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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

June 18, 2019

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave., NW
Washington, D.C. 20535

Dear Attorney General Barr and Director Wray:

On December 13, 2016, then-Chairman of the Senate Judiciary Committee Charles Grassley referred eight organizations to the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) 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. § 371.¹ 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 eight criminal referrals were based on an investigation by the Committee's majority staff, which resulted in a report titled "Human Fetal Tissue Research: Context and Controversy."² The investigation found evidence suggesting that the buying or selling of human fetal tissue may have occurred, as demonstrated in billing records and procurement logs provided by the named organizations to the Committee.³ Additionally, the investigation uncovered facts that raise a reasonable suspicion that The Planned Parenthood Federation of America may have conspired with its affiliates to violate the fetal tissue law.⁴

¹ Letter from Chairman Charles Grassley, U.S. Senate Committee on the Judiciary, to Attorney General Loretta Lynch, U.S. Department of Justice, and Director James Comey, Federal Bureau of Investigation (Dec. 13, 2016), *available at* <https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Life%2C%2012-12-16%2C%20Referral%20letter%20to%20DoJ%20Fetal%20Tissue%20oversight.pdf>.

² Majority Staff of the U.S. Senate Committee on the Judiciary, 114th Congress, Majority Report on Human Fetal Tissue Research: Context and Controversy (Comm. Print 2016), *available at* <https://www.judiciary.senate.gov/imo/media/doc/2016-12-13%20MAJORITY%20REPORT%20-%20Human%20Fetal%20Tissue%20Research%20-%20Context%20and%20Controversy.pdf> (hereinafter "Majority Report on Human Fetal Tissue Research: Context and Controversy").

³ These records and logs are attached as Exhibits to the Majority Staff Report (on file with Committee staff).

⁴ Majority Report on Human Fetal Tissue Research: Context and Controversy at 53 ("Accordingly, there is reason to question whether Planned Parenthood fully complied with federal requirements relating to fetal tissue transfer payments. As noted above, when PPFA learned that its affiliates had failed to comply with the policies it had in place to prevent breaking the law, PPFA reportedly contacted the affiliates and then modified PPFA accreditation reviews in a manner that facilitated the continuation of those fetal tissue payments. PPFA's and the affiliates' actions may implicate the federal criminal conspiracy statute, 18 U.S.C. § 371.").

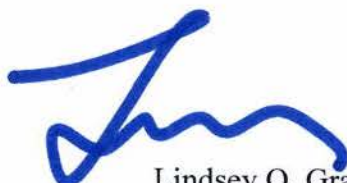
In June 2017, the Committee received confirmation from the FBI that it received the Committee's criminal referrals.⁵

Preventing the illegal sale of human fetal tissue remains a priority for the Committee. In furtherance of the Committee's ongoing oversight of this issue, the Committee asks that you answer the following questions no later than July 2, 2019:

1. Has the FBI taken any action on the criminal referrals submitted by then-Chairman Grassley?
2. If the FBI has taken action, please provide an update to the Committee.
3. If the FBI has not taken action, please explain the justification for not doing so.
4. Are there any other investigative updates related to this matter that the FBI can share with the Committee at this time?

Thank you in advance for your prompt attention to this request.

Sincerely,


Lindsey O. Graham
Chairman
Committee on the Judiciary


Charles E. Grassley
Chairman
Committee on Finance

cc: The Honorable Dianne Feinstein

⁵ Letter from Assistant Director Gregory A. Brower, Office of Congressional Affairs, Federal Bureau of Investigation, to Chairman Charles Grassley, U.S. Senate Committee on the Judiciary (June 19, 2017), *available at* <https://www.judiciary.senate.gov/imo/media/doc/2017-06-19%20FBI%20to%20CEG%20-%20Fetal%20Tissue%20Investigation%20Referrals.pdf>.