



**NARAL**  
Pro-Choice America Foundation

**Bioethics and Fetal Tissue: An Unfounded Attack on Reproductive Freedom**

**Testimony Presented by**

**Ilyse Hogue**  
**President**

U.S. House of Representatives  
Energy and Commerce Committee  
Select Investigative Panel

March 2, 2016

Members of the Select Investigative Panel: I am honored to submit this testimony.

Today you are conducting a hearing on the topic of bioethics and fetal tissue. Research using fetal tissue is an important area of science that promises to help treat many conditions such as spinal cord injury,<sup>1</sup> cancer,<sup>2</sup> Parkinson's disease,<sup>3</sup> Alzheimer's,<sup>4</sup> neurological disorders,<sup>5</sup> and Down syndrome.<sup>6</sup> Some women who choose abortion also decide to donate the fetal tissue for research purposes – a practice that is well-regulated, and which has led to major medical breakthroughs. Current federal laws regarding fetal-tissue donation have as their primary concerns the protection of women, codification of the highest ethical standards, and assurance of humanitarian goals. NARAL Pro-Choice America supports and endorses these laws.

Despite this, for more than 20 years, opponents of reproductive rights have raised a series of alarmist, unproven claims about the practice of tissue donation. They have accused women, doctors, and researchers of systematically “trafficking” in “body parts,”<sup>7</sup> and even more bizarrely, suggested that allowing tissue to be donated encourages abortion.<sup>8</sup> It is essential to note that these allegations have never been proved.

Today's hearing is yet another effort to advance these charges – in the hope that they will cast aspersions on scientists and their valuable work, shame women, stigmatize and terrify abortion providers, and ultimately, end legal abortion. NARAL Pro-Choice America opposes this attempt to exploit the ethical practice of fetal-tissue donation and to threaten women's reproductive choice.

### **This Hearing is Part of a Longstanding Effort to Attack Reproductive Freedom**

Scientists have used fetal tissue in important research for decades – but in the 1980s, anti-abortion activists began mounting protests against it. Consequently, in 1988, the anti-choice George H.W. Bush administration imposed a moratorium on federal funding for the promising field of research.<sup>9</sup> Congress passed legislation overwhelmingly to lift the ban – a vote that included many prominent anti-choice lawmakers – but then-President Bush vetoed it.<sup>10</sup> Fetal-tissue research had been taken hostage by anti-abortion forces.

Upon taking office in 1993, newly elected pro-choice President Bill Clinton issued an executive memorandum lifting the moratorium.<sup>11</sup> Soon thereafter, Congress again passed legislation permitting and setting legal guidelines to govern fetal-tissue donation and research – and this time, the president (now Clinton) signed it.<sup>12</sup> That law remains in force today.

Anti-abortion forces mounted more attacks, however. In 1999, an anti-choice group called Life Dynamics circulated a letter on Capitol Hill charging that physicians were altering abortion procedures in order to obtain tissue appropriate for use in research.<sup>13</sup> Life Dynamics also claimed that the tissue was being sold for profit.<sup>14</sup> Founded in 1992, Life Dynamics is dedicated to using “guerilla” methods to make abortion unavailable by any means necessary, including threats, harassment, intimidation, and violence.<sup>15</sup>

Life Dynamics' allegations found a sympathetic ear among some anti-choice members of Congress: Rep. Tom Tancredo (R-CO) authored a resolution directing Congress to conduct a hearing on this alleged illegal profiteering.<sup>16</sup> The House passed the resolution by voice vote.<sup>17</sup> Sen. Bob Smith (R-NH) forced a floor vote on an amendment to other anti-choice legislation requiring any individual involved in research using fetal tissue to disclose sensitive information to the government - potentially exposing each to anti-choice harassment and violence.<sup>18</sup> (The Smith amendment failed, 46-51, opposed even by some anti-choice senators.<sup>19</sup>)

Life Dynamics also publicized its allegations to the media. As a result, in 2000, the ABC television program *20/20* aired a segment on the topic, showing undercover footage of a tissue-procurement business owner, Dr. Miles Jones, boasting that he earned profit from the sale of donated fetal tissue.<sup>20</sup> Jones was subsequently cited for contempt of Congress, and upon learning of the tape, the pro-choice community contacted the Justice Department and urged an investigation.<sup>21</sup>

In a clearly coordinated effort, the anti-choice-led House Health and Environment Subcommittee held a hearing the day after the *20/20* report.<sup>22</sup> The only witness with allegations of impropriety, however, was thoroughly discredited under questioning from panel members, and was forced to admit that he had no direct knowledge of wrongdoing.<sup>23</sup> The witness, Dean Alberty, also admitted that he had done undercover work for the anti-choice group Life Dynamics while working as a tissue-retrieval technician.<sup>24</sup> The hearing concluded with no evidence of any widespread impropriety in the practice of fetal-tissue donation.

Despite the hearing's failure to uncover any wrongdoing, immediately following it, then-Rep. Tom Coburn (R-OK) and other anti-choice members of Congress introduced legislation mandating the public reporting of many of the same details Sen. Smith sought to publicize with his earlier bill.<sup>25</sup> The Coburn bill did not progress beyond introduction, but taken together, the various pieces of legislation show an eagerness on the part of anti-choice lawmakers to capitalize on sensational media reports (if not actual facts) to advance their overall agenda of rolling back reproductive freedom.

Another round of attacks following a similar progression began in 2015. Key individuals who previously were associated with the longstanding anti-choice organizations Live Action (which released a series of inflammatory tapes and made charges against Planned Parenthood in 2010 and 2011)<sup>26</sup> and Operation Rescue (an organization on the violent fringe of the anti-abortion movement)<sup>27</sup> reappeared on the scene: in July, an organization calling itself the "Center for Medical Progress" released a series of heavily edited videos claiming to show that Planned Parenthood health centers sell fetal tissue.<sup>28</sup> Planned Parenthood categorically denied the charges.<sup>29</sup> However, in yet another instance of apparent close coordination between advocates and elected officials, anti-choice politicians – in Congress and across states – responded instantaneously with a wide variety of legislative threats against reproductive rights and biomedical research.<sup>30</sup>

Interestingly, press outlets have reported that a number of anti-choice lawmakers admit having seen the “Center for Medical Progress” footage several weeks previously but kept it quiet until the public reveal – only then declaring themselves outraged.<sup>31</sup> Today’s hearing demonstrates that anti-choice forces are determined to continue these dangerous and unfounded attacks on reproductive freedom.

### **The Donation of Fetal Tissue for Research is a Legal and Ethical Practice**

The most common charges made against fetal-tissue donation and research – specifically, that the practice encourages abortion and is unethical – are utterly unfounded.

Federal law ensures that a woman’s decision to donate is made freely, with proper information, and free from conflicts of interest and explicitly prohibits profiteering in the sale of fetal tissue for research.<sup>32</sup> The NIH Revitalization Act of 1993 states that “[I]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration...”<sup>33</sup> Under this law, selling fetal tissue is a federal crime punishable by fines, imprisonment for up to 10 years, or both.<sup>34</sup> Similarly, the National Organ Transplant Act makes it unlawful for a person “to knowingly acquire, receive, or otherwise transfer any human organ,” including fetal tissue, “for valuable consideration...”<sup>35</sup> This law also permits the reimbursement for certain expenses related to fetal-tissue donation (transportation, storage, preservation, etc.), just as it does for organ donation.<sup>36</sup>

Fetal tissue would be discarded if it were not donated, and legal guidelines require that a woman’s decision to terminate a pregnancy is made first – and totally separately – from that of whether to donate tissue.<sup>37</sup>

When asked to review the appropriateness of research using fetal tissue, a National Institutes of Health panel recommended allowing such research, as long as sufficient protections for women and against conflicts of interest were enacted.<sup>38</sup> (Their recommendations were written into the federal law that now governs research with fetal tissue.) The Institute of Medicine and National Academy of Sciences have also examined the issue and concluded similarly.<sup>39</sup>

As bioethicist John Robertson argues: “In sum, fetal tissue transplants are practically and morally separate from decisions to end unwanted pregnancy.”<sup>40</sup> Further, Robertson says, “The disparate issues ... can be treated separately, so that ethical concerns and the politics of abortion do not impede the progress of important research.”<sup>41</sup>

### **Research Using Fetal Tissue is an Important Area of Science**

Due to their capacity to divide rapidly, grow, and adapt to new environments, fetal cells hold unique promise for medical research. Research using fetal tissue has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the

development of polio and rubella vaccines.<sup>42</sup> If not over-regulated or threatened out of existence, research with fetal tissue promises to help treat many conditions such as diabetes,<sup>43</sup> sickle cell anemia,<sup>44</sup> leukemia,<sup>45</sup> Huntington's,<sup>46</sup> stroke,<sup>47</sup> degenerative eye conditions,<sup>48</sup> radiation poisoning,<sup>49</sup> and others.<sup>50</sup>

It is instructive that those protesting against fetal-tissue donation are not similarly investigating – or expressing outrage about – organ donation. Human organs may also be donated legally, of course – in fact, the practice is widely encouraged and acknowledged as compassionate and ethical. And federal law allows reimbursement to doctors and health-care facilities for reasonable costs associated with that process.<sup>51</sup> Yet there have been no anti-choice objections to this practice.

Nor are the self-proclaimed opponents of fetal-tissue research calling for vaccines or treatments that have been discovered thanks to the use of fetal tissue to be pulled off the market and denied to all patients. Were they genuinely concerned that the practice of fetal-tissue donation actually encourages abortion, then demanding a recall of related vaccines and cures would be ethically consistent – extreme though it may be. The fact that they are instead calling to defund Planned Parenthood and to impose abortion bans on women speaks volumes about whether hearings like today's are truly concerned with medical ethics or are instead simply trumping up allegations in the service the goal of limiting women's reproductive choices.

### Conclusion

Attacking fetal-tissue donations is part of a broader, calculated strategy. If individual cases of wrongdoing are discovered within the process of fetal-tissue donation, they should be investigated and, if appropriate, prosecuted. This is true of any kind of activity regulated by law; a different standard should not be applied to research that anti-choice advocates have systematically and deliberately politicized. As such, NARAL Pro-Choice America opposes this panel's attempt to inflame the debate around the ethical and legal practice of fetal-tissue donation and encourages lawmakers to defend against the threats it poses to reproductive freedom and scientific progress.

---

<sup>1</sup> Warren E. Leary, *Fetal Tissue Injected Into Injured Spinal Cord*, THE NEW YORK TIMES, July 12, 1997 at <http://www.nytimes.com/1997/07/12/us/fetal-tissue-injected-into-injured-spinal-cord.html> (last visited July 28, 2015); Sally Squires, *Spinal Cord Repair Research Yields Results*, THE WASHINGTON POST, Sept. 22, 1992, at Z06.

<sup>2</sup> *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcomm. on Health and Environment*, 106th Cong. (2000) (testimony of Samuel M. Cohen, M.D., Ph.D., Professor and Chairman, Department of Pathology and Microbiology, University of Nebraska Medical Center, Omaha, Nebraska) (testimony of Joan I. Samuelson, J.D., President, Parkinson's Action Network); David Wahlberg, *Bill Floated to Ban Use of Aborted Fetal Tissue in Scientific Research*, WISCONSIN STATE JOURNAL, Apr. 10, 2013 at

---

[http://host.madison.com/news/local/govt-and-politics/bill-floated-to-ban-use-of-aborted-fetal-tissue-in/article\\_5ba4f816-a175-11e2-88a1-0019bb2963f4.html](http://host.madison.com/news/local/govt-and-politics/bill-floated-to-ban-use-of-aborted-fetal-tissue-in/article_5ba4f816-a175-11e2-88a1-0019bb2963f4.html) (last visited July 23, 2015).

<sup>3</sup> Press Release, The White House Office of Communications, *We Must Free Science and Medicine from the Grasp of Politics*, (Jan. 22, 1993); *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcomm. on Health and Environment*, 106th Cong. (2000) (testimony of Samuel M. Cohen, M.D., Ph.D., Professor and Chairman, Department of Pathology and Microbiology, University of Nebraska Medical Center, Omaha, Nebraska) (testimony of Joan I. Samuelson, J.D., President, Parkinson's Action Network).

<sup>4</sup> Press Release, The White House Office of Communications, *We Must Free Science and Medicine from the Grasp of Politics*, (Jan. 22, 1993); *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcomm. on Health and Environment*, 106th Cong. (2000) (testimony of Samuel M. Cohen, M.D., Ph.D., Professor and Chairman, Department of Pathology and Microbiology, University of Nebraska Medical Center, Omaha, Nebraska) (testimony of Joan I. Samuelson, J.D., President, Parkinson's Action Network).

<sup>5</sup> Conference Committee on Fetal Research and Applications, Division of Health Promotion and Disease Prevention, Institute of Medicine, *Fetal Research and Applications: A Conference Summary* (Washington, D.C.: National Academy Press, 1994), 7.

<sup>6</sup> Nikki Melina Constantine Bell, *Regulating Transfer and Use of Fetal Tissue in Transplantation Procedures: The Ethical Dimensions*, 20 AM. J.L. & MED. 277, 278 (1994).

<sup>7</sup> Phyllis Schlafly, *Human Chop Shops Exposed*, EAGLE FORUM, Mar. 15, 2000, at <http://www.eagleforum.org/column/2000/mar00/00-03-15.html> (last visited July 27, 2015).

<sup>8</sup> Julie Rovner, *Vote to End Fetal Tissue Ban Hinged on Personal Stakes*, CQ WEEKLY ONLINE, Apr. 4, 1992, at <http://www.cq.com/doc/weeklyreport-WR102406478?12&search=0ZpDXFVO> (last visited July 27, 2015).

<sup>9</sup> U.S. Department of Health and Human Services, National Institutes of Health, *Moratorium on Certain Fetal Tissue Research*, 17 NIH GUIDE FOR GRANTS AND CONTRACTS (Special Notice, May 9, 1988).

<sup>10</sup> National Institutes of Health Revitalization Amendments of 1991, H.R.2507, 102nd Cong. (as passed by Senate, Apr. 2, 1992); National Institutes of Health Revitalization Amendments of 1991, H.R.2507, 102nd Cong. (as passed by House, July 25, 1991); Veto Message from President George H.W. Bush to the House of Representatives, Returning Without Approval the National Institutes of Health Revitalization Amendments of 1992 (June 23, 1992), at <http://www.presidency.ucsb.edu/ws/?pid=21134> (last visited July 27, 2015).

<sup>11</sup> Memorandum from William J. Clinton to the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 FR 7457 (Jan. 22, 1993), codified at 42 U.S.C.A. § 289g.

<sup>12</sup> The National Institutes of Health Revitalization Act, 42 U.S.C.A. § 289g.

<sup>13</sup> The letter circulated by Life Dynamics was written by J.C. Willke, M.D., the President of Life Issues Institute, Inc., an organization dedicated to "serving the educational needs of the pro-life movement." Letter from John C. Willke, President, Life Issues Institute, Inc., to Honorable Nita M. Lowey, United States House of Representatives, June 25, 1999.

<sup>14</sup> Letter from John C. Willke, President, Life Issues Institute, Inc., to Honorable Nita M. Lowey, United States House of Representatives, June 25, 1999.

<sup>15</sup> *MDs Receive Antiabortion Mail*, THE GLOBE AND MAIL, Mar. 3, 1999, at

<https://advance.lexis.com/api/permalink/ac4d78b7-dc59-4723-afc6-5efae0fc502d/?context=1000516> (last visited July 28, 2015); Annetta Ramsay, *Texas Anti-Abortion Antics Go Back a Long Way*, WOMEN'S ENEWS, July 16, 2015 at <http://womensenews.org/story/abortion/150715/texas-anti-abortion-antics-go-back-long-way> (last visited July 30, 2015).

<sup>16</sup> H.R.350, 106th Cong. (Nov. 1999).

- 
- <sup>17</sup> H.R.350, 106th Cong. (as passed by House, Nov. 9, 1999).
- <sup>18</sup> 145 Cong. Rec. S13025 (daily ed. Oct. 21, 1999), S.Amdt. 2324 to S.1692 A Bill to Ban Partial Birth Abortions.
- <sup>19</sup> S.Amdt. 2324 to S.1692 A Bill to Ban Partial Birth Abortions, 106th Cong. (failed in Senate, Oct. 21, 1999).
- <sup>20</sup> *FBI Ends Investigation into Fetal Tissue Marketing*, THE TOPEKA CAPITAL JOURNAL, (Sep. 2, 2001) at [http://cjonline.com/stories/090201/usw\\_tissuesales.shtml#.Va6l-aRVhBc](http://cjonline.com/stories/090201/usw_tissuesales.shtml#.Va6l-aRVhBc) (last visited July 21, 2015). The transcript for ABC's 20/20 report is no longer publicly available.
- <sup>21</sup> Report of the Comm. on Commerce of the Congressional Proceedings Against Dr. Miles Jones for Failure to Appear Pursuant to a Duly Authorized Subpoena, 106th Cong. (2000).
- <sup>22</sup> *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcommittee on Health and Environment*, 106th Cong. (2000).
- <sup>23</sup> *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcommittee on Health and Environment*, 106th Cong. (2000) (testimony of Dean Alberty).
- <sup>24</sup> *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcommittee on Health and Environment*, 106th Cong. (2000) (testimony of Dean Alberty).
- <sup>25</sup> H.R.3980, 106th Cong. (Mar. 15, 2000).
- <sup>26</sup> Desiree Hunter, *Birmingham Abortion Clinic Put on Probation*, THE SAN DIEGO UNION TRIBUNE, Feb. 10, 2010 at <http://www.sandiegouniontribune.com/news/2010/feb/10/ap-birmingham-abortion-clinic-put-on-probation/> (last visited July 28, 2015); Michael Martinez, *Planned Parenthood to Retrain After Anti-Abortion Group Videos*; CNN, Feb. 8, 2011 at <http://www.cnn.com/2011/US/02/08/abortion.video.retraining/index.html> (last visited July 28, 2015); Sofia Resnick, *Co-Founder Behind Planned Parenthood Video Has Close Ties to Abortion Clinic Violence*, RH REALITY CHECK, July 17, 2015 at <http://rhrealitycheck.org/article/2015/07/17/board-member-behind-planned-parenthood-video-close-ties-abortion-clinic-violence/> (last visited July 27, 2015); Rachana Pradhan, *Experienced Foe Behind Planned Parenthood Videos*, POLITICO, July 21, 2015 at <http://www.politico.com/story/2015/07/experienced-foe-behind-planned-parenthood-videos-120439.html> (last visited July 30, 2015).
- <sup>27</sup> *Operation Rescue Advisor Helped Tiller Suspect Track Doctor's Court Dates*, MCCLATCHY DC, June 3, 2009 at <http://www.mcclatchydc.com/news/nation-world/national/article24540694.html> (last visited July 27, 2015).
- <sup>28</sup> Sandhya Somashekhar & Danielle Paquette, *Undercover Video Shows Planned Parenthood Official Discussing Fetal Organs Used for Research*, THE WASHINGTON POST, July 14, 2015 at [http://www.washingtonpost.com/politics/undercover-video-shows-planned-parenthood-exec-discussing-organ-harvesting/2015/07/14/ae330e34-2a4d-11e5-bd33-395c05608059\\_story.html](http://www.washingtonpost.com/politics/undercover-video-shows-planned-parenthood-exec-discussing-organ-harvesting/2015/07/14/ae330e34-2a4d-11e5-bd33-395c05608059_story.html) (last visited July 27, 2015); Sofia Resnick, *Co-Founder Behind Planned Parenthood Video Has Close Ties to Abortion Clinic Violence*, RH REALITY CHECK, July 17, 2015 at <http://rhrealitycheck.org/article/2015/07/17/board-member-behind-planned-parenthood-video-close-ties-abortion-clinic-violence/> (last visited July 27, 2015); Jackie Calmes & Nicholas St. Fleur, *House Republicans to Investigate Planned Parenthood Over Fetal Tissue*, THE NEW YORK TIMES, July 15, 2015 at [http://www.nytimes.com/2015/07/16/us/house-republicans-to-investigate-planned-parenthood-over-fetal-tissue.html?\\_r=0](http://www.nytimes.com/2015/07/16/us/house-republicans-to-investigate-planned-parenthood-over-fetal-tissue.html?_r=0) (last visited July 27, 2015).
- <sup>29</sup> Press Release, Planned Parenthood Federation of America, *Statement from Planned Parenthood on New Undercover Video* (July 14, 2015); Press Release, Planned Parenthood Federation of America, *Planned Parenthood Responds to Political Attacks, False Accusations* (July 15, 2015).
- <sup>30</sup> David Weigel, *Rand Paul Says the GOP Can Defund Planned Parenthood Before the Recess*, THE WASHINGTON POST, July 27, 2015 at <http://www.washingtonpost.com/blogs/post-politics/wp/2015/07/27/rand-paul-says-the-gop-can-defund-planned-parenthood-before-the-recess/> (last

---

visited July 28, 2015); Jennifer Haberkorn, *GOP States Push Planned Parenthood Probes*, Politico, July 24, 2015 at <http://www.politico.com/story/2015/07/states-may-have-better-chance-of-cutting-funds-than-congress-120563.html> (last visited July 28, 2015).

<sup>31</sup> Samar Khurshid, *Lawmakers Knew About Planned Parenthood Video Weeks Ago*, CQ ROLL CALL, at <http://blogs.rollcall.com/218/interview-didnt-happen/?dcz=> (last visited July 28, 2015).

<sup>32</sup> The National Institutes of Health Revitalization Act, 42 U.S.C.A. § 289g-2.

<sup>33</sup> The National Institutes of Health Revitalization Act, 42 U.S.C.A. § 289g-2(a).

<sup>34</sup> The National Institutes of Health Revitalization Act, 42 U.S.C.A. § 289g-2(d).

<sup>35</sup> National Organ Transplant Act, 42 U.S.C.A. § 274e(a).

<sup>36</sup> National Organ Transplant Act, 42 U.S.C.A. § 274f.

<sup>37</sup> The National Institutes of Health Revitalization Act, 42 U.S.C.A. § 289g-1(b)(2).

<sup>38</sup> Advisory Committee to the Director, National Institutes of Health, *Human Fetal Tissue Transplantation Research Report*, (Dec. 14, 1988), 1.

<sup>39</sup> Conference Committee on Fetal Research and Applications, Division of Health Promotion and Disease Prevention, Institute of Medicine, *Fetal Research and Applications: A Conference Summary* (Washington, D.C.: National Academy Press, 1994), 60.

<sup>40</sup> John A. Robertson, *Rights, Symbolism, and Public Policy in Fetal Tissue Transplants*, 18, no. 6 THE HASTINGS CENTER REPORT 5, 7 (1988).

<sup>41</sup> John A. Robertson, *Rights, Symbolism, and Public Policy in Fetal Tissue Transplants*, 18, no. 6 THE HASTINGS CENTER REPORT 5, 12 (1988).

<sup>42</sup> *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcomm. on Health and Environment*, 106th Cong. (2000) (testimony of Samuel M. Cohen, M.D., Ph.D., Professor and Chairman, Department of Pathology and Microbiology, University of Nebraska Medical Center, Omaha, Nebraska).

<sup>43</sup> Press Release, The White House Office of Communications, *We Must Free Science and Medicine from the Grasp of Politics*, (Jan. 22, 1993); *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcomm. on Health and Environment*, 106th Cong. (2000) (testimony of Samuel M. Cohen, M.D., Ph.D., Professor and Chairman, Department of Pathology and Microbiology, University of Nebraska Medical Center, Omaha, Nebraska) (testimony of Joan I. Samuelson, J.D., President, Parkinson's Action Network).

<sup>44</sup> Conference Committee on Fetal Research and Applications, Division of Health Promotion and Disease Prevention, Institute of Medicine, *Fetal Research and Applications: A Conference Summary* (Washington, D.C.: National Academy Press, 1994), 8.

<sup>45</sup> Press Release, The White House Office of Communications, *We Must Free Science and Medicine from the Grasp of Politics*, (Jan. 22, 1993); Jack Craver, *UW Researchers: GOP Fetal Tissue Bill Could Devastate Medical Research*, THE CAPITAL TIMES, June 13, 2013 at [http://host.madison.com/news/local/writers/jack\\_craver/uw-researchers-gop-fetal-tissue-bill-could-devastate-medical-research/article\\_e171630a-d3aa-11e2-b9d5-0019bb2963f4.html](http://host.madison.com/news/local/writers/jack_craver/uw-researchers-gop-fetal-tissue-bill-could-devastate-medical-research/article_e171630a-d3aa-11e2-b9d5-0019bb2963f4.html) (last visited July 23, 2015).

<sup>46</sup> Daniel J. Garry et al., *Sounding Board: Are There Really Alternatives to the Use of Fetal Tissue from Elective Abortions in Transplantation Research?*, 327, no. 22 NEW ENG. J. OF MED., 1592, 1592 (1992); James E. Goddard, *The NIH Revitalization Act of 1993 Washed Away Many Legal Problems with Fetal Tissue Transplantation Research But a Stain Remains*, 49 SMU L. REV., 375, 378 (1996); Nikki Melina Constantine Bell, *Regulating Transfer and Use of Fetal Tissue in Transplantation Procedures: The Ethical Dimensions*, 20 AM. J.L. & MED. 277, 278 (1994).

<sup>47</sup> *Stem Cell Advances Focus on Heart, Inflammation*, BIOMEDREPORTS, Dec. 5, 2011; Nikki Melina Constantine Bell, *Regulating Transfer and Use of Fetal Tissue in Transplantation Procedures: The Ethical Dimensions*, 20 AM. J.L. & MED. 277, 278 (1994).

---

<sup>48</sup> *Fetal Retinal Cells Transplanted in Search for Eye Disease Cure*, THE WASHINGTON POST, Feb. 1, 1997 at <http://www.washingtonpost.com/pb/archive/politics/1997/02/01/fetal-retinal-cells-transplanted-in-search-for-eye-disease-cure/6daf2ecc-dc39-499f-8fb8-9be5d3645342/?resType=accessibility> (last visited July 28, 2015).

<sup>49</sup> Conference Committee on Fetal Research and Applications, Division of Health Promotion and Disease Prevention, Institute of Medicine, *Fetal Research and Applications: A Conference Summary* (Washington, D.C.: National Academy Press, 1994), 7.

<sup>50</sup> Jack Craver, *UW Researchers: GOP Fetal Tissue Bill Could Devastate Medical Research*, THE CAPITAL TIMES, June 13, 2013 at [http://host.madison.com/news/local/writers/jack\\_craver/uw-researchers-gop-fetal-tissue-bill-could-devastate-medical-research/article\\_e171630a-d3aa-11e2-b9d5-0019bb2963f4.html](http://host.madison.com/news/local/writers/jack_craver/uw-researchers-gop-fetal-tissue-bill-could-devastate-medical-research/article_e171630a-d3aa-11e2-b9d5-0019bb2963f4.html) (last visited July 23, 2015); David Wahlberg, *Bill Floated to Ban Use of Aborted Fetal Tissue in Scientific Research*, WISCONSIN STATE JOURNAL, Apr. 10, 2013 at [http://host.madison.com/news/local/govt-and-politics/bill-floated-to-ban-use-of-aborted-fetal-tissue-in/article\\_5ba4f816-a175-11e2-88a1-0019bb2963f4.html](http://host.madison.com/news/local/govt-and-politics/bill-floated-to-ban-use-of-aborted-fetal-tissue-in/article_5ba4f816-a175-11e2-88a1-0019bb2963f4.html) (last visited July 23, 2015); *Fetal Tissue: Is It Being Sold in Violation of Federal Law?: Hearing before the House Subcomm. on Health and Environment*, 106th Cong. (2000) (testimony of Hannah C. Kinney, M.D., Neuropathologist, Department of Pathology, Harvard Medical School, Boston, Massachusetts).

<sup>51</sup> National Organ Transplant Act, 42 U.S.C.A. § 274f.