

Congress of the United States
Washington, DC 20515

June 23, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

Dear Secretary Becerra:

We write to express our dismay at the recent decisions to discontinue the National Institutes of Health's (NIH) Human Fetal Tissue Ethics Advisory Board (EAB)¹ and to reverse the Department of Health and Human Services' (HHS) policy prohibiting funding for intramural research using human fetal tissue (HFT).² The EAB provided critical ethical review of extramural research grant applications and its removal will assuredly reduce accountability and transparency in the use of tax dollars for ethically fraught research. In addition, the recent decision to let federal researchers obtain, use, and store for intramural research the body parts of unborn children violently killed through abortion is deeply troubling. Americans deserve better stewardship of their tax dollars than research that exploits the remains of aborted infants.

The 2019 restrictions on HFT were instituted because of glaring abuses that came to light. For example, a careful review of an FDA contract with Advanced Bioscience Resources (ABR) to procure "fresh human fetal tissue" for transplantation into mice raised serious doubts about whether federal standards were being met, resulting in HHS's decision to cancel the contract.³ Further investigations and disclosures led HHS to discontinue intramural research projects that exploited the remains of unborn children and to convene the statutorily defined Ethics Advisory Board to provide oversight and accountability for extramural HFT projects.

Recently published FOIA documents have brought to light sickening details of the FDA's dealings with ABR before 2018, in which FDA employees routinely placed orders for eyeballs, livers, skin, brains, skulls, and sometimes fully intact bodies of infants aborted in the second trimester.⁴ According to email and court records, ABR received up to \$2,000 for whole infant bodies and was paid \$12,000 for a series of shipments of harvested organs that were used to

¹ "NOT-OD-21-111: Update on Changes to NIH Requirements Regarding Proposed Human Fetal Tissue Research," National Institutes of Health, April 16, 2021, <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-21-111.html>.

² "Policies on the Acquisition and Use of Human Fetal Tissue (HFT) for Research Purposes in the Intramural Research Program at NIH," National Institutes of Health, last updated April 26, 2021, <https://oir.nih.gov/sourcebook/ethical-conduct/special-research-considerations/policies-procedures-use-human-fetal-tissue-hft-research-purposes-intramural/policies#oversight>.

³ "Statement from the Department of Health and Human Services," Department of Health and Human Services, September 24, 2018, <https://public3.pagefreezer.com/browse/HHS.gov/31-12-2020T08:51/https://www.hhs.gov/about/news/2018/09/24/statement-from-the-department-of-health-and-human-services.html>.

⁴ <https://www.judicialwatch.org/documents/jw-v-hhs-humanized-mice-fda-prod-3-00876/>

humanize mice in lab experiments.⁵ More recently, the Center for Medical Progress (CMP) revealed that researchers grafted the scalps of aborted babies onto lab rats as part of research funded by grants from the National Institute of Allergy and Infectious Diseases (NIAID).

These revelations raise numerous questions about the safeguards the federal government has in place to protect taxpayer dollars from being used for unethical or illegal research purposes. Some of the concerns raised last year by the Ethics Advisory Board found substantial failings in extramural HFT proposals related to ensuring proper consent, adherence to NIH policy, questions of financial gain from the exchange of fetal tissue, and lack of scientific justification for using HFT over alternative tissue sources. In fact, the Board voted to recommend that the Secretary withhold funds for 13 of 14 proposals on account of serious ethical concerns.

Given these concerns, it is absolutely vital that NIH maintain adequate oversight of federally funded HFT projects. Eliminating the EAB removes critical oversight and increases the likelihood that federally funded extramural projects may violate governing law and standing NIH policies with impunity. We urge you to restore the EAB, reinstate the NIH policy governing intramural research using human fetal tissue, and help rebuild public trust in the stewardship of American tax dollars. We also request that you confirm to us whether or not federally prohibited abortion procedures or changes in procedures were employed in the procuring of human fetal tissue for use in research funded by NIAID grants.

In addition, we urge you to embrace more avenues for research that employ ethical, non-fetal alternatives.⁶ Adult stem cells, induced pluripotent stem (iPS) cells, and umbilical cord blood cells have been used to create life-saving treatments for multiple diseases and conditions.⁷ Previous projects, including a \$20 million funding opportunity in 2018 to move toward noncontroversial alternatives, have been well received and accepted by a broad majority of scientists. We request an audit of how these 2018 funds were distributed as well as information on your Department's future plans to invest in ethical alternatives to human fetal tissue.

Americans expect their tax money to be spent strategically, but at all times ethically. We are disturbed that your recent decisions violate this public trust and call into question your commitment to transparent government. We ask that you demonstrate your commitment to transparency by restoring the Ethics Advisory Board, reinstating policies that permit only ethically sourced HFT, and committing to humane research that does not violate the consciences of millions of American taxpayers.

⁵ <https://www.judicialwatch.org/wp-content/uploads/2020/07/JW-v-HHS-Humanized-Mice-FDA-prod-3-00876.pdf>

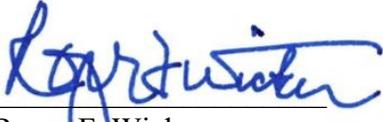
⁶ Tara Sander Lee, et al, "Human fetal tissue from elective abortions in research and medicine: science, ethics, and the law," *Issues in Law and Medicine*, vol. 35, 1:3, 2020;

cf. Tara Sander Lee and David A. Prentice, Written testimonies, "In Support of Ethical Alternatives to Aborted Fetal Tissue Research," Joint Hearing, Subcommittee on Healthcare, Benefits, and Administrative Rules and Subcommittee on Government Operations, House Oversight & Government Reform Committee, U.S. House of Representatives, December 13, 2018, <https://lozierinstitute.org/written-testimony-of-tara-sander-lee-ph-d-in-support-of-ethical-alternatives-to-aborted-fetal-tissue-research/>, <https://s27589.pcdn.co/wp-content/uploads/2019/01/Prentice-Testimony-HCBAR-GO-Fetal-Tissue-12.13.18.pdf>

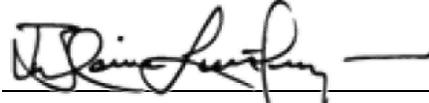
⁷ "Diseases Treated with Stem Cells," Stem Cell Research Facts: A Charlotte Lozier Institute Project, <https://www.stemcellresearchfacts.org/stem-cell-treatments>.

Thank you for your attention to this important matter. We look forward to your expeditious response.

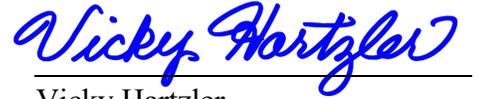
Sincerely,



Roger F. Wicker
United States Senator



Blaine Luetkemeyer
Member of Congress



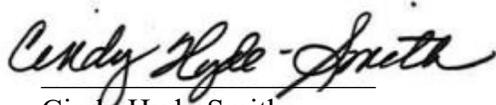
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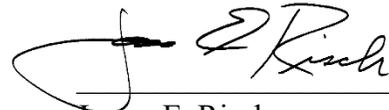
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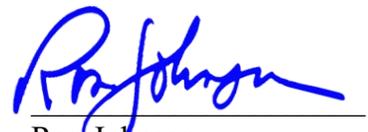
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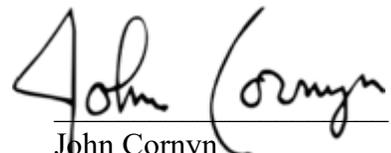
Deb Fischer
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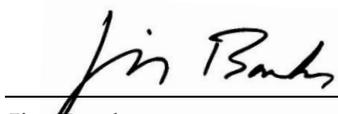
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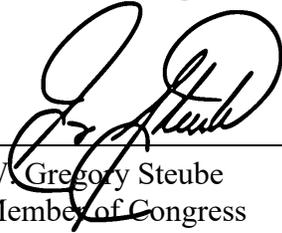
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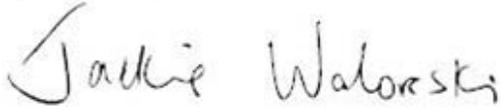
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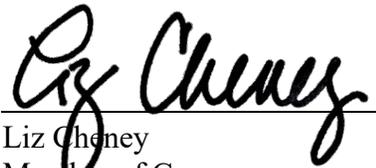
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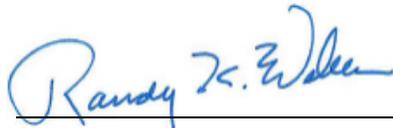
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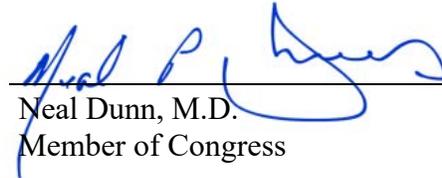
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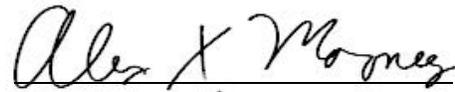
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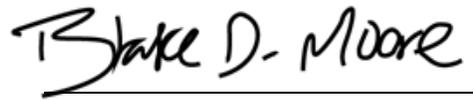
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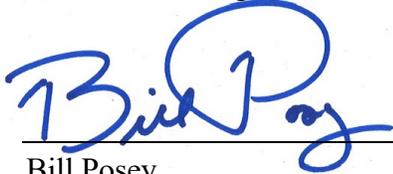
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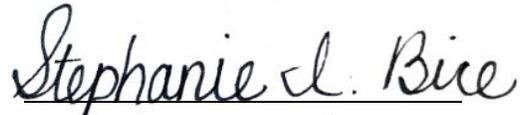
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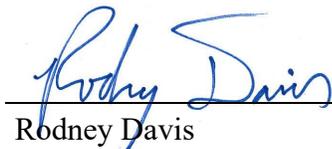
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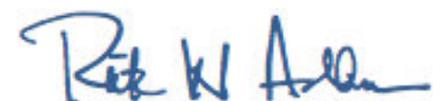
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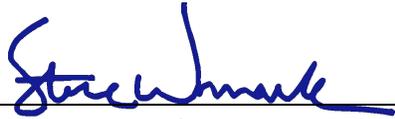
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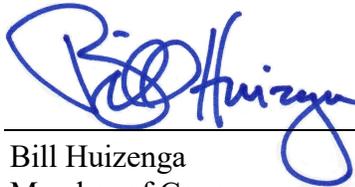
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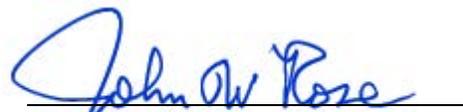
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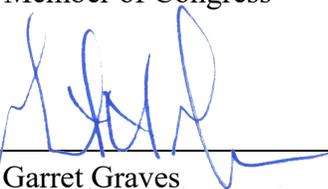
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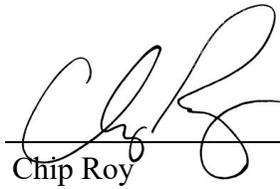
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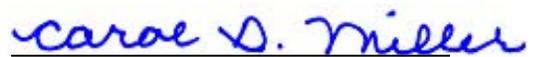
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