

Senate Judiciary Chair Files Criminal Referral Against Planned Parenthood

After the Senate Judiciary Committee staff completed an investigation into the practice of fetal tissue transfers and related federal laws, Chairman Chuck Grassley (R-Iowa) filed criminal referrals to the Federal Bureau of Investigation.

The referrals apply to several Planned Parenthood affiliates and companies involved in fetal tissue transfers as well as the Planned Parenthood Federation of America. The FBI and Department of Justice will conduct their own investigations and pursue criminal prosecutions where warranted.

The referrals follow the completion of a majority staff analysis of more than 20,000 pages of documents provided voluntarily by the organizations and companies involved. The report concludes:

- Despite the clear legislative history of the 1993 NIH Revitalization Act, the executive branch across multiple administrations has failed to enforce the law's safeguards.
- Since 2010, three companies—Advanced Bioscience Resources, Inc.; StemExpress, LLC and Novogenix Laboratories, LLC, which has since gone out of business—have paid affiliates of Planned Parenthood Federation of America to acquire aborted fetuses, and then sold the fetal tissue to their respective customers at substantially higher prices than their documented costs.
- The Planned Parenthood Federation of America initially had a policy in place to ensure its affiliates were complying with the law, but the affiliates failed to

follow its fetal tissue reimbursement policy. When PPFA learned in 2011 of this situation, PPFA cancelled the policy rather than exercise oversight to bring the affiliates back into compliance. Thus, PPFA not only turned a blind eye to the affiliates' violations of its fetal tissue policy, but also altered its own oversight procedures enabling those affiliates' practices to continue unimpeded.

- The cost analyses provided by affiliates of Planned Parenthood for America lack sufficient documentation and rely on unreasonably broad and vague claims of costs for "the transportation, implantation, processing, preservation, quality control or storage of" fetal tissue. Planned Parenthood attorneys acknowledge that the affiliates had failed to follow procedures put in place to ensure compliance with the law. In addition, the cost analyses were only performed long after the fact and at the insistence of the committee.

The full report details the long history of the controversy surrounding human fetal tissue research and the bipartisan legislative approach taken to resolve the issue at the time, as well as the subsequent lack of enforcement. As the report explains:

Support for the 1993 NIH Revitalization Act was premised on the idea that the ban on buying or selling fetal tissue would be a safeguard against the development for a market for human fetuses. Tragically, the executive branch has either failed or simply refused to enforce that safeguard.

As a result, contrary to the intent of the law, companies have charged thousands of dollars for specimens removed from a single aborted fetus; they have claimed the fees they charged only recovered acceptable costs when they had not, in fact, conducted any analysis of their costs when setting the fees and their post hoc accounting rationalizations invoked indirect and tenuously-related costs in an attempt

to justify their fees.

"I don't take lightly making a criminal referral," Grassley said. "But, the seeming disregard for the law by these entities has been fueled by decades of utter failure by the Justice Department to enforce it.

"And, unless there is a renewed commitment by everyone involved against commercializing the trade in aborted fetal body parts for profit, then the problem is likely to continue." {eoa}