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The Honorable Henry Waxman
Chairman
House Committee on Energy and Commerce
2123 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

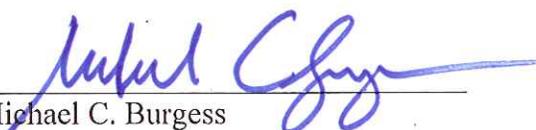
I write concerning an incident that occurred on September 22, 2010, during the Oversight and Investigations Subcommittee hearing entitled *The Outbreak of Salmonella in Eggs*. I would like to express my concern that this incident did not reflect a cooperative, bipartisan, and respectful manner and was not in keeping with the traditions of the Committee. My purpose in writing is for the Committee to work together to ensure such an incident does not arise again.

The incident at issue was a chain of events that transpired during opening statements and questioning of the first panel of witnesses. During opening statements several Members on the Majority mentioned an ongoing dispute in the Senate regarding the Food Safety bill that passed through this Committee and the House in July 2009. Several Members of the Majority in their opening statements and during their questioning made known their belief that a particular Senator was hindering the passage of the Food Safety legislation. I had a document that presented this Senator's side of this matter, and I asked for unanimous consent for it to be entered into the hearing record. I did not consider this request to be controversial. The Subcommittee on Oversight and Investigations is a fact-finding body, and our practice has been to ensure a balanced hearing record, providing both points of view. In addition, unless there is a compelling and substantive reason, courtesies almost always are extended to Members requesting unanimous consent to include a document in the hearing record. This has been the practice of the Committee, and I would note that I am well aware of your efforts under your chairmanship to extend courtesies to Committee members, regardless of whether they are on the Majority or Minority side.

My request was denied. No substantive reason for this denial was explained to me or the other members of the Subcommittee. Although the document itself was not permitted to be included in the hearing record, I did not view that objection as extending to my use of a portion of my guaranteed five minutes of question time to read the document in question. Therefore, I began to read a statement from this document near the end of my allotted five minutes of question time. The Subcommittee Chairman objected to me reading from this document, attempted to interrupt me during my question time, and ultimately silenced my microphone and did not allow me the full usage of my time. I objected to his actions, and I was not granted my subsequent request to add 30 seconds to my question time for the second panel of witnesses in an attempt to smooth over this dispute.

What occurred at this hearing should not create a precedent. While this was not the Committee's finest hour, we should use this incident in a positive way to clarify Committee practice on unanimous consent requests and the treatment of Members during their question time. I would urge there be an open and bipartisan discussion of this incident to create a common understanding of how these situations should be handled in the future. Oversight and Investigations Subcommittee hearings have traditionally been forums that encourage and allow for open dialogue and presentation of the facts from many different perspectives. I hope that this continues to be the standard, and that courtesy, respect, and civility are the touchstones for the conduct of Committee hearings.

Sincerely,



Michael C. Burgess
Ranking Member
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations