

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

February 28, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Kennedy:

We are writing to express my strong opposition to the recent firings of more than 1,100 probationary workers at the National Institutes of Health (NIH), publicly announced on February 14, 2025. This initial round of terminations accounts for about six percent of the 20,000 people employed by the NIH, an agency overseeing 27 institutes and centers.¹ We are deeply concerned these widespread terminations took place without any review of these employees' work history or without any analysis of the impacts these job losses would have on the Department's ability to protect the health and well-being of the American people. Future extreme, arbitrary, and unlawful layoffs will further endanger the agency's mission to promote lifesaving biomedical research.²

NIH is the world's largest funder of biomedical research and the driving force behind decades of live-saving scientific advances. For example, NIH's scientists and hundreds of supporting staff enabled the development of Naloxone spray,³ a key tool in opioid use disorder deaths, and the identification of the BRCA gene mutations⁴ for breast, ovarian, prostate, and pancreatic cancers.

¹ The Economic Times, *Trump administration's NIH layoffs total 1,165 people, internal email shows* (Feb. 16, 2025) (<https://economictimes.indiatimes.com/news/international/world-news/trump-administrations-nih-layoffs-total-1165-people-internal-email-shows/articleshow/118308003.cms?from=mdr>).

² Associated Press, *The Trump administration sets the stage for large-scale federal worker layoffs in a new memo* (Feb. 26, 2025).

³ National Institutes of Health, *Impact of NIH Research: Improving Health, Substance Abuse* (<https://www.nih.gov/about-nih/what-we-do/impact-nih-research/improving-health/substance-use>) (accessed Feb. 21, 2025).

⁴ National Institutes of Health, *Impact of NIH Research: Improving Health, Cancer* (<https://www.nih.gov/about-nih/what-we-do/impact-nih-research/improving-health/cancer>) (accessed Feb. 21, 2025).

We are concerned that your indiscriminate termination of workers at NIH as well as your recent decision to drastically cut funding for biomedical research, will have long-lasting consequences undermining biomedical innovation and the search for new treatments and cures.⁵ These actions also threaten our nation's global leadership in biomedical innovation and could cede our standing to adversaries, like China. Moreover, these firings raise concerns about political influence on scientific research and the potential chilling effects of how your Department will approach settled science. We request answers to understand the nature and scope of these terminations, your purported authority to undertake these terminations, and whether you have undertaken any actual analysis of the impact they would have on the lifesaving research and treatment that is being funded through the NIH research portfolio.

In fiscal year 2022, NIH funding generated an estimated \$96.8 billion in economic activity and supported over seven million jobs including significant support for small businesses.^{6,7} The recent decisions to target NIH through illegal freezing of federal grant funding, sharp reductions in support to our nation's research universities through the unlawful decision to cut federal funding for researchers' "indirect costs," and the loss or removal of key NIH leadership staff will irreversibly impact the promise of future life-saving treatments, including potentially in the area of cancer, infectious diseases, blood disorders, heart disease, lung disease, and drug abuse.^{8,9,10}

Furthermore, your actions will have ripple effects for sick Americans currently receiving care through NIH initiatives. In total, about half a million patients from all 50 states, and many countries around the world, have participated in clinical research at NIH, and many continue to get care and treatment through agency programs today. There are currently about 1,600 clinical research studies underway at the NIH Clinical Center—a leader in the bench-to-bedside model of medicine.¹¹ For instance, the Children's Inn, a non-profit lifeline for children and their families at the NIH, has treated more than 14,500 children, teens, and young adults with cancer and other serious health issues since 1990.¹² These patients have already been adversely affected by the

⁵ Michigan Medicine, *America Sits on Top in Science — but China Is Rising Fast* (June 15, 2017) (<https://www.michiganmedicine.org/health-lab/america-sits-top-science-china-rising-fast>).

⁶ National Institutes of Health, *Impact of NIH Research: Serving Society, Direct Economic Contributions* (<https://www.nih.gov/about-nih/what-we-do/impact-nih-research/serving-society/direct-economic-contributions>) (accessed Feb. 21, 2025).

⁷ National Institutes of Health, *Impact of NIH Research: Serving Society, Spurring Economic Growth* (<https://www.nih.gov/about-nih/what-we-do/impact-nih-research/serving-society/spurring-economic-growth>) (accessed Feb. 21, 2025).

⁸ *White House Failed to Comply With Court Order, Judge Rules*, The New York Times (Feb. 10, 2025).

⁹ National Public Radio, *What National Institutes of Health funding cuts could mean for U.S. universities* (Feb. 12, 2025) (<https://www.npr.org/2025/02/12/nx-s1-5292359/what-cuts-to-nih-funding-could-mean-for-american-universities>).

¹⁰ *Top N.I.H. Official Abruptly Resigns as Trump Orders Deep Cuts*, The New York Times (Feb. 12, 2025).

¹¹ National Institutes for Health, NIH Clinical Center Data Report 2024 (Nov. 13, 2024).

¹² The Children's Inn at NIH, A Place Like Home (<https://childrensinn.org/>) (accessed Feb. 21, 2025).

Trump Administration's illegal funding freeze,¹³ and will be further impacted by your staffing decisions. These initiatives hinge on dedicated, competent workers, and we have yet to see evidence that your termination decisions considered the impact of staff reductions on these important programs.

Given the consequences that these sweeping layoffs at NIH will have on our nation's biomedical and public health research, we request detailed responses to the following questions no later than March 10, 2025. Where relevant, your response should include any and all memoranda, directives or orders meant to effectuate these recent terminations.

1. What is the total number of probationary and non-probationary employees terminated from NIH since Thursday, February 13, 2025? Specify the number of terminated workers, in both classifications, from each institute, center, department, and program at NIH in raw numbers, and as a percentage of each institute's, center's, department's, and program's total workforce.
2. Are there additional layoffs planned for NIH employees at this time, including those directed by the Office of Management and Budget and the Office of Personnel Management in the February 26, 2025, memorandum?¹⁴ If further resignation or termination requests are ordered, how many additional layoffs are expected? Specify the total number of layoffs by institute, center, department, and program at NIH.
3. How many of the positions that are now vacant will be permanently eliminated and how many positions will be filled by new personnel? Specify each total by institute, center, department, and program at NIH.
4. NIH is the federal leader in supporting extramural research through grants to extramural partners. How many positions with grant review and administration duties were terminated since February 13, 2025, and how many positions are now vacant due to early retirement buyout decisions accepted by February 6, 2025?
5. How many patients enrolled in clinical trials have been affected by the communication pause initiated by the Trump Administration's Department of Health and Human Services (HHS) Memo Dated January 21, 2025, or President Trump's Executive Order 13985?¹⁵ Does the agency have any idea?

¹³ Reuters, *Trump loses bid to pause judge's order barring funding freezes* (Feb. 11, 2025) (<https://www.reuters.com/world/us/trump-asks-us-court-end-judicial-overreach-allow-funding-freezes-2025-02-11/>).

¹⁴ U.S. Office of Management and Budget and U.S. Office of Personnel Management, *Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative* (Feb. 26, 2025).

¹⁵ Science Adviser, *Trump hits NIH with 'devastating' freezes on meetings, travel, communications, and hiring* (Jan. 22, 2025) (<https://www.science.org/content/article/trump-hits-nih-devastating-freezes-meetings-travel-communications-and-hiring>).

- a. Did the agency conduct any analysis of the impact on patients currently enrolled in clinical trials prior to the funding freeze? If so, please provide such analyses; if not, please state that no such analyses were conducted.
 - b. Has the agency conducted any analysis of the potential impact on patients currently enrolled in clinical trials prior to the staffing terminations? If so, please provide such analyses; if not, please state that no such analyses were conducted.
6. The Federal Register halted the publication of meeting schedules for research grant reviews with the consequence that study sections and advisory councils at agencies, such as NIH, are unable to convene to make funding decisions on research proposals. When was the halt on Federal Register meeting notifications issued and how long will this halt last?
 - a. On what authority is the Administration halting the Federal Register publication of meeting schedules?
 - b. Please provide a detailed list of all HHS study sections and advisory committee meetings that have not met since January 20, 2025.
7. What is the rationale behind the proposed cut to indirect costs, and how was the new rate determined?
 - a. Has the agency undertaken any analyses of how the reduction in indirect cost order would impact the recruitment and retention of qualified researchers, particularly in competitive fields? If so, please provide such analyses; if not, please state that no such analyses were conducted.
 - b. Has the agency undertaken any analyses of the impact of the reduction in indirect costs on the current pipeline for innovative treatments and therapies? If so, please provide such analyses; if not, please state that no such analyses were conducted.
 - c. Has the agency undertaken any analyses of the impact of the reduction in indirect costs on patients currently enrolled in studies funded through NIH grant dollars? If so, please provide such analyses; if not, please state that no such analyses were conducted.
 - d. Please provide the Committee with all HHS or NIH memos detailing decision making and outlining economic, workforce, and research effects as a result of the flat rate.
8. What research, data collection, public campaigns or surveillance programs have been paused, suspended, or mission-altered at NIH because of the recent workforce reductions, beginning February 13, 2025?
9. Under 5 C.F.R. 315.803(a), prohibitory employees can be terminated “if the employee fails to demonstrate fully his or her qualifications for continued employment.” Please document the criteria that the Department reviewed to assess employee qualifications in accordance with this provision.

10. Under 5 CFR 315.803(b), probationary employees who are terminated must notify in writing as to the “inadequacies of [their] performance of conduct.” Please provide anonymized copies of each letter documenting the inadequacies in each terminated employee’s performance since the beginning of the probationary period. If multiple employees were identified as having the same performance inadequacy, a template letter will suffice so long as the Department identifies how many staff received the same letter.
11. Federal law prohibits the partisan dismissal of probationary employees, and the Federal circuit has identified a right to appeal termination decisions when the action was a result of partisan politics.^{16,17} President Trump has called his efforts to purge career workers in the government “retribution” and disparaged them for undermining his power.^{18,19} Given this,
 - a. What process has HHS put in place to process appeals?
 - b. How many appeals have been filed since the terminations began?
 - c. How many terminations have been reversed and how many have been sustained?

¹⁶ 5 CFR 315.806(b). *See Stokes v. Aff*, 761 F.2d 682 (probationary staff can appeal decisions when the action was a result of partisan politics).

¹⁷ Letter from Mike Zamore, National Directory of Policy and Government Affairs; Kia Hamadancy, Senior Policy Counsel; Monica Hopkins, Executive Director of the ACLU of the District of Columbia, American Civil Liberties Union, to Sen. Rand Paul, Chair, Senate Homeland Security and Governmental Affairs Committee; Sen. Gary C. Peters, Ranking Member, Senate Homeland Security and Governmental Affairs Committee; Rep. James Comer, Chair, House Committee on Oversight and Accountability; Rep. Gerald E. Connolly, Ranking Member, House Committee on Oversight and Accountability (Feb. 7, 2025).

¹⁸ C-Span, *Clip: Former Pres. Trump: “I Am Your Justice...I Am Your Retribution”* (Mar. 4, 2023) (<https://www.c-span.org/clip/campaign-2024/former-pres-trump-i-am-your-justice-i-am-your-retribution/5060238>).

¹⁹ Citizens for Responsibility and Ethics in Washington, *Trump has said he wants to destroy the “deep state” 56 times on Truth Social* (Aug. 1, 2024) (<https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-has-said-he-wants-to-destroy-the-deep-state-56-times-on-truth-social/>).

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We urge you to reverse these mass firings and to prioritize the stability and integrity of our gold star national research institution. As the Secretary of HHS, it is your duty to our nation to generate—not knee-cap—innovative solutions, treatments and cures. We hope to see immediate steps to restore confidence in the NIH, its mission to improve patients' lives, and spur advancements in the scientific research only possible in the U.S.

Sincerely,



Rep. Frank Pallone, Jr
Ranking Member
Committee on Energy and Commerce



Diana DeGette
Ranking Member
Subcommittee on Health