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114TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
114–838

PROVIDING AMOUNTS FOR FURTHER EXPENSES OF THE COMMITTEE ON ENERGY AND COMMERCE IN THE ONE HUNDRED FOURTEENTH CONGRESS

NOVEMBER 29, 2016.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

together with

MINORITY VIEWS

[To accompany H. Res. 933]

The Committee on House Administration, having had under consideration an original resolution relating to providing amounts for further expenses of the Committee on Energy and Commerce in the One Hundred Fourteenth Congress, report the same to the House with the recommendation that the resolution be agreed to.

BACKGROUND AND NEED FOR THE RESOLUTION

On October 7, 2015 Congress passed H. Res. 461 by a recorded vote of 242 yeas and 184 nays establishing a Select Investigative Panel of the Committee on Energy and Commerce. H. Res. 461 requires the Select Investigative Panel to investigate and report on:

1. medical procedures and business practices used by entities involved in fetal tissue procurement;
2. any other relevant matters with respect to such procurement;
3. federal funding and support for abortion providers;
4. 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;
5. medical procedures for the care of a child born alive as a result of an attempted abortion; and
6. any changes in law or regulation necessary resulting from such findings.

The need for this funding arises because the Select Investigative Panel was considered and adopted subsequent to the primary ex-

pense resolution, H. Res. 132, passed by voice vote on March 19, 2015.

GENERAL DISCUSSION

Since its creation, the Select Investigative Panel has issued dozens of subpoenas and has requested numerous transcribed interviews and depositions of individuals with knowledge of the abortion and procurement practices under investigation. While some progress has been made, many individuals and companies in receipt of congressional subpoenas have responded by heavily redacting critical information. Many have simply refused to comply at all. Currently, the Select Investigative Panel is undertaking initiatives to gain compliance with its subpoenas. In July 2015, the Select Investigative Panel produced an interim update describing the substantive work the Select Investigative Panel has already completed, despite obstruction from those under investigation, the minority staff, and the Ranking Member of the Select Investigative Panel. The Select Investigative Panel has been tasked with producing a final and definitive report and requires the funding necessary to complete these tasks.

SUMMARY OF THE RESOLUTION

The amount for the Committee contained in the resolution is as follows:

Committee on Energy and Commerce	$800,000

INTRODUCTION AND REFERRAL

On November 16, 2016, Representative Candice S. Miller of Michigan introduced a matter of original jurisdiction.

COMMITTEE CONSIDERATION

On November 16, 2016, the Committee on House Administration met to consider a matter of original jurisdiction. The Committee ordered the bill reported favorably to the House without amendment by voice vote with a quorum present.

COMMITTEE RECORD VOTES

In compliance with House rule XIII, clause 3(b), with respect to each record vote on an amendment or motion to report, together with the names of those voting for and against, the Committee reports that there were no recorded votes.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with House rule XIII, clause 3(c)(1), the Committee states that the findings and recommendations of the Committee, based on oversight activities under House rule X, clause 2(b)(1), are incorporated into the general discussion section of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

The resolution does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under House rule XIII, clause 3(c)(2), and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with House rule XIII, clause 3(c)(3), the Committee states, with respect to this matter of original jurisdiction, that the Director of the Congressional Budget Office did not submit a cost estimate and comparison under section 402 of the Congressional Budget Act of 1974.

PERFORMANCE GOALS AND OBJECTIVES

In compliance with House rule XIII, clause 3(c)(4), the Committee states that the general performance goals and objectives for this matter of original jurisdiction are to authorize appropriate and additional funding for the Committee on Energy and Commerce.

DUPLICATION OF FEDERAL PROGRAMS

In compliance with Sec. 3(g)(2) of H. Res. 5 (114th Congress), the Committee states that no provision of this matter establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95–220, as amended by Pub. L. No. 98–169).

DISCLOSURE OF DIRECTED RULE MAKINGS

In compliance with Sec. 3(i) of H. Res. 5 (114th Congress), the following statement is made concerning directed rule makings: The Committee estimates that this matter requires no directed rule makings within the meaning of such section.

INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4). The Committee has determined that this matter contains no unfunded mandate on the private sector, nor does it impose a Federal intergovernmental mandate on State, local, or tribal governments.

ADVISORY ON EARMARKS

In accordance with House rule XXI, clause 9, the Committee states that this matter does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

EXPENSE RESOLUTION SUBSEQUENT TO THE PRIMARY EXPENSE RESOLUTION

In accordance with House rule X, clause 6(b)(2), the Committee states that this matter of original jurisdiction is necessary because the Select Investigative Panel was created subsequent to the consideration and adoption of the primary expense resolution. The purpose of these additional funds is to provide appropriate funding for the Committee on Energy and Commerce. The supplemental expense resolution provides $800,000.

MINORITY VIEWS

The Democratic Members of the Committee on House Administration strongly oppose additional funding for the Select Investigative Panel, as we have throughout its existence.

On October 7, 2015, the House Majority passed H. Res. 461 to create the Select Panel to investigate inflammatory videos created by David Daleiden and the Center for Medical Progress (CMP), anti-abortion activists who spent more than two years secretly recording Planned Parenthood and other reproductive health services. After Daleiden and CMP released deceptively-edited video footage in July 2015, three Republican-led House committees immediately launched investigations into Planned Parenthood and others.

Despite the fact that none of these three Committees uncovered any evidence of wrongdoing by Planned Parenthood or other providers, the House Majority nonetheless created the Select Panel to satisfy extremists in their conference who were threatening to shut down the government if Planned Parenthood were not defunded.

The resolution authorizing the Select Panel set no time limit, target date for completion, or budget for the Select Panel's work. It also placed no requirement on the Select Panel to establish an investigative plan or rules to govern its work and, despite repeated request by the Select Panel's Democratic Members, Chair Marsha 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 that has put health care providers, researchers, and their life-saving work at risk.

The method for funding the Select Panel—through polls of the House Administration Committee—has allowed the Select 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.

On June 16, 2016, Republicans repeated this closed-door process to transfer an additional $490,000 to the Select Panel. The Democratic members of the Committee on House Administration requested a special meeting of the Committee to consider the Majority's proposal. The request was not granted and the money was transferred for use by the Select Panel without any public debate or accountability.

To date, the Select Panel has spent more than $790,000 and is on track to spend well over $1.5 million dollars by the end of 2016 all without a set budget, as well as public debate over that budget to ensure that Congress is accountable to the taxpayers and avoids waste and abuse.

House Administration Democrats offered an amendment that would restrict the use of supplemental funds to costs associated with terminating the Select Panel and would require the Select Panel to file weekly reports with House Administration. The amendment further required the Chair of the Select Panel to consult with the Ranking Minority Member before the issuance of any subpoenas as unilateral actions by the Select Panel's Majority have become a troubling norm. The amendment was defeated on voice vote along party lines.

ROBERT A. BRADY.
ZOE LOFGREN.
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