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ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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CHAIRMAN

September 27, 2007

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The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H232 The Capitol  
Washington, D.C. 20515

Dear Madame Speaker:

Circumstances have combined to present the House with an unusual opportunity to restore a part of the usual process by which legislation, major and minor, is produced by the House in normal times.

As you know, legislation reauthorizing the State Children's Health Insurance Program (SCHIP) was approved on Tuesday night by a margin that plainly implies our House will sustain the anticipated veto. As you also know, that legislation was the product of decisions which largely ignored the regular and established legislative process. In our committee, we had a single general hearing on children's health. There was no legislative hearing on the House SCHIP bill, and no markup by our Health Subcommittee. The full committee markup was restricted to reading the legislation because the 500-page bill had only been revealed to most of us at 20 minutes to midnight on July 24, just 10 hours before the markup was scheduled to open. Then on the House floor, amendments were barred.

Strategic errors by the majority generated House and Senate bills so distinctly different that a conference committee to work out the differences was deemed impossible. Thus the House was required to consider a take-it-or-leave-it patchwork of private agreements in lieu of a normal conference report. As you know, House Republicans were denied access to any part of the negotiations. That solution was said to be "creative" by a prominent member of your party.

We opposed the SCHIP bill that came to us on Tuesday, and not only because of the terrifically flawed process; you supported it, and we think largely because you are proud of the bill's content. Yet we gather from your remarks that you and many other Democrats also believe the makeshift bill we passed Tuesday night is hardly perfect, and could be improved dramatically.

It seems to us that until November 16, when the temporary extension of SCHIP under the continuing resolution expires, we have a second chance to get both the process and the policy right.

All Republicans have ever wanted was a fair opportunity to understand, debate and affect the legislation in a positive way. During the crafting and passage of both the CHAMP Act and the House-Senate package of amendments, none of these possibilities were available to Republicans or, for that matter, to most Democrats. That failing can be revisited and remedied if you are willing to respond to the inevitable requirement for an SCHIP extension by conducting a normal legislative hearing and a traditional markup.

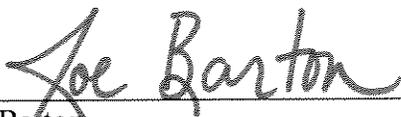
Given a common-sense opportunity to actually read and comprehend a bill reauthorizing SCHIP -- surely a handful of days could be permitted and please, this time without a midnight document delivery -- our strong preference would be to stand and debate, then let the votes decide the outcome. All you need do is convene the relevant committees between now and November 16 to do the work they were designed to do.

Second chances on legislation always seem possible, but never seem practical. We're about to have a practical second chance to do it right. While Democrats control a majority of the votes, no Democrat we know claims to have a monopoly on good ideas.

Madame Speaker, SCHIP should never have become the intensely partisan issue that it did become. A time will come, however, when no more political advantage can be wrung from it. We think that time is nearly upon us, and we should use it to achieve a bipartisan bill through a cooperative effort. Still, Democrats and Republicans do have different views and if our principles cannot be reconciled through good-faith bipartisanship, an honest airing of facts accompanied by actual amendments and real votes cannot help but produce a better bill than the one we passed on Tuesday night. Whether intended to produce bipartisan agreement or a clash of values, a legislative hearing would lay the groundwork for a formal markup. Such a process can occur if the chairmen of the Energy and Commerce and the Ways and Means committees can be prevailed on to take the requisite steps, and only you can accomplish that task.

We hope you can find a way to agree that good process will produce better legislation, and that you will instruct the committees to conduct public hearings followed by fair, open markups of the SCHIP extension that will be required.

Sincerely,



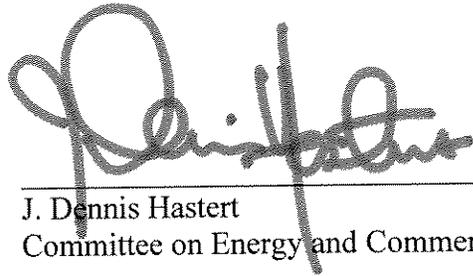
Joe Barton  
Ranking Member  
Committee on Energy and Commerce



Nathan Deal  
Ranking Member  
Subcommittee on Health



Ralph Hall  
Committee on Energy and Commerce



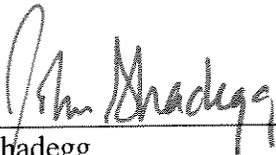
J. Dennis Hastert  
Committee on Energy and Commerce



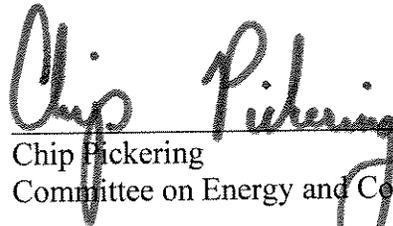
Ed Whitfield  
Committee on Energy and Commerce



John Shimkus  
Committee on Energy and Commerce



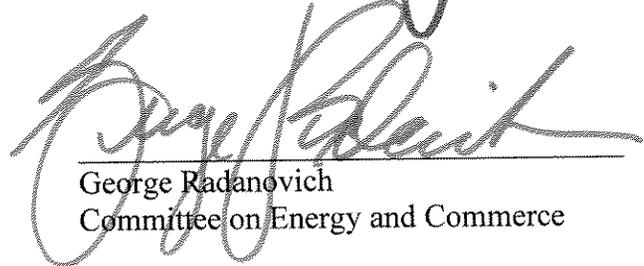
John Shadegg  
Committee on Energy and Commerce



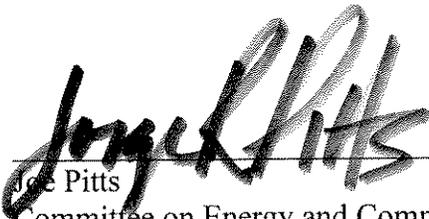
Chip Pickering  
Committee on Energy and Commerce



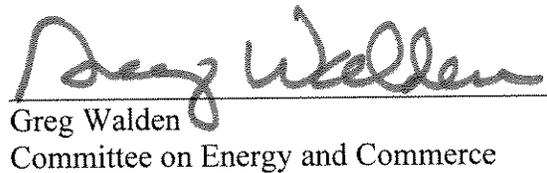
Steve Buyer  
Committee on Energy and Commerce



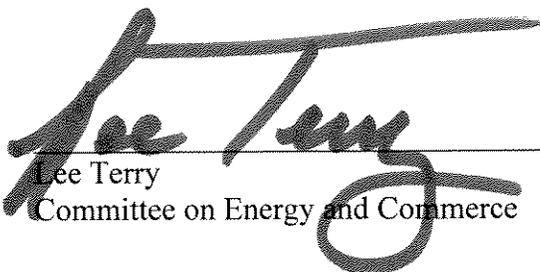
George Radanovich  
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Joe Pitts  
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Greg Walden  
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Lee Terry  
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Mike Rogers  
Committee on Energy and Commerce



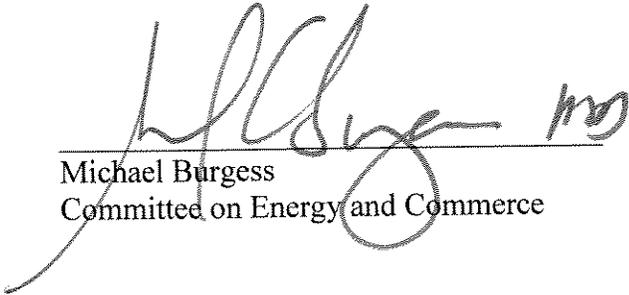
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Sue Myrick  
Committee on Energy and Commerce



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John Sullivan  
Committee on Energy and Commerce



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Michael Burgess  
Committee on Energy and Commerce



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Marsha Blackburn  
Committee on Energy and Commerce