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]

---

[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%2012-16%2C%20Referral%20letter%20to%20DoJ%20Fetal%20Tissue%20oversight.pdf

PRINTED ON RECYCLED PAPER

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

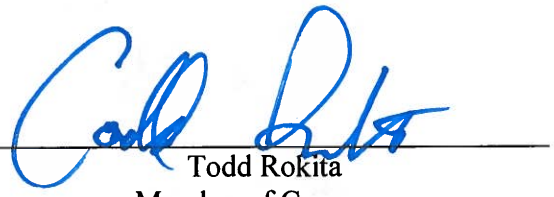
Thomas Massie
Member of Congress

Ron Estes
Member of Congress

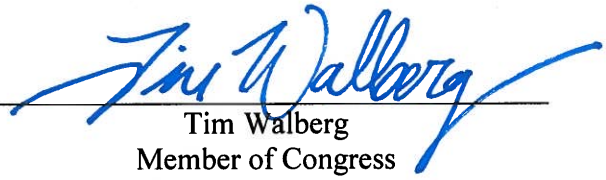
Robert E. ~~Latta~~
Member of Congress

Bob Gibbs
Member of Congress

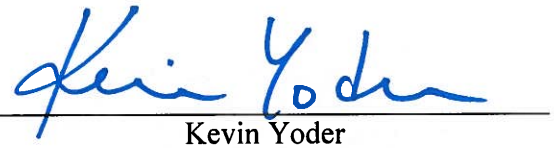
Bill Flores
Member of Congress



Todd Rokita
Member of Congress



Tim Walberg
Member of Congress



Kevin Yoder
Member of Congress

Mike Conaway
Member of Congress

Duncan Hunter
Member of Congress

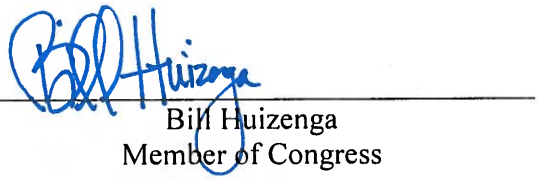
Doug Lamborn
Member of Congress

Steve Chabot
Member of Congress

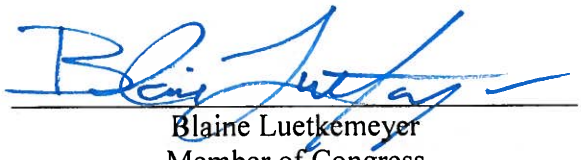
Ralph Norman
Member of Congress

Walter B. Jones
Member of Congress

Sean Duffy
Member of Congress



Bill Huizenga
Member of Congress



Blaine Luetkemeyer
Member of Congress

Gregg Harper
Member of Congress

John Shimkus
Member of Congress

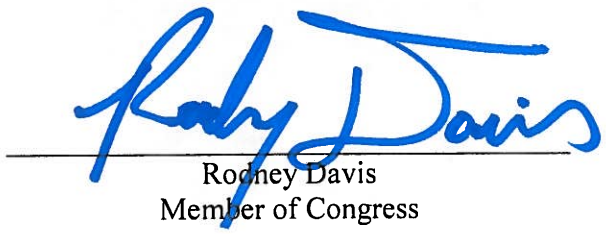
Steve King
Member of Congress

Pete Olson
Member of Congress

Gus M. Bilirakis
Member of Congress

Bill Shuster
Member of Congress

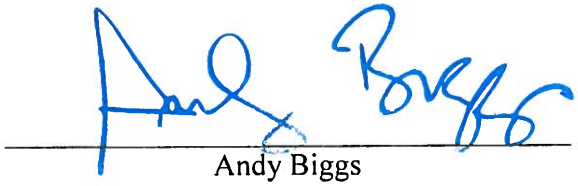
Jim Jordan
Member of Congress



Rodney Davis
Member of Congress

Randy K. Weber
Member of Congress

Mike Kelly
Member of Congress



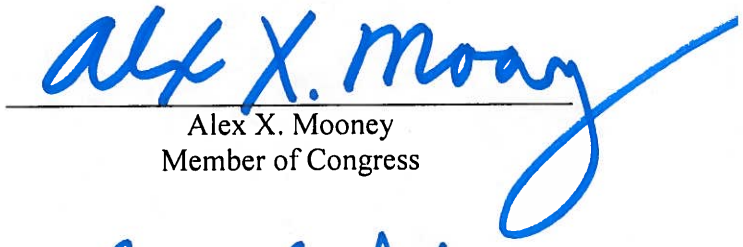
Andy Biggs
Member of Congress

Andy Harris
Member of Congress

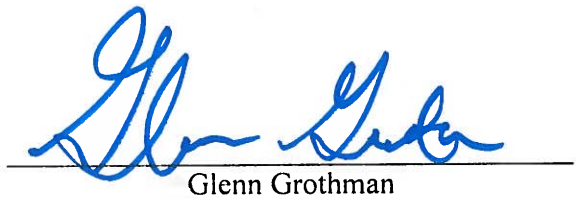
Jeff Fortenberry
Member of Congress

Greg Gianforte
Member of Congress

Roger Williams
Member of Congress



Alex X. Mooney
Member of Congress



Glenn Grothman
Member of Congress

Daniel Webster
Member of Congress

Keith Rothfus
Member of Congress

Sam Graves
Member of Congress

Ken Buck
Member of Congress

Jason Smith
Member of Congress

Jodey Arrington
Member of Congress

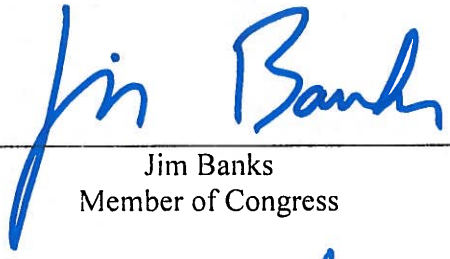
Mark Meadows
Member of Congress

Kevin Brady
Member of Congress

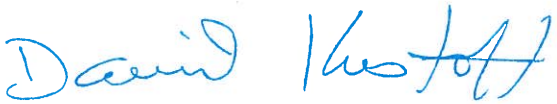
Larry Bucshon, M.D.
Member of Congress

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

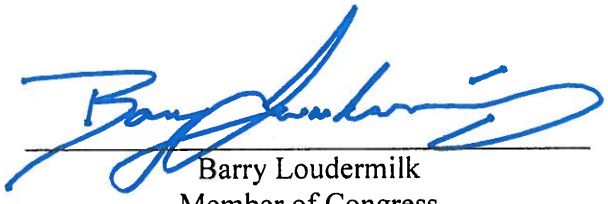
Earl L. "Buddy" Carter
Member of Congress

Mike Bishop
Member of Congress

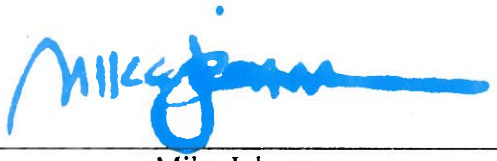
David Rouzer
Member of Congress

Ralph Abraham, M.D.
Member of Congress

Jack Bergman
Member of Congress



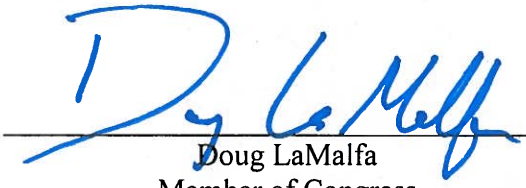
Barry Loudermilk
Member of Congress



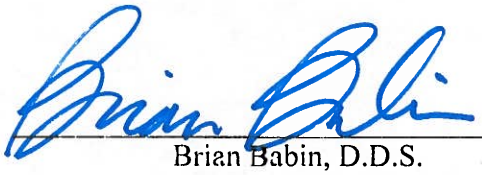
Mike Johnson
Member of Congress

John Ratcliffe
Member of Congress

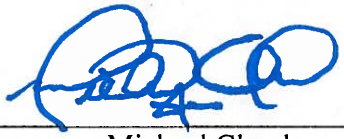
Jody Hice
Member of Congress



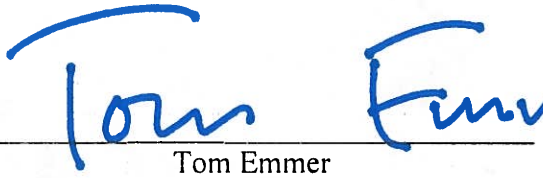
Doug LaMalfa
Member of Congress



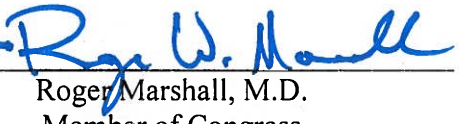
Brian Babin, D.D.S.
Member of Congress



Michael Cloud
Member of Congress



Tom Emmer
Member of Congress

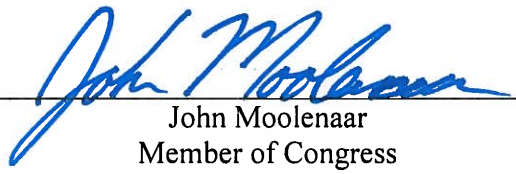


Roger Marshall, M.D.
Member of Congress

Mia Love
Member of Congress

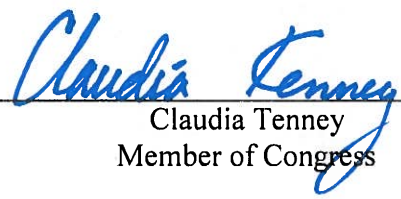
Paul Mitchell
Member of Congress

Francis Rooney
Member of Congress



John Moolenaar
Member of Congress

Tom Graves
Member of Congress



Claudia Tenney
Member of Congress

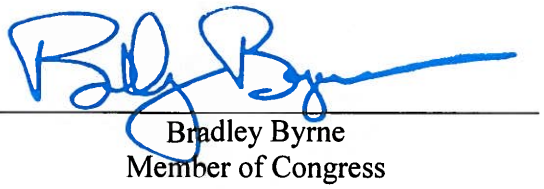
Brad Wenstrup
Member of Congress

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