

**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.<sup>1</sup> 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.<sup>2</sup>

---

<sup>1</sup> 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](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)).

<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

---

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](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](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Giroir%20EOP%20Email%20%28FTR%200002223-0002224%29_FINAL.pdf)).

<sup>3</sup> 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.

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

<sup>5</sup> 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>).

<sup>6</sup> 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, 116<sup>th</sup> Cong. (2020).

<sup>7</sup> *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](http://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)).

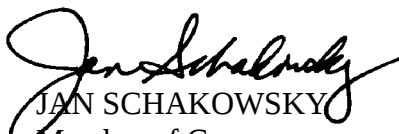
<sup>8</sup> Ibid; National Institutes of Health, Report of the Human Fetal Tissue Research Ethics Advisory Board—FY2020 (Aug. 18, 2020) (online at [www.osp.od.nih.gov/wp-content/uploads/HFT\\_EAB\\_FY2020\\_Report\\_08182020.pdf](http://www.osp.od.nih.gov/wp-content/uploads/HFT_EAB_FY2020_Report_08182020.pdf)).

<sup>9</sup> 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](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.

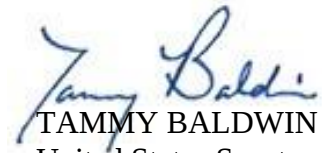
Sincerely,



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