I. Introduction:

Most have already heard -- and seen at least part of -- the startling video taken by the Center for Medical Progress of Deborah Nucatola, MD, senior director of medical services at Planned Parenthood Federation of America. In that video she describes in nauseating detail the involvement of Planned Parenthood in carefully selecting and selling various types of dead human fetal body parts after performing their abortions on women. [See, e.g., American Life League's STOPP, "15 Years Later, Planned Parenthood still selling baby body parts", at: http://www.stopp.org/article.php?id=14913].

Given that most people are unfamiliar with the federal legal directives involving the use of human fetal tissue, or how to access those legal directives (which are almost illegible even if found), the purpose of this article is simply to copy below the main federal legal source involved: the 1993 National Institutes of Health Revitalization Act. Just knowing the details of two of the sections (Part II: Sections 111 and 112) of that Act will help clarify how egregious these Planned Parenthood activities truly are, and why Congress must step up to the plate and defund them. It would also seem that there are multiple legal precedents in the Act to prosecute them. The URL for the Act is provided so that these sections can also be seen within the context of the entire Act.

[Considerations of the rather jaded legal definitions of relevant scientific terms and other federal regulations and laws historically leading up to the 1993 NIH Revitalization Act can be found in Irving:


II. Short Summary of Sections 111 and 112:
Here are just a few of the important federal requirements in the Act that have serious implications for the woman aborting, for Planned Parenthood \emph{per se} as well as for their attending ObGyn's and other physicians, for any researcher who is going to use such fetal tissue in his/her experiments, and for the person ("donee") into whom such tissue is going to be transplanted during those experiments. I'm sure other readers can find even more significant language in these Sections (and the entire Act):

1. "Human fetal tissue" is defined as derived from \textbf{both human embryos and human fetuses}. 
   
   \par [[According to the Carnegie Stages of Early Human Embryonic Development, in human sexual reproduction (fertilization), the \textbf{Embryonic Period} is from the beginning of the process of fertilization through 8 weeks post-fertilization; the \textbf{Fetal Period} is from the beginning of 9 weeks post-fertilization until birth. Thus such tissues and organs can be used even if derived \emph{from the early human embryo}? And by \emph{what "standards" is such a human embryo or fetus determined to be "dead"?}]]

2. Such human fetal tissue can be used \emph{only for "therapeutic" purposes}. 
   \par [[Given that "research" can be either "therapeutic" or "experimental", does this mean that such tissue cannot be used for "experimental" research?]]

3. Written and signed statements by the \textbf{aborting mother}, the \textbf{attending physician}, the \textbf{principle researcher} and the "\textbf{donee}" are required.

4. The \textbf{attending physician} must also state in writing and signed that "(i) the \emph{consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research}"; and, "(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue"; and, the abortion was performed in accordance with \textbf{applicable State law}."

5. The \textbf{aborting woman's "informed consent"} must include any knowledge of the \textbf{attending physician's interest}, if any, \textbf{in the research} to be conducted.

6. The \textbf{researcher} who is to use the human fetal tissue in his/her experiments \textbf{must inform} (in writing and signed) whoever is going to have such tissues transplanted into him/her (the "\textbf{donee}") \textbf{all the above "information"}. The researcher must also document to the "\textbf{donee}" that he/she \textbf{"has had no part in any decision as to the timing, method, or procedures used to terminate the pregnancy."}

7. It is \textbf{unlawful} to solicit or \textbf{acquire, receive or accept} a fetal tissue donation if the donation affects \textbf{interstate commerce} -- even if the tissue is obtained pursuant to an \textbf{induced abortion}.

III. The 1993 NIH Revitalization Act

\url{http://history.nih.gov/research/downloads/PL103-43.pdf} (pages 8 - 11; \textbf{bolding and emphases added})

\textbf{PART II, Sections 111 and 112 of the 1993 National Institutes of Health Revitalization Act, PUBLIC LAW 103-43-JUNE 10, 1993 107 STATUTES 130 and. 131}

\textbf{PART 11 - RESEARCH ON TRANSPLANTATION OF FETAL TISSUE}

\textbf{SEC. 111. ESTABLISHMENT OF AUTHORITIES.}

Part G of title \textbf{IV} of the Public Health Service Act (42 U.S.C.289 et seq.) is amended by inserting after section 498 the following section:
"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC.4 98A.

(a) ESTABLISHMENT OF PROGRAM

- "(1) IN GENERAL. -The secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes .
- "(2) SOURCE OF TISSUE. -Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT of DONOR .

- "(1) IN GENERAL. -In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman , declaring that-
  - " (A) the woman donates the fetal tissue for use in research described in subsection(a);
  - " (B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and
  - " (C) the woman has not been informed of the identity of any such individuals.
- "(2) ADDITIONAL STATEMENT. -In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that-
  - " (A) in the case of tissue obtained pursuant to an induced abortion-
    - "( i ) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research ;
    - "( ii ) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue ; and
    - "( iii ) the abortion was performed in accordance with applicable State law ;
  - " (B) the tissue has been donated by the woman in accordance with paragraph ( 1 ); and
  - " (C) full disclosure has been provided to the woman with regard to-
    - "( i ) such physician's interest, if any, in the research to be conducted with the tissue; and
    - "( ii ) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER and DONEE

In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual , declaring that the individual-
(1) is aware that:

- "(A) the tissue is human fetal tissue;
- "(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth; and
- "(C) the tissue was donated for research purposes;

(2) has provided such information to other individuals with responsibilities regarding the research;

(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

(d) AVAILABILITY OF STATEMENTS FOR AUDIT.

(1) IN GENERAL. -In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b)(2) and (c) will be available for audit by the Secretary.

(2) CONFIDENTIALITY OF AUDIT. -Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall-

- "(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;
- "(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and
- "(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

(e) APPLICABILITY OF STATE AND LOCAL LAW.

(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE. -The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State law.

(2) RESEARCH CONDUCTED BY SECRETARY. -The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

(f) REPORT.

The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report
describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.

"(g) DEFINITION.

For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth."

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE"

"SEC. 498B.

(a) PURCHASE OF TISSUE.

It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and-

- "(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;
- "(2) the donated tissue will be transplanted into a relative of the donating individual; or
- "(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL Penalties FOR VIOLATIONS.

- "(1) IN GENERAL. -A person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.
- "(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION. - With
respect to the imposition of a fine under paragraph (I), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.-For purposes of this section:

- "(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).
- "(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.
- "(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation,