

Senator Lamar Alexander
Chairman
U.S. Senate Committee on Health, Education, Labor & Pensions
428 Senate Dirksen Office Building
Washington, D.C. 20460

Senator Patty Murray
Ranking Member
U.S. Senate Committee on Health, Education, Labor & Pensions
428 Senate Dirksen Office Building
Washington, D.C. 20460

Dear Senators Alexander and Murray,

As you are aware, the *21st Century Cures Act* passed in the House by a vote of 433-77 with impressive bipartisan support, though it has not yet reached the Senate floor. In part, this legislation is designed to promote medical research and administrative support for the country's public health initiatives by establishing the National Institutes of Health (NIH) Innovation Fund. The NIH Innovation fund is designed to provide a surge of resources to the NIH – nearly \$8.8 billion over 5 years – for NIH priorities.¹ While we are generally supportive of this measure, we have recently become alarmed by news reports detailing some serious problems with the allocation of NIH funds to the International Association for Research on Cancer (IARC), a France-based agency affiliated with the World Health Organization (WHO).

According to recent news reports, IARC has advised U.S. government scientists, who participated in a recent IARC Monograph, to reject legitimate transparency requests.² *Reuters* recently exposed how IARC wrote to scientists in the 112 Monograph Working Group, “any disclosure of IARC documents in your, or your institute’s possession, including any related communications, would be contrary to its [IARC’s] privileges and immunities.”³ The document continues, “IARC requests you and your institute to not release any documents in your, or your institute’s possession relating to your work in the capacity as a member of the Working Group.”⁴

According to government documents, the NIH has provided significant funding, \$39 million, to IARC for 34 projects over the past three decades, each time with the National Cancer Institute (NCI) within NIH as the funding agency.⁵ Notably, over \$20 million of this funding has been allocated to IARC specifically for

¹ *Senate Health Committee Approves Last of 19 Bipartisan Bills, Completing Work on Companion to House-Passed 21st Century Cures Act*, U.S. Senate Committee on Health, Education, Labor & Pensions, Apr. 6, 2016, available at <http://www.help.senate.gov/chair/newsroom/press/senate-health-committee-approves-last-of-19-bipartisan-bills-completing-work-on-companion-to-house-passed-21st-century-cures-act>.

² Kate Kelland, *Exclusive: WHO cancer agency asked experts to withhold weedkiller documents*, *Reuters*, Oct. 25, 2016, available at <http://www.reuters.com/article/us-health-cancer-iarc-exclusive-idUSKCN12P2FW>.

³ Jack Fitzpatrick, *Exclusive: Scientists Briefly Resigned from Cancer Group Over Transparency*, *Morning Consult*, Oct. 31, 2016, available at <https://morningconsult.com/2016/10/31/exclusive-scientist-briefly-resigned-cancer-group-transparency/>.

⁴ *Id.*

⁵ *Research Portfolio Online Reporting Tools, NIH*, available at <https://projectreporter.nih.gov/reporter.cfm?frs=1&icde=>.

112 Monograph's Working Group.⁶ This does not include the time and expertise that is essentially donated to IARC through its access to our top scientists. Accordingly, we are concerned that taxpayer dollars appropriated to the NIH Innovation fund could wind up in the hands of an organization with questionable judgement and a stated desire to resist U.S. transparency laws.

The Committee on Health, Education, Labor & Pensions should take appropriate measures to ensure that all recipients of federal dollars support and comply with U.S. transparency laws. At this time, it appears that IARC does not. Accordingly, we request that you consider the issues we have raised in this letter before moving this legislation for a vote.

If you have any questions, please contact XXX. Thank you for your attention to this matter.

Sincerely

XXX

⁶ *Evaluation of Carcinogenic Risks to Humans*, Research Portfolio Online Reporting Tools, NIH, Nov. 3, 2016, available at https://projectreporter.nih.gov/project_info_history.cfm?aid=9143052&icde=31398021.