

RESOLUTION OF INQUIRY DIRECTING THE PRESIDENT TO PROVIDE CERTAIN DOCUMENTS IN THE PRESIDENT'S POSSESSION TO THE HOUSE OF REPRESENTATIVES RELATING TO COVID-19 FUNDING

SEPTEMBER 29, 2022.—Referred to the House Calendar and ordered to be printed

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

ADVERSE REPORT

together with

MINORITY VIEWS

[To accompany H. Res. 1263]

The Committee on Energy and Commerce, to whom was referred the resolution (H. Res. 1263) of inquiry directing the President to provide certain documents in the President's possession to the House of Representatives relating to COVID-19 funding, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

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I. PURPOSE AND SUMMARY

H. Res. 1263 directs the President to, not later than 14 days after the adoption of the resolution, furnish to the House of Representatives copies of any document or communication in the President's possession that refers or relates to: (1) the data, modeling, and projections used by the President to develop the coronavirus disease of 2019 (COVID-19) supplemental funding request in the spring of 2022 (including COVID-19 funding that was available, and not obligated or expended, as of developing such request, any projections related to the number of COVID-19 cases and hospitalizations associated with such request, and any projections for the number of COVID-19 tests, vaccines, and therapeutics to be paid for by the Federal Government); (2) an accounting of funds that were made available by the American Rescue Plan Act and have not been obligated or expended; and (3) an accounting of funds obligated or expended by the executive branch for COVID-19 at-home test kits.

II. BACKGROUND AND NEED FOR LEGISLATION

H.R. 1319, the American Rescue Plan Act of 2021, became law on February 24, 2021. The American Rescue Plan brought direct economic relief to American families and businesses struggling due to the effects of the COVID-19 pandemic. With respect to health care, the American Rescue plan significantly lowered and, in some cases, eliminated health insurance premiums for low- and middle-income families. A record breaking 14.5 million consumers signed up for health insurance through HealthCare.gov and state-based marketplaces during the 2022 open enrollment period.¹ Additionally, more than 90 percent of people enrolling through HealthCare.gov received financial assistance, and 4 out of 5 found plans that cost less than \$10 per month. The American Rescue Plan also funded a national vaccination program. Currently, 68 percent of the U.S. population is fully vaccinated.²

On January 19, 2022, the Administration launched COVIDTests.gov so that Americans could have free at-home COVID-19 tests shipped directly to their homes.³ More than 600 million tests have been distributed through this program.⁴

While COVID-19 cases, hospitalizations, and deaths are significantly lower than they were at the beginning of 2022,⁵ nearly 3,000 Americans still die each week from COVID-19.⁶ Given the ongoing impacts of the pandemic, in March 2022 the Administration requested that Congress provide \$22.5 billion in additional funding to support the nation's response to COVID-19.⁷ The Administration provided Congress, and this Committee, with detailed justifica-

¹U.S. Department of Health and Human Services, *What Happens to Premiums if the Extra Help from the American Rescue Plan Expires?* (June 22, 2022) (<https://www.hhs.gov/about/news/2022/06/22/fact-sheet-what-happens-premiums-if-extra-help-american-rescue-plan-expires.html>).

²Centers for Disease Control and Prevention, *COVID Data Tracker* (https://covid.cdc.gov/covid-data-tracker/#vaccinations_vacc-people-fully-percent-total) (accessed Sep. 22, 2022).

³The White House, *Fact Sheet: The Biden Administration to Begin Distributing At-Home, Rapid COVID-19 Test to Americans for Free* (Jan. 14, 2022) (press release).

⁴*U.S. to Suspend Free COVID-19 Test Orders Next Week*, Reuters (Aug. 29, 2022).

⁵Centers for Disease Control and Prevention, *COVID Data Tracker* (https://covid.cdc.gov/covid-data-tracker/#trends_dailydeaths_select_00) (accessed Sep. 22, 2022).

⁶*Hundreds of Americans Will Die from COVID Today*, The Atlantic (Sep. 16, 2022).

⁷Letter from Shalanda D. Young, Acting Director of the Office of Management and Budget, to Speaker of the House Nancy Pelosi (Mar. 2, 2022).

tions and bipartisan briefings on its supplemental funding request. Funding would be used to, for example, procure vaccines effective against new variants, develop next-generation vaccines and therapeutics, purchase personal protective equipment for the Strategic National Stockpile, support testing and programs for the uninsured, and fund new research activities. Congressional Republicans rejected the Administration's request for supplemental funding to support ongoing COVID-19 response efforts.⁸

The Department of Health and Human Services maintains a public website providing data on COVID-19 funding provided through the American Rescue Plan and other laws.⁹ Information about pandemic relief spending has also been made available through USASpending.gov, press statements, and briefings provided to bipartisan Members of Congress and staff. The Administration has also provided regular updates and information to Congress on the accounting of funds that were made available by the ARP and funds that have not yet been expended or obligated. Additionally, the Administration has made a number of public announcements on funding for COVID-19 at home test kits.^{10 11} The documents and information requested in H. Res. 1263 have been made available to both Congress and to the public. Given the information sought has been provided already and the many good faith efforts to be transparent, the Committee ordered H. Res. 1263 reported to the House adversely.

III. COMMITTEE HEARINGS

The Committee on Energy and Commerce has not held a hearing on H. Res. 1263.

IV. COMMITTEE CONSIDERATION

H. Res. 1263 was introduced on July 26, 2022, by Representative Bucshon (R-IN) and was referred to the Committee on Energy and Commerce. Subsequently, on July 27, 2022, the resolution was referred to the Subcommittee on Health. The resolution was discharged from the Subcommittee on Health on September 21, 2022.

On September 21, 2022, the Committee met in open markup session and ordered H. Res. 1263, without amendment, adversely reported to the House by a recorded vote of 30 yeas and 24 nays.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there was one record vote taken on H. Res. 1263, including a motion by Mr. Pallone ordering H. Res. 1263 adversely reported to the House, without amendment. The motion on unfavorably reporting the resolution was approved by a record vote of 30 yeas to 24 nays. The following are the record votes taken during

⁸ *Senate GOP Opposes Biden Request for Covid, Monkeypox Funds*, Bloomberg (Sep. 7, 2022).

⁹ HHS Tracking Accountability in Government Grants System (TAGGS), *HHS COVID-19 Funding Overview* (<https://taggs.hhs.gov/Coronavirus/Overview>) (accessed Sep. 22, 2022).

¹⁰ The White House, *COVID-19 Response Team and Public Health Officials* (Oct. 6, 2021) (press briefing).

¹¹ U.S. Department of Defense, *DOD Awards Contracts to Purchase COVID-19 Antigen Over-the-Counter Test Kits in Support of POTUS' One Billion Free At-Home COVID-19 Tests* (Feb. 18, 2022) (press release).

Committee consideration, including the names of those members voting for and against:

Committee on Energy and Commerce
117th Congress

Full Committee
(ratio: 32-26)

ROLL CALL VOTE #147

Bill: **H.Res. 1263**, a resolution of inquiry directing the President to provide certain documents in the President's possession to the House of Representatives relating to COVID-19 funding

Vote: Report adversely to the House

Disposition: **AGREED TO** by a roll call vote of 30 yeas to 24 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Pallone	X			Mrs. Rodgers		X	
Mr. Rush	X			Mr. Upton		X	
Ms. Eshoo	X			Mr. Burgess		X	
Ms. DeGette	X			Mr. Scalise			
Mr. Doyle	X			Mr. Latta		X	
Ms. Schakowsky	X			Mr. Guthrie		X	
Mr. Butterfield	X			Mr. McKinley		X	
Ms. Matsui	X			Mr. Kinzinger			
Ms. Castor	X			Mr. Griffith		X	
Mr. Sarbanes	X			Mr. Bilirakis		X	
Mr. McNerney	X			Mr. Johnson		X	
Mr. Welch	X			Mr. Long		X	
Mr. Tonko	X			Mr. Bucshon		X	
Ms. Clarke	X			Mr. Mullin		X	
Mr. Schrader				Mr. Hudson		X	
Mr. Cárdenas	X			Mr. Walberg		X	
Mr. Ruiz	X			Mr. Carter		X	
Mr. Peters	X			Mr. Duncan		X	
Mrs. Dingell	X			Mr. Palmer		X	
Mr. Veasey	X			Mr. Dunn		X	
Ms. Kuster				Mr. Curtis		X	
Ms. Kelly	X			Ms. Lesko		X	
Ms. Barragán	X			Mr. Pence		X	
Mr. McEachin	X			Mr. Crenshaw		X	
Ms. Blunt Rochester	X			Mr. Joyce		X	
Mr. Soto	X			Mr. Armstrong		X	
Mr. O'Halleran	X						
Ms. Rice	X						
Ms. Craig	X						
Ms. Schrier	X						
Ms. Trahan	X						
Ms. Fletcher	X						

09/21/22

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to direct the President to provide certain documents in the President's possession to the House of Representatives relating to COVID-19 funding.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H. Res. 1263 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H. Res. 1263 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation 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.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

H. Res. 1263 directs the President to, not later than 14 days after the adoption of the resolution, furnish to the House of Representatives copies of any document or communication in the President's possession that refers or relates to: (1) the data, modeling, and projections used by the President to develop the COVID-19 supplemental funding request in the spring of 2022 (including COVID-19 funding that was available, and not obligated or expended, as of developing such request, any projections related to the number of COVID-19 cases and hospitalizations associated with such request, and any projections for the number of COVID-19 tests, vaccines, and therapeutics to be paid for by the Federal Government); (2) an accounting of funds that were made available by the American Rescue Plan Act and have not been obligated or expended; and (3) an accounting of funds obligated or expended by the executive branch for COVID-19 at-home test kits.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by the bill H. Res. 1263.

XVII. MINORITY VIEWS

Energy and Commerce Committee Republicans maintain that the Biden Administration’s accounting of how it spent trillions of dollars in past COVID–19 relief funding has been woefully inadequate. Since the beginning of the COVID–19 pandemic, the United States Congress has passed five bipartisan COVID–19 relief bills totaling more than three trillion dollars.¹ In addition, Democrats in Congress rammed through a nearly \$2 trillion spending bill known as the “American Rescue Plan Act of 2021,”² through a partisan reconciliation process. Less than nine percent of the bill’s spending actually went to fighting the virus.³ Much of the rest of the spending went towards wasteful initiatives that sent prices soaring, robbing families of their hard-earned wages. Examples of ridiculous waste in the \$2 trillion spending bill that fueled the inflation crisis include millions of dollars that went to things like a ski resorts, a luxury hotel development, a bird sanctuary, a golf course, horse racing, and pickleball courts.⁴ Thanks to this reckless spending, the American people are suffering from record-high inflation that has outpaced inflation in other developed countries.⁵

And yet, the Biden Administration continues to ask for more, despite these record levels of inflation and billions of unspent dollars in relief funds. In March of 2022, the Biden Administration asked Congress for billions in new supplemental funding for the COVID–19 response, threatening that lack of new spending would “set us back in this fight, leave us less prepared, and cost us more lives” if Congress didn’t act.⁶ Congress prudently called the Administration’s bluff and did not provide additional money, forcing the Administration to be more fiscally responsible and reprioritize existing funding. In September, the Office of Management and Budget again requested \$22.4 billion to maintain COVID–19 response and

¹Nicholas Wu and Javier Zarracina, *All of the COVID–19 stimulus bills, visualized*, USA Today (March 17, 2021), available at <https://www.usatoday.com/in-depth/news/2021/03/11/covid-19-stimulus-how-much-do-coronavirus-relief-bills-cost/4602942001/>.

²Public Law 117–2.

³House Budget Committee Republicans, *Smith Marks One-Year Anniversary of American Rescue Plan, Slamming Biden WH for Billions in Taxpayer Waste, Failed Economic Policies, and 40-Year High Inflation*, Press Release (March 11, 2022), available at <https://republicans-budget.house.gov/press-release/smith-marks-one-year-anniversary-of-american-rescue-plan-slamming-biden-wh-for-billions-in-taxpayer-waste-failed-economic-policies-and-40-year-high-inflation/>.

⁴U.S. Representative Jason Smith, *Smith Opening Statement: House Budget Committee Hearing on the American Rescue Plan*, House Budget Committee (June 14, 2022), available at <https://republicans-budget.house.gov/speeches-statements/smith-opening-statement-house-budget-committee-hearing-on-the-american-rescue-plan/>.

⁵Oscar Jordà, Celeste Liu, Fernanda Nechio, and Fabián Rivera-Reyes, *Why Is U.S. Inflation Higher than in Other Countries?*, Research from the Federal Reserve Bank of San Francisco (March 28, 2022), available at <https://www.frbsf.org/economic-research/publications/economic-letter/2022/march/why-is-us-inflation-higher-than-in-other-countries/>.

⁶The White House, *FACT SHEET: Consequences of Lack of Funding for Efforts to Combat COVID–19 if Congress Does Not Act*, Press Release (March 15, 2022), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/15/fact-sheet-consequences-of-lack-of-funding-for-efforts-to-combat-covid-19-if-congress-does-not-act/>.

preparation efforts.⁷ Again, Congress told the Executive Branch to repurpose funds left over from earlier pandemic relief packages and begin transitioning the costs of certain initiatives, such as coverage of vaccines and therapeutics, to the private sector or general public. While the White House has complained that this reallocation would negatively impact the progress made in fighting the virus, the overall reduction in COVID cases, hospitalizations, and deaths suggests otherwise. The World Health Organization recently stated that “the end is in sight” for the pandemic, as global deaths hit the lowest they have been since 2020.⁸ The World Health Organization is right—although the United States will likely see an uptick in cases this fall and winter when Americans head indoors, the combination of vaccines, therapeutics, natural immunity, individual common sense and personal risk assessment, have put the nation on the path to normalcy. Indeed, even President Biden agrees, recently stating in an interview on 60 Minutes that while the country still has “a problem” with COVID–19, “the pandemic is over.”⁹

Given that the President says the pandemic is over, Energy and Commerce Committee Republicans are bewildered by Democrats’ continual asks for COVID–19 response funding, with no meaningful justification of need, while refusing to start the process of winding down the public health emergency. This is particularly vexing, because if the need was so great, Democrats could have included additional funding in the deceptively named “Inflation Reduction Act,”¹⁰ another partisan reconciliation that will fail to reduce inflation and further increase prices. To date, the Republicans in both the House and Senate have been unable get a sufficient accounting of exactly how the Biden administration has spent federal dollars on so-called COVID–19 relief initiatives. This Resolution of Inquiry requests that the President of the United States furnish all documents or communication in his possession related to: data, modeling, and projections used by the Administration to develop the recent supplemental funding requests; an accounting of funds that were made available by the American Rescue Plan Act that have not been obligated or expended; and an accounting of funds obligated or expended by the executive branch for COVID–19 at-home test kits. The Administration has been flush with cash for COVID–19, and the American people deserve to know how their precious taxpayer dollars have been spent.

CATHY McMORRIS RODGERS,
Republican Leader, Committee on Energy and Commerce.



⁷Dave Muoio, *GOP lawmakers throw cold water on White House’s latest \$26B COVID, monkeypox ask*, Fierce Healthcare (September 8, 2022), available at <https://www.fiercehealthcare.com/providers/biden-administration-asks-congress-include-over-26b-covid-monkeypox-fy23-budget-stopgap>.

⁸Manas Mishra, *End of COVID pandemic is ‘in sight’ -WHO chief*, Reuters (September 14, 2022), available at <https://www.reuters.com/business/healthcare-pharmaceuticals/who-chief-says-end-sight-covid-19-pandemic-2022-14/>.

⁹Scott Pelley, *President Joe Biden: The 2022 60 Minutes Interview*, CBS News (September 18, 2022), available at <https://www.cbsnews.com/news/president-joe-biden-60-minutes-interview-transcript-2022-18/>.

¹⁰Public Law 117–169.