

Congress of the United States
Washington, DC 20515

December 18, 2002

The Honorable Tommy G. Thompson
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Thompson:

On October 21, 2002, twelve House members wrote to you expressing concern that scientific decision making at HHS is being subverted by ideology and that scientific information that does not fit the Administration's political agenda is being suppressed. We have your November 27 response to that letter. All of the undersigned members share the concerns highlighted in the earlier letter, and are writing because we find your response unsatisfactory in certain respects.

We would therefore like to follow up on some of the answers you provided. In some cases, you did not provide the information we requested. Other answers require further explanation.

Question 1

In question 1, we requested: *"All instances in which scientific information has been removed from any HHS website since January 2001 on the basis of a request from someone inside or outside the Department, the name of the requester, and the reason for the removal. If there was a scientific basis for the removal, please describe it in detail. For example, if the information was perceived to be scientifically or methodologically flawed, please provide a detailed description of the perceived flaws, and efforts—if any—to correct the flaws and restore the information to public availability on the website."*

You responded with a description of your reasons for removing the three examples of missing scientific information that we had already identified in our letter. You did not state whether these three were the only cases in which scientific information has been removed from HHS websites since January 2001. You also did not address whether you removed the three examples in response to a request. Therefore, we reiterate our request for "all instances in which scientific information has been removed from any HHS website since January 2001 on the basis of a request from someone inside or outside the Department, the name of the requester, and the reason for the removal."

We question also your explanation of the removal from the NCI website of a discussion of NCI's findings that no relationship has been shown between abortion and breast cancer. Your response said that the information was removed "to review the accuracy and completeness of the content." While we applaud your desire to make sure that information on your websites is

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accurate and up-to-date, scientific knowledge in most areas of biomedical research is rapidly evolving. This phenomenon is certainly not limited to information about abortion and breast cancer. If all scientific information on HHS websites were being treated even-handedly, your policy would require frequent reappraisal (and presumably removal) of much of the scientific content of NIH websites. Yet, your response identified no instance in which material has been taken down other cases where the information related to abortion, sex education programs, and condom effectiveness.

We also find unpersuasive your explanation of the removal of information on the CDC “Programs that Work” website, concerning curricula that have been proven effective in helping young people avoid risky behaviors, including risky sexual behavior. You first state that the all of this information was removed because “it was determined that other proven programs that are effective in helping young people avoid risky sexual behavior ought to be added.” You state later, however, that this information is not being permanently removed, but “merely supplemented and updated.” At no point do you state that the existing material was either scientifically or methodologically flawed. Thus, it appears that you have found no inaccuracy in the information that was taken down from the “Programs that Work” website.

We therefore ask that you explain why it was necessary to deprive the public of accurate, educational, and scientifically proven information on a matter of critical importance to the health of our young people while additional material was being prepared for the site.

We are aware that HHS has now reposted significantly altered versions of the fact sheet on abortion and breast cancer and the fact sheet on condom use in prevention of HIV and sexually transmitted diseases. The changes made in these fact sheets provide compelling evidence that scientific information is being distorted and suppressed to fit a political agenda. You will receive a separate letter detailing our serious concerns about the altered fact sheets.

Question 3

In Question 3, we asked you to provide: *“The names and scientific qualifications of each expert who was recommended for the position of Chair of the Reproductive Health Drugs Advisory Committee, from whom the recommendation was received, and the reason for the final selection, if any.”*

In your response, you stated that you had received no “written recommendations” for the position. We did not limit our question to “written” recommendations. Therefore, we ask that you provide the requested information, including information about any recommendations that were received, in any form.

Question 4

In question 4, we asked for: *“The names of each HHS advisory committee on which the Administration has replaced, or plans to replace within the next year: (a) members whose terms have not expired, and the names of the members to be replaced; or (b) more than 2 members within a 6-month period. In each case, to the extent known, provide the names and qualifications of the individuals who will replace the removed members, and if they were recommended by any industry groups, or other outside organizations, from whom the recommendation was received.”*

Your response did not state whether there have been any cases in which the Department has replaced two or more members within a 6-month period, as requested in part (b) of our question. Therefore, please provide that information, together with the names and qualifications of the individuals who have replaced or will replace the removed members, and please indicate whether they were recommended by any industry groups, or other outside organizations, and if so, from whom the recommendation was received.

Question 6


In question 6, we asked for: *“The number of audits HHS or CDC has undertaken or planned of: (a) HIV/AIDS prevention education groups, (b) groups that oppose abstinence-only policies, and (c) abstinence-only programs.”*

Following your receipt of our letter, a member of the Office of the Inspector General (OIG) at HHS telephoned one of our staff to request further information about question 6, and we learned that only the OIG conducts what are referred to as “audits.” Because we were interested in any similar reviews being undertaken by CDC, we telephoned a member of your staff at the Office of the Assistant Secretary for Legislation, and asked that our request be construed to include any reviews conducted by CDC. We were assured that this request would be honored. And, in fact, in response to question 5, you describe audit-like reviews conducted by CDC.

In your response to question 6, however, you described only the audits conducted by the OIG and fail to state whether CDC is conducting any reviews of the groups identified in our question. Therefore, we ask that you provide the number of audits or reviews that HHS or CDC has undertaken or planned of: (a) HIV/AIDS prevention education groups, (b) groups that oppose abstinence-only policies, and (c) abstinence-only programs. We also ask that you provide the grounds for selecting groups for such audits or reviews.

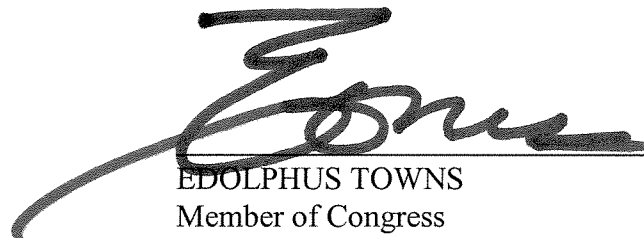
Thank you for your co-operation with these requests. Please provide your responses to these questions by December 24, 2002. If you have any questions, you may call Sarah Despres on the staff of Rep. Waxman, at 225-5420.

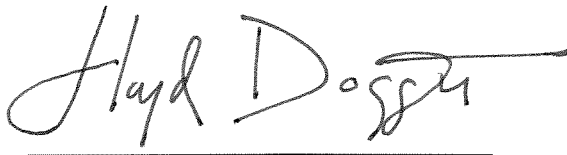
Signed:



HENRY A. WAXMAN
Member of Congress


SHERROD BROWN
Member of Congress

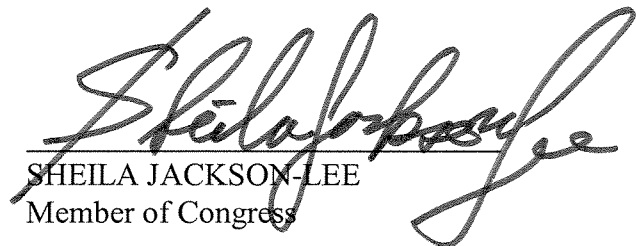

ROSA L. DELAURO
Member of Congress



EDOLPHUS TOWNS
Member of Congress



LLOYD DOGGETT
Member of Congress


DIANA DEGETTE
Member of Congress


NITA M. LOWEY
Member of Congress


SHEILA JACKSON-LEE
Member of Congress



JERROLD NADLER
Member of Congress


MICHAEL M. HONDA
Member of Congress

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LUCILLE ROYBAL-ALLARD
Member of Congress


SAM FARR
Member of Congress


TAMMY BALDWIN
Member of Congress