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Congress of the United States
House of Representatives
Washington, DC 20515-4326

August 20, 2009

COMMITTEE:
ENERGY AND COMMERCE
SUBCOMMITTEES:
HEALTH
ENERGY AND ENVIRONMENT
OVERSIGHT AND INVESTIGATIONS

JOINT ECONOMIC COMMITTEE
CONGRESSIONAL HEALTH CARE CAUCUS,
CHAIRMAN

Honorable Henry A. Waxman
Chairman
House Committee on Energy and Commerce
2125 Rayburn House Office Building

Honorable Bart Stupak
Chairman
Subcommittee on Oversight and Investigations
House Committee Energy and Commerce
2268 Rayburn House Office Building

Dear Chairman Waxman and Stupak:

I am compelled to write you today in regard to the recent request made by the Committee on Energy & Commerce to fifty-two insurance companies related to executive compensation. As a member of the Energy & Commerce's Oversight and Investigations Subcommittee, I am deeply troubled by this request for a number of reasons and hope you will bring some clarity to my questions.

Foremost, this action has the distinct feel of intimidation. I certainly hope and expect our Committee would not use its' oversight authority to ever intimidate businesses or individuals who may disagree with the public policy initiatives we are undertaking. If there is some activity that the Committee believes is criminal in which these insurance companies are engaging, the letter you recently sent did not identify it. What may I ask is the specific reason for requesting the information detailed in the letter? Is the Committee under the belief that all of the fifty-two selected companies are engaged in activities, in regard to their compensation benefits, that we suspect runs afoul of federal law? Why has the Committee decided to focus on the health insurance industry at this particular time? Will the Committee seek similar information from other segments of the health industry? If so, whom and when can members expect similar letters to be sent?

One cannot ignore the timing of this letter as it relates to the ongoing health care debate. Whether intentional or not, this action undeniably appears to be related to the clear and stated opposition of the insurance industry to the creation of a government-run insurance plan supported by many in the House Democratic Leadership. As a member of the

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Committee, I cannot stand by and allow our integrity to be brought into question. While our jurisdiction certainly includes the insurance market, I fail to see what is gained by this investigation at this particular time.

I personally believe that the government's role is to ensure that Boards of Directors, investors and stakeholders have the necessary information regarding executive compensation so that they are able to determine the appropriate levels of executive pay. Is it the Committee's assertion that this information is not currently being provided or is inaccurately being reported? Is it simply an oversight that the letter you sent provides no explanation of what is being investigated or why? I hope you will recognize that with no substantive line to your questioning in the letter as well as the timing of the letter, many believe this action had everything to do with intimidation and little to do with a responsible investigation.

I am also gravely upset that the Minority was not informed about this request. Fraud, illegal activity, and wrongdoing have no safe haven in either political party, and our Subcommittee has a long history of attempting to work in a bipartisan fashion. If there are issues worthy of investigation then there should be no reason not to act in a bipartisan fashion to seek the information we need to determine the validity of any suspected wrongdoing. Furthermore, if this action is an attempt to demonstrate a possible need to restrict the salary of certain Americans because of who they are employed by, the American people deserve to know that is the Majority's intention. Once again, I must query as to why the insurance industry was targeted at this particular time and if other sectors will also be asked to turn information over to the Committee?

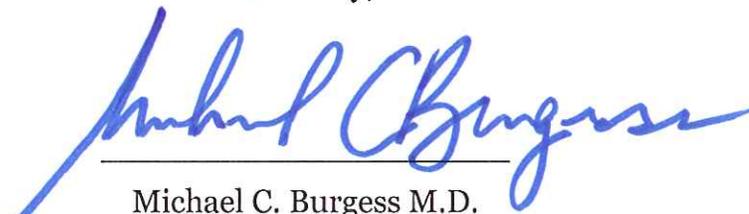
In your letter you have given the selected health insurers until September 4, 2009 to provide Congress a detailed list of every employee who made over a \$1 million dollars a year between 2003 and 2008. I am disturbed that this date is before our return to Washington from the August District Work Period and does not give the Committee a chance to convene to discuss this matter.

The Energy & Commerce Committee's proud history should move us to act intelligently, and not out of anger or intimidation in our work. If we have policy disagreements, there are plenty of avenues available to Members of Congress to wage aggressive debates. In the interest of the integrity of our Committee, I urge you to retract this letter or immediately provide substantive

details to the Minority as well as the American public as to the need for this information so as to remove any cloud of suspicion hovering over your recent action.

I thank you in advance for your prompt attention to this timely matter. If you have any questions, or need additional information, please contact my staff member, Sery Kim, at 202-225-7772.

Sincerely,



Michael C. Burgess M.D.

CC: The Honorable Joe Barton, Chairman Committee on Energy & Commerce
The Honorable Greg Walden, Ranking Member Subcommittee on Oversight and Investigations