

ESTABLISHING A SELECT INVESTIGATIVE PANEL OF THE
 COMMITTEE ON ENERGY AND COMMERCE

OCTOBER 6, 2015.—Referred to the House Calendar and ordered to be printed

Ms. FOXX, from the Committee on Rules,
 submitted the following

R E P O R T

[To accompany H. Res. 461]

The Committee on Rules, having considered the resolution (H. Res. 461) establishing a Select Investigative Panel of the Committee on Energy and Commerce, report favorably thereon without amendment and recommend that the resolution be adopted.

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PURPOSE AND SUMMARY

The resolution establishes a Select Investigative Panel as part of the Committee on Energy and Commerce to investigate and study matters related to procedures and practices of organizations involved in fetal tissue procurement. The Select Investigative Panel will have the standard array of investigative tools at its disposal.

BACKGROUND AND NEED FOR LEGISLATION

Three House Committees initiated investigations soon after undercover videos featuring senior level Planned Parenthood officials admitting unethical and potentially illegal procedures surfaced. These investigations focused on the practice of fetal tissue procure-

ment and the enforcement of laws related to such procurement, medical care given to children born as a result of an attempted abortion, and federal support for abortion providers. The investigations have also focused on abortion providers, tissue procurement organizations, and the Departments of Justice and Health and Human Services.

The Committee on the Judiciary is examining the relevant federal criminal law and the Committee on Oversight and Government Reform is examining the sources of federal funding.

The Committee on Energy and Commerce has begun to investigate the medical and business practices of abortion providers and fetal tissue procurement organizations. The Committee on Energy and Commerce has requested documents and interviewed officials from abortion providers and tissue procurement organizations.

JULY 15, 2015: Upon release of the first video, Energy and Commerce Committee leaders released a statement launching investigations within the committee's jurisdictions. "Dr. Nucatola's statements raise most troubling questions with regard to your organization's practices when performing abortions and whether those practices are consistent with federal law, including those laws restricting partial birth abortions and the sale of human fetal tissue."

JULY 17, 2015: Energy and Commerce Committee members sent a letter to Cecile Richards, the president of Planned Parenthood Federation of America (PPFA) requesting a briefing with Dr. Deborah Nucatola (the woman featured in the first video and the Senior Director of Medical Services at PPFA).

AUGUST 7, 2015: The Energy and Commerce Committee sent letters to PPFA, Advanced Bioscience Resources, Inc., Novogenix Laboratories, and StemExpress requesting additional briefings and information regarding each organization's practices relating to human fetal tissue collection, sale, and/or donation.

Over the month of August, Energy and Commerce Committee staff conducted interviews with Dr. Reagan McDonald-Mosley, the Chief Medical Officer of PPFA, Dr. Deborah Nucatola, officials from StemExpress, Advanced Bioscience Resources, Inc. and Novogenix Laboratories, and the Associate Director for Science Policy at the National Institutes of Health.

SEPTEMBER 22, 2015: Energy and Commerce Committee leaders sent two letters to Advanced Bioscience Resources, Inc. and Novogenix demanding more details regarding how the companies deal with Planned Parenthood affiliates, the cost of fetal tissue, and obtaining consent from patients. Chairman Upton and Subcommittee Chairman Murphy commented, "Our investigation has always and continues to be about respect for human life."

Evidence gathered through the Energy and Commerce Committee's investigation to date justifies further examination of fetal tissue procurement practices, late abortions and children born alive, and federal support for abortion providers. The scope of this examination necessitates the creation of a select investigative panel to focus on these matters. PPFA alone has 59 affiliates and approximately 700 health centers in addition to independent abortion providers and tissue procurement organizations. A careful examination of the large number of expected documents to be reviewed and interviews to be conducted by the Oversight and Investigations Subcommittee of the Energy and Commerce Committee would pre-

vent the Subcommittee from conducting meaningful and necessary oversight of the many other matters within the jurisdiction of the committee. The Select Investigative Panel will permit this necessary investigation to continue without impairing the other important work of the Oversight and Investigations Subcommittee.

HEARINGS

On October 6, 2015, the Committee on Rules held a legislative hearing on H. Res. 461, establishing a Select Investigative Panel of the Committee on Energy and Commerce. The following witnesses testified: Hon. Marsha Blackburn (R-TN) and Hon. Frank Pallone Jr. (D-NJ)

COMMITTEE CONSIDERATION

The Committee on Rules met on October 6, 2015 in open session and ordered H. Res. 461 favorably reported to the House by a non-record vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. A motion by Mr. Cole to report the bill to the House with a favorable recommendation was agreed to by a nonrecord vote, a quorum being present.

The committee also considered the following amendments on which record votes were requested. The names of Members voting for and against follow:

RECORD VOTE NO. 109

Date: October 06, 2015.

Amendment offered by Ms. Slaughter, which would strike all the language regarding the Planned Parenthood panel and replace it with a resolution to dissolve the Benghazi Panel.

Not Agreed to: 2 yeas and 7 nays.

Representative	Yea	Nay	Not Voting	Representative	Yea	Nay	Not Voting
Ms. Foxx, Vice Chairman	X	Ms. Slaughter, Ranking Member	X	.....	.....
Mr. Cole	X	.....	Mr. McGovern .....	.....	.....	X
Mr. Woodall	X	.....	Mr. Hastings .....	.....	.....	X
Mr. Burgess	X	.....	Mr. Polis	X	.....	.....
Mr. Stivers	X	.....			
Mr. Collins	X	.....			
Mr. Byrne	X	.....			
Mr. Newhouse	X				
Mr. Sessions, Chairman	X	.....			
Vote Total:					2	7	4

RECORD VOTE NO. 110

H. RES. 461 [ORIGINAL JURISDICTION]

Date: October 06, 2015.

Amendment offered by Mr. Polis, which would require that the Energy and Commerce Committee provide periodic reports to the House on all of the expenditures of the Select Panel, along with a

report on which legislative functions are being curtailed in order to divert such funds to the select panel.

Not Agreed to: 2 yeas and 8 nays.

Representative	Yea	Nay	Not Voting	Representative	Yea	Nay	Not Voting
Ms. Foxx, Vice Chairman	X	Ms. Slaughter, Ranking Member	X	.....	.....
Mr. Cole	X	.....	Mr. McGovern .....	.....	.....	X
Mr. Woodall	X	.....	Mr. Hastings .....	.....	.....	X
Mr. Burgess	X	.....	Mr. Polis	X	.....	.....
Mr. Stivers	X	.....			
Mr. Collins	X	.....			
Mr. Byrne	X	.....			
Mr. Newhouse	X	.....			
Mr. Sessions, Chairman	X	.....			
Vote Total:					2	8	3

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

The resolution will provide the Committee on Energy and Commerce with a dedicated panel to investigate matters related to procedures and practices of organizations involved in fetal tissue procurement.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

The first section of the resolution establishes the Select Investigative Panel of the Committee on Energy and Commerce.

Section 2 addresses the structure and authorities of the select panel. Subsection (a) provides that the select panel will be comprised of 13 members appointed by the Speaker, five of whom will be appointed on the recommendation of the Minority Leader. Any vacancies are to be filled in the same manner as the original appointment. While members of the select committee may be appointed from the entire membership of the House, subsection (b) provides that members of the select panel are to be treated as though members of the Committee on Energy and Commerce for purposes of the select panel's investigation and subsection (c) provides that no member may serve in an ex officio capacity. Finally, subsection (d) provides that the select panel's chair must also be a member of the Committee on Energy and Commerce.

Section 3 of the resolution provides the scope of the select panel's investigation. It directs the select panel to perform a complete investigation and study and issue a final report (along with any necessary interim reports) regarding medical procedures and business

practices used by entities involved in fetal tissue procurement, any other relevant matters with respect to fetal tissue procurement; Federal funding and support for abortion providers; the practices of providers of second and third trimester abortions, including partial birth abortion and procedures that may lead to a child born alive as a result of an attempted abortion; medical procedures for the care of a child born alive as a result of an attempted abortion; and any changes in law or regulation necessary as a result of any findings resulting from the investigation and study. The Committee notes that while this provision directs the select panel to report recommendations for necessary changes in law or regulation related to the matters under investigation, this provision is not intended to confer legislative jurisdiction on the select panel. Any recommended changes should be considered by the appropriate standing committees in the regular order.

This section also provides that the chair of the Committee on Energy and Commerce will cause the select panel's reports to be printed and made publicly available in electronic form.

Section 4 provides that rule XI of the Rules of the House of Representatives and the rules of the Committee on Energy and Commerce shall apply to the select panel in the same manner as any other subcommittee, except that the chair of the select panel (1) is authorized to authorize and issue subpoenas, including for the purpose of taking depositions; (2) may order the taking of depositions by members or counsel of the select panel and that any deposition taken pursuant to this authority will be governed by the regulations issued by the chair of the Committee on Rules; and (3) may recognize members or staff to question witnesses for periods longer than five minutes as though pursuant to clause 2(j)(2) of rule XI.

Section 5 of the resolution provides that service on the select panel does not count against the subcommittee service limitation in clause 5(b)(2)(A) of rule X, while section 6 provides that the select panel will be dissolved 30 days after filing its final report.

CHANGES IN EXISTING HOUSE RULES MADE BY THE RESOLUTION, AS
REPORTED

In compliance with clause 3(g) of rule XIII of the Rules of the House of Representatives, the Committee finds that this resolution does not propose to repeal or amend a standing rule of the House.