Congress of the United States
Washington, DC 20515

September 17, 2018

Dr. Scott Gottlieb
Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Commissioner Gottlieb,

We are deeply concerned by the $15,900 contract FDA awarded to Advanced Bioscience Resources (ABR) on July 25, 2018.[1] The pre-solicitation notice describes the objective of the contract is to acquire "fresh human fetal tissue" for "ongoing research being led by the FDA."[2]

During 2016, the House Select Investigative Panel on Infant Lives and Senate Judiciary Committee separately conducted investigations into the fetal tissue procurement industry and late abortion businesses. One of the entities investigated was ABR. ABR plainly admitted to Congress that it obtained tissue by collecting human fetal remains from abortion clinics, paying $60 per "single aborted fetus" – and then upselling the child's body parts separately to researchers at fees of $325 per "specimen" – brain, eyes, liver, thymus and lungs.[3]

Federal law (42 USC 289g-2) prohibits the buying and selling of human fetal tissue for "valuable consideration."[4] The Select Panel on Infant Lives "uncovered evidence that ABR may have violated 42 U.S.C 289g-2 and the California Health and Safety Law" and accordingly referred ABR to both the Department of Justice and the District Attorney of Riverside County, California.[5] Likewise, Senate Judiciary Committee Chairman Charles Grassley referred ABR to the FBI and the Department of Justice for "investigation and potential prosecution" under 42 USC 289g-2.[6]

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[1] https://www.fpds.gov/ezsearch/search.do?s=FPDSNG.COM&q=advanced+bioscience+resources+VENDOR_DUNS_NUMBER%3A%22786845982%22&indexName=awardfull&templateName=1.4.4
[2] https://cdn.cnsnews.com/attachments/pre-solicitation_notice-fda-06-13-2018.pdf
[3] "Human Fetal Tissue Research: Context and Controversy" Majority Staff Report Prepared for the Committee on the Judiciary, United States Senate, December 2016, p. 32, 35. Accessed at https://www.grassley.senate.gov/sites/default/files/judiciary/upload/22920%20-%20FTR.pdf
[4] https://www.law.cornell.edu/uscode/text/42/289g-2
[5] "Final Report, Select Investigative Panel of the Energy and Commerce Committee, December 30, 2016," p. 226. Accessed at https://archives-energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/Select_Investigative_Panel_Final_Report.pdf
[6] https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Life%2C%2012-12-16%2C%20Referral%20letter%20to%20DoJ%20Fetal%20Tissue%20oversight.pdf

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the FBI and the Department of Justice for "investigation and potential prosecution" under 42 USC 289g-2.[6]

In light of the serious unresolved questions uncovered by the investigative work of both the House and Senate panels, we are alarmed that the FDA has continued to award contracts to ABR for the procurement of human fetal tissue.[7] Unborn children are not commodities to be bought and sold. The practice of conducting research using the body parts of children whose lives have been violently ended by abortion is abhorrent. We urge you to cancel this contract immediately and utilize alternative, modern scientific techniques that do not contribute to the trafficking in baby body parts. We respectfully request a response to this letter by October 1, 2018.

Sincerely,

Christopher H. Smith
Member of Congress

Vicky Hartzler
Member of Congress

Mark Walker
Member of Congress

Steve Scalise
House Majority Whip

Martha Roby
Member of Congress

Marsha Blackburn
Member of Congress

Liz Cheney
Member of Congress

Kristi Noem
Member of Congress

[6] https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Life%2C%2012-16%2C%20Referral%20letter%20to%20DoJ%20Fetal%20Tissue%20oversight.pdf

[7] The July 2018 contract is only the most recent of several similar contracts that have been awarded to ABR over the past 6 years.

Randy Hultgren
Member of Congress

Thomas Massie
Member of Congress

Ron Estes
Member of Congress

Robert E. Latta
Member of Congress

Bob Gibbs
Member of Congress

Bill Flores
Member of Congress

Todd Rokita
Member of Congress

Tim Walberg
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Kevin Yoder
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Mike Conaway
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Doug Lamborn
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