

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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Majority (202) 225-2927
Minority (202) 225-3641

November 30, 2016

VIA EMAIL

Mr. Michael Hestrin
District Attorney
County of Riverside
3960 Orange Street
Riverside, CA 92501

Dear District Attorney Hestrin:

On October 7, 2015, the U.S. House of Representatives passed H. Res. 461, which created the Select Investigative Panel (the “Panel”) and empowered it to conduct a full and complete investigation regarding the medical practices of abortion providers and the practices of entities that procure and transfer fetal tissue.

Over the course of our investigation, we have uncovered documents and received testimony from confidential informants indicating that Advanced Bioscience Resources (ABR) allegedly violated state law, including but not limited to the Cal. Health & Safety Code § 125320(a) and the California Penal Code § 367f(a), which forbid the transfer of fetal tissue for valuable consideration.

Among the abortion clinics from which ABR procured fetal tissue was Planned Parenthood of the Pacific Southwest,¹ located at [REDACTED], which has clinics throughout the region, including Planned Parenthood – Riverside Family Planning Center, located at [REDACTED].²

¹ Planned Parenthood Federation of America, Production to the Subcommittee on Oversight and Investigations of the US House of Representatives Energy and Commerce Committee, Aug. 20, 2015 (PPFA-HOU_E&C-000162).

² Planned Parenthood of the Pacific Southwest Website, <https://www.plannedparenthood.org/planned-parenthood-pacific-southwest>, last accessed Oct. 25, 2016.

Background on ABR

ABR, a non-profit organization, obtains fetal tissue from abortion clinics and offers it for resale to researchers. It pays the clinics “a flat fee for services on a product of conception (POC) basis, regardless of how many, or what type, of specimens are procured”³ The fees range from \$45 to \$60, depending upon the year and the clinic.⁴ The tissue is obtained by ABR tissue technicians who work in the abortion clinics; the technicians harvest, package, and ship the tissue to the researchers.⁵ The abortion clinic staff obtains consent from the patients for fetal tissue donations.⁶

ABR’s Interactions with Planned Parenthood Affiliates

ABR had contractual relationships with Planned Parenthood of San Diego and Riverside Counties (now called Planned Parenthood of the Pacific Southwest):

Planned Parenthood of San Diego and Riverside Counties entered into an agreement with a TPO in June 1999 to facilitate fetal tissue donation by its patients. That affiliate changed its name to Planned Parenthood of the Pacific Southwest, and renewed the tissue donation agreement, in October 2010. The affiliate’s participation in the program is ongoing. Planned Parenthood of San Diego and Riverside Counties also received approval for a research program involving fetal tissue donation in October 2008. That program is ongoing through Planned Parenthood of the Pacific Southwest as well.⁷

ABR Payments to the Abortion Clinics, Including Planned Parenthood Affiliates

During 2015, ABR made nearly \$80,000 in payments to its top five abortion clinic sources from which it procured human fetal tissue. ABR claims that it paid the clinic for the “costs for clinical staff obtaining consents, maintaining records, transferring fetal tissue, clinical space, and utilities.”⁸

ABR paid Planned Parenthood of Riverside \$23,460 in 2015.⁹ Furthermore, starting in January 2012, ABR paid Planned Parenthood Pacific Southwest for rented space two days a week for \$1,000; if ABR only used the space for one day, it paid \$500.¹⁰

³ Advanced Bioscience Resources, Inc., “ABR Overview: Key Points,” at 5 (SP000752).

⁴ Advanced Bioscience Resources, Inc., Production to the Subcommittee on Oversight and Investigations of the US House of Representatives Energy and Commerce Committee, Sept. 3, 2015 (HCEC000028 – 41).

⁵ Advanced Bioscience Resources, at 7 (SP000754).

⁶ Advanced Bioscience Resources, at 5 (SP000752).

⁷ Planned Parenthood Federation of American (PPFA-HOU_E&C-000162). *See* Advanced Bioscience Resources, Inc., (HCEC000028 – 41).

⁸ ABR Overview: Key Points, at 5 (SP000752).

⁹ Advanced Bioscience Resources, Production to the Select Investigative Panel of the US House of Representatives Energy and Commerce Committee, June 7, 2016 (SP000817-826).

¹⁰ Advanced Bioscience Resources (HCEC000039).

Potential Violations of Law

Under 42 U.S.C. § 289g-2, it is unlawful for any person to “knowingly acquire, receive, or otherwise transfer any fetal tissue for valuable consideration if the transfer affects interstate commerce.” The term valuable consideration “does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.” Anyone who violates this law is subject to a fine “not less than twice the amount of the valuable consideration received” and/or imprisonment for up to ten years.

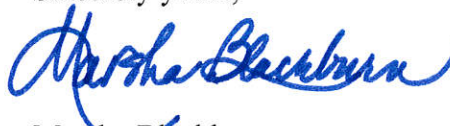
California state law includes a nearly identical prohibition. Under Cal. Health & Safety Code § 125320(a), a “person may not knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes.” Virtually identical to the abovementioned federal statute, the California statute states that “‘valuable consideration’ does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of a part.”¹¹

Similar provisions in the California Penal Code § 367f(a) prohibit the acquisition, sale, or transfer of “any human organ, for purposes of transplantation, for valuable consideration,” subject to a fine of up to \$50,000 and imprisonment for up to five years.

To the extent any of payments to the Planned Parenthood affiliates or the other abortion clinics occurred for purposes of transplantation, ABR and any of its business partners so involved would additionally be in violation of California Penal Code § 367f(a).

Based on the facts outlined above and the supporting documentation, I urge your office to conduct a thorough investigation into whether Advanced Bioscience Resources violated these statutes and regulations, and, if you agree that such violations occurred, to take all appropriate action. If you have any questions about this request, please contact T. March Bell at (202) 226-9027, March.Bell@mail.house.gov

Sincerely yours,



Marsha Blackburn
Chair
Select Investigative Panel

Attachment(s)

cc: The Honorable Jan Schakowsky
Ranking Member
Select Investigative Panel

¹¹ Cal. Health & Safety Code § 125320(b).