

March 26, 2024

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

The Honorable Christi Grimm  
Inspector General  
U.S. Department of Health and Human Services  
330 Independence Avenue SW  
Washington, D.C. 20201

Dear Attorney General Garland and Inspector General Grimm:

I write with regard to the stunning report that Planned Parenthood is providing aborted fetal body parts to the University of California San Diego (UCSD) while maintaining intellectual property rights over the fetal tissue and in exchange for “valuable consideration.” If confirmed, this relationship represents a flagrant violation of federal law, which explicitly prohibits the transfer of fetal tissue for any compensation. I request that both of you open an investigation into the matter, publish your findings for the American people to see, and hold any guilty parties accountable to the fullest extent of the law.

Documents obtained via public records request show that UCSD and Planned Parenthood of the Pacific Southwest entered into a “Biological Material Transfer Agreement” in 2009. In this contract, Planned Parenthood agreed to provide “fetal and placental tissue” to UCSD for non-commercial research “for the purpose of deriving cell lines from and determining gene expression, genomic, and epigenomic profiles of the materials.” The contract specifies that Planned Parenthood “shall retain all right, title and interest in and to the [fetal tissue], including ... patents and patent applications and other intellectual property rights relating to the [fetal tissue].” UCSD also agreed to provide Planned Parenthood with credit as the source of the material in any publications or studies that resulted from its use of the aborted fetal tissue.

Most notably, the contract between UCSD and Planned Parenthood was made for “valuable consideration.” The inclusion of this phrase in the contract is significant because federal law explicitly forbids “any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for *valuable consideration*” [emphasis added].<sup>1</sup> Violations of this law are punishable by a fine or up to 10 years in prison.

Furthermore, the relationship between Planned Parenthood and UCSD appears to be much more than a mere contract. Not only was Planned Parenthood providing the aborted fetal tissue in exchange for “valuable consideration,” but emails between the groups show that Planned Parenthood and UCSD were actively collaborating and meeting at regular intervals to

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<sup>1</sup> 42 U.S.C. §289g-2(a)

discuss the progress of the research. Another document shows a \$10,000 donation from UCSD to Planned Parenthood in 2021.

The University of Pittsburgh is already under investigation for its experimentation on aborted babies and its cozy relationship with Planned Parenthood. I ask that you launch an investigation into University of California San Diego and its use of Planned Parenthood's aborted fetal tissue in an apparent violation of federal law. Both of these organizations receive hundreds of millions of taxpayer dollars every year, and the American people deserve answers.

- Are UCSD and Planned Parenthood still engaged in this Biological Material Transfer Agreement?
- Since 2009, when the agreement was signed, how many aborted babies did Planned Parenthood give to UCSD? What was the fetal tissue used for?
- How much money has UCSD given to Planned Parenthood during the period of this agreement?
- What has Planned Parenthood gained monetarily from its control over the intellectual property rights of the fetal tissue given to UCSD?
- Has the National Institutes of Health (NIH) or any other federal agency provided funding for the fetal tissue research described above?

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Rubio', is centered on the page.

Marco Rubio  
U.S. Senator