

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

August 20, 2015

Mr. David Daleiden
Chief Executive Officer
The Center for Medical Progress
15333 Culver Drive, Suite 340-819
Irvine, CA 92604

Dear Mr. Daleiden:

Recently released videos implicate the Center for Medical Progress and its affiliates in potentially unlawful activities involving a multi-year effort to secretly record Planned Parenthood employees discussing the organization's tissue donation program.¹ In the videos, Center for Medical Progress representatives appear to use a fake company called BioMax Procurement Services LLC to carry out their undercover campaign.² These disturbing actions raise questions about whether the Center for Medical Progress has broken federal or state laws and whether some Members of Congress may have been aware of these potentially illegal activities before they were made public earlier this year.

On August 14, 2015, the Committee sent letters to Planned Parenthood and the Department of Health and Human Services seeking documents and information related to the undercover videos. Any legitimate and balanced congressional investigation must also address your group's role in these activities. If the Committee decides to hold a hearing on this issue, testimony from you or others associated with your organization could be needed to obtain a complete understanding of these actions.

BioMax Procurement Services was registered as a Limited Liability Company with the California Secretary of State in October 2013.³ As of the writing of this letter, its business

¹ See, e.g., *Kamala Harris to Review Group Behind Planned Parenthood Abortion Videos*, Sacramento Bee (July 24, 2015) (online at www.sacbee.com/news/politics-government/capitol-alert/article28666714.html).

² See, e.g., *Sting Videos Part of Longtime Campaign Against Planned Parenthood*, NPR (July 22, 2015) (online at www.npr.org/sections/thetwo-way/2015/07/22/425314909/sting-videos-part-of-longtime-campaign-against-planned-parenthood).

³ Secretary of State, State of California, *Business Entity Detail: BIOMAX PROCUREMENT SERVICES LLC* (accessed Aug. 14, 2015) (online at <http://kepler.sos.ca.gov/>).

registration status remains active and lists a business address in Norwalk, California.⁴ According to press reports, individuals associated with the Center for Medical Progress used false identification to impersonate BioMax sales representatives, access Planned Parenthood employees under false pretenses, and record them without their consent.⁵

In addition, the Center for Medical Progress has been soliciting contributions as a “biomedicine and bioengineering” 501(c)(3) charitable organization since 2013.⁶ Its designation as a “biomedicine and bioengineering” organization appears to be based on documents submitted by the Center for Medical Progress under penalty of perjury.⁷ Until recently, the Center for Medical Progress held itself out as “a non-profit organization dedicated to informing and educating both the lay public and the scientific community about the latest advances in regenerative medicine.”⁸ Now, however, the Center for Medical Progress has begun describing itself as a “group of citizen journalists” who “oppose any interventions, procedures, and experiments that exploit the unequal legal status of any class of human beings.”⁹

Finally, it appears that some Members of Congress may have known about the Center for Medical Progress’s activities well before they became public, but raised no concerns about their legality. For example, according to one press report, Representative Tim Murphy became aware of the first undercover video “weeks before it went viral.”¹⁰ Representative Murphy announced less than 24 hours after the video was released that he was launching an investigation of Planned Parenthood in his capacity as Chairman of the Oversight and Investigations Subcommittee of the

⁴ *Id.*

⁵ See, e.g., *Planned Parenthood’s Client Promised ‘Profit,’ ‘Fiscal Growth’ for Harvested Baby Body Parts*, Breitbart (July 14, 2015) (online at www.breitbart.com/big-government/2015/07/14/planned-parenthoods-client-promised-profit-fiscal-growth-for-harvested-baby-body-parts/).

⁶ Center for Medical Progress, *Donate* (accessed Aug. 14, 2015) (online at www.centerformedicalprogress.org/donate/) (“The Center for Medical Progress is a non-profit organization. Your gift today will allow us to continue our critical work.”). See also Letter from Citizens for Responsibility and Ethics in Washington to John A. Koskinen, Commissioner, Internal Revenue Service (July 23, 2015).

⁷ See Letter from Citizens for Responsibility and Ethics in Washington to John A. Koskinen, Commissioner, Internal Revenue Service (July 23, 2015); Internal Revenue Service, *Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code* (IRS Form 1023) (requiring applicants for tax exempt status to “declare under the penalties of perjury that ... to the best of my knowledge [the application] is true, correct, and complete.”).

⁸ See Letter from Citizens for Responsibility and Ethics in Washington to John A. Koskinen, Commissioner, Internal Revenue Service, Exhibit C (July 23, 2015).

⁹ Center for Medical Progress, *About Us* (accessed Aug. 14, 2015) (online at www.centerformedicalprogress.org/about-us/).

¹⁰ *Why So Quiet? GOP Saw Planned Parenthood Vid Month Ago*, Daily Beast (July 16, 2015) (online at www.thedailybeast.com/cheats/2015/07/16/gop-saw-planned-parenthood-vid-month-ago.html).

Committee on Energy and Commerce.¹¹ When asked why he did not call for an investigation sooner, he reportedly responded: “Um, I don’t know why.”¹²

Other Members of Congress have also admitted knowing about these activities for some time.¹³ However, it remains unclear how many Members of Congress were made aware of the Center for Medical Progress’s activities without raising concerns about them, and how long ago they were first informed.

To help the Committee understand the Center for Medical Progress’s activities, please provide the following documents and information by August 28, 2015:

1. For each year from 2010 through the present, provide the cumulative amount of funding that the Center for Medical Progress received through tax deductible charitable donations, the sources of the donations, and all financial statements and annual reports for the Center, including but not limited to Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax.
2. For each year from 2010 through the present, identify and provide an accounting of all Center for Medical Progress activities that were financed with charitable donations, to include the specific amount of charitable donations used for each expenditure.
3. For each year from 2010 through the present, provide of a list of the 50 largest sources of funding received by the Center for Medical Progress and the identities of the individuals or entities responsible for this funding.
4. For each year from 2010 through the present, provide copies of all video and audio footage taken with any Planned Parenthood employees or at any Planned Parenthood locations.
5. For each year from 2010 through the present, provide copies of all documents submitted to any state or federal government agency on behalf of the Center for Medical Progress or BioMax Procurement Services LLC, including but not limited to the California Secretary of State’s office, the California Attorney General’s office, the California Registry of Charitable Trusts, and the federal Internal Revenue Service, as well as copies of all documents submitted to any internet domain name registrar,

¹¹ House Committee on Energy and Commerce, *Press Release* (July 15, 2015) (online at <http://energycommerce.house.gov/press-release/energy-and-commerce-committee-launches-investigation-following-%E2%80%99Cabhorrent%E2%80%99D-planned>).

¹² *Lawmakers Knew About Planned Parenthood Video Weeks Ago*, Roll Call (July 16, 2015) (online at <http://blogs.rollcall.com/218/interview-didnt-happen/>).

¹³ See, e.g., *Republican Lawmakers Knew About the Planned Parenthood Video Weeks Ago*, Bloomberg (July 16, 2015) (online at www.bloomberg.com/politics/articles/2015-07-16/republican-lawmakers-knew-about-the-planned-parenthood-video-weeks-ago) (quoting Rep. Trent Franks saying he had also seen the video “about a month ago”).

including but not limited to FastDomain Inc., related to any websites maintained by the Center for Medical Progress and BioMax Procurement Services LLC.

6. For the time period from October 11, 2013, to July 14, 2015, provide a list of all meetings between representatives of the Center for Medical Progress and outside entities or third parties at which these videos were discussed.
7. Please provide a list of all for-profit and non-profit entities associated or affiliated with the Center for Medical Progress.

When producing documents, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building, preferably in electronic format. Please provide Committee staff with a briefing on these issues no later than August 28, 2015.

Thank you for your timely attention to this request. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,


Rep. Elijah E. Cummings
Ranking Member

cc: The Honorable Jason Chaffetz, Chairman