



H. Res. 461 –Establishing a Select Investigative Panel of the Committee on Energy and Commerce (Foxx, R-NC)

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FLOOR SCHEDULE:

Scheduled for consideration on October 7, 2015 as a privileged resolution.

TOPLINE SUMMARY:

[H. Res. 461](#) would establish a Select Investigative Panel of the Committee on Energy and Commerce to investigate and issue a final report on matters relating to fetal tissue procurement, federal funding for abortion providers, practices in second and third trimester abortions including partial-birth procedures, and matters relating to children born alive as a result of an attempted abortion.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Over the past few months, several videos have been released by the Center for Medical Progress that depict Planned Parenthood officials discussing the potentially illegal sale of body parts and tissue of aborted fetuses. Several House Committees, including the [Committee on Energy and Commerce](#) and the [Committee on Oversight and Government Reform](#) have held hearings pertaining to the issue. The [House Committee on the Judiciary](#) will hold a hearing on this issue on October 8, 2015.

This comes on the heels of House passage of [H.R. 3134, the Defund Planned Parenthood Act](#) (sponsored by Rep. Diane Black), which would place a moratorium on all federal funding to Planned Parenthood or any of its affiliates or clinics for one year unless Planned Parenthood and its affiliates certify that the affiliate will not perform abortions, or provide funds to an entity that provides abortions. The House also passed [H.R. 3495, the Women's Public Health and Safety Act](#) (sponsored by Rep. Sean Duffy), which would give states the flexibility to prohibit abortion providers from Medicaid, and [H.R. 3504, the Born-Alive Abortion Survivors Protection Act](#), to amend the federal criminal code to require health care practitioners to provide

the same standard of care to children who survive abortion as they would to any other child born alive. The Legislative Bulletins for these bills can be found [here](#), [here](#), and [here](#).

H. Res. 461 would establish a Select Investigative Panel of the Committee on Energy and Commerce (select panel) to investigate: (1) matters pertaining to fetal tissue sale; (2) medical procedures and entities involved in fetal tissue sale; (3) federal funding for providers of abortion; (4) second and third trimester abortions, partial birth abortions, and born alive children from attempted abortions; (5) medical care for children born alive following an attempted abortion; and (6) changes in law that would be necessary as a result of the select panel's findings. The committee would be required to issue a report on its findings in both print and electronic format. This select panel would be different than a subcommittee or select committee in that it will function in conjunction with a Committee, and not as a stand-alone panel. The panel would cease to exist within 30 days after filing its final report.

The select panel would be composed of a maximum of 13 Members, Delegates, or Resident Commissioner appointed by the Speaker. Not more than five members may be appointed upon the recommendation of the Minority Leader. Any Member of the House can be appointed to the panel and need not be a sitting member on the House Committee on Energy and Commerce. For the purposes of the select panel, each member appointed will be treated as though they were a member of the Committee on Energy and Commerce. Members may not serve in an ex officio capacity. The select panel will be chaired by a member elected to the House Committee on Energy and Commerce and shall be designated by the Speaker of the House.

House [Rule XI](#) and the [Rules of the Committee on Energy and Commerce](#) would apply to the select committee, except: (1) the chair may authorize and issue subpoenas under Rule XI for purposes of the investigation, including taking depositions; (2) the chair, in consultation with the ranking minority member, would be allowed to order the taking of depositions, which would be governed by [regulations](#) passed by the House Rules Committee. For these purposes, the select panel would be deemed to be a committee; and (3) the chair, with consultation with the ranking minority member, may recognize members or staff of the panel, to question witnesses pursuant to rule XI.

Service on the panel would not count against [Rule X](#) limitations on Members serving on more than two committees or four subcommittees.

The report from the Rules Committee may be found [here](#).

COMMITTEE ACTION:

H. Res. 461 was introduced on October 6, 2015 and was favorably reported by the Rules Committee by voice vote on the same day.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article 1, Section 5, clause 2.

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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