United States Senate
WASHINGTON, DC 20510

July 21, 2015

The Honorable Loretta Lynch
Attorney General
Department of Justice
950 Pennsylvania Ave N.W.
Washington, D.C. 20530

The Honorable Sylvia Mathews Burwell
Secretary
Department of Health and Human Services
200 Independence Ave S.W.
Washington, DC 20201

Dear Attorney General Lynch and Secretary Burwell,

Last Tuesday a video was released that appears to show Deborah Nucatola, the Senior Director for Medical Services at Planned Parenthood, discussing the payments received by abortion clinics as compensation for the transfer of fetal tissue from the clinics to scientific researchers and the alteration of abortion procedures to obtain intact organs. The disturbing facts revealed in this video raise the question whether the employees of a federally funded organization have violated federal law by engaging in the transfer of human fetal tissue for profit, and whether the modification of abortion techniques for the purpose of obtaining that tissue violates applicable research guidelines established by federal law.

Section 498B of the Public Health Service Act prohibits the knowing acquisition, receipt, or transfer of human fetal tissue for valuable consideration if such transaction affects interstate commerce. The law defines valuable consideration to exclude "reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue." 42 U.S.C. § 289g-2(d)(3). In the video, Dr. Nucatola says that Planned Parenthood affiliates do not want to be seen as "selling tissue" or "making money off of this." But how Planned Parenthood's actions are perceived is irrelevant to whether the organization is in fact receiving valuable consideration for the transfer and is therefore in violation of federal law.

Section 498A requires that, for transplantation research supported or conducted by the National Institute of Health that utilizes fetal tissue obtained pursuant to an abortion, the doctor present at the abortion must certify that "no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue." 42 U.S.C. § 289g-1(b)(2)(A)(ii). Yet Dr. Nucatola describes various ways in which Planned Parenthood doctors modify their techniques, including altering the fetus's position from vertex to breech and selecting different parts of the body to crush, for no apparent reason other than to obtain intact

organs. To the extent that fetal tissue from Planned Parenthood clinics is used in research conducted or supported by the NIH, the requirements of 498A may also have been violated.

Because of the serious concerns these facts raise, we request that the Department of Justice and the Department of Health and Human Services each conduct a full investigation to determine if violations of 498B and 498A, respectively, have occurred.

Sincerely,