

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

September 30, 2015

Mr. Jon Dunn
President and Chief Executive Officer
Planned Parenthood Orange & San Bernardino Counties
700 S Tustin Street
Orange, CA 92866

Dear Mr. Dunn:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce is continuing its investigation into practices related to the donation, collection, processing and distribution of human fetal tissue.

Planned Parenthood Orange & San Bernardino Counties is one of 59 affiliates of the nationwide organization Planned Parenthood Federation of America (PPFA). It is our understanding that as an abortion provider, Orange & San Bernardino Counties has maintained a human fetal tissue donation program and has facilitated the donation of fetal tissue to one or more tissue procurement organization(s). The committee seeks to understand how your affiliate has implemented and maintained its fetal tissue donation program.

The NIH Revitalization Act of 1993 (1993 law) is the primary federal law governing human fetal tissue research. This law was passed in the context of human fetal tissue transplantation. The 1993 law still either governs and/or guides the practice of human fetal tissue donation. The main elements of the law (1) prohibit acceptance of valuable consideration for human fetal tissue, (2) ban altering the timing or method of the abortion procedure, and (3) require the patient's consent.¹

PPFA maintains that only a portion of the federal law governing fetal tissue research applies directly to fetal tissue donation. Specifically, the federal law prohibiting "valuable consideration" for fetal tissue applies to PPFA.² The informed consent requirement and prohibition against changing the timing and method of the abortion procedure, however, applies only to fetal tissue transplantation. PPFA claims that although it is "not legally required to

¹ 42 U.S.C. §289g-1; 42 U.S.C. §289g-2.

² 42 U.S.C. §289g-2.

follow the provisions in the 1993 law applicable to fetal tissue transplantation, [PPFA] does so voluntarily.”³

Since at least 2001, PPFA has provided some type of guidance and/or direction to its affiliates which choose to implement a human fetal tissue donation program. PPFA’s guidance ostensibly recommends Planned Parenthood affiliates implementing a fetal tissue donation program to undertake certain requirements to comply with the law and PPFA standards.

Accordingly, to assist the committee’s inquiry, please provide the following documents and information for the time period of January 1, 2001 to the present, by October 14, 2015:

1. The times, by month and year, during which Orange & San Bernardino Counties facilitated the donation of human fetal tissue.
2. All audits, if any, conducted of Orange & San Bernardino Counties’ human fetal tissue donation program.
3. All audits, if any, conducted of Orange & San Bernardino Counties’ abortion services, surgical services, and family planning programs during the time(s) Orange & San Bernardino Counties operated a human fetal tissue donation program.
4. All completed accreditation assessments conducted by PPFA of Orange & San Bernardino Counties, including but not limited to, interview responses and completed accreditation indicators and elements of performance forms.
5. All documents and information used by Orange & San Bernardino Counties to determine appropriate reimbursement costs for donating fetal tissue, including, but not limited to, calculation sheets, budgets, contracts, and payment records.
6. All documents received or created by Orange & San Bernardino Counties, or anyone acting on its behalf, including but not limited to, guidance, procedures, criteria, standards, and/or protocols, relating or referring to implementing and maintaining fetal tissue donation programs.
7. All documents relating or referring to waivers sought from PPFA by Orange & San Bernardino Counties to operate a fetal tissue donation program.
8. All documents relating or referring to board and/or management meetings, including but not limited to the board minutes, where fetal tissue donation programs, collection, sale, research, law, and/or guidance was discussed.
9. All documents related to research bonuses and/or incentives for employees to encourage participation in research projects for Planned Parenthood Orange & San Bernardino Counties.

³ Letter from Cecile Richards, President, PPFA, to Dr. Francis Collins, Director, NIH (July 29, 2015).

10. Provide the maximum gestational age at which Orange & San Bernardino Counties performs abortions.

To fulfill its oversight responsibility, the committee reserves the right to request additional information at a later date. An attachment to this letter provides instructions on how to respond to this request for documents. In addition, the committee reiterates its request that Orange & San Bernardino Counties preserve and retain all documents relating or referring to the collection, sale and/or donation of fetal tissue.

If you have any questions about this letter, please contact Charles Ingebretson of the committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



Tim Murphy
Chairman
Subcommittee on Oversight and
Investigations



Joe Barton
Chairman Emeritus



Marsha Blackburn
Vice Chairman



Joseph R. Pitts
Chairman
Subcommittee on Health

Attachment

cc: The Honorable Frank Pallone, Jr., Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Gene Green, Ranking Member
Subcommittee on Health