



U.S. Dept. of Health and Human Services/National Institutes of Health Human Fetal Tissue Ethics Advisory Board

Public Comment
July 30, 2020

On Behalf of The National Catholic Bioethics Center; and The Catholic Medical Association

On behalf of The National Catholic Bioethics Center (The Center) and The Catholic Medical Association (The Association) I am writing to provide comment on the use of tax dollars to support research that requires the destruction of human fetuses in the name of scientific research.

The Association is a non-profit national organization comprised of over 2,000 members representing physicians and other health care providers in over 75 medical specialties. The Association helps to educate the medical profession and society at large about issues in medical ethics, including research ethics, abortion, maternal child health, and all issues impacting the best interest of those entrusted to their care. The Association accomplishes this through its annual conferences, local Guilds, its quarterly award-winning bioethics journal, *The Linacre Quarterly*, and its other programs, publications, and web communications.

The Center is a non-profit research and educational institute committed to applying the moral teachings of the Catholic Church to ethical issues arising in health care and the life sciences. The Center provides consultations to institutions and individuals seeking its opinion on the appropriate application of Catholic moral teachings to these ethical issues. The Center has over 1,300 members (many of whom are institutional members representing thousands of persons) throughout the United States.

The funding with tax dollars of research, utilizing tissue from aborted fetuses, represents a position of the United States government indicative that human offspring merely are commodities to be disposed of at will. Each of us was once an embryo/fetus. Basic embryology makes it clear that from fertilization a new human being exists, with his or her own internal principle directed toward continuing development as an organism, a development that is continuous and unbroken toward mature adulthood. The right to

life is a fundamental human right, not based on level of maturity but by our humanity. From the moment the human zygote is formed a new human being exists, separate from his/her father or mother. Thus, he/she is a bearer of human rights. Discrimination based on maturity, as represented in such funding, is no less reprehensible and arbitrary than any other form of discrimination. It is the ultimate cannibalization of the human person.

The purpose of the Advisory Board purports to foster ethically responsible research, but to artificially attempt to separate the funding of research using tissue from aborted fetuses from the act of abortion, which made the tissue available, is a violation of both ethical and legal principles. Since the human fetus must be killed to have his/her tissue available for research the government becomes not only a cooperator, but an accomplice in the very act from which it wishes to divorce itself.

We recognize that taxpayer dollars will not be used to kill the fetus, but to do research on the cells garnered from that destruction. However, historically, the government has never permitted the use of federal funds for research on humans if it was not for their benefit. Congress has extended the same protection to the embryo and fetus as to any other human subject of research. Since 1975 Congress has refused to allow federal funds to be used for research on the unborn at any stage of development. In 1985, Congress amended the National Institutes of Health reauthorization act to make it clear that the prohibition against the use of federal funds for research on human subjects was "the same for fetuses which are intended to be aborted and fetuses which are intended to be carried to term" (42 USC §289g).

In 1996, Congress passed legislation to provide the same protections to all human embryos (The DickeyWicker Amendment). The Dickey-Wicker Amendment states that federal funds are not to be used for research purposes or for research in which embryos or fetuses are killed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero. Specifically, 45 CFR46.202 states that fetuses may be involved in federally funded research only if, "The risk to the fetus is caused solely by interventions or procedures that hold out the prospect of direct benefit for the woman or the fetus; or, if there is no such prospect of benefit, the risk to the fetus is not greater than minimal and the purpose of the research is the development of important biomedical knowledge which cannot be obtained by any other means." There is absolutely no benefit to the very fetuses who must die for their tissue to be made available for such research.

The government must maintain a consistent posture of respect toward human life. It cannot single out certain lives as somehow uniquely suited for harmful or destructive research. Furthermore, the government must respect and abide by the laws that the government itself has legislated for the common good. Certainly, our government cannot be above the very laws that it has promulgated for all citizens to follow.

Dr. Marie T. Hilliard, MS (Maternal Child Health Nursing), MA (Religious Studies), JCL (Canon Lawyer), PhD, RN

Senior Fellow,
The National Catholic Bioethics Center
6399 Drexel Road
Philadelphia, PA 19151
Tel. 215-871-2016
mhilliard@ncbcenter.org

Co-Chair, Ethics Committee
The Catholic Medical Association
550 Pinetown Rd., Suite 205
Fort Washington, PA 19034
Tel: 484-270-8002
E-Mail: info@cathmed.org