

The Honorable Janice D. Schakowsky, Ranking Member

- 1. Assume that you conducted an investigation and concluded to your satisfaction that no one is profiting from fetal tissue that is made available as a consequence of a legal abortion and that all laws have been followed with regard to donation of that tissue for research purposes. Would you support use of that tissue for research purposes?**

As a former federal prosecutor I was asked to review the provided exhibits and apply the information contained therein to various applicable evidentiary standards and the statute at issue. As I stated in both my written testimony and my oral statement, I am neither a medical ethicist nor a theologian, and I was not asked to testify on my personal beliefs regarding the use of fetal tissue in research. Nevertheless, I have no personal objection to the use of fetal tissue in research provided the tissue is obtained through naturally occurring stillborn births and miscarriages, with the informed consent of the parents, and through healthcare facilities in full compliance with state and federal law.

- 2. If you answered no to the first question—or otherwise qualified your response in any manner—are there any circumstances for which you would allow fetal tissue research?**

Fetal tissue can be made available to researchers as a result of naturally occurring stillborn births and miscarriages, which in my opinion is very different than the intentional creation of fetal tissue through abortion. Assuming the parents of such children knowingly (*i.e.*, with informed consent) donate this stillborn or miscarried fetal tissue to research and the healthcare facilities involved are otherwise complying with state and federal law, I personally have no objection to the use of fetal tissue for research purposes.

- 3. Prominent researchers have highlighted the need for fetal tissue to study and address the impact of the Zika virus on fetal brain development. For example, a leading researcher at the University of Pittsburgh Medical Center recently confirmed that "It is absolutely essential to study Zika infection in human fetal tissue."¹ Assuming, once again, that all laws related to fetal tissue donation have been followed, would you support the use of fetal tissue as part of research efforts to analyze and understand the Zika virus? To possibly help identify a cure?**

Again, assuming the fetal tissue was acquired from naturally occurring stillborn births and/or miscarriages, and assuming the parents of these children knowingly (*i.e.*, with informed consent) donated this fetal tissue and the healthcare facilities involved otherwise complied with the law, I have no objection to the use of such fetal tissue for research on the Zika virus or any other legitimate research purpose.

¹ Erika Check Hayden, *Zika highlights role of controversial fetal-tissue research*, NATURE (Mar. 30, 2016).

Respectfully submitted,

A handwritten signature in blue ink that reads "Brian P. Lennon". The signature is written in a cursive style with a prominent initial "B".

Brian Patrick Lennon

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