

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

Ms. Darrah Digiorgio Johnson  
President and Chief Executive Officer  
Planned Parenthood Pacific Southwest  
1075 Camino Del Rio S  
San Diego, CA 92108

Dear Ms. Johnson:

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 Pacific Southwest (Pacific Southwest) is one of 59 affiliates of the nationwide organization Planned Parenthood Federation of America (PPFA). It is our understanding that as an abortion provider, Pacific Southwest 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 Pacific Southwest 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.<sup>1</sup>

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.<sup>2</sup> 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

---

<sup>1</sup> 42 U.S.C. §289g-1; 42 U.S.C. §289g-2.

<sup>2</sup> 42 U.S.C. §289g-2.

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

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 Pacific Southwest facilitated the donation of human fetal tissue.
2. All audits, if any, conducted of Pacific Southwest’s human fetal tissue donation program.
3. All audits, if any, conducted of Pacific Southwest’s abortion services, surgical services, and family planning programs during the time(s) Pacific Southwest operated a human fetal tissue donation program.
4. All completed accreditation assessments conducted by PPFA of Pacific Southwest, including but not limited to, interview responses and completed accreditation indicators and elements of performance forms.
5. All documents and information used by Pacific Southwest 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 Pacific Southwest, 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 Pacific Southwest 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 Pacific Southwest.
10. Provide the maximum gestational age at which Pacific Southwest performs abortions.

---

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

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 Pacific Southwest 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