

**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.<sup>1</sup> 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.”<sup>2</sup>

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.<sup>3</sup>

Federal law (42 USC 289g-2) prohibits the buying and selling of human fetal tissue for “valuable consideration.”<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

---

<sup>1</sup>[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](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)

<sup>2</sup> [https://cdn.cnsnews.com/attachments/pre-solicitation\\_notice-fda-06-13-2018.pdf](https://cdn.cnsnews.com/attachments/pre-solicitation_notice-fda-06-13-2018.pdf)

<sup>3</sup> “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>

<sup>4</sup> <https://www.law.cornell.edu/uscode/text/42/289g-2>

<sup>5</sup> “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](https://archives-energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/Select_Investigative_Panel_Final_Report.pdf)

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

the FBI and the Department of Justice for “investigation and potential prosecution” under 42 USC 289g-2.<sup>6</sup>

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.<sup>7</sup> 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



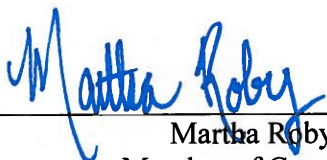
Vicky Hartzler  
Member of Congress



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

<sup>6</sup> <https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Life%2C%2012-12-16%2C%20Referral%20letter%20to%20DoJ%20Fetal%20Tissue%20oversight.pdf>

<sup>7</sup> 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



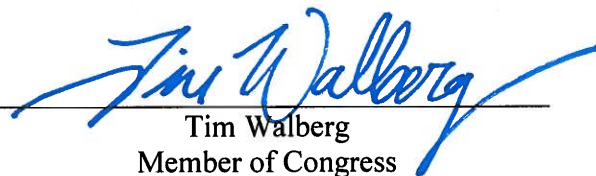
Bob Gibbs  
Member of Congress



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



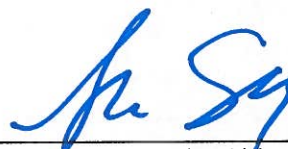
Bill Huizenga  
Member of Congress



Blaine Luetkemeyer  
Member of Congress



Gregg Harper  
Member of Congress



John Shimkus  
Member of Congress



Steve King  
Member of Congress



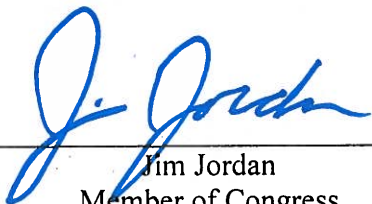
Pete Olson  
Member of Congress



Gus M. Bilirakis  
Member of Congress



Bill Shuster  
Member of Congress



Jim Jordan  
Member of Congress



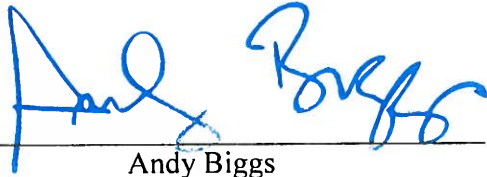
Rodney Davis  
Member of Congress



Randy K. Weber  
Member of Congress



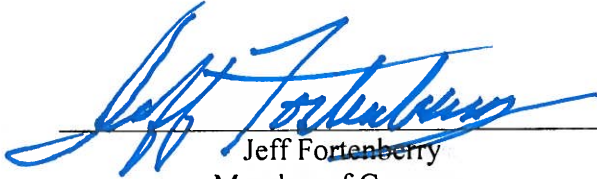
Mike Kelly  
Member of Congress



Andy Biggs  
Member of Congress



Andy Harris  
Member of Congress



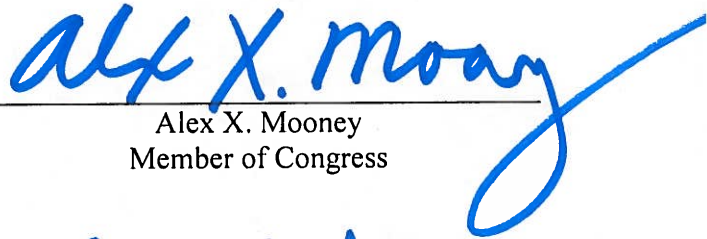
Jeff Fortenberry  
Member of Congress



Greg Gianforte  
Member of Congress



Roger Williams  
Member of Congress



Alex X. Mooney  
Member of Congress



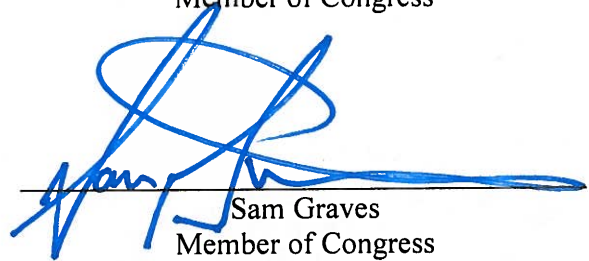
Glenn Grothman  
Member of Congress



Daniel Webster  
Member of Congress



Keith Rothfus  
Member of Congress



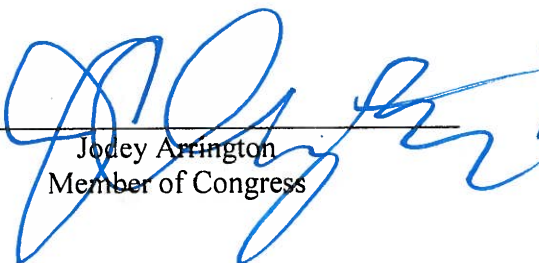
Sam Graves  
Member of Congress



Ken Buck  
Member of Congress



Jason Smith  
Member of Congress



Jodey Arrington  
Member of Congress



Mark Meadows  
Member of Congress



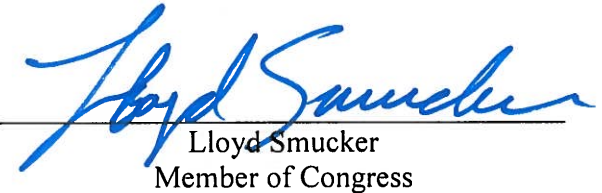
Kevin Brady  
Member of Congress




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



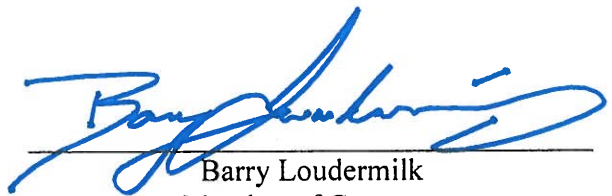
David Rouzer  
Member of Congress



Ralph Abraham, M.D.  
Member of Congress



Jack Bergman  
Member of Congress



Barry Loudermilk  
Member of Congress



Mike Johnson  
Member of Congress



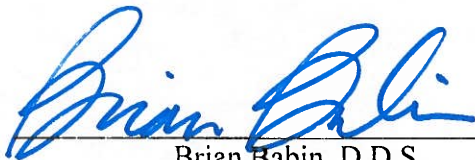
John Ratcliffe  
Member of Congress



Jody Hice  
Member of Congress



Doug LaMalfa  
Member of Congress



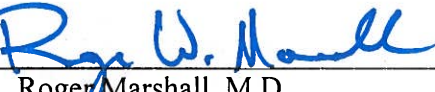
Brian Babin, D.D.S.  
Member of Congress



Michael Cloud  
Member of Congress



Tom Emmer  
Member of Congress



Roger Marshall, M.D.  
Member of Congress



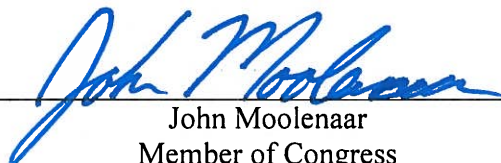
Mia Love  
Member of Congress



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