

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
JEFF FLAKE, ARIZONA
DAVID VITTER, LOUISIANA
DAVID A. PERDUE, GEORGIA
THOM TILLIS, NORTH CAROLINA

PATRICK J. LEAHY, VERMONT
DIANNE FEINSTEIN, CALIFORNIA
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

July 23, 2015

VIA ELECTRONIC TRANSMISSION

Ms. Linda McCarthy
CEO
Mt. Baker Planned Parenthood
1509 Cornwall Avenue
Bellingham, WA 98225

Dear Ms. McCarthy:

As you are likely aware, last week a video surfaced in the media in which the Senior Director for Medical Services for the Planned Parenthood Federation of America (PPFA), Deborah Nucatola, discusses at length Planned Parenthood's role in the harvesting and distribution of fetal tissue. In that video, she appears to describe, among other things, the fetal organs available for harvesting, the cost per "specimen," and the coordination with abortion providers to modify their procedures in particular cases to preserve selected organs in order to fill particular orders. Nucatola also explains that the transfer of fetal tissue is largely handled at Planned Parenthood's affiliate level, with the national organization providing some level of coordination. This week, a second video was released, in which the President of PPFA Medical Directors' Council, Mary Gatter, appears to haggle over the price of fetal tissue and to discuss modifying abortion procedures to harvest such fetal tissue.

Various federal regulations and statutes govern the use of human tissue and organs. For example, it is unlawful under 42 U.S.C. § 274e for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce. 42 U.S.C. § 289g-1 further prohibits the use of fetal human tissue for research without the informed consent of the woman having the abortion and prohibits the alteration of abortion methods and procedures solely in order to obtain fetal tissue. Additionally, under 42 U.S.C. § 289g-2, it is unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce, and 18 U.S.C. § 1531 prohibits partial-birth abortions. Accordingly, the Senate Judiciary Committee is initiating an inquiry into the procurement of fetal tissue and related activities described in the video.

Please provide the Committee with the following by August 6, 2015:

1. All records relating to Mt. Baker Planned Parenthood's provision of fetal tissue as well as all records relating to the Planned Parenthood Federation of America's facilitation or coordination of such provision of fetal tissue, including:

- a. All presentations, notes, and policies, including manuals on medical practice, as well as descriptions, communications or other records relating to these services.
 - b. All records relating to Deborah Nucatola and the collection or provision of fetal tissue, including any related presentations, meetings, notes, emails, or other correspondence with abortion providers or with those seeking to acquire fetal organs or tissue.
 - c. All records relating to Mary Gatter and the collection or provision of fetal tissue, including any related presentations, meetings, notes, emails, or other correspondence with abortion providers or with those seeking to acquire fetal organs or tissue.
 - d. Copies of all instructions, guidance, or communications to abortion providers related to modifying abortion procedures in order to collect particular fetal organs intact.
 - e. Copies of all physician certifications pursuant to 42 U.S.C. 289g-1(b)(2) in relation to any provision of fetal tissue by Mt. Baker Planned Parenthood.
2. All communications, and all records relating to communications, with companies or organizations that acquire or facilitate the acquisition of fetal tissue relating to such efforts and activities, including copies of any and all contracts that Mt. Baker Planned Parenthood currently has or previously had with companies or organizations that procure fetal tissue.
 3. Copies of the memoranda, standard operating procedures, and any other interpretations of the federal Partial Birth Abortion prohibition that are used to instruct Mt. Baker Planned Parenthood's abortion providers and clinic managers.
 4. Copies of the types of consent forms used to obtain consent for such use of fetal tissue from women having abortions.
 5. The total amount of revenue generated by Mt. Baker Planned Parenthood's provision of fetal tissue.
 6. A detailed accounting of the costs incurred by Mt. Baker Planned Parenthood's provision of fetal tissue, including a specific breakdown of costs associated with tissue collection, preparation, storage, and transportation.

If you have any questions about this request, please contact Jason Foster of my Committee staff at (202) 224-5225. Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary