

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT, AND DIRECTING THE SECRETARY OF HEALTH AND HUMAN SERVICES, TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF DOCUMENTS, RECORDS, AND COMMUNICATIONS IN THEIR POSSESSION RELATING TO CERTAIN AGREEMENTS REGARDING HEALTH CARE REFORM

JANUARY 29, 2010.—Referred to the House Calendar and ordered to be printed

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H. Res. 983]

The Committee on Energy and Commerce, to whom was referred the resolution (H. Res. 983) requesting the President, and directing the Secretary of Health and Human Services, to transmit to the House of Representatives copies of documents, records, and communications in their possession relating to certain agreements regarding health care reform, having considered the same, report thereon without amendment and without recommendation.

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PURPOSE AND SUMMARY

H. Res. 983 requests the President, and directs the Secretary of Health and Human Services, to transmit to the House of Rep-

representatives, not later than 14 days after the date of the adoption of the resolution, certain records relating to any written or verbal agreements that relate to any of the following bills in the 111th Congress (or any proposed change thereto): H.R. 3200, H.R. 3590, H.R. 3961, H.R. 3962, S. 1679, or S. 1796; and that are entered into on or after January 20, 2009, between an individual serving in an office or position in the White House or the Department of Health and Human Services and any other person.

BACKGROUND AND NEED FOR LEGISLATION

H. Res. 983 is a resolution of inquiry introduced on December 16, 2009, and referred to the Committee on Energy and Commerce. Under clause 7 of rule XIII of the Rules of the House of Representatives, the Committee must act on such a resolution within 14 legislative days or a privileged motion to discharge the Committee is in order.

Under the rules and precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to volume 7, chapter 24, section 8 of Deschler's Procedure, it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch."

During the 111th Congress, Congress has been considering legislation to reform the nation's health care system. The Committee on Energy and Commerce reported such legislation, H.R. 3200, on October 14, 2009. On September 30, 2009, Rep. Michael C. Burgess (R-TX), the author of H. Res. 983, wrote the President requesting information similar to that requested by H. Res. 983. Specifically, he asked for (1) a list of all agreements entered into between any individuals associated with the White House and any health care reform stakeholders, as well as the substance of the agreements; (2) the names of individuals associated with the White House who participated in the decision-making process during negotiations over such agreements and the names, dates, and titles of meetings in which they participated relating to such agreements; and (3) the names of individuals or entities who requested and were denied a White House meeting on health care reform.

The White House responded to the letter from Rep. Burgess on January 26, 2010. This response included a summary of White House visitor records relating to 575 individual health care-related appointments and/or visits to the White House, and additional documents concerning White House discussions and meetings with stakeholders on health care reform. The White House also offered to work with Rep. Burgess to identify any particular groups or individuals that he or other Members of Congress believe were unable to communicate their views to the White House.

In addition, on January 27, 2010, Committee Chairman Waxman, Ranking Member Barton, and Rep. Burgess committed to work together to pursue elements of the information request by Rep. Burgess. This understanding includes an agreement to issue a bipartisan letter seeking written agreements between the White House and outside groups regarding health care reform legislation; information regarding the identity of individuals who participated in meetings at the White House during which any such agreements

were negotiated, including the identity of the White House officials involved; and paper or electronic communications between the Department of Health and Human Services and the health care industry on health reform negotiations or White House agreements. Given these facts, the Committee approved filing this report on H. Res. 983 in the House with no recommendation.

COMMITTEE HEARINGS

The Committee held no hearings on H. Res. 983.

COMMITTEE CONSIDERATION

The Committee on Energy and Commerce met in open session on Wednesday, January 27, 2010, and ordered H. Res. 983 reported to the House with no recommendation. No amendments were offered to the resolution.

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. Waxman to order H. Res. 983 reported to the House with no recommendation was agreed to by a voice vote. There were no record votes during consideration of the resolution.

APPLICABILITY OF LAW TO THE LEGISLATIVE BRANCH

The Committee finds that H. Res. 983 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act of 1985.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the findings and recommendations of the Committee are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H. Res. 983 is intended to request the President and direct the Secretary of Health and Human Services to furnish certain documents relating to health care reform agreements.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds that the clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, requiring a statement of constitutional authority for laws proposed by bills or joint resolutions, does not apply because H. Res. 983 is not a bill or joint resolution that may be enacted into law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by H. Res. 983.

FEDERAL MANDATES STATEMENT

H. Res. 983 contains no unfunded mandates.

EARMARKS AND TAX AND TARIFF BENEFITS

H. Res. 983 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee is unable to estimate the costs of implementing the resolution. The Congressional Budget Office did not provide a cost estimate for the resolution.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H. Res. 983 would result in no new budget authority, entitlement authority, or tax expenditures or revenues.

SECTION-BY-SECTION ANALYSIS

H. Res. 983 requests the President, and directs the Secretary of Health and Human Services, to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of each portion of any document, record, or communication (including telephone and electronic mail records, logs and calendars, and records of internal discussions) in the possession of the President or Secretary, respectively, referring or relating to—

(1) any written or verbal agreement that—

(A) relates to any of the following bills in the 111th Congress (or any proposed change thereto): H.R. 3200, H.R. 3590, H.R. 3961, H.R. 3962, S. 1679, or S. 1796; and

(B) is entered into on or after January 20, 2009, between an individual serving in an office or position in the White House or the Department of Health and Human Services and any other person;

(2) negotiations relating to an agreement described in paragraph (1), the name or title of any individual described in paragraph (1)(B) who participated in decisionmaking during such negotiations, the date of any meeting held as part of such negotiations, or the identity of any participant in any such meeting;

(3) any such negotiations with the Advanced Medical Technology Association, the American Medical Association, America's Health Insurance Plans, the Pharmaceutical Research and Manufacturers of America, the American Hospital Association, or the Service Employees International Union regarding decreasing by 1.5 percentage points the annual health care spending growth rate or policy proposals to accomplish this goal; or

(4) implementation of an agreement described in paragraph (1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee states that this resolution does not change any existing federal statute.

