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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
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July 15, 2015

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Lynch:

I am writing to request information regarding the Department's efforts, if any, to ensure compliance with the federal Partial-Birth Abortion Ban Act of 2003, P.L. 108-105 (18 U.S.C. § 1531).

Recently, a video has surfaced in the media in which Planned Parenthood Federation of America's Senior Director of Medical Services, Deborah Nucatola, describes in detail the organization's role in the harvesting of fetal tissue. In the video, she describes, among other things, the fetal organs available for harvesting and the coordination with abortion providers to modify their procedures in particular cases to preserve particular organs in order to fill particular orders. Nucatola's discussion also raises questions about whether the actions of abortion providers, and in particular those employed by Planned Parenthood and its affiliates, are consistent with federal law:

Process of Breech Conversion: Nucatola explains how abortion providers allegedly alter the method of abortion to keep desired organs intact, including through the use of graspers to crush the unborn child above and below the thorax to ensure no damage to the liver, heart and lungs. She notes the particular difficulty of delivering an intact head and suggests that such difficulty can be overcome through changes in the presentation "so it's not vertex" (i.e., breech, rather than head first, delivery). She specifically notes: "if you do it starting from the breech presentation, there's dilation that happens as the cases goes on, and often the last, you can evacuate an intact calvarium [head] at the end."

Interpretation of 18 U.S.C. § 153: In the above-mentioned video, Nucatola also cites the Partial-Birth Abortion Ban and implies that its interpretation is up to abortion providers' intent. As she states in the video: "the Federal abortion ban is a law, and laws are up to interpretation. So there are some people who interpret it as intent. So if I say on Day 1 I do not intend to do this, what ultimately happens doesn't matter. Because I didn't intend to do this on Day 1 so I'm complying with the law."

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Not only the discussion of the evacuation of an intact head, but also the discussion of the statute raise questions about whether abortion providers are acting in full compliance with the Partial-Birth Abortion Ban Act. I respectfully request that you provide the Committee with a description of any and all actions taken by the Department to ensure compliance with this statute.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Grassley". The signature is written in dark ink and is positioned above the printed name and title.

Charles E. Grassley
Chairman