

[Safe Responsible Ethical Scientific Endeavors Assuring Research for Compassionate Healthcare \(RESEARCH\) Act \(HR 1203, 115th Congress\)](#)

Amends the Public Health Service Act to prohibit research that utilizes human fetal tissue obtained from abortion procedures.

Updated last **August 14, 2017**

for the 02/17/2017 version of HR 1203.

WHAT IT DOES

[HR 1203](#), known as the Safe RESEARCH Act, is a bill that amends section 498A of the Public Health Service Act ([42 U.S.C. 289g-1](#)) to ban the use of human fetal tissue for scientific research that is obtained from abortion procedures. It continues to allow scientific research with human fetal tissue that is obtained when a fetus dies of natural causes during pregnancy.

HR 1203 also repeals [section 113](#) (“Nullification of Moratorium”) of the National Institutes of Health Revitalization Act of 1993, which prevented the executive branch from prohibiting “any research on the [transplantation](#) of human fetal tissue for therapeutic purposes.”

RELEVANT SCIENCE

[Human fetal tissue](#) is currently defined in the U.S. Code ([42 U.S.C. 289g-1\(g\)](#)) as the resulting “tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.” To further break down this definition, “embryo” refers to the first stages of [fetal development](#), from fertilized egg through the 10th week of pregnancy. At the 9th week, the embryo technically becomes a fetus. A spontaneous abortion is a naturally occurring loss of a pregnancy that takes place before the 20th week. A spontaneous abortion is also referred to as a “[miscarriage](#).” This is usually distinguished from a [stillbirth](#), which refers to the loss of a fetus that takes place between the 20th week of pregnancy and birth. It is important to note that HR 1203 uses the term “stillbirth” broadly to refer to a natural loss of pregnancy at any stage of development, embryonic or fetal.

According to [a report](#) from the Congressional Research Service, the majority of human fetal tissue that is useful for scientific and medical research is derived from induced abortions. This is largely due to the fact that human tissue can deteriorate rapidly postmortem unless properly preserved, which requires preparation and consent from the mother. Thus, the unplanned nature of spontaneous abortions and stillbirths make them much less conducive for fetal tissue donation.

Human fetal tissue is [particularly beneficial](#) for scientific and medical research and is often used to establish cell lines or for transplantation into other organisms. The fetus undergoes rapid [development](#) of organs and tissues during the first 14 weeks of pregnancy, when the vast [majority of abortions](#) take place. Cells derived from fetal tissues at these stages are valuable in that they have already [started to differentiate into organs](#) (such as the fetal liver, thymus, eye, and nervous system) but still retain [renewable stem cell potential](#), enabling them to grow and divide rapidly and adapt to new environments once extracted.

Cell lines from these fetal tissues can be used to conduct tissue- or organ-specific studies on human development or diseases. Fetal tissue can also be used to develop [humanized animals](#) (i.e., human-animal hybrids) in order to study human tissues in a living environment or to produce human or human-like [organs for transplantation](#). Alternatively, fetal tissue cells can be directly implanted into patients as a therapy, such as [the landmark study](#) conducted in 1987, in which fetal brain tissue was transplanted into patients with [Parkinson's disease](#).

Via these applications, human fetal tissue has been [instrumental in the development of vaccinations](#) for polio, chickenpox, rubella, measles, rabies, tetanus, whooping cough, and more. In 2015 alone, the National Institutes of Health granted around [\\$80 million in](#)

[funding](#) for medical research involving human fetal tissue. These studies investigated HIV, retinal degeneration, lupus, hepatitis, typhoid, diabetes, sudden infant death syndrome, and other serious health conditions.

BACKGROUND

The [National Institutes of Health Revitalization Act of 1993](#), which amended the [Public Health Service Act](#), permits that after a still-birth or abortion procedure, a woman can consent to donating the resulting fetal tissue to be used in scientific research. It is prohibited to perform an abortion for the sole purpose of donating the human fetal tissue; a woman can only consent after she has decided to have the procedure. It is illegal to sell human fetal tissue, but abortion providers can legally charge a reasonable fee, which is not defined in the legal text ([42 U.S.C. 289g-2\(e\)\(3\)](#)), for the processing, maintenance, and transportation of the tissue.

The 2015 public release of [videos](#) by anti-abortion activists at [The Center for Medical Progress](#) alleged that several abortion providers, including the United States' largest abortion provider, [Planned Parenthood Federation of America](#), were selling human fetal tissue to scientific research companies for profit. [An independent report by Fusion GPS](#) found that the videos were highly edited and misleading. Despite this, the videos resulted in a widespread debate about the public funding of Planned Parenthood's non-abortion services and the ethics of human fetal tissue research with tissue obtained from abortion procedures.

The videos also initiated four investigations in the U.S. Congress: three in the House of Representatives, and one in the Senate. All were conducted by committees with a Republican majority. The U.S. House Committee on Oversight and Government Reform Committee launched [an investigation](#) into Planned Parenthood's use of federal funds and found [no evidence of wrongdoing](#). The U.S. House of Representatives Energy & Commerce Committee then formed a [Select Investigative Panel](#) to investigate further, with a focus on fetal tissue collection, sale, and donation. An [investigation](#) by the U.S. House Committee on the Judiciary was consolidated into the Select Investigative Panel. The panel's final [report](#), released in December 2016, recommended that Planned Parenthood lose its federal funding for non-abortion services. The report was [criticized](#) as being inaccurate and was at odds with a [statement of support](#) for fetal research by 62 major institutions. The panel's Democratic members wrote a dissenting [minority report](#) stating that the panel "found no evidence of wrongdoing." The U.S. Senate Committee on the Judiciary also launched an investigation on "fetal tissue transfers" and released a [majority staff report](#) in December 2016. Citing multiple violations, the committee's chairperson, [Senator Charles E. Grassley](#), referred Planned Parenthood and affiliates to the Department of Justice and the Federal Bureau of Investigation for "investigation and possible prosecution" on [December 13, 2016](#) and again on [April 27, 2017](#). To date, Congress has been unable to pass a vote to defund Planned Parenthood, and no further action has been publicly reported by the Department of Justice or the Federal Bureau of Investigation.

[Twelve states](#) also initiated their own investigations of Planned Parenthood after the videos were released, but none found any evidence of wrongdoing. Most notably, in January 2016 a Texas grand jury found no wrongdoing by Planned Parenthood, but [indicted two anti-abortion activists from The Center for Medical Progress for charges related to the filming of the videos](#). Following the video controversy, several attempts have been made to enact laws restricting research which uses human fetal tissue obtained from abortion. No federal laws have been enacted thus far, but [several states now have laws regarding this](#).

ENDORSEMENTS & OPPOSITION

No public statements of endorsement or opposition have been made regarding H.R. 1203 specifically, but the use of fetal tissue obtained from abortion has been hotly contested in the public sphere.

Those who oppose the use of fetal tissue obtained from abortion procedures, such as [The Center for Medical Progress](#) and the [National Right to Life Committee](#):

- Feel that it is unethical to utilize tissues gathered from aborted fetuses and that fetal tissue can be obtained from fetuses who die of natural causes.
- Fear that pregnant women could be pressured into receiving an abortion by abortion practitioners, who they believe could sell

the tissue for profit.

- Argue that newer technologies like [induced pluripotent stem cells](#) (iPSCs), which are derived from adult cells, can replace fetal tissue in research and transplantation.

Those who support the use of fetal tissue obtained from abortion, such as the [Guttmacher Institute](#), the [American College of Obstetrics and Gynecology](#), and the [American Association for the Advancement of Science](#),:

- Argue that fetal tissue has already made a significant, lifesaving impact on human health through vaccine development and medical research, that it has great potential for future research and medical applications, and that abortions are the only viable source of fetal tissue.
- Argue that fetal tissue is [less likely](#) to suffer [immune rejection](#) than iPSCs and other adult tissues when transplanted from a donor into a separate recipient.
- Feel that it is ethical to allow women who undergo abortion procedures to consent to donating fetal tissue for medical research when it would otherwise be discarded.

STATUS

HR 1203 was introduced in the house on February 17, 2017, and referred to the [House Energy and Commerce Subcommittee on Health](#) by the [House Energy and Commerce Committee](#) for consideration on February 24, 2017.

RELATED POLICIES

In response to a request from [Representative Jan Schakowsky](#) (D-IL-9), the ranking Democrat on the [Select Investigative Panel](#), for information on medical research using human fetal tissue, Jim R. Esquea, the Assistant Secretary for Legislation, wrote [a letter](#) detailing the critical importance of fetal tissue for research and health, both past and future.

POLICY HISTORY

The same amendment of the Public Health Service Act to be applied to research conducted or supported by the National Institutes of Health has been proposed previously as [H.R. 524](#), 115th Congress. The amendment applied to research conducted or supported by the Secretary of Health and Human Services has been proposed previously as [H.R. 1895](#), 115th Congress.

SPONSORS

Sponsor: [Representative James F. Sensenbrenner Jr.](#) (R-WI-5)

Cosponsors:

- [Representative Jeff Duncan](#) (R-SC-3)
- [Representative Sean P. Duffy](#) (R-WI-7)

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RECOMMENDED CITATION

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