

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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November 14, 2024

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

Dear Secretary Becerra:

The Committee on Oversight and Accountability is investigating the Biden-Harris Administration's establishment of government-wide scientific integrity committees with possible intent to interfere with the executive authority of future presidential administrations.¹ Policymaking by the administrative state should be informed by scientific evidence—including views that challenge the existing consensus—and accountable to the American people and their elected leadership, not beholden to career bureaucrats implementing their own agendas. Yet the regime implemented by the Biden-Harris Administration is likely to entrench the status quo without regard to scientific advances while enhancing the power of unelected federal officials to influence or stymie policy decisions. The Committee seeks documents and information from the U.S. Department of Health and Human Services (HHS) to assist in its investigation and ensure continued accountability within the Executive Branch.

At the outset of its time in office, the Biden-Harris Administration issued a Presidential Memorandum directing the White House Office of Science and Technology Policy (OSTP) to establish a Task Force on Scientific Integrity and publish a report on federal agencies' scientific-integrity policies, ostensibly to "restore trust in government."² In this memorandum, each agency head was directed to establish agency-specific scientific integrity policies, designate chief science officers and scientific integrity officials, and form scientific advisory committees.³ Despite its purported goal of reducing political influence in federal scientific and technological processes, this top-down approach risks further politicizing science by increasing political

¹ Erin Schumaker, *Biden's Got a Plan to Protect Science from Trump*, POLITICO (May 27, 2024); Dave Jamieson, *Preparing for A Trump Return, EPA Workers Secure 'Scientific Integrity' Protections*, HUFFINGTON POST (May 29, 2024); Maxine Joselow & Scott Dance, *Why Scientists Fear a Second Trump Term, and What They Are Doing About It*, WASH. POST (Jun. 12, 2024).

² The White House, Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking (Jan. 27, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>; Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking, 86 Fed. Reg. 8845 (Feb. 10, 2021).

³ *Id.*

involvement in these processes and improperly empowering federal career bureaucrats to dictate ultimate agency policy.⁴

The OSTP Scientific Integrity Task Force defines scientific integrity government-wide as “*the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.*”⁵ Defining scientific integrity amid constantly evolving information environments is a challenge, and concerning, OSTP’s definition leaves terms such as “inclusivity,” “transparency,” and “influence” open to agency interpretation.⁶ In practice, the discretion granted to agency scientific integrity officials by this policy could be used to usurp leadership accountable to elected officials and legal requirements, tying agency leadership’s hands from implementing policy directives if deemed “too political” by federal bureaucrats.

It is likely that the goal of these scientific integrity efforts is less to ensure the best science is considered when making policy decisions and more to buttress support for and entrench far-left progressive policies in the administrative state.⁷ Indeed, recent reporting indicates that the Biden-Harris Administration is using “scientific integrity” to proactively respond to and hamstring the incoming Trump Administration’s ability to implement its own executive agenda and discredit scientific information and views that are not in keeping with the mainstream consensus or are based on emerging research challenging the status quo.⁸ This would be a subversion of the idea that agency leaders appointed by a President accountable to the electorate should execute the will of the people consistent with the law, and not implement the individual policy agendas of career bureaucrats.⁹

On September 16, 2024, HHS published its final scientific integrity policy which among other things, designates a Scientific Integrity Official (SIO), establishes a Scientific Integrity Council, and institutes a reporting system for alleged scientific integrity violations and political

⁴ Curtis Schube, *Scientific Integrity: The Latest Front in the Effort to Protect the Administrative State from Representative Democracy*, THE COUNCIL TO MODERNIZE GOVERNANCE (Apr. 2024), available at <https://modernizegovernance.org/wp-content/uploads/2024/05/Scientific-Integrity.pdf>.

⁵ NAT’L SCIENCE & TECH. COUNCIL, SCIENTIFIC INTEGRITY FRAMEWORK INTERAGENCY WORKING GROUP, A FRAMEWORK FOR FEDERAL SCIENTIFIC INTEGRITY POLICY AND PRACTICE, 8 (Jan. 2023), available at <https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf>.

⁶ *Id.* at 29.

⁷ E.g. James Broughel, *The Quiet Threat to Science Posed by ‘Indigenous Knowledge’*, FORBES (Feb. 29, 2024); Alex Norcia, *Memos Show FDA Overruled Science-Office Call to OK Menthol Vapes*, FILTER MAG. (Dec. 14, 2022).

⁸ Erin Schumaker, *Biden’s Got a Plan to Protect Science from Trump*, POLITICO (May 27, 2024); Dave Jamieson, *Preparing for A Trump Return, EPA Workers Secure ‘Scientific Integrity’ Protections*, HUFFINGTON POST (May 29, 2024); Maxine Joselow & Scott Dance, *Why Scientists Fear a Second Trump Term, and What They Are Doing About It*, WASH. POST (Jun. 12, 2024).

⁹ *Supra*, n.4.

interference occurring within HHS.¹⁰ According to HHS’ scientific integrity policy, political interference is defined as “*inappropriately shaping or interfering in the conduct, management, communication, or use of science for political advantage or such that it undermines impartiality, nonpartisanship, or professional judgment.*”¹¹ The updated HHS scientific integrity policy makes it clear that all HHS employees, including political appointees, are required to adhere to it.¹² HHS and its main operating divisions—Centers for Disease Control and Prevention (CDC), Food and Drug Administration (FDA), and National Institutes of Health (NIH)—maintain individual scientific integrity policies and designated SIOs responsible for addressing scientific integrity concerns within each division’s purview.¹³

Despite commitments to scientific processes free from the “use of science for political advantage,”¹⁴ there are numerous examples over the last four years where the Biden-Harris Administration has compromised scientific integrity, and professional judgment has been ignored to the benefit of political agendas. The Committee has previously drawn attention to the FDA diminishing credible scientific assessments of the benefits of tobacco harm reduction products and allegations of political interference in the approval of Premarket Tobacco Product Applications.¹⁵ Additionally, there is no better example of this willingness to prioritize politics over science than the Administration’s handling of the COVID-19 pandemic. Under Biden-Harris’ leadership, HHS and its component agencies have been responsible for: issuing unscientifically supported school closure, masking, and social distancing requirements in K-12 schools;¹⁶ targeting and censoring medical professionals that questioned the origins of COVID-

¹⁰ DEP’T OF HEALTH & HUMAN SERVS., THE SCIENTIFIC INTEGRITY POLICY OF THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, 15 (Sept. 16, 2024), available at <https://www.hhs.gov/sites/default/files/hhs-scientific-integrity-policy.pdf>.

¹¹ *Id.* at 2.

¹² *Id.* at 3.

¹³ Dep’t of Health & Human Servs., Reporting a Potential Loss of Scientific Integrity at HHS, available at <https://www.hhs.gov/programs/research/scientificintegrity-reporting/index.html>; see CTRS. FOR DISEASE CONTROL & PREVENTION, OFF. OF THE ASSOC. DIR. OF SCIENCE, CDC GUIDANCE ON SCIENTIFIC INTEGRITY – VERSION 2.1 (Apr. 2016), available at https://www.cdc.gov/os/integrity/docs/CDCSIGuide_042516.pdf; see also FOOD & DRUG ADMIN., SMG 9001.1, FDA STAFF MANUAL GUIDES, VOLUME IV – AGENCY PROGRAM DIRECTIVES GENERAL OR MULTIDISCIPLINE, SCIENTIFIC INTEGRITY AT FDA (Dec. 6, 2023), available at <https://www.fda.gov/media/82932/download>; see also NAT’L INSTS. OF HEALTH, THE SCIENTIFIC INTEGRITY POLICY OF THE NATIONAL INSTITUTES OF HEALTH (Sept. 2024), available at <https://osp.od.nih.gov/wp-content/uploads/2024/09/Final-NIH-Scientific-Integrity-Policy.pdf>.

¹⁴ *Supra*, n.11.

¹⁵ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Robert Califf, Comm’r, Food & Drug Admin. (Mar. 28, 2023), available at <https://oversight.house.gov/wp-content/uploads/2023/03/Letter-to-FDA-re-Premarket-Tobacco-Product-Applications-1.pdf>; see also Alex Norcia, *Memos Show FDA Overruled Science-Office Call to OK Menthol Vapes*, FILTER MAG. (Dec. 14, 2022); see also *Comments in FDA Assessment Suggest Agency in Disarray*, TOBACCO REPORTER, (Oct. 31, 2022).

¹⁶ Press Release, H. Comm. on Oversight & Accountability, Select Subcomm. on the Coronavirus Pandemic, Hearing Wrap Up: Director Rochelle Walensky’s “Professional” Take – CDC Public Policy Decisions Lacked Scientific Support (Jun. 14, 2023); Victor Nava, *AFT Boss Randi Weingarten Questioned Language in School Reopening Plan in Chummy Exchange with CDC Chief, Texts Show*, N. Y. POST (Jun. 2, 2023); Sarah Mervosh et al., *What the Data Says About Pandemic School Closures, Four Years Later*, N. Y. TIMES (Mar. 19, 2024).

19;¹⁷ withholding data from the American people on the effectiveness of COVID-19 vaccines;¹⁸ underestimating the strength of natural immunity from prior COVID-19 infection;¹⁹ interfering with and compromising the longstanding impartial process for awarding vaccine approvals;²⁰ overestimating child mortality from COVID-19 infection;²¹ and overruling its own scientists' recommendations for COVID-19 vaccine boosters for children.²²

As HHS' new scientific integrity policies come into effect and President-elect Trump prepares to return to the Oval Office, it is critical that the agency reflects on its past failures to live up to its own scientific integrity standards and actively work to improve Americans' trust in scientific institutions.²³ It is concerning that HHS' scientific integrity framework, as written, enables further distrust of government science by empowering civil servants to selectively subvert Executive Branch authority and deter credible scientific dissent when it fails to support a particular agenda.²⁴ Therefore, oversight of HHS' scientific integrity infrastructure is warranted to ensure the agency is fairly and transparently applying its updated standards to improve scientific integrity rather than thwart dissenting viewpoints.

To assist the Committee's investigation of this matter, please provide the following documents, information, and communications, covering the period January 27, 2021, to present, as soon as possible, but not later than November 27, 2024:

1. All records pertaining to HHS's development of a scientific integrity council, including:
 - a. the criteria for selecting members;
 - b. duties and authorities of the council;
 - c. the proposed reporting structure of the council;
 - d. the relationship of the council to other internal investigatory bodies;
 - e. changes to existing scientific integrity oversight procedures;

¹⁷ *The Proximal Origin of a Cover-Up: Did the Bethesda Boys Downplay a Lab Leak?* Select Subcomm. on the Coronavirus Pandemic, Interim Maj. Staff Report, (Jul. 11, 2023), available at <https://oversight.house.gov/wp-content/uploads/2023/07/Final-Report-7.pdf>; *Biden Administration Tried to Censor this Stanford Doctor, But He Won in Court*, N. Y. POST (Sept. 20, 2023); Jay Bhattacharya, *The Legal Case Against the Government For Propaganda Campaign Against the Great Barrington Declaration*, REALCLEARPOLITICS (Sept. 30, 2022).

¹⁸ Apoorva Madavailli, *The C.D.C. Isn't Publishing Large Portions of the Covid Data It Collects*, N. Y. TIMES (Feb. 22, 2022).

¹⁹ Marty Makary, *Why America Doesn't Trust the CDC*, NEWSWEEK (Jun. 10, 2022); Matteo Franchi et al., *Natural and Vaccine-Induced Immunity are Equivalent for the Protection Against SARS-CoV-2 Infection*, J. OF INFECTION & PUBLIC HEALTH (May 20, 2023).

²⁰ Letter from Brad Wenstrup et al., Chairman, Select Subcomm. on the Coronavirus Pandemic, to Hon. Robert M. Califf, Comm'r, Food & Drug Admin. (Mar. 10, 2023), available at <https://oversight.house.gov/wp-content/uploads/2023/03/2023.03.10-BRW-Letter-to-FDA-Re.-Vaccine-Approvals.pdf>; Letter from Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, to Hon. Robert M. Califf, Comm'r, Food & Drug Admin. (Feb. 29, 2024), available at <https://oversight.house.gov/wp-content/uploads/2024/02/2024.02.28-BRW-Letter-to-FDA-1-1.pdf>.

²¹ Marty Makary & Tracy Beth Hoeg, *U. S. Public Health Agencies Aren't 'Following the Science,' Officials Say*, THE FREE PRESS (Jul. 14, 2022).

²² *Supra*, n.19 at Makary.

²³ M. Anthony Mills, *Why So Many Americans Are Losing Trust in Science*, N. Y. TIMES (Oct. 3, 2023).

²⁴ *Supra*, n.4.

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- f. all Standard Form 50 (SF 50) Notifications of Personnel Action and related personnel records of proposed or nominated members including Karen Wehner, Joanne Cono, Matthew Warren, or Lyric Jorgenson; and
 - g. decisions regarding officials for selection on the council.
2. The status of investigations into scientific integrity complaints filed with HHS and its component agencies' SIOs;
3. All communications of HHS, CDC, FDA, and NIH SIOs (Karen Wehner, Joanne Cono, Matthew Warren, and/or Lyric Jorgenson) with outside entities regarding scientific integrity; and
4. All communications between HHS (including CDC, FDA, and NIH), OSTP, and White House officials regarding the Biden-Harris Administration's priorities for using scientific integrity to impair future supervision by presidential appointees.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability