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. 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." 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.

Federal law (42 USC 289g-2) prohibits the buying and selling of human fetal tissue for "valuable consideration." 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. 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.

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1 https://www.f fds.gov/exsearch/search.do?sb=FPDSNG.COM&g=advanced+bioscience+resources+VENDOR_DUNS_NUMBER%3A%2786845982%22&indexName=awardfull&templateName=1_4_4
4 https://www.law.cornell.edu/uscode/text/42/289g-2
6 https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Life%20-%20Fetal%20Tissue%20oversight.pdf
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%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

Ron Estes
Member of Congress

Bill Flores
Member of Congress

Bob Gibbs
Member of Congress

Kevin Yoder
Member of Congress

Duncan Hunter
Member of Congress

Steve Chabot
Member of Congress

Thomas Massie
Member of Congress

Robert E. Latta
Member of Congress

Tim Walberg
Member of Congress

Mike Conaway
Member of Congress

Doug Lamborn
Member of Congress

Ralph Norman
Member of Congress
Kevin Brady  
Member of Congress

Larry Bucshon, M.D.  
Member of Congress

Warren Davidson  
Member of Congress

Lloyd Smucker  
Member of Congress

Jim Banks  
Member of Congress

David Kustoff  
Member of Congress

Matt Gaetz  
Member of Congress

Dennis A. Ross  
Member of Congress

Earl L. “Buddy” Carter  
Member of Congress

Mike Bishop  
Member of Congress

David Rouzer  
Member of Congress

Ralph Abraham, M.D.  
Member of Congress

Jack Bergman  
Member of Congress

Barry Loudermilk  
Member of Congress
Mike Johnson  
Member of Congress

Judy Hice  
Member of Congress

Brian Babin, D.D.S.  
Member of Congress

Michael Cloud  
Member of Congress

Tom Emmer  
Member of Congress

Roger Marshall, M.D.  
Member of Congress

Mia Love  
Member of Congress

Paul Mitchell  
Member of Congress

Francis Rooney  
Member of Congress

John Moolenaar  
Member of Congress

Tom Graves  
Member of Congress

Claudia Tenney  
Member of Congress
Brad Wenstrup  
Member of Congress

Ann Wagner  
Member of Congress

Rick W. Allen  
Member of Congress

Lou Barletta  
Member of Congress

Steve Pearce  
Member of Congress

Bradley Byrne  
Member of Congress

Bob Goodlatte  
Member of Congress