

United States Senate

WASHINGTON, DC 20510

March 26, 2021

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra,

We write to express our support for the ethical discovery of treatments and cures that save American lives. Specifically, we request that you evaluate the agency's ability to expand our nation's existing organ-donation network to include spontaneously miscarried and stillborn infant donors. We believe doing so could provide a solution to the need for an ethical alternative to aborted fetal tissue and support HHS's effort to ethically advance the field of medicine.

Respecting the dignity of human life from conception to natural death is critically important and this action would be a significant step toward protecting human life at all stages.¹ If a consistent, high-quality, and ethically uncontroversial source of human fetal tissue exists, medical research would undoubtedly expand, advancing our nation's understanding of human development and leading to potentially life-saving discoveries. Such a consistent, uncontroversial source of organs and tissues would also meet the requirements as set out in NIH Guide Notice NOT-OD-19-128 and preclude the necessity of Ethics Advisory Board review (per 42 U.S.C. 289a-1, as amended), easing the minds of researchers and advancing superior scientific methods.^{2,3}

Notably, organ donation after the death of a child has been found to bring comfort to grieving parents.⁴ But despite this, there is currently only a limited ability to use donated material from preterm and stillborn infants for conventional organ transplant. Expanding the opportunities to make a potentially life-saving donation for basic and clinical research following the tragic loss of an infant due to natural causes would be of great benefit to many grieving parents.

We look forward to a response outlining the ways in which HHS could encourage an expansion of the organ donation network to include an ethical source of human fetal tissue.

¹ Statement from the Department of Health and Human Services, June 5, 2019: <https://www.hhs.gov/about/news/2019/06/05/statement-from-the-department-of-health-and-human-services.html>

² NIH Guide Notice NOT-OD-19-128, July 26, 2019: <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-19-128.html>

³ Archives of the NIH Human Fetal Tissue Research Ethics Advisory Board – FY2020: <https://osp.od.nih.gov/biotechnology/nih-human-fetal-tissue-research-ethics-advisory-board/>

⁴ See for example, Donating Child's Organs Helps Grieving Parents Find Good in Tragedy, University of Utah Health: https://healthcare.utah.edu/the-scope/shows.php?shows=0_45fe5uar

Sincerely,



Michael S. Lee
United States Senator



Cindy Hyde-Smith
United States Senator



M. Michael Rounds
United States Senator



Roy Blunt
United States Senator



Kevin Cramer
United States Senator



Marco Rubio
United States Senator



Mike Braun
United States Senator



Joni K. Ernst
United States Senator



Rick Scott
United States Senator



Steve Daines
United States Senator



James Lankford
United States Senator



John Boozman
United States Senator



Marsha Blackburn
United States Senator



Jerry Moran
United States Senator



Jim Inhofe
United States Senator



John Hoeven
United States Senator



James E. Risch
United States Senator

Cc: NIH Director Francis Collins