

MARKUP OF A SUPPLEMENTAL FUNDING RESOLUTION OF ORIGINAL JURISDICTION

HEARING BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTEENTH CONGRESS SECOND SESSION

NOVEMBER 16, 2016

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MARKUP OF A SUPPLEMENTAL FUNDING RESOLUTION OF ORIGINAL JURISDICTION

WEDNESDAY, NOVEMBER 16, 2016

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to call, at 4:42 p.m., in Room 1310, Longworth House Office Building, Hon. Candice S. Miller [Chairman of the Committee] presiding.

Present: Representatives Miller, Harper, Nugent, Davis, Comstock, Walker, Brady, Lofgren, and Vargas.

Staff Present: Sean Moran, Staff Director; Katie Patru, Deputy Staff Director; Bob Sensenbrenner, General Counsel; Erin McCracken, Communications Director; C. Maggie Moore, Legislative Clerk; Tim Sullivan, Staff Assistant; Jamie Fleet, Minority Staff Director; Matt Pinkus, Minority Senior Policy Advisor; Khalil Abboud, Minority Deputy Staff Director/Director of Legislative Operations; Mike Harrison, Minority Chief Counsel; and Eddie Flaherty, Minority Chief Clerk.

The CHAIRMAN. I now call to order the Committee on House Administration for today's Committee markup. A quorum is present, so we may proceed.

The meeting record will remain open for 5 legislative days so that Members may submit any materials that they wish to be included therein.

And today we will consider only one item on our agenda, a resolution of original jurisdiction that authorizes additional funds for the Committee on Energy and Commerce's budget for the remainder of the 114th Congress.

Last year on October the 7th, the House created a Select Investigative Panel on Infant Lives within the Committee on Energy and Commerce, and while everybody wasn't in favor of this panel, it was passed by a majority vote of the House.

This Committee's responsibility is to ensure that each committee has sufficient resources to fulfill their assigned oversight duties. Last year, our Committee transferred funds from the Committee Reserve Account to the Energy and Commerce Committee so the panel could begin its work. An additional transfer was made earlier this year. These funds were allocated based on the full Committee's needs to fulfill its mission.

These initial transfers were insufficient to cover the costs associated with the Select Panel. The matter before us today will rectify this situation and allow the Committee on Energy and Commerce

and the Select Investigative Panel to continue to operate until the end of this Congress.

This markup is an institutional responsibility. Actually, if we don't allocate these additional funds, the work of the entire Committee on Energy and Commerce, both for the majority staff and the minority staff, would be negatively impacted. That is for certain. The Committee would be unable to complete its work. This work covers important areas such as electronic communications, environmental protection, and health care.

We certainly had differences of opinion on the creation of this Select Investigative Panel. However, we are not here to relitigate a decision that the House has made more than a year ago, but we are here to fulfill our institutional responsibilities. So it is my hope that we send this resolution swiftly to the floor for a vote.

I would now like to recognize my colleague and the Committee's Ranking Member, Mr. Brady, for the purpose of an opening statement.

Mr. BRADY. Thank you, Madam Chairman.

Madam Chairman, I oppose the funding resolution before us today. I will have a longer statement for the record, but let me briefly say that 3 House committees, 12 States, and 1 grand jury have already investigated the matter this panel was created to examine. None found evidence of wrongdoing. And yet, if we pass this measure, we will have wasted over \$1.5 million in taxpayers' money on this redundant and unnecessary exercise.

I am troubled by the treatment of the minority Members of the Committee. It is my understanding that the majority has misused unilaterally subpoena authority, with the Chair issuing 42 unilateral subpoenas without consulting with the Democrats. At best, this is a violation of the longstanding House rules and practice. At worst, it violates the bipartisan spirit of cooperation the American people expect from their Congress. I understand that Democrats have been denied access to the panel records, including documents that have then later been used in hearings and depositions.

It is time for the Panel to end conducting this unnecessary and expensive work.

Thank you again, Madam Chairman.

[Prepared statement follows:]

Committee Business Meeting
A Supplemental Funding Resolution of Original Jurisdiction
Statement for the Record
Ranking Member Robert A. Brady

November 15, 2016

Madam Chairman, I oppose the funding resolution before us today. Last year, the House Majority created the so-called Select Investigative Panel on Infant Lives to investigate Planned Parenthood based upon a discredited and highly edited video by an extreme anti-abortion organization. Three Republican-led House committees, 12 states, and one grand jury have already investigated charges that Planned Parenthood was selling fetal tissue for profit. None found evidence of wrongdoing. And yet, if today's funding request goes through, the House Majority will have wasted over \$1.5 million in taxpayer's money for a political witch-hunt that punishes women, doctors and researchers. Additionally, the method for funding the Panel – through polls of the House Administration Committee – has allowed the Panel to operate without the transparency and accountability that the House budget process usually provides. For example, in November 2015, Republicans used a closed-door process to transfer \$300,000 for use by the Select Panel through the end of that year. The Democratic Members of the Committee on House Administration opposed the transfer of funds as “wasteful” and “unnecessary” and called for a public meeting to “ensure the opportunity for amendments and thorough debate.” The request was not granted and the money was transferred for use by the Select Panel.

The Select Panel is not a fair or fact-based investigation, has provided no evidence of wrongdoing and is threatening life-saving research. The resolution authorizing the Panel set no time limit, target date for completion, or budget for the Panel's work. It also placed no requirement on the Panel to establish an investigative plan or rules to govern its work and, despite repeated request for the Panel's Democratic Members, Chair Blackburn has refused to discuss or adopt rules or a plan. As a result, Panel Republicans have conducted a viciously partisan investigation that has excluded Democrats at every turn, and resulted in an abuse of congressional authority. Republicans have misused unilateral subpoena authority to harass and intimidate health care providers, medical students, patients, and the scientists who are working to increase our understanding of diseases that impact all Americans. Republicans have consistently refused to work with Democratic panel members. Chair Blackburn has issued *forty-two* unilateral subpoenas without the required notice and consultation with Ranking Member Schakowsky. This is in violation of longstanding House rules and practices. Additionally, Democrats have been denied access to Panel records, including documents obtained from anti-abortion extremists that

Republicans have then used in public hearings and depositions. Republicans have no legitimate reason for continuing this investigation and should stop putting life-saving research and health care at risk.

Thank you, Madam Chairman.

The CHAIRMAN. I thank the gentleman very much.

Are there any other Members of the Committee that wish to be recognized for purpose of providing an opening statement?

The Chair lays before the Committee at this time a resolution of original jurisdiction providing for the further expenses of the Committee on Energy and Commerce in the amount of \$800,000. And, without objection, the resolution is considered read and open for amendment.

[The resolution follows:]

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 (Original Signature of Member)

114TH CONGRESS
 2D SESSION

H. RES. _____

Providing amounts for further expenses of the Committee on Energy and
 Commerce in the One Hundred Fourteenth Congress.

IN THE HOUSE OF REPRESENTATIVES

Mrs. MILLER of Michigan, from the Committee on House Administration,
 reported the following resolution

RESOLUTION

Providing amounts for further expenses of the Committee
 on Energy and Commerce in the One Hundred Four-
 teenth Congress.

1 *Resolved,*

2 **SECTION 1. AMOUNTS FOR COMMITTEE EXPENSES.**

3 For further expenses of the Committee on Energy
 4 and Commerce (hereafter in this resolution referred to as
 5 the “Committee”) for the One Hundred Fourteenth Con-
 6 gress, there shall be paid out of the applicable accounts
 7 of the House of Representatives not more than \$800,000.

1 **SEC. 2. VOUCHERS.**

2 Payments under this resolution shall be made on
3 vouchers authorized by the Committee, signed by the
4 Chairman of the Committee, and approved in the manner
5 directed by the Committee on House Administration.

6 **SEC. 3. REGULATIONS.**

7 Amounts made available under this resolution shall
8 be expended in accordance with regulations prescribed by
9 the Committee on House Administration.

The CHAIRMAN. Would any Member like to offer an amendment?
Mr. BRADY. Madam Chairman, I offer an amendment to the resolution.
[The amendment of Mr. Brady follows:]

AMENDMENT TO RESOLUTION
OFFERED BY MR. BRADY OF PENNSYLVANIA

Add at the end the following:

1 **SEC. 4. USE OF FUNDS.**

2 (a) TERMINATION OF SELECT INVESTIGATIVE
3 PANEL.—The amounts provided under this resolution for
4 expenses of the Committee may be used solely to terminate
5 the operations of the Select Investigative Panel of the
6 Committee established pursuant to House Resolution 461,
7 agreed to October 7, 2015 (hereafter in this resolution re-
8 ferred to as the “Select Investigative Panel”), including
9 the preparation and submission to the House of a final
10 report on the activities of the Select Investigative Panel.

11 (b) REPORTS.—In carrying out subsection (a), the
12 Select Investigative Panel shall issue weekly reports to the
13 Committee on House Administration on its expenditures
14 and its activities during the previous week, including a de-
15 scription of any subpoenas the Select Investigative Panel
16 issued during the previous week.

17 **SEC. 5. ISSUANCE OF SUBPOENAS.**

18 None of the amounts provided for expenses of the
19 Committee under this resolution may be used by the Select
20 Investigative Panel to issue any subpoena unless the chair

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- 1 of the Panel consults in advance with the ranking minority
- 2 member of the Select Investigative Panel.



The CHAIRMAN. The gentleman is recognized.

Mr. BRADY. Madam Chairman, this amendment is about making sure the minority on the Committee is treated fairly and that the Select Panel finishes its work.

The amendment also requires the Panel to provide House Administration with weekly reports on its the expenditures as well as any activities of the Subcommittee, including the issuance of subpoenas.

Further, the amendment requires the majority to provide notice to and consult with the Ranking Member of the Panel in advance of the issuing of any subpoenas if it is to use any of its supplementary funds for that purpose.

It is unfortunate that we must force the majority to cooperate with the minority, but actions speak louder than words, and that is why I offer this amendment and urge its adoption.

And thank you again, Madam Chair.

The CHAIRMAN. I thank the gentleman.

Do any other Members wish to be recognized to speak on this amendment?

If there are no more comments, we will vote on the gentleman's amendment. The question is on the amendment offered by the gentleman, the Ranking Member, to the resolution.

Those in favor of the amendment would signify by saying aye.

All opposed, signify by saying nay.

In the opinion of the Chair, the nays have it, and the amendment is not agreed to.

Are there any other amendments?

If not, then I move that the Committee favorably report the resolution of original jurisdiction to the House.

And all those in favor, signify by saying aye.

Opposed, say nay.

In the opinion of the Chair, the ayes have it. The ayes have it, and the motion is agreed to.

Without objection, a motion to reconsider is laid upon the table.

Does any Member wish to file supplemental, minority, or additional views for inclusion in the Committee Report to the House?

Mr. BRADY. Madam Chair, I announce that the Democratic Members will request the 2 additional calendar days provided by clause 2(l) of Rule XI of the Rules of the House in order to file views.

The CHAIRMAN. Pursuant to clause 2 of Rule XI, a Member is entitled to 2 additional calendar days to file such views in writing and signed by that Member with the Clerk of the Committee.

Any other business before the Committee?

Mr. BRADY. Madam Chair, before we adjourn, it is bittersweet that I will not be able to sit next to you again unless I take a visit—

The CHAIRMAN. Come to Michigan.

Mr. BRADY [continuing]. To Michigan, which I wouldn't mind doing.

But it is an absolute pleasure to be working as your Minority Chair. You have been extremely gracious, respectful, and, without question, one of the classiest ladies that I know in the House of Representatives. And you will be surely missed by this House and by me.

And, Madam Chair, whether I am out of order or not, I am giving you a kiss.

The CHAIRMAN. Thank you. I can't tell you how much I appreciate those comments. I sincerely appreciate it, sincerely appreciate it.

And it has been my privilege and honor to be the Chairperson of this Committee during the last couple of Congresses and working with a fantastic Committee and a fantastic staff, and that is both on the majority and the minority side.

And, certainly, working alongside, shoulder to shoulder, with you as my Ranking Member, we have done a lot of good work for this institution. We have hardly had disagreement on very many issues, actually. I think we have all just tried to work together and make sure that our committees are properly resourced, that this institution operates to the best of our ability.

And it has been my pleasure to serve with you, as well. So if you don't come to Michigan, I might look you up in Philly, right?

Mr. BRADY. You can come to Philadelphia.

The CHAIRMAN. I may do that.

At any rate, I really have enjoyed being the Chairman of this Committee. It has just been fantastic. So I will look forward to the next Chairman doing some really fantastic work on this Committee. We will see what happens. But, at any rate, I am a Michigan girl. It is time for me to go back home. So I certainly have enjoyed it.

And, without objection, the meeting is adjourned. Thank you.
[Whereupon, at 4:49 p.m., the Committee was adjourned.]

