

United States Senate

WASHINGTON, DC 20510

September 1, 2026

The Honorable Jayanta Bhattacharya
Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Dear Director Bhattacharya:

We write to urge you to quickly implement the Congressional language to provide basic protections to cephalopods used in animal research. The 2026 Consolidated Appropriations Act encouraged the NIH to develop guidance for the humane care and use of cephalopods in NIH-supported research, including by expanding the definition of “animal” under the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy) to include cephalopods.

Cephalopods, including squids, octopuses, cuttlefish, and nautilus, are a highly intelligent, sensitive class of marine invertebrates capable of experiencing pain, distress, and suffering. However, because they are invertebrates, they are excluded from the welfare protections provided to most vertebrate animals via the PHS Policy. As the use of cephalopods in NIH-funded research expands, the absence of federal oversight and protections for these animals is increasingly concerning.

In 2023, the NIH released proposed guidance for the care of cephalopods in research, along with a Request for Information to solicit public input. However, the Request for Information closed in December 2023, and the agency has yet to release final guidance. Furthermore, the proposed guidance omitted important welfare provisions contained in the PHS Policy, including post-approval monitoring requirements, justifications for animal use in grant applications, and reporting of animal program deficiencies. If the final guidance is not meaningfully strengthened from the proposed version, it would fail to provide adequate protections for cephalopods used in NIH-supported research and would not be a sufficient substitute for applying PHS Policy to cephalopod research.

Congress addressed this issue in the report of the 2026 Consolidated Appropriations Act. I encourage the NIH to swiftly act on Congress’ recommendation and expand the definition of “animal” under the PHS Policy to include cephalopods, and to provide comprehensive protections for cephalopods.

Please provide answers to the following questions:

- Is the NIH planning to expand the definition of “animal” under the PHS Policy to include cephalopods?
- What is the status of the NIH’s consideration of public comments on the 2023 proposed cephalopod guidance (NOT-OD-23-176)?
- When is final guidance expected to be released?
- Will the final guidance include additional welfare provisions that are afforded to vertebrate animals via the PHS Policy, such as requirements related to post-approval monitoring, justifications for animal use in grant applications, and recordkeeping and reporting of animal program deficiencies?

Sincerely,



Cory A. Booker
United States Senator



Sheldon Whitehouse
United States Senator