

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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June 23, 2016

VIA EMAIL

The Honorable Hector H. Balderas, Jr.
Attorney General of New Mexico
408 Galisteo Street
Villagra Building
Santa Fe, NM 87501

Dear Attorney General Balderas:

On October 7, 2015, the U.S. House of Representatives passed H. Res. 461, which created the Select Investigative Panel (the “Panel”) and empowered it to conduct a full and complete investigation regarding the medical practices of abortion providers and the practices of entities that procure and transfer fetal tissue. The Panel’s work implicates 42 U.S.C. § 289g-2, which forbids the transfer of fetal tissue for valuable consideration.

Section 289g-2 requires that safeguards be in place, including a concern that too close a relationship might be formed between an abortion clinic and researchers. In the course of its inquiry, the Panel uncovered just such a relationship between the University of New Mexico (“UNM”) and Southwestern Women’s Options (“SWWO”), a clinic located one mile from UNM that provides abortions through all three trimesters of pregnancy. We understand that SWWO is the sole provider of fetal tissue to UNM.

Through its investigation, the Panel has discovered that personnel within UNM’s hospital and medical school have aggressively engaged in expanding abortion in New Mexico through the offices, personnel, and resources of UNM. In particular, leadership personnel at UNM: (1) expanded UNM’s role in training new abortion doctors; (2) expanded UNM’s referral for abortion services to outside clinics, including the clinic from which it obtained fetal tissue; (3) initiated the practice of sending UNM faculty and residents to an abortion clinic during its transition from one owner to another; (4) expanded the faculty of UNM by providing “volunteer faculty” status to local abortionists; (5) supplied residents and fellows to perform abortions for SWWO during the period that UNM was obtaining fetal tissue from that clinic; and (6) leveraged their status to organize UNM

employees and students for partisan political activities. UNM has stated that the fetal tissue transferred from SWWO is of great value to its research department.

Additionally, documentation obtained by the Panel in the course of its investigation reflects that the transfer of fetal tissue from SWWO to UNM for research purposes is a systematic violation of New Mexico's *Jonathan Spradling Revised Uniform Anatomical Gift Act (Spradling Act)*. **These violations occurred as UNM personnel procured fetal tissue from patients at SWWO for research by UNM entities.**

A detailed report accompanying this letter describes the Panel's discovery that transfers of value to SWWO from UNM occurred within a context of aggressive abortion advocacy. We appreciate your swift attention to the serious and systematic violations of law committed by the University of New Mexico and Southwestern Women's Options. If you have any questions about this request, please contact Frank Scaturro, at (202) 225-2927, Frank.Scaturro@mail.house.gov, or Mary Harned, at (202) 480-7160, Mary.Harned@mail.house.gov.

Sincerely yours,



Marsha Blackburn
Chairman
Select Investigative Panel

Attachment(s)

cc: The Honorable Jan Schakowsky, Ranking Member
Select Investigative Panel

The Honorable Susana Martinez
Governor of New Mexico

The Honorable John A. Sanchez
Lieutenant Governor of New Mexico

The Honorable Steve Pearce
Second Congressional District, New Mexico