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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

April 24, 2017

VIA ELECTRONIC TRANSMISSION

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

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Attorney General Sessions and Director Comey:

I am writing to inquire about the actions the Department of Justice and the FBI have taken in response to criminal referrals I made late last year. After a lengthy and detailed investigation by the Committee into paid fetal tissue transfers, I wrote to Attorney General Lynch and Director Comey on December 13, 2017, to refer eight organizations for investigation and potential prosecution for violations of the law that bans the buying or selling of human fetal tissue, 42 U.S.C. § 289g-2, and the criminal conspiracy statute, 18 U.S.C. § 371. The organizations referred were:

- The Planned Parenthood Federation of America;
- Planned Parenthood Mar Monte;
- Planned Parenthood Los Angeles;
- Planned Parenthood Northern California;
- Planned Parenthood of the Pacific Southwest;
- StemExpress, LLC;
- Advanced Bioscience Resources, Inc.; and
- Novogenix Laboratories, LLC.

These referrals were based on information described in a Majority Staff Report to the Committee, titled: "Human Fetal Tissue Research: Context and Controversy."¹ That report was the result of a review of: more than 20,000 pages of internal documents provided directly to the

¹ The report is available at: <https://www.grassley.senate.gov/sites/default/files/judiciary/upload/22920%20-%20FTR.pdf>

Committee from the organizations involved; information provided by government agencies; and the legislative history of laws that impose the ban on buying or selling fetal tissue. Importantly, the report included descriptions and analyses of individual paid transfers from particular aborted fetuses, as detailed in the billing records and procurement logs provided by the organizations. As noted in the referral:

The report documents the failure of the Department of Justice, across multiple administrations, to enforce the law that bans the buying or selling of human fetal tissue (42 U.S.C. § 289g-2) with even a single prosecution. It also documents substantial evidence suggesting that the specific entities involved in the recent controversy, and/or individuals employed by those entities, may have violated that law. Moreover, that evidence is contained entirely in those entities' own records, which were voluntarily provided to the Committee and are detailed in the report.

The referral also explained:

In addition, as also described in the attached report, it appears that the Planned Parenthood Federation of America learned that its affiliates engaging in paid fetal tissue programs were not following the policies and procedures it had put in place to ensure compliance with 42 U.S.C. § 289g-2. However, instead of exercising its oversight procedures to bring them into compliance, it contacted the affiliates involved and then altered those oversight procedures in a manner that allowed the affiliates' conduct to continue. While the Committee does not have all the details of what transpired between the Planned Parenthood Federation of America and these affiliates, the facts uncovered raise a reasonable suspicion that these organizations, and/or individuals employed by them, may have engaged in a conspiracy to violate the fetal tissue law (18 U.S.C. § 371).

Because the referral came during a presidential transition, when Justice Department personnel and enforcement priorities were likely in flux, it is important that the Committee ensure the referral and the report are being given proper consideration, or that they will be given proper consideration once appropriate appointees are in place to do so. In short, it is important that the relevant FBI investigators and Justice Department prosecutors review the report and its exhibits – particularly the billing records and procurement logs – in full in order to evaluate the situation. I have again attached the report and referral for review by the Department of Justice and the FBI, and, upon request, can arrange for hard copies of the report to be delivered as well. The referral letter asked that you please contact the Committee if you determine that you need to seek access to unredacted copies of any of the records necessary to further your investigation into these matters. However, no one has yet contacted the Committee about these records.

In addition, please provide written confirmation by May 8, 2017, that the relevant Justice Department and FBI personnel have reviewed or will review the referral and report in full in order to determine whether to initiate an FBI and Justice Department investigation of these matters, or as part of any ongoing investigation of these matters, or to re-evaluate any closed or declined investigation of these matters if they were not reviewed prior to such decisions. Thank you for your prompt attention to this important issue. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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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*

December 13, 2016

VIA ELECTRONIC TRANSMISSION

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

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Attorney General Lynch and Director Comey:

In the summer of 2015, the Senate Judiciary Committee began an inquiry into paid fetal tissue transfers involving Planned Parenthood. The Committee has since obtained and reviewed more than 20,000 pages of information from the organizations involved, and engaged in detailed discussions with the attorneys for those organizations. The investigation has culminated in a Majority Staff Report to the Committee. That report is attached for your review.

The report documents the failure of the Department of Justice, across multiple administrations, to enforce the law that bans the buying or selling of human fetal tissue (42 U.S.C. § 289g-2) with even a single prosecution. It also documents substantial evidence suggesting that the specific entities involved in the recent controversy, and/or individuals employed by those entities, may have violated that law. Moreover, that evidence is contained entirely in those entities' own records, which were voluntarily provided to the Committee and are detailed in the report.

Accordingly, I am referring the paid fetal tissue practices of the following organizations, as outlined in the report, to the FBI and the Department of Justice for investigation and potential prosecution:

- StemExpress, LLC;
- Advanced Bioscience Resources, Inc.;
- Novogenix Laboratories, LLC;
- Planned Parenthood Mar Monte;

- Planned Parenthood Los Angeles;
- Planned Parenthood Northern California; and
- Planned Parenthood of the Pacific Southwest.

In addition, as also described in the attached report, it appears that the Planned Parenthood Federation of America learned that its affiliates engaging in paid fetal tissue programs were not following the policies and procedures it had put in place to ensure compliance with 42 U.S.C. § 289g-2. However, instead of exercising its oversight procedures to bring them into compliance, it contacted the affiliates involved and then altered those oversight procedures in a manner that allowed the affiliates' conduct to continue. While the Committee does not have all the details of what transpired between the Planned Parenthood Federation of America and these affiliates, the facts uncovered raise a reasonable suspicion that these organizations, and/or individuals employed by them, may have engaged in a conspiracy to violate the fetal tissue law (18 U.S.C. § 371). Therefore, I am referring the practices of these organizations, as outlined in the report, to the FBI and the Department of Justice for investigation and potential prosecution for this offense, as well.

Please contact the Committee if you determine that you need to seek access to unredacted copies of any of the records necessary to further your investigation into these matters.

If you have any questions, 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

cc: The Honorable Patrick J. Leahy
Ranking Member
Senate Committee on the Judiciary