



SETTING THE RECORD STRAIGHT
ON THE REPUBLICAN
“INTERIM UPDATE”

Prepared by Minority Staff for the
Democratic Members of the Select Investigative Panel

U.S. House of Representatives

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Since the Select Investigative Panel was established last year to investigate the deceptively-edited videos created by David Daleiden and the “Center for Medical Progress” (CMP), Chair Marsha Blackburn and other Republican leaders have repeatedly made unsubstantiated, inflammatory allegations against health care providers, universities, and tissue procurement companies.

Recently, the Republican members of the Select Panel released an interim update that purportedly contains “documentation” of wrongdoing obtained by the Panel. In reality, however, their update confirms that after more than ten months of investigation, House Republicans have speculation and inflammatory rhetoric – but no actual evidence – to justify their dangerous attacks on women’s health care and life-saving research.

The Republican interim update consists largely of material and allegations available on websites maintained by CMP or other anti-abortion extremists. Their claimed “documentation” of wrongdoing includes statements taken directly from David Daleiden’s discredited video clips, unsourced staff-created charts and tables, and speculative interpretations of documents produced to the Panel. As a result, the Republican interim update reveals a reckless disregard for actual facts and the truth.

This response identifies major flaws in the Republican interim update in an effort to set the record straight. Though not an exhaustive review of all of its errors and omissions, these examples demonstrate multiple overarching concerns about the Republicans’ purported findings and how they have conducted this investigation to date.

1. Panel Republicans Recycle Discredited Claims of Anti-abortion Extremists

Seven of the first ten footnotes of the Republican interim update cite directly to the fraudulent Daleiden videos or other information from CMP.¹ Panel Republicans cite the video clips as showing doctors and tissue procurement companies “admitting” that they profit from fetal tissue and have otherwise broken the law.² But Daleiden, CMP, and their video allegations have been investigated and debunked by three House committees, thirteen states, a federal judge, and a Texas grand jury – critical facts that Panel Republicans omit from their update.

2. Panel Republicans Rely on Misleading and Unsupported Staff “Exhibits”

The Republican interim update contains a number of staff-created charts and other documents that Panel Republicans rely upon as alleged evidence of wrongdoing. Panel Republicans previously used some of these staff-created materials at public hearings. Some documents are attributed to StemExpress, but the company has never been asked by Panel Republicans to verify or explain them. Instead, Republicans first tried to avoid having the

company fact-check their materials³ and then ignored the specific flaws identified and described by StemExpress as “gross inaccuracies, manipulation of evidence, and misstatement of facts.”⁴

3. Panel Republicans Omit Facts that Rebut their Partisan Narratives

Throughout the interim update, Panel Republicans withhold or downplay critical facts that rebut their unsubstantiated allegations. For example, while declaring fetal tissue research as “outdated technology” and “not mainstream science,” Panel Republicans discount or ignore evidence obtained by the Panel confirming the need and value of this research. Republicans continue to allege that clinics, including Planned Parenthood, seek to profit from the sale of fetal tissue. But Republicans ignore the fact that the Planned Parenthood clinics that facilitate fetal tissue donation have never profited and, instead, recovered only some of the costs that they incurred related to those donations, as permitted by law. Moreover, these clinics no longer accept any reimbursement for their costs.⁵ Documents obtained by the Panel show that other clinics similarly forego reimbursement for costs, meaning that these clinics are losing money when they facilitate donation – which is not what Congress intended when it authorized reimbursement related to costs. Those that accept reimbursement receive amounts consistent with the Government Accountability Office’s findings sixteen years ago that are permissible under current law.⁶

1. Panel Republicans Recycle Discredited Claims of Anti-abortion Extremists

Congress has known for months that the Daleiden/CMP videos are not factually accurate and do not show the unlawful sale of fetal tissue.⁷ Panel Republicans nonetheless recycle and rely on Daleiden and his associates in their interim update without acknowledging that their claims have been thoroughly investigated and discredited.

For example, the Republican interim update describes Daleiden as an “investigative journalist.” However, it fails to mention that a federal judge rejected Daleiden’s self-serving claim that he is a legitimate journalist. In fact, the judge found that Daleiden engaged in “repeated instances of fraud” and “repeated false statements” in creating a “fake company” and “misleadingly edited videos.”⁸

The Republican interim update nonetheless cites to “multiple clips” of the Daleiden/CMP videos as evidence of clinic doctors and others “admitting” that fetal tissue donation is “profitable for clinics and help[s] keep their bottom line healthy” and “that they sometimes changed the abortion procedure” for tissue donation purposes.⁹

These clips have been thoroughly discredited – a fact that Republicans refuse to acknowledge.

For example, after reviewing full footage of the Daleiden/CMP videos – not just deceptively-edited clips posted online – a federal judge found:

“There is no evidence that a desire to secure more fetal tissue samples caused the clinic to alter its procedures.”¹⁰

That same judge also found:

“Having reviewed the records or transcripts in full and in context, I find that no NAF [National Abortion Federation] attendee admitted to engaging in, agreed to engage in, or expressed interest in engaging in potentially illegal sale of fetal tissue for profit.”¹¹

Seventeen investigations – at the federal and state level—have similarly uncovered no wrongdoing by doctors, tissue procurement companies or researchers.

- Three House Committees – Energy and Commerce, Oversight and Government Reform, and Judiciary – investigated and found no wrongdoing by Planned Parenthood. As Republican Chairman Jason Chaffetz admitted following the Oversight and Government Reform Committee’s investigation:

“Was there any wrongdoing? I didn’t find any.”¹²

- Thirteen states – Arizona, Florida, Georgia, Indiana, Kansas, Massachusetts, Michigan, Missouri, Nevada, Ohio, Pennsylvania, South Dakota, and Washington – investigated and found no wrongdoing. Eight more states found that there was insufficient evidence to warrant an investigation.
- A Texas grand jury tasked by Republican lawmakers to investigate Planned Parenthood cleared the organization of wrongdoing and indicted Daleiden and one of his associates instead.¹³ Those charges were later dismissed on technical legal grounds.¹⁴

Panel Republicans also appear to rely in their interim update on information that is traceable to Holly O’Donnell, a former StemExpress employee featured in the Daleiden/CMP videos.

For example, in the section alleging that StemExpress and various clinics committed “systematic violations” of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Republicans cite to a document titled “Clinic Procedures and Policies.”¹⁵ That document, which Republicans also relied upon in their second hearing, can be found on the CMP website and includes O’Donnell’s name and signature.¹⁶

The Select Panel has not interviewed O’Donnell, and any information filtered through the lens of Daleiden or CMP has no objective evidentiary value. Based on its investigation, for example, the Los Angeles Times and the Investigative Reporting Program at the University of California, Berkeley concluded:

“Unreleased footage filed in a civil court case shows that O’Donnell’s apparently spontaneous reflections were carefully rehearsed. David Daleiden, the anti-abortion activist who made the videos, is heard coaching O’Donnell through repeated takes, instructing her to repeat anecdotes, add details, speak ‘fluidly’ and be ‘very natural.’”¹⁷

Over the past several months, Panel Democrats have expressed concern that – rather than following a fact-based standard that Chair Blackburn set for this investigation – Panel Republicans continue to rely upon information and allegations of anti-abortion extremists.¹⁸ Much of this information has been withheld from Panel Democrats in violation of House rules, and remains unverified and untested.

2. Panel Republicans Rely on Misleading and Unsupported Staff “Exhibits”

The Republican interim update relies on a number of previously released staff-created “exhibits” that have already been challenged as unsourced, misleading, and not fact-based.¹⁹

For example, in its “Case Studies of the Fetal Tissue Industry” section, the Republican update relies on a staff-manufactured chart to allege that StemExpress experienced “stunning revenue growth,” as part of their allegation that the company unlawfully profited from the sale of fetal tissue.²⁰

But StemExpress already explained to the Panel that fetal tissue constitutes “roughly 1% of the company’s total revenue before accounting for costs” and that, once costs are included, the company actually loses money on services related to fetal tissue donation.²¹ The other approximately 99% of StemExpress’s business relates to human blood, adult tissue products, bone marrow, adult primary cells, and other manufactured isolated cells that researchers need to perform their research. As the company made clear:

“In fact, fetal tissue revenue is an exceedingly small fraction of StemExpress’s total revenue in any given year. Any revenue derived from fetal tissue must be offset by reasonable costs and expenses related to the processing, preservation, quality control, transportation, and storage of fetal tissue.”²²

Once these costs – all of which are expressly permitted by law – are taken into account, the company actually “*lost roughly \$13,000 in order to provide fetal tissue to researchers in 2014.*”²³ The company similarly lost money on its services related to fetal tissue donation in 2015. As the company further explained:

“StemExpress does not provide fetal tissue to its customers to make money; rather, it is offered to support the needs of the world’s best researchers in their efforts to treat and cure diseases.”²⁴

The use of a StemExpress brochure in the interim update is similarly misleading, and omits critical facts. Republicans cite to this brochure as alleged evidence that the company markets fetal tissue donation as a profit-making partnership.²⁵ But, as StemExpress already explained, that brochure was used “by StemExpress with hospitals and clinics involved in the broad spectrum of work that the company supports related to adult blood, adult tissue, biopsies, etc. – *not only fetal tissue donation.*”²⁶ These additional services are not subject to the federal law banning profit related to fetal tissue donation, undermining any claim that the company is marketing fetal tissue donation as a money-making venture.

The Republican interim update also relies on a staff-created bar graph titled “StemExpress’ Clinic Growth Strategy,” which purports to show a dramatic increase in partnerships with abortion

clinics, from approximately 10 in 2010 to more than 250 in 2016.²⁷ But as confirmed by documents produced to the Panel, “[i]n reality, StemExpress has partnered with no more than a dozen clinics for fetal tissue donation at any point between 2010 and 2015. . . .”²⁸

As StemExpress has explained to the Panel:

“Several of the proposed exhibits appear to force the Majority’s views into the record in a way that we have never seen in any government investigation in the House, Senate, or across dozens of federal and state jurisdictions around the United States.”²⁹

The Republican update also includes several newly-minted staff charts that are largely unsourced, unverified, and similarly misleading.

For example, the Republican update presents a staff-manufactured chart titled, “Comparison of StemExpress Cost Analysis with Generally Accepted Industry Standards for One Unit of Fetal Tissue in 2013,” which purports to show that StemExpress “overstated” certain costs.³⁰

Panel Republicans do not explain the methodology behind their so-called “industry standard,” and Panel Democrats have seen no evidence that a generally acknowledged or accepted standard exists. In fact, costs likely vary based on specific transportation, processing, preservation, quality control, or storage expenses that are incurred. One would expect these costs to be reasonable, and we have seen no evidence indicating that they are not.

The Republicans’ continued reliance on unsubstantiated and manufactured documents shows that this is not a fact-based inquiry for the truth. StemExpress offered in March to have its procurement director explain the company’s fetal tissue procurement process and answer the Panel’s questions. Panel Republicans ignored this offer and later that month issued a subpoena for a former StemExpress employee. However, as StemExpress noted to the Panel, “[r]ather than depose *any* of these individuals, the Select Panel appears intent on driving a predetermined narrative that suits its ends.”³¹

3. Panel Republicans Omit Facts that Rebut their Partisan Narratives

Panel evidence rebuts Republican claims of unlawful profit

More than 27,000 pages of documents have been submitted to the Panel by universities, clinics, and companies. As explained in the status update prepared by Democratic staff, these materials indicate that some clinics do not accept reimbursement for costs; others receive amounts consistent with the Government Accountability Office’s findings sixteen years ago.³²

Throughout their interim update, Panel Republicans nonetheless allege that clinics use fetal tissue donation to enhance their revenues³³ and that tissue procurement companies are charging researchers in excess of the procurement companies’ allowable costs.³⁴

Panel Republicans omit the wealth of evidence showing the irrationality of their claim that clinics are seeking to profit from fetal tissue donation, including:

- Planned Parenthood explained to Congress in August 2015, “Of the hundreds of health centers that are part of the Planned Parenthood network, just 1% are involved with fetal tissue research.”³⁵
- The few Planned Parenthood affiliates that facilitate fetal tissue donation followed federal law. “In every case, the affiliates report that these amounts were intended to recover only their costs, as allowed under the federal law and our guidance.”³⁶
- In October 2015, Planned Parenthood announced that its health centers that facilitate fetal tissue donation for research will no longer accept any reimbursement for their expenses.³⁷ This means that Planned Parenthood currently receives no payment— not even for its expenses as expressly permitted by law – related to fetal tissue donation. As a result, these clinics lose money when they facilitate fetal tissue donation.
- An expert in the use of fetal tissue for research said that given the fees in the range that Planned Parenthood was receiving, “there’s no way there’s a profit at that price.”³⁸ As she further explained, “[i]n reality, \$30-\$100 probably constitutes a loss for [Planned Parenthood]. The costs associated with collection, processing, storage, and inventory and records management for specimens are very high.”³⁹
- Republicans themselves acknowledge at the top of page 37 of the interim update that StemExpress paid approximately \$55 for fetal tissue obtained from abortion clinics. Documents obtained by the Panel confirm that this is generally representative of clinics who accept reimbursement for costs, and that others forego payment for their costs entirely.

Panel Republicans' treatment of Southwestern Women's Options (SWO) illustrates how far they are willing to distort the facts and truth to suit their partisan purposes. SWO receives no money – not even for the recovery of costs as permitted by law – when women at the clinic elect to donate fetal tissue to a University of New Mexico researcher. Yet Panel Republicans still sent a “criminal referral” to the New Mexico Attorney General alleging that the clinic receives “valuable consideration” in violation of federal law, while failing to mention the sworn testimony obtained by the Panel that rebuts these allegations.⁴⁰ They also omit guidance from the United States Justice Department's Office of Legal Counsel from 2007 that is inconsistent with their staff-created definition of “valuable consideration.”⁴¹

As explained in section 2, above, Panel Republicans omit StemExpress's explanation that services related to fetal tissue constitute about only 1% of the company's total revenue, that costs exceed amounts it receives related to these services, and that it actually loses money on services that it provides related to fetal tissue donation. While Republicans speculate – based on their own manufactured “industry standard” of permissible costs – that StemExpress and others may be overcharging researchers, they point to no actual evidence supporting their narrative. And while StemExpress offered witnesses who could have answered the Panel's questions months ago, Panel Republicans declined those offers.

Panel Republicans omit and misstate facts about fetal tissue research, including Zika research

The Republican interim update takes the remarkable position that fetal tissue research is “outdated technology” and “not mainstream science.” As discussed with regard to specific examples below, the update ignores or discounts substantial evidence obtained by the Panel – including the sworn testimony of Dr. Larry Goldstein, a researcher who uses fetal tissue to advance critical research on Alzheimer's disease and spinal cord injuries, as well as letters from the Department of Health and Human Services (HHS) and many of the nation's leading academic medical centers and scientific and medical societies. All attest to the continued value and need for fetal tissue research.

Panel evidence shows the value of fetal tissue research

Panel Republicans claim, without evidentiary support, that if the scientists who were awarded the Nobel Prize in 1954 for their work on the polio virus “had tried monkey cells or human foreskin fibroblasts before they tried human fetal tissue, they would have made the same discovery...without the use of human fetal cells.”⁴²

Notably, Panel Republicans acknowledge that the development of the polio vaccine relied on fetal tissue research but claim that it could have been done without using fetal tissue. Dr. Goldstein rejected this claim at the Panel's first hearing, explaining that “[t]he fact is, that is how those vaccines were developed,” and that “it is so easy to look in the rearview mirror at research and say well, now that we know everything we know, it would have been so much easier to do it a different way.”⁴³

Others have confirmed to the Panel the role that fetal tissue has and continues to play in vaccine-related research. For example, the University of Wisconsin told the Panel that “the development of the human polio vaccine would not have been possible without cells of fetal origin.”⁴⁴ HHS explained that “cell lines derived from fetal tissue have also played an essential role in the creation of new vaccines and remain valuable in important efforts such as the pursuit of a vaccine for Ebola.”⁴⁵

Republicans go on to state that “we do not need human fetal tissue to develop a vaccine for Zika, and, based on our modern experience with CMV, human fetal tissue is unlikely to provide any significant advantage in this fight.”⁴⁶

Panel Republicans again discount the testimony of Dr. Larry Goldstein, who explained at the Panel’s first hearing that “I think that if you want to understand the Zika virus, the most efficient place to start is with fetal tissue that is infected.”⁴⁷ Dr. Anthony Fauci, the Director of the National Institute of Allergy and Infectious Diseases, also confirmed the need for this research to learn more about Zika and a potential cure:

“I think the argument of the need to have fetal tissue research in a disease in which the virus is affecting fetal tissue, is about as strong a justification as you can get for using fetal tissue in research in this case.”⁴⁸

Researchers from Harvard have also explained to the Panel that “[t]he field of vaccine R&D is probably the best known example of how fetal material provides an invaluable resource to scientific and medical progress; most recently in work seeking to better understand and combat the spread of Zika virus, just as it did chicken pox and polio, among others.”⁴⁹

Panel Republicans ignore this evidence, along with additional reporting about the use of fetal tissue research to advance our understanding of Zika. For example, a recent article exploring its use cites to a peer-reviewed study that used donated human fetal tissue and found that a protein called AXL that enables Zika to infect human skin cells might also give the virus access to cells in the fetus that form the eye and brain.⁵⁰

In a study in the *New England Journal of Medicine* authored by the Centers for Disease Control and Prevention (CDC), the CDC concluded that “a causal relationship exists between prenatal Zika virus infection and microcephaly and other serious brain anomalies” based on a broad review of research into the virus, including research that used fetal tissue.⁵¹

At the request of Panel Democrats, who want to ensure an objective and balanced inquiry, some of the nation’s leading academic and research institutions have submitted letters to the Panel explaining the value and need for fetal tissue research. These have been shared with Panel Republicans but are not referenced in their interim update.

Of particular relevance to the Panel, which Chair Blackburn has called the “Select Panel on Infant Lives,” many of these letters explain the importance of this research for furthering our understanding of fetal development, congenital anomalies and pediatric diseases. For example:

- HHS advised the Panel that “[h]uman fetal tissue is critical for understanding how typical fetal development occurs...”⁵² The Department went on to explain that “scientists are using fetal tissue to study the immune systems of the fetus and mother, and any incompatibilities arising due to infection or inflammation that may lead to rejection, miscarriage, or preterm birth.”⁵³
- The Yale School of Medicine informed the Panel that “fetal tissue research has resulted in significant improvements in the care of the unborn threatened by premature delivery, death, or disease, as in the case of the development of amniocentesis as a tool to detect and, in some cases, to treat fetal abnormalities in utero.”⁵⁴
- The University of Minnesota emphasized in correspondence with the Panel that research using fetal tissue has been “critical” in order “to develop an intervention to prevent mother-to-child transmission of HIV. That research alone has saved over 1 million infants in the last 10 years, while also reducing elective abortion in HIV positive women by more than half in this country.”⁵⁵
- The University of Wisconsin-Madison School of Medicine and Public Health identified ten different areas of research where researchers are using human fetal tissue, including preventing spontaneous pregnancy loss and maternal diseases of pregnancy.⁵⁶

Panel evidence shows that fetal tissue still plays a unique, vital role

The alternatives to fetal tissue noted in the Republican interim update – primarily induced pluripotent stem cells (iPSCs), as well as animal and human adult tissue and cells – have been successfully used in medical and scientific research. However, scientists have repeatedly advised the Panel that tools and technologies are not interchangeable and fetal tissue is still needed.

As Dr. Goldstein testified, “fetal tissues and cells cannot be easily replaced by embryonic stem cells, reprogrammed stem cells, or adult stem cells.”⁵⁷ He went on to say that cell lines “are simply not interchangeable,”⁵⁸ and that “we need all different types of cells to do research because we don’t know what is best.”⁵⁹

The Yale School of Medicine explained that, while sufficient in some instances, animal and adult human tissue cannot completely replace fetal tissue because “the differences are so profound, with so many genes that are expressed differently, that the fetal brain at the molecular level is almost a different organ from the adult brain, making adult brain cells a poor proxy for fetal brain cells.”⁶⁰

The approach taken by Panel Republicans discounts the views of the scientific community regarding the value and need for fetal tissue research and ignores the reality of how science works. As HHS advised the Panel:

“It is impossible to predict what types of cells or systems will be necessary for answering particular research questions or developing new treatments and cures. Thus, human fetal tissue is

likely to remain a unique and invaluable resource for studying both typical and atypical processes early in development, elucidating the pathogenesis of infectious disease, advancing our understanding of a wide range of conditions, and developing new treatments and cures.”⁶¹

The Association of American Medical Colleges echoed HHS’s reasoning:

“By closing the door on one type of research, we may never know what advances we might have attained. For every bit of knowledge or advance that has resulted from research using fetal tissue, alone or in combination with other research, there may be other questions and potential lines of inquiry that merit further exploration, using all available methods.”⁶²

Panel evidence shows the chilling effect of attacks on this research

Unfortunately – and also overlooked in the interim update – attacks on fetal tissue research are having a chilling effect. Dr. Goldstein testified that one of the projects he was working on involving research on multiple sclerosis “is basically seeing a supply of fetal material dry up completely and it was a very promising therapy for MS.”⁶³

Subsequent reporting confirmed that another research trial planned for this year, focusing on regenerating myelin, the insulation around nerve fibers, in late stage MS patients had to be pushed back to 2019 because researchers lacked the fetal tissue that they needed to proceed.⁶⁴ As a neurologist leading the research team explained: “This kind of delay . . . results in the additional deaths of people who could have been rescued.”⁶⁵

Following Indiana’s passage of an abortion law that would effectively shut down fetal tissue research in that state, Indiana University sued to challenge the law. As the University explained:

“[T]he university felt compelled to do this in an effort to protect its researchers from criminal prosecution, to protect the research enterprise as a whole, and to protect the research that has the potential to save thousands of lives, if not more.”⁶⁶

CONCLUSION

Over the past year, congressional Republicans have used inflammatory rhetoric to describe this investigation. Republicans and their witnesses at hearings have compared researchers to Nazi war criminals and one target of the investigation to a convicted murderer.⁶⁷ During this same time period, there has been a “dramatic increase in hate speech and internet harassment, death threats, attempted murder, and murder” of abortion providers.⁶⁸

Despite the clear evidence of threatened and actual violence against abortion providers, House Republicans fail to take these concerns seriously. Almost every person contacted by the Panel has expressed fear for their safety if identified in connection with this investigation. Yet, instead of keeping their promise to “act responsibly with each and every name,”⁶⁹ Panel Republicans have publicly named some of their key targets and otherwise released – whether by accident or design – names and contact information for others.

The Republican interim update falsely claims widespread non-compliance by entities that have received subpoenas and document requests from the Chair. In reality, Panel Republicans continue to demand that parties disclose names and provide other information that the Panel has no right or need to know. The Panel has already received more than 27,000 pages of documents in response to its demands. Notably, the update omits the fact that Republicans have repeatedly refused to put any formal confidentiality rules in place and to explain why names are needed despite the legitimate concerns voiced by outside parties and House Democrats. The redaction of names and personally identifiable information in some documents, and the objection to the production of certain financial information, reflect these legitimate concerns, not widespread noncompliance with the Chair’s sweeping demands as the interim update falsely asserts.

This investigation has been criticized as the pursuit of “ideology over truth,”⁷⁰ the “Republicans’ baseless abortion investigation”⁷¹ and the “Benghazi treatment”⁷² of Planned Parenthood. After the Benghazi select investigation – which took more than two years and \$7 million taxpayer dollars – Republican Benghazi Select Committee Chair Trey Gowdy candidly admitted:

“Congress does a lousy job of conducting apolitical, nonpartisan investigations and the American people deserve better.”⁷³

House Republican Leadership should heed this lesson and disband the Select Panel now, before more lives and life-saving research are put at risk.

ENDNOTES

¹ Interim Update from the Chairman and Majority Members of the Select Investigative Panel on The Transfer of Fetal Tissue and Related Matters, at 1-2, 19 (July 14, 2016) [hereinafter “Republican Interim Update”].

² *Id.* at 1-2, 19-20.

³ See Memorandum by Select Investigative Panel Democratic Staff, Status Report (May 25, 2016).

⁴ Letter from Amandeep S. Sidhu, McDermott Will & Emery, to Chairman Blackburn and Ranking Member Schakowsky *Re: Call for Withdrawal or Amendment of Proposed Exhibits for April 20, 2016 Hearing on ‘The Pricing of Fetal Tissue’* (Apr. 19, 2016).

⁵ Letter from Cecile Richards, President, Planned Parenthood Federation of America, to Francis Collins, Director, National Institutes of Health (Oct. 13, 2015).

⁶ See Memorandum by Select Investigative Panel Democratic Staff, Status Report, 7-10 (May 25, 2016); see also U.S. Government Accountability Office, Letter to Sens. Arlen Specter, Tom Harkin, and Bob Smith, Human Fetal Tissue: Acquisition for Federally Funded Biomedical Research (Oct. 4, 2000).

⁷ Fusion GPS, *Analysis of Center for Medical Progress Videos* (Aug. 25, 2015).

⁸ Nat'l Abortion Fed'n v. Ctr. for Med. Progress, No. 15-cv-03522-WHO, 2016 U.S. Dist. LEXIS 14485 at *84 (N.D. Cal. Feb. 5, 2016) (granting motion for preliminary injunction).

⁹ Republican Interim Update at 1, 19-20.

¹⁰ Nat'l Abortion Fed'n v. Ctr. for Med. Progress, at *25, n. 12.

¹¹ *Id.* at *28-29.

¹² *Planned Parenthood Exposed: Examining Abortion Procedures and Medical Ethics at the Nation's Largest Abortion Provider, Hearing Before the H. Comm. on Judiciary*, 114th Cong. 64 (Oct. 8, 2015).

¹³ Tal Kopan, *Texas grand jury clears Planned Parenthood, indicts its accusers*, CNN (Jan. 26, 2016), <http://www.cnn.com/2016/01/25/politics/planned-parenthood-activists-indicted/>.

¹⁴ Alexa Ura, *Misdemeanor Charge Against Anti-Abortion Activist Dropped*, THE TEXAS TRIBUNE (June 14, 2016), <https://www.texastribune.org/2016/06/14/misdemeanor-charge-against-anti-abortion-activist-/>; Manny Fernandez, *Last Charges Dropped Against Abortion Foes in Making of Planned Parenthood Video*, N.Y. TIMES (July 26, 2016), <http://www.nytimes.com/2016/07/27/us/last-charges-dropped-against-abortion-opponents-in-planned-parenthood-case.html>.

¹⁵ See Republican Interim Update, at 7.

¹⁶ Center for Medical Progress, Human Capital Project, Document Vault, <http://www.centerfor-medicalprogress.org/human-capital/document-vault/>.

¹⁷ Jeremy Breningstall et al., *How anti-abortion activists used undercover Planned Parenthood videos to further a political cause*, LOS ANGELES TIMES, (Mar. 30, 2016).

¹⁸ See Letter from Select Panel Democrats to Hon. Marsha Blackburn, Chair, Select Investigative Panel (Apr. 7, 2016); Letter from Select Panel Democrats to Hon. Marsha Blackburn, Chair, Select Investigative Panel (June 7, 2016).

¹⁹ See Memorandum by Select Investigative Panel Democratic Staff, Status Report (May 25, 2016).

²⁰ Republican Interim Update, at 32.

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- ²¹ Letter from Amandeep S. Sidhu, McDermott Will & Emery, to Chairman Blackburn and Ranking Member Schakowsky *Re: Call for Withdrawal or Amendment of Proposed Exhibits for April 20, 2016 Hearing on ‘The Pricing of Fetal Tissue’* (Apr. 19, 2016) (emphasis in original).
- ²² *Id.*
- ²³ *Id.* (emphasis in original).
- ²⁴ *Id.*
- ²⁵ Republican Interim Update, at 33-34.
- ²⁶ Letter from Amandeep S. Sidhu, McDermott Will & Emery, to Chairman Blackburn and Ranking Member Schakowsky *Re: Call for Withdrawal or Amendment of Proposed Exhibits for April 20, 2016 Hearing on ‘The Pricing of Fetal Tissue’* (Apr. 19, 2016) (emphasis in original).
- ²⁷ Republican Interim Update, at 35.
- ²⁸ Letter from Amandeep S. Sidhu, McDermott Will & Emery, to Chairman Blackburn and Ranking Member Schakowsky *Re: Call for Withdrawal or Amendment of Proposed Exhibits for April 20, 2016 Hearing on ‘The Pricing of Fetal Tissue’* (Apr. 19, 2016).
- ²⁹ *Id.*
- ³⁰ Republican Interim Update, at 41-42.
- ³¹ Letter from Amandeep S. Sidhu, McDermott Will & Emery, to Chairman Blackburn and Ranking Member Schakowsky *Re: Call for Withdrawal or Amendment of Proposed Exhibits for April 20, 2016 Hearing on ‘The Pricing of Fetal Tissue’* (Apr. 19, 2016) (emphasis in original).
- ³² See Memorandum by Select Investigative Panel Democratic Staff, Status Report, 7-10 (May 25, 2016).
- ³³ See Republican Interim Update, at 32, 43, 46.
- ³⁴ See *Id.* at 43, 46.
- ³⁵ Letter from Cecile Richards, President, Planned Parenthood Federation of America, to Speaker John A. Boehner, et al. (Aug. 27, 2015).
- ³⁶ *Id.*
- ³⁷ Letter from Cecile Richards, President, Planned Parenthood Federation of America, to Francis Collins, Director, National Institutes of Health (Oct. 13, 2015).
- ³⁸ Dave Levitan, *Unspinning the Planned Parenthood Video*, FACTCHECK.ORG (July 21, 2015), <http://www.factcheck.org/2015/07/unspinning-the-planned-parenthood-video/>.
- ³⁹ *Id.*
- ⁴⁰ Letter from Select Panel Democrats to Hon. Hector Balderas, Attorney General of New Mexico (July 12, 2016).
- ⁴¹ Department of Justice, Office of Legal Counsel, *Legality of Alternative Organ Donation Practices Under 42 U.S.C. §274e* (Mar. 28, 2007).
- ⁴² Republican Interim Update, at 63.
- ⁴³ *Bioethics and Fetal Tissue: Hearing Before the Select Investigative Panel, H. Comm. On Energy and Commerce*, 114th Cong. (unedited transcript 115) (Mar. 2, 2016).
- ⁴⁴ Letter from University of Wisconsin-Madison, School of Medicine and Public Health, to Select Investigative Panel Staff (Feb. 24, 2016).
- ⁴⁵ Letter from Jim Esquea, Asst. Sect. for Legislation, Dept. of Health and Human Services, to Hon. Jan Schakowsky, Ranking Member, Select Investigative Panel, 3 (Apr. 6, 2016).
- ⁴⁶ Republican Interim Update, at 66.
- ⁴⁷ *Bioethics and Fetal Tissue: Hearing Before the Select Investigative Panel, H. Comm. On Energy and Commerce*, 114th Cong. (unedited transcript 119) (Mar. 2, 2016).

⁴⁸ *The Zika Public Health Crisis: The Urgent Need for the President's Emergency Funding Request, Hearing Before the H. Democratic Steering and Policy Comm.*, 114th Cong. 68-69 (May 12, 2016).

⁴⁹ Letter from Harvard University to Select Panel Staff and Hon. Marsha Blackburn, Chair, Select Investigative Panel, attachment 1-5 (July 7, 2016).

⁵⁰ Erika Hayden, *Zika highlights role of controversial fetal-tissue research*, NATURE (Mar. 30, 2016), <http://www.nature.com/news/zika-highlights-role-of-controversial-fetal-tissue-research-1.19655>.

⁵¹ Rasmussen S., Jamieson D., Honein M., and Persen L., *Zika virus and birth defects—reviewing the evidence for causality*, 374 NEW ENG. J. MED. 1981 (2016).

⁵² Letter from Jim Esquea, Asst. Sect. for Legislation, Dept. of Health and Human Services, to Hon. Jan Schakowsky, Ranking Member, Select Investigative Panel (Apr. 6, 2016).

⁵³ *Id.*

⁵⁴ Letter from Yale School of Medicine to Hon. Jan Schakowsky, Ranking Member, Select Investigative Panel (May 9, 2016).

⁵⁵ Letter from University of Minnesota to Hon. Jan Schakowsky, Ranking Member, Select Investigative Panel (Mar. 22, 2016).

⁵⁶ Letter from University of Wisconsin-Madison, School of Medicine and Public Health to Select Investigative Panel Staff (Feb. 24, 2016).

⁵⁷ *Bioethics and Fetal Tissue: Hearing Before the Select Investigative Panel, H. Comm. On Energy and Commerce*, 114th Cong. (unedited transcript 109) (Mar. 2, 2016).

⁵⁸ *Id.* at 127.

⁵⁹ *Id.*

⁶⁰ Letter from Yale School of Medicine to Hon. Jan Schakowsky, Ranking Member, Select Investigative Panel (May 9, 2016).

⁶¹ Letter from Jim Esquea, Asst. Sect. of Legislation, Dept. of Health and Human Services, to Hon. Jan Schakowsky, Ranking Member, Select Investigative Panel, 3 (Apr. 6, 2016).

⁶² Letter from AAMC President and CEO to Hon. Marsha Blackburn, Chair, Select Investigative Panel 2 (Apr. 22, 2016).

⁶³ *Bioethics and Fetal Tissue: Hearing Before the Select Investigative Panel, H. Comm. On Energy and Commerce*, 114th Cong. (unedited transcript 144) (Mar. 2, 2016).

⁶⁴ Danielle Paquette, 'We lose money doing this': Tiny company caught in abortion debate takes on Congress, WASH. POST (May 27, 2016), <https://www.washingtonpost.com/news/wnk/wp/2016/05/27/critics-say-theyre-selling-baby-body-parts-they-say-theyre-saving-lives/>.

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⁷¹ Editorial Board, *Republicans' Baseless Abortion Investigation*, N.Y. TIMES, (Mar. 7, 2016), http://www.nytimes.com/2016/03/07/opinion/republicans-baseless-abortion-investigation.html?_r=1.

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