



ANALYSIS **POLITICS**

Trump Administration's Fetal Tissue Policy Review the Latest in the 'Far-Right War Against Science'

Oct 3, 2018, 3:26pm Katelyn Burns & Laura Huss

The Trump administration is curtailing the use of fetal tissue in medical research, once again putting public health in jeopardy.



A spokesperson for the National Institutes of Health (NIH), the health research arm of HHS, said that it provided \$98 million for human fetal tissue research in 2017.

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The Department of Health and Human Services (HHS) announced last week that it had terminated a contract between the Food and Drug Administration (FDA) and fetal tissue supplier Advanced Bioscience Resources Inc. (ABR) and had begun a review of all agency fetal tissue policies. The FDA had renewed ABR's contract in late July, and the company has held contracts with the federal government for many years.

The announcement follows a mid-September letter from anti-choice leaders pressuring the head of HHS, Alex Azar, to review ABR's contract and end all government funding of fetal tissue research. Anti-choice groups claim that fetal tissue procurement companies create a profit incentive for providers to increase the number of abortions they perform.

Under its contract, ABR provided fetal tissue to the FDA for research and testing, according to the HHS announcement. But, the agency was “not sufficiently assured” about how legal protocols relating to fetal tissue research were being followed by ABR. HHS further claimed it would be initiating a “comprehensive review” of all fetal tissue research and would continue to look for alternatives to using fetal tissue in research. A letter sent to the company terminating the FDA contract was provided to *Rewire.News* by a spokesperson from HHS, who declined to comment on what the agency’s review of fetal tissue policy will consist of or who will be in charge.

“The Government reserves the right to terminate this contract, or any part hereof, for its sole convenience. In the event of such termination, the Contractor shall immediately stop all work hereunder and shall immediately cause any and all of its suppliers and subcontractors to cease work,” reads the letter, which appears to be standard boilerplate language present in many federal contracts. ABR did not respond to requests for comment by *Rewire.News*.

Pro-choice advocates suggest that the termination of ABR’s contract is not an isolated decision, but the latest front in the Trump administration’s anti-choice agenda. “The FDA’s original contract with ABR was in place for several years, even as it came under fire from right-wing ideologues,” explained Rep. Diana DeGette (D-CO), co-chair of the pro-choice caucus, in a statement to *Rewire.News*. “They’re now on the warpath once again because it was renewed.”

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“This prolongs the far-right war against science and medical progress, based on religious beliefs but no solid evidence of improprieties,” said DeGette, who was a member on the so-called House Select Investigative Panel on Infant Lives, which investigated previous claims against ABR and other providers of fetal tissue. Democrats on the panel released their own report disputing the conclusions reached in a report by their GOP counterparts.

According to DeGette, the money for the now-canceled contract was earmarked specifically by Congress to fund important medical research. DeGette pointed out that two months ago, the FDA told

CNSNews.com that its research using fetal tissue “has been used in situations where it is critical to understanding how the human immune system responds to certain drugs and biologics. This work has led to a better understanding of a number of conditions and diseases that affect millions of Americans.”

Growing constraints on fetal tissue research have concerned abortion care providers, who say that people who believe in the science behind the research are being harassed for taking part in a legal and ethical practice. “Many women seeking safe, legal abortion care appreciate the opportunity to further medical research through tissue donation,” said the Rev. Katherine H. Ragsdale, interim president and CEO of the National Abortion Federation (NAF) in a statement to *Rewire.News*. “Anti-abortion extremists have harassed companies involved in collecting fetal tissue and anti-abortion politicians have taken that harassment to HHS and state and federal legislatures. Anti-abortion politicians continue to attack research and the evidence-based laws regulating fetal tissue as a backdoor way to attack access to abortion care.”

There’s division at HHS over the issue between anti-choice political appointees and health officials who recognize the value of medical research using fetal tissue. An FDA spokesperson told *Politico* that fetal tissue “has been used in situations where it is critical to understanding the safety of drugs and vaccines and in which it couldn’t be feasibly achieved through another means. This work has led to a better understanding of a number of conditions and diseases that affect millions of Americans.”

However, political appointees at the Office of the Assistant Secretary for Health (OASH), which administers most of HHS’ pregnancy and women’s health initiatives, are allegedly behind the anti-fetal tissue research push at the agency, according to *Politico*’s reporting. The office has also pushed several anti-choice policies under Trump, including the proposed domestic gag rule, and introduced “sexual risk avoidance,” a term for abstinence-only sexual education coined by OASH official Valerie Huber.

Earlier this month, 64 science and medical organizations sent a letter to congressional leadership opposing a federal ban on fetal tissue research, a ban that appeared in the House version of the Defense-Labor-HHS-Education spending bill before its removal in conference, when lawmakers sort out differences between Senate- and House-passed bills.

The fact that agency review of fetal tissue policies began just a week after the funding ban was removed by congressional appropriators did not go unnoticed by health experts. “That restriction

ultimately hasn't made it through the process into the final [minibus] package," said Megan Donovan, senior policy manager at the Guttmacher Institute, in an interview with *Rewire.News*. "But it is likely not a coincidence that the administration is ... now pursuing this effort at the administrative level."

Fetal Tissue Research Has Led to Life-Saving Vaccines, Medical Advancements

Fetal tissue from induced abortions that occur at or after nine weeks in pregnancy is used in various kinds of research. Such research has been conducted since at least the 1930s, contributing to massive scientific and medical advancements, according to the Guttmacher Institute.

Researchers say fetal tissue has been critical to improving public health and treating disease and injuries. "Research using fetal tissue has led to the development of vaccines such as those for polio, rubella, and measles," the International Society for Stem Cell Research (ISSCR) said in a statement Thursday responding to the announcement from HHS. "Fetal tissue is still helping advance science, with research underway using cells from fetal tissue to evaluate conditions including Parkinson's disease, ALS, and spinal cord injury. Fetal tissue is also necessary for the development of potential treatments for Zika virus and HIV/AIDS."

Because of the potential for important medical breakthroughs, the federal government has funded this research through the National Institutes of Health (NIH) since the 1950s. A spokesperson for NIH, the health research arm of HHS, told *Rewire.News* in an email that it provided \$98 million for human fetal tissue research in fiscal year 2017, the last complete year for which figures were available.

Dr. Rana Chakraborty, a recipient of NIH's human fetal tissue grants in 2017 who spoke to *Rewire.News* in his personal capacity, said that he uses placental tissue for his research on Zika virus and HIV. Though Dr. Chakraborty's research specifically uses placental tissue from first- and second-trimester elective abortions and not fetal tissue, his work is listed by HHS under human fetal tissue and could be affected by a review.

When asked about HHS' statement and its plan to fund and accelerate fetal tissue research alternatives, Dr. Chakraborty made clear that the current alternatives available do not always provide the same beneficial results. Speaking about Zika virus research, he explained that while some efforts to do research with mice have been useful, "the ability ... to use human placental tissue does make a difference in being able to identify cells that propagate Zika virus replication and infection and factors that may protect humans against Zika virus."

R. Alta Charo, Warren P. Knowles Professor of Law and Bioethics at the University of Wisconsin at Madison, has testified in support of fetal tissue research in Senate hearings. “There are, of course, many avenues of research using other kinds of tissue, but fetal cells can rapidly divide, grow, and adapt to new environments in ways that make them the gold standard for some disease research. And in other research areas, we don’t yet know if there is anything that could substitute,” she wrote in a 2015 *New England Journal of Medicine* article. Despite the life-saving medical advancements associated with fetal tissue research, anti-choice organizations have continuously denounced it.

Fetal Tissue Research Policy Has Long Been Clouded by Anti-Choice Politics

Even after HHS’ announcement, many anti-choice groups were unsatisfied with the actions taken by the federal agency and demanded it go even further. “Canceling a single contract and conducting a review is a small step forward, but overall is completely inadequate,” said Susan B. Anthony (SBA) List President Marjorie Dannenfelser in a statement released immediately following HHS’ announcement.

Fetal tissue research has been heavily regulated under the NIH Revitalization Act of 1993, which states that profits cannot be made in the transfer or acceptance of fetal tissue for research purposes. The law passed Congress with bipartisan support.

Deceptive videos alleging that fetal tissue suppliers profit from their work with researchers have been produced since 2000 when anti-choice group Life Dynamics seemingly began the practice. The main source in their videos was found to be not credible.

Nearly 15 years later, a similar anti-choice attack on fetal tissue research would bring the issue renewed attention. In July 2015, deceptive videos made by the Center for Medical Progress (CMP), an anti-abortion group run by David Daleiden, began circulating. The videos falsely claimed Planned Parenthood was profiting from fetal tissue donations, though no proof was ever proffered. Daleiden and his associates behind the smear campaign were eventually indicted on multiple felony charges and are still embroiled in lawsuits.

Nevertheless, Daleiden continues to insert himself in official government business regarding fetal tissue research. “CMP will file a federal Freedom of Information Act request in the coming days to surface all the relevant facts and details about the \$100 million in taxpayer money spent on HHS’s most recent round of baby body parts contracts and projects,” he said in a statement this week after

HHS announced it was ending the contract with ABR. Daleiden did not respond to requests for comment from *Rewire.News*.

See more of our coverage on the misleading Center for Medical Progress videos [here](#). Despite reports finding that the footage was deceptively edited and misleading, Daleiden's videos were used by the GOP in Congress to investigate Planned Parenthood and fetal tissue research. Investigations by the House Energy and Commerce, House Judiciary, and Oversight and Government Reform committees found no wrongdoing. Further investigations into Planned Parenthood and fetal tissue transfer proceeded with the creation of the so-called Select Investigative Panel on Infant Lives in October 2015, chaired by Rep. Marsha Blackburn (R-TN), leading to \$1.59 million in spending and a 471-page final report making numerable requests aligned with an anti-choice agenda.

The report's conclusions were disputed by Democrats on the select committee who examined the same evidence. "At the end of their crusade, the conclusion was undeniable: There was no wrongdoing on behalf of fetal tissue researchers, including Advanced Bioscience Resources, or anyone else in the fetal tissue research space," said Rep. Jan Schakowsky (D-IL) in a statement to *Rewire.News*. Schakowsky was the ranking Democrat on the select committee.

Just before the congressional investigation came to a close, Senate Judiciary Committee Chair Chuck Grassley (R-IA) referred Planned Parenthood, four of its affiliates, and three private tissue-procurement companies to the Department of Justice (DOJ) for further investigation.

It is unclear if the DOJ will complete an investigation.

Experts remain concerned about the targeting of fetal tissue research programs. "[C]alling that research into question or putting that research potentially in jeopardy in order to score points with a base or rile up anti-abortion sentiment is irresponsible on the part of our policy makers," said Donovan, of the Guttmacher Institute.

Schakowsky agrees, saying that it's "a shame and a disgrace" that with little factual basis for canceling the ABR contract, HHS has seemingly turned against an "ethical organization." "The losers will be people with diseases who could have benefited from their work."

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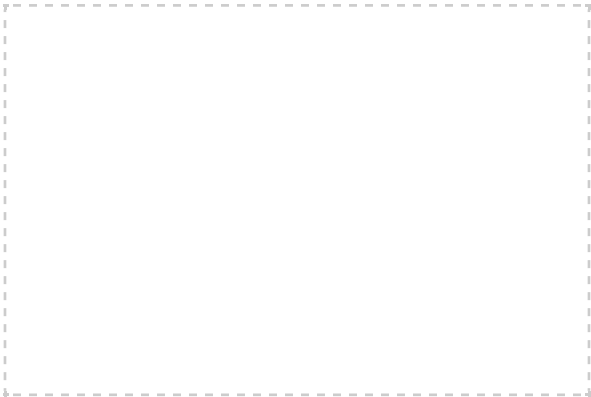
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