

**Congress of the United States**  
**Washington, DC 20515**

September 14, 2020

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

Dear Secretary Azar:

We are writing to urge you to halt efforts to block federally funded research using fetal tissue and to reject the baseless, ideologically driven recommendations made by the Human Fetal Tissue Ethics Advisory Board, which was created to restrict critical, potentially life-saving research using fetal tissue. Internal documents produced by the Department of Health and Human Services (HHS) indicate that these efforts are motivated by ideology and are not supported by science.<sup>1</sup>

The Advisory Board held just one virtual meeting on July 31, 2020—reportedly convening publicly for only 42 minutes before transitioning to five hours of closed-door deliberations and votes on proposals.<sup>2</sup>

The scientific community raised serious concerns that the Board’s membership—which was disclosed publicly only hours before it convened—was stacked with members whose views on fetal tissue research are based in extreme ideology and are contrary to scientific consensus about the value of fetal tissue research.<sup>3</sup> One researcher described the Board as “a ban disguised as an ethics committee.”<sup>4</sup>

On August 18, 2020, the Advisory Board issued a report recommending that you reject funding for 13 of the 14 fetal tissue research grant proposals it was tasked with reviewing—

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<sup>1</sup> Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Ranking Member Patty Murray, Senate Committee on Health, Education, Labor and Pensions, to Secretary Alex M. Azar II, Department of Health and Human Services (July 17, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-17.EEC%20Murray%20to%20Azar%20-HHS%20re%20Fetal%20Tissue.pdf>).

<sup>2</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>3</sup> International Society for Stem Cell Research, *ISSCR Statement on the NIH Human Fetal Tissue Research Ethics Advisory Board Meeting* (Aug. 4, 2020) (online at [www.isscr.org/news-publicationsss/isscr-news-articles/article-detail/2020/08/05/isscr-statement-on-the-nih-human-fetal-tissue-research-ethics-advisory-board-meeting](http://www.isscr.org/news-publicationsss/isscr-news-articles/article-detail/2020/08/05/isscr-statement-on-the-nih-human-fetal-tissue-research-ethics-advisory-board-meeting)).

<sup>4</sup> *New U.S. Ethics Board Rejects Most Human Fetal Tissue Research Proposals*, Science (Aug. 18, 2020) (online at [www.sciencemag.org/news/2020/08/new-us-ethics-board-rejects-most-human-fetal-tissue-research-proposals](http://www.sciencemag.org/news/2020/08/new-us-ethics-board-rejects-most-human-fetal-tissue-research-proposals)).

despite each of these proposals having already undergone a rigorous, two-stage scientific review process and being deemed worthy of funding through the National Institutes of Health (NIH).<sup>5</sup>

In a dissenting opinion to its final report, two members of the Advisory Board described it as being designed “to include a large majority of members who are on the public record as being opposed to human fetal tissue research of any type” and decried it as “an attempt to block funding of as many contracts and grants as possible.”<sup>6</sup>

In response to the report, Dr. Christine Mummery, the President of the International Society for Stem Cell Research, stated:

Crucial advances in biomedical research will be slowed because of the American restrictions on research using human fetal tissue. People may die unnecessarily because the administration has allowed an ideological special interest group to hijack biomedical research.<sup>7</sup>

On April 16, 2020—before the Advisory Board was convened—we sent a letter urging you to immediately reverse restrictions on the use of fetal tissue in any federally funded coronavirus-related research and requesting a briefing on the impact of these restrictions on research toward the development of coronavirus disease of 2019 (COVID-19) vaccines and therapeutics.<sup>8</sup>

HHS declined to provide this briefing, taking the unsupported position that “because some of the questions you raise are related to an ongoing executive branch decision-making

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<sup>5</sup> 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)); Letter from the International Society for Stem Cell Research et al. to Members of the National Institutes of Health Human Fetal Tissue Research Ethics Advisory Board (July 28, 2020) (online at [www.isscr.org/docs/default-source/policy-documents/coalition-letter-to-nih-human-fetal-tissue-ethics-advisory-board-july-2020.pdf?sfvrsn=b0a243b1\\_2](http://www.isscr.org/docs/default-source/policy-documents/coalition-letter-to-nih-human-fetal-tissue-ethics-advisory-board-july-2020.pdf?sfvrsn=b0a243b1_2)).

<sup>6</sup> 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>7</sup> *New U.S. Ethics Board Rejects Most Human Fetal Tissue Research Proposals*, Science (Aug. 18, 2020) (online at [www.sciencemag.org/news/2020/08/new-us-ethics-board-rejects-most-human-fetal-tissue-research-proposals](http://www.sciencemag.org/news/2020/08/new-us-ethics-board-rejects-most-human-fetal-tissue-research-proposals)).

<sup>8</sup> Letter from Chairman Frank Pallone, Jr., House Committee on Energy and Commerce, Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Ranking Member Patty Murray, Senate Committee on Health, Education, Labor, and Pensions, to Secretary Alex M. Azar II, Department of Health and Human Services (Apr. 16, 2020) (online at <https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/HHS.2020.4.16.pdf>).

processes, we are unable to schedule a briefing due to the potential to distort the decision-making process.”<sup>9</sup>

Instead, in the middle of a global pandemic, HHS proceeded to implement its harmful restrictions on biomedical research as millions more people in the United States became infected and well over one hundred thousand people died.

Internal HHS documents show that political appointees—including Assistant Secretary for Health Brett Giroir and Senior Counselor to the Secretary Paula Stannard—pursued these fetal tissue restrictions to advance an ideological agenda at the behest of the White House, despite HHS’s own assessment of the scientific value of fetal tissue research. For example:

- In an email on October 18, 2018, Ms. Stannard indicated that she received “a document on the scientific advances/uses of the humanized mice associated” with a fetal tissue research contract from a career official at NIH.<sup>10</sup>
- In an email on May 4, 2019, NIH career staff referenced “HFT [human fetal tissue] examples requested by Brett [Giroir],” and an attached document detailing the clinical value of federally funded fetal tissue research for six diseases and conditions.<sup>11</sup>
- In an email on May 20, 2019, Admiral Giroir referenced a “high priority request originating from EOP [Executive Office of the President]” for information regarding federally funded intramural and extramural fetal tissue research projects and contracts.<sup>12</sup>
- In an email on July 23, 2019, Ms. Stannard indicated that she had shared a draft version of guidance regarding fetal tissue research restrictions with the White House Domestic Policy Council and the White House Counsel’s Office.<sup>13</sup>

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<sup>9</sup> Email from Office of the Assistant Secretary for Legislation, Department of Health and Human Services, to Staff, House Committee on Energy and Commerce, House Committee on Oversight and Reform, and Senate Committee on Health, Education, Labor, and Pensions (May 28, 2020).

<sup>10</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 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)).

<sup>11</sup> Email from Carrie Wolinetz, Ph.D., Associate Director for Science Policy, National Institutes of Health, to Lawrence Tabak, D.D.S., Ph.D., Principal Deputy Director, National Institutes of Health (May 4, 2019) (online at [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Wolinetz%20Giroir%20FTR%20Information%20Request%20Email%20%28FTR%2000002389-0002391%29\\_FINAL.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Wolinetz%20Giroir%20FTR%20Information%20Request%20Email%20%28FTR%2000002389-0002391%29_FINAL.pdf)).

<sup>12</sup> 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)).

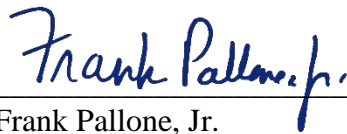
<sup>13</sup> Email from Senior Counselor to the Secretary Paula Stannard, Department of Health and Human Services, to Carrie Wolinetz, Ph.D., Associate Director for Science Policy, National Institutes of Health, et al. (July

For more than a year, the Trump Administration's restrictive policy has impeded critical research and promising therapies for a number of diseases—including for coronavirus. Your duty as Secretary is to safeguard HHS's commitment to fostering sustained advances in the biomedical research underlying medicine and public health—even when doing so defies the White House's political objectives.

For these reasons, we strongly urge you to immediately reject the Advisory Board's recommendations to further restrict fetal tissue research.

Thank you for your immediate attention to this matter.

Sincerely,



Frank Pallone, Jr.  
Chairman  
House Committee on Energy and Commerce



Carolyn B. Maloney  
Chairwoman  
House Committee on Oversight and Reform



Patty Murray  
Ranking Member  
Senate Committee on Health, Education,  
Labor and Pensions

cc: The Honorable Greg Walden, Ranking Member  
House Committee on Energy and Commerce

The Honorable James R. Comer, Ranking Member  
House Committee on Oversight and Reform

The Honorable Lamar Alexander, Chairman  
Senate Committee on Health, Education, Labor and Pensions