

the illegal sale of fetal tissue, in direct contravention of both medical ethics and Federal law.

Dr. Jones' statements were incriminating, to say the least, and he must be investigated by Federal authorities immediately.

I was almost as shocked, frankly, when I learned that, despite the majority's apparent knowledge of these facts since last November, no one has made a formal request to the Department of Justice to investigate Dr. Jones and his company.

Last November, my colleague from Colorado introduced a resolution condemning the illegal sale of fetal tissue and calling on this committee to hold a hearing, which I agreed with. So here we are today, almost 5 months later.

During all of this time, despite the horrific nature of the allegations against Dr. Jones and his company, no one has made a formal attempt to stop him, his business practices, or his company.

So what are we really up to here? Are we trying to stop an operator who is likely engaging in criminal activity, or is there a larger agenda?

Frankly, because of our shock after watching the ABC news program last night, my Democratic colleagues and I have sent the Department of Justice a letter requesting that an investigation begin immediately. Mr. Chairman, I would like to submit that for the record.

Mr. BILIRAKIS. Without objection, that will be the case.

Ms. DEGETTE. Thank you.

[The information referred to follows:]

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMERCE
March 9, 2000

The Honorable JANET RENO
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable LOUIS FREEH
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, S.W.
Washington, D.C. 20535

DEAR ATTORNEY GENERAL RENO AND DIRECTOR FREEH: Last night on the ABC News show "20/20", allegations were made that Opening Lines, a company that provides fetal tissue to researchers, was illegally profiting from the sale of this tissue by charging researchers a fee that includes more than Opening Lines' cost of providing the tissue.

Section 498B of the Public Health Service Act (42 U.S.C. 289g-2) states that it is a felony to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if this transfer affects interstate commerce. Valuable consideration does not include "reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue."

Although allegations of obtaining illegal consideration for human fetal tissue by Opening Lines have been made by various parties for many months, it is our understanding that none of those making the allegations have ever referred this matter and their documentation or other evidence of criminal activity to the Justice Department for investigation.

Therefore, by this letter, we are requesting that the Justice Department and the Federal Bureau of Investigation conduct a full investigation of Opening Lines, its

principals and its current and former employees to determine if violations of Section 498B have occurred, and take appropriate enforcement action.

Sincerely,

JOHN D. DINGELL
Ranking Member, Committee on Commerce
SHERROD BROWN
Ranking Member, Subcommittee on Health and Environment
RON KLINK
Ranking Member, Subcommittee on Oversight and Investigations
HENRY A. WAXMAN
Member, Subcommittee on Health and Environment
DIANA DEGETTE
Member, Subcommittee on Health and Environment
BART STUPAK
Member, Subcommittee on Health and Environment
FRED UPTON
Member, Subcommittee on Health and Environment

Ms. DEGETTE. Dr. Miles Jones made very incriminating statements during a hidden camera interview on the program that indicates he may have profited from the illegal sale of fetal tissue. The authorities must investigate these statements.

I also just saw a letter that the chairman showed me from the Department of Justice to Mr. Upton. Apparently, Mr. Upton had contacted the Justice Department and was sent a letter, which I would also ask unanimous consent to include in the record, that they are reviewing the information obtained by 20/20.

[The information referred to follows:]

U.S. DEPARTMENT OF JUSTICE
OFFICE OF LEGISLATIVE AFFAIRS
March 9, 2000

The Honorable FRED UPTON
U.S. House of Representatives
Washington, DC 20515

DEAR REPRESENTATIVE UPTON: This responds to your telephone conversation this morning with Deputy Attorney General Eric Holder and your subsequent letter regarding the Department's efforts in enforcing the ban on the sale of fetal tissue for profit, especially in light of the information obtained by 20/20 on this issue, and your request to open an investigation on this matter.

As you know, recently there have been many troubling but unsubstantiated allegations in the media regarding the sale of fetal tissue for profit. However, based upon a preliminary review of our records, it appears that the Department has not received any information meeting our standards for triggering a formal investigation that fetal tissue has been sold for a profit. We are still reviewing our records for receipt of information. Further, three weeks ago, the National Institutes of Health and the Department of Health and Human Services informed the Department that they also had not received information of this kind. In addition, a 1997 study conducted by the General Accounting Office failed to turn up any reported violations of the ban by federally funded researchers covered by the study. See GAO, NIH-Funded Research: Therapeutic Human Fetal Tissue Transplantation Projects Meet Federal Requirements 3 (1997).

We are currently reviewing the information obtained by 20/20 to determine whether specific allegations raised by 20/20 warrant the opening of an investigation by the Department or a referral to another agency for investigation.

In the event that the Department receives specific information that a violation of federal law has occurred, we will investigate the matter to determine if there is sufficient evidence to support a prosecution or, where appropriate, refer the information to the proper agency for investigation.

Please do not hesitate to contact my office if we can be of further assistance.

Sincerely,

ROBERT RABEN
Assistant Attorney General