

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

December 28, 2016

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

Attached is the report of the Democratic Members of the Select Investigative Panel, “Setting the Record Straight: The Unjustifiable Attack on Women’s Health Care and Life-Saving Research.” As detailed in our report, and after fifteen months and nearly \$1.6 million taxpayer dollars, the Select Panel found no evidence of wrongdoing by health care providers, researchers, or tissue procurement companies.

Instead, the Panel heard from some of our nation’s leading researchers and research institutions about the indispensable role that fetal tissue research plays in advancing our understanding and treatment of a staggering array of conditions that afflict millions of people in this country and throughout the world. Letters and statements from scientists, researchers, public health authorities, and some of the nation’s leading academic medical centers highlighted its past benefits and confirmed the value of fetal tissue for research on a broad range of diseases and conditions from infancy through adulthood. This work deserves continued and robust bipartisan support.

Evidence obtained by the Panel also confirmed the importance of access to the full range of family planning services, including contraception and safe and legal abortion care. Reproductive health care providers confirmed that these services benefit maternal and infant health and, conversely, that legislative restrictions on this care put women at risk.

Our report makes 14 findings based on the evidence we obtained, and includes 5 recommendations to combat the anti-fact, anti-research, and anti-health approach taken by Panel Republicans. These recommendations are designed to ensure that public policy is based on facts

– not false, manufactured allegations. The report also documents the harm to life-saving research and women’s health care as well as the grave abuses committed by Panel Republicans, including the misuse of unilateral subpoena authority to intimidate and harass law-abiding doctors and researchers.

We want to ensure that our views are included along with those expressed by Panel Republicans. For the past several months, Panel Republicans have been drafting their “final report” in secret, without any input from Panel Democrats. Despite our repeated requests, Chair Blackburn has refused to share a draft or explain when and how she intends to release this “final report,” in an apparent effort to avoid fact-checking by Democrats before public release.

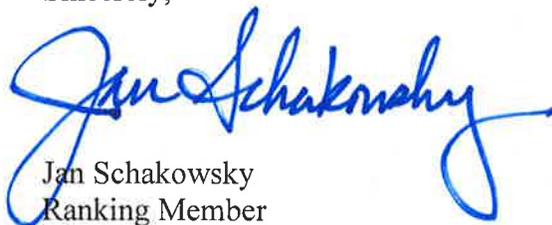
The refusal to share the report, or any information about its possible release, has continued even after Chair Blackburn relied on sections of what she described as “the Select Panel Final Report” in a “referral” letter to the U.S. Department of Justice.ⁱ Describing this Republican-only work product as a final report of the Select Panel misrepresents the views of Panel Republicans as those of the entire Panel, which they are not.

H. Res. 461 authorized and directed the Panel – not just its chair or majority members – to issue a final report and authorized you, as the chair of the Committee on Energy and Commerce, to act only with regard to “any such report.”ⁱⁱ As confirmed by the House Parliamentarian, this requires formal action of the full Panel and the corresponding opportunity to review proposed text prior to a Panel meeting for the required public debate, possible amendment, and recorded vote on its release, as well as the opportunity to submit official minority views.

As we pointed out in a December 7, 2016 letter to Speaker Ryan, the refusal of Panel Republicans to follow House and committee rules is significant because, among other things, when information is finally revealed, it does not actually support Republican allegations.ⁱⁱⁱ This has been true of documents and information that Panel Republicans obtained and withheld from Democrats over the course of the investigation; it appears equally true of the Republican “final report.”

We agreed to participate in this Panel because facts matter, and we were determined to be in the room to defend the truth. As the Panel increasingly abused congressional authority and put doctors and researchers at risk, we called for its disbandment but continued in our efforts to make this investigation as fair, balanced, and fact-based as possible. To that end, we are forwarding our report in order to set the record straight for the American people.

Sincerely,



Jan Schakowsky
Ranking Member
Select Investigative Panel

Enclosure

cc: Hon. Marsha Blackburn
Chair, Select Investigative Panel

Hon. Frank Pallone
Ranking Member, Committee on Energy and Commerce

ⁱ See Letter from Hon. Marsha Blackburn, Chair, Select Investigative Panel, to Hon. Loretta Lynch, Attorney General, U.S. Dep't of Justice (Dec. 21, 2016).

ⁱⁱ H. Res. 461, 114th Cong. § 3 (2015) (enacted).

ⁱⁱⁱ See Letter from Select Panel Democrats to Hon. Paul Ryan, Speaker of the House (Dec. 7, 2016).