

Testimony of Catherine Glenn Foster
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Hearing on the Pricing of Fetal Tissue
Select Investigative Panel on Infant Lives
U.S. House of Representatives
April 20, 2016

Hon. Marsha Blackburn, Chair
Hon. Janice Schakowsky, Ranking Member
Honorable Members
United States House of Representatives
Committee on Energy and Commerce
Select Investigative Panel
2125 Rayburn House Office Building
Washington DC 20515

Ms. Chairman, Ms. Schakowsky, and Members of the Panel:

I am privileged to present this testimony concerning the pricing of human fetal tissue. My views are consistent with those of the Charlotte Lozier Institute, where I am an Associate Scholar, and which is dedicated to advancing science, medicine, and research in the service of human life and to promoting a culture and polity of life. My views are similarly consistent with those of Sound Legal, a law firm and legal organization advocating for the universal right to life.

As an attorney, I have dedicated my career to advocating for the right of every innocent human being to be protected. And so I am troubled by those in the abortion and tissue procurement industry who scheme to trade in baby body parts for their own financial enrichment. The public learned of these back-alley transactions last year when

undercover videos of the organ business brokers surfaced online. Indeed, the trade in fetal body parts is a business. As demonstrated by the evidence presented by this Panel, clinics and procurement companies have been getting away with charging far more than the allowed costs for harvesting, transporting, and warehousing body parts as they wait for customers. In doing so, they have violated both the intent and the letter of 42 U.S.C. § 289g-2, which bars, among other things, the transfer of human fetal tissue “for valuable consideration.”

The statute’s definition of “valuable consideration” is straightforward: if a payment is not reasonable or not “associated with the transplantation, implantation, processing, preservation, quality control, or storage of human fetal tissue,” 42 U.S.C. § 289g-2(e)(3), it is not permitted. We can all agree on this statute; it passed with bipartisan support in a Democratic Congress and was signed into law by President Clinton. Rep. Waxman called the fetal corpse market “abhorrent.”

And yet, the Panel’s evidence reveals that abortion clinics are being promised a profit and are paid even when they have no apparent costs to be reimbursed, which further multiplies a clinic’s windfall via savings on disposal services. Tissue procurement companies are likewise paid exorbitantly by their customers. This market in baby organs and tissues demonstrates a flagrant and repeated disregard for the rule of law. It was no surprise when America’s biggest abortion business, facing public and prosecutorial exposure, relented and agreed to end its longstanding practice of receiving direct payments for baby body parts.

And yet, in my years of work in this field, and in the 23 years § 289g-2 has been law, I am unaware of a single instance in which it has been enforced. This Panel is right to shine a light on big abortion's back alleys.

For perhaps we forget that this law is meant to protect the ethical imperative that recognizes the dignity in every human life. In the face of clinical, sanitized language, we may become desensitized. In the abortion clinic, a human baby is called "tissue" or a "fetus." A head is a "calvarium" or "cal." The technician who counts baby body parts is a "products of conception" or "POC" worker. And by converting human lives into a bulk commodity, public discussion has been stifled. But we are in fact talking about real and unique human beings whose lives were tragically snuffed out. We are talking about affording them the minimal dignity that comes with not having their remains further picked through to be bought and sold like chattel.

I know that the abortion industry and its allies are waging a campaign against any effort at transparency or accountability. It is what we can expect from a big business with an emphasis on maximizing profits and a lot of money to lose. And so big abortion is fighting back with all its might, investing its political and monetary stockpile to buy public sanction, and weighing its thumb down on the scales of justice with high-profile PR firms, pocket politicians, and spellbound media. With these allies, until now, the abortion industry has succeeded in shouting down the voices acknowledging the public evidence of guilt and crying out for justice. But no more. We the people are not afraid of

confronting the dirty truth, and we encourage this Panel and those in law enforcement to pursue it. Common sense and common decency demand enforcement of § 289g-2.