

United States Senate

WASHINGTON, DC 20510

August 6, 2020

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Attorney General Barr and Director Wray,

In the wake of recently-released under-oath testimony of Planned Parenthood and biomedical company officials admitting to the trafficking and sale of fetal tissue and describing infants born alive and left to die or killed through organ harvesting,¹ we write you to request an update on your investigation into Planned Parenthood.

The Center for Medical Progress (CMP) first revealed undercover videos in 2015 that exposed Planned Parenthood officials admitting to selling fetal tissue. CMP's efforts led to a House Select Investigative Panel and Senate Judiciary Committee inquiries followed by criminal referrals to the Federal Bureau of Investigation (FBI). On December 13, 2016, then-Senate Judiciary Committee Chairman Chuck Grassley sent criminal referrals to the FBI, including multiple Planned Parenthood affiliates, biomedical companies, and the Planned Parenthood Federation of America (PPFA). In June 2019, Senate Judiciary Committee Chairman Lindsey Graham and Senator Grassley sent a follow-up letter requesting an update on the investigation. More incriminating video testimony was revealed this year by CMP.²

In the recently released deposition testimony, Perrin Larton, the Procurement Manager for Advanced Bioscience Resources, Inc., testified about entirely intact fetuses: "They just, sometimes they fall out" of the patient during an abortion procedure "once every couple months." When asked if the fetus has a heartbeat in this situation, Ms. Larton testified, "It would depend" as "I can see hearts that are not in an intact P.O.C. [product of conception] that are beating independently" after dissection.

Dr. Deborah Nucatola, former Senior Director of Medical Services for PPFA, whose deposition was also released, testified that she had patients deliver a non-viable fetus in the operating room. In her testimony, she defined a non-viable fetus as one that is "not capable of survival," and used the "availability of interventions" as criteria of viability. Dr. Nucatola performed abortions at

¹ <http://www.centerformedicalprogress.org/2020/06/sworn-video-testimony-describes-infanticide-in-fetal-organ-harvesting-and-planned-parenthood-clinics/>

² *Id.*

Planned Parenthood Los Angeles, which provided fetal tissue to Novogenix Laboratories, LLC. Advanced Bioscience Resources, Inc., Planned Parenthood Los Angeles, and Novogenix Laboratories, LLC, were among those included in the criminal referrals sent to the FBI in 2016.

Additional testimony included Jon Dunn, the President and CEO of Planned Parenthood of Orange and San Bernardino Counties (PPOSBC). Mr. Dunn testified that during his tenure, he recalled of at least one situation where an infant was born alive. PPOSBC had a partnership with DaVinci Biosciences LLC that was found by the Orange County District Attorney's Office to be illegally profiting from selling fetal tissue in 2017, though PPOSBC did not face any charges.³ This same Planned Parenthood facility was awarded a \$7.5 million loan under the Paycheck Protection Program (PPP)—the largest loan of the total \$80 million that Planned Parenthood affiliates received.⁴

Congress expressly intended to prohibit the creation of a market trading in fetal tissue when it established 42 U.S.C. §289g-2, that prohibits the sale of fetal tissue for “valuable consideration.” In 1993, Representative Henry Waxman (CA-33), who authored these restrictions despite supporting abortion himself, said on the House floor, “This amendment that I am offering as a substitute would enact the most important safeguards, and those are the safeguards to prevent any sale of fetal tissue for any purpose, just not for the purpose of research. It would be abhorrent to allow for a sale of fetal tissue and a market to be created for that sale.”⁵ In *National Journal*, Waxman later clarified on companies that sell tissue, “they should be prosecuted. . . . Any price is unreasonable and illegal.”⁶ Further, Congress passed the Born-Alive Infants Protection Act, which establishes equal protection for an infant who is born alive—a heartbeat being an indicator of that status—at any stage of development, including in the event of an induced abortion.⁷

As we have seen from invoices from certain Planned Parenthood affiliates, biomedical companies paid thousands of dollars in exchange for fetal organs from abortions.⁸ Planned Parenthood and any biomedical companies involved must be held accountable for their lucrative and illegal activities involving the trafficking and sale of fetal tissue.

Planned Parenthood's abuse of taxpayer PPP dollars is yet another example of Planned Parenthood's flagrant disregard for the law. We urge you to investigate not only the extent to which Planned Parenthood was involved in the sale of fetal tissue, but also the disturbing descriptions by Planned Parenthood workers of infants born alive who were left to die or killed through organ harvesting. In addition, we request the following information:

1. An update on any investigation already underway into Planned Parenthood, its affiliates, and the biomedical companies it deals with;

³ <https://www.ocregister.com/2017/12/08/ocda-obtains-7-8-million-settlement-against-two-orange-county-companies-accused-of-selling-fetal-tissue-for-profit/>

⁴ <https://justthenews.com/accountability/planned-parenthood-received-7-million-covid-loan-connected-fetal-organ-harvesting#article>

⁵ 139 Cong. Rec. H1099 (1993)

⁶ Munro, Neil. “The Fetal-Tissue Frontier.” *National Journal*, 26 February 2000.

⁷ 1 U.S.C. §8

⁸ www.centerformedicalprogress.org/2020/04/planned-parenthood-baby-parts-invoices-unsealed/

2. Any FBI or other DOJ action on the criminal referrals sent by the Senate Judiciary Committee or the House Select Investigative Panel. If no action has been taken on these referrals, provide an explanation as to why;
3. A list of any prosecutions or investigations DOJ has pursued for violations of 42 U.S.C. §289g-2 since January 1, 2010;
4. A list of any Planned Parenthood affiliates that DOJ is investigating for illegal fetal tissue sales that also received PPP loans; and
5. A list of any prosecutions or investigations of individuals or organizations that have committed crimes against born-alive infants who survive attempted abortions, including in violation of the Born-Alive Infants Protection Act.

President Trump and his administration have been unwavering in their efforts to protect life. Planned Parenthood's blatant disregard for legal protections for life is unacceptable, and we therefore respectfully ask that DOJ take all steps necessary to address Planned Parenthood's unlawful activities.

Thank you for your consideration. We look forward to your response.

Sincerely,



Kelly Loeffler
United States Senator



Lindsey O. Graham
United States Senator



Chuck Grassley
United States Senator



James E. Risch
United States Senator



Steve Daines
United States Senator



Mike Braun
United States Senator



James M. Inhofe
United States Senator



Marsha Blackburn
United States Senator



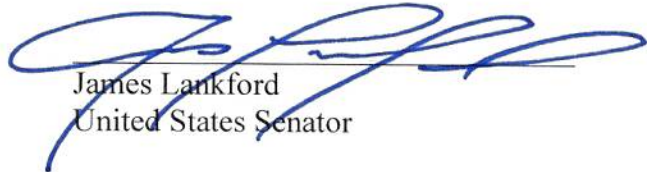
Thom Tillis
United States Senator



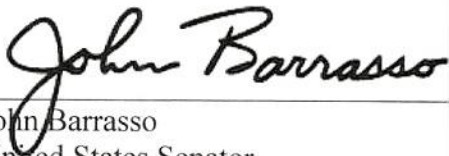
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United States Senator



Kevin Cramer
United States Senator



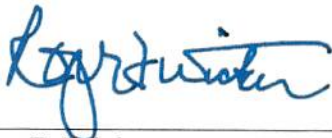
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John Barrasso
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United States Senator



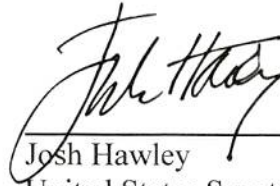
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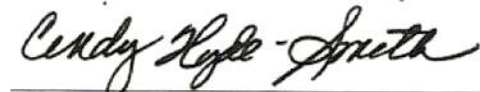
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