
Rep. Eleanor Holmes
Norton
Rep. Ted Deutch
Rep. Lori Trahan
Rep. Jamie Raskin
Rep. Nita M. Lowey
Rep. Julia Brownley
Rep. Danny K. Davis
Rep. Jerrold Nadler
Rep. Bill Foster
Rep. Steve Cohen
Rep. Ro Khanna
Rep. Veronica Escobar
Rep. Earl Blumenauer
Rep. Jahana Hayes

Rep. Ayanna Pressley
Rep. Lois Frankel
Rep. Gerald E. Connolly
Rep. Peter Welch
Rep. Val B. Demings
Rep. Debbie Wasserman
Schultz
Rep. Raúl Grijalva
Rep. André Carson
Rep. Norma J. Torres
Rep. Kathy Castor
Rep. Bonnie Watson
Coleman
Rep. Judy Chu
Rep. Katherine Clark
Rep. Sheila Jackson Lee
Rep. Alma S. Adams, Ph.D.
Rep. Rosa L. DeLauro
Rep. Donald S. Beyer Jr.
Rep. Brenda L. Lawrence

Sen. Kirsten Gillibrand
Sen. Edward J. Markey
Sen. Elizabeth Warren
Sen. Richard Blumenthal