

There is a movie that's out that really is realistic. I'm going to quote it because I'm not trying to promote movies. But it makes you feel the stress that soldiers have to deal with when they have these explosive devices and having to deal with those explosive devices. It was so tense, my wife covered her head with a pillow because she just couldn't stand the tension of it. And then you think about it and say, You know, we eat in the mess hall at Fort Hood with these guys. They go through that every day, the stress. She covered her head with a pillow. These kids—kids—they deal with it every day. So they're not kids anymore when they go over there. They're men and women of courage and honor, and they understand what it means to be courageous.

So I think it's wrong for us to avoid describing our enemy to keep from stepping on somebody's toes. I have nothing against any—and when I say all this, let me preface this or finish this up by saying this is not about a religion. It's about a criminal defendant and his ID. And that's the way we should treat it. For that reason, I have raised this issue.

I will yield some more time to my friend from Georgia if he wishes to speak.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman again for yielding.

I just wanted to quote some of my friends on the Armed Services Committee, the ranking member—actually also on the Education and Labor Committee—Colonel JOHN KLINE. Colonel KLINE is a subcommittee Chair, I believe, on Armed Services as well. He has been there since we were elected in the 108th, back in 2003. So this is his eighth year on the Armed Services Committee. It is very appropriate that Colonel JOHN KLINE is there because of his service in the United States Marines.

But Judge CARTER, here is what Colonel KLINE said. Mr. Speaker, I want to quote this. "The American people recognize that the 9/11 Commission was correct when it said we have an enemy, and it's Islamist extremists—their words—and the concern is that we may not be paying attention to the fact that the alleged perpetrator was, in fact, an Islamic extremist."

Judge CARTER is telling us, Mr. Speaker—and certainly I agree with him—that this is not about diversity, the importance of diversity in the military. We all understand that. We all understand that. We have great men and women of all kinds of ethnic backgrounds, religious backgrounds. They have one thing in common: They swear, as we do, as Members of Congress, to uphold the Constitution and defend this country. And that will be continued to be held in common. But this business of being politically correct for fear of offending but not being able to say, He did it, and here is the evidence, and everybody knows it, and for fear that you are going to get rep-

rimanded—and that's what Judge CARTER's other bill is all about, Mr. Speaker. So I thank him for giving me the opportunity to join a good friend on the floor to encourage our colleagues on both sides of the aisle.

There are 95 cosponsors. I hope tomorrow there will be 150, and the next day there will be 300, and that when this comes to a vote—and hopefully it will—we'll get a near—maybe we can put it on the suspension calendar and it will pass without controversy.

I yield back to my friend.

Mr. CARTER. I thank my friend for that comment, because what a heartwarming experience that would be for the families and some of the soldiers who were there and who are now in the combat zone to know that this Congress said, We recognize this was a combat situation. We acknowledge it unanimously. It is hard to get unanimous around here, but it would be nice. And I thank my friend for his participation.

Well, this is all a part of the chance that I get every now and then to talk about the rule of law and doing what's right and identifying what's wrong in this country and not being afraid to speak out and to point out when things are wrong. I want to end by saying that this is a wrong that needs to be righted, and this House and the Defense Department has the ability to right this wrong, and we should do it.

I want you to know that I consider Secretary Gates a friend. I have the highest respect for him. I had the highest respect for him when he was the top man at Texas A&M University when I represented that wonderful institution, and I still have the highest regard for him. But I do criticize and will continue to criticize letting political correctness interfere with making correct statements about what happened so that, if nothing else, the kids of these people in the Army who know that a major shot other people will have a good explanation as to why he did it and what the indications are as to why he did it so they're not worried about their mom or dad getting shot by another guy in uniform. That's a tragic situation.

I want to thank the Speaker for allowing me to have this time. I hope that we can right this wrong, and I hope that we can let common sense and right over wrong prevail in these two bills and in letting our heroes know what the right thing to do is and that we're going to do it.

#### TELEWISE HEALTH CARE NEGOTIATIONS

The SPEAKER pro tempore (Mr. OWENS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. I thank the Speaker for the recognition.

Well, Mr. Speaker, here we are at the end of another workday on Capitol

Hill. It's a snowy night outside in the Nation's Capitol, and we are having a conversation, you and I, here on the House floor. I will do most of the talking, but I know that my remarks must be addressed to the Chair, and they certainly are addressed to the Chair. But, Mr. Speaker, both you and I know that people can listen in on our conversation because the cameras of C-SPAN are here in the Chamber. And although they don't record the faces and presence of everyone else on both sides of the aisle who are here in the Chamber, they do record what we say here and they do record the conversation that goes on between us. And people across the country, whether it be late at night, as it is here on the east coast, or very early in the evening, as it is in the Mountain States or on the west coast, the people across the country have an opportunity to tune in and see what is happening on the floor of the people's House in their Nation's Capital.

It almost seems like it's always been that way, but it hasn't. March 19, 1979—if I've done my research correctly—was the first broadcast of the proceedings from the floor of the House. So not quite 30 years ago. In fact, we'll have the 30-year anniversary here in just a few weeks—I suspect that will be a big celebration—of the C-SPAN cameras coming to cover the activities of the House. Yes, the other body as well. They cover the high-level meetings that go on here on Capitol Hill and, of course, meetings that are of importance in State legislatures across the country.

It is the public service access channel for all things government, and people of my generation, people who came of age during the Nixon administration and the Watergate years and the excesses of some of those activities, people of my generation equate C-SPAN with good governance. C-SPAN is sort of like the rainbow after the rainstorm which is the promise that we will never have to go through that again because C-SPAN is there, and C-SPAN will keep the lights on and C-SPAN will keep the sunshine in on the legislative process. And if what we are doing here in the people's House is not to the people's liking, they shall be aware of it, and they shall be able to register their displeasure and change some of our faces if they can't change our hearts, such as the ideal in the American democracy.

So C-SPAN is important. C-SPAN is equivalent with good governance. C-SPAN is equivalent with open governance. And that's why many of us, toward the end of the year, all of the things that were happening in the end of December and the beginning of January, were somewhat taken aback by the fact that Brian Lamb, the chief executive officer of C-SPAN, wrote a letter to the White House and said, Hey, let's bring the cameras in to all of these health care negotiations that are going on in the Capitol and the White

House and points in between. We'll provide the camera. You provide the discussion, and the American people can tune in, if they like, and see if they like what they see or not.

Of course, Mr. Lamb's invitation was declined by both the White House and the Democratic leadership in both the House and the Senate, and the cameras stayed off and the deals were done in the dark. And as a consequence, arguably, that's one of the reasons why the health care bill still languishes out there somewhere. No one really is sure what its health or state is today. I submit to you that despite the effects of the election in Massachusetts 2 weeks ago, one of the main drivers of the lack of success was the lack of transparency during that debate and during that process.

It has been a year full of twists and turns as we watched how health care policy has risen and fallen and risen again and then fallen again through the course of many twists and turns this past year, but C-SPAN should have been there. In fact, we were promised that C-SPAN would be there. We weren't promised it once or twice or three times. We were promised over and over again. And we weren't promised that C-SPAN would be there by myself, Mr. Speaker, or yourself, Mr. Speaker. We were promised that C-SPAN would be in the room by the person who was then the candidate for the highest elected office in the land, who ultimately won that office and was inaugurated just a little over a year ago.

□ 2100

Barack Obama repeatedly said that he would invite the C-SPAN cameras into the room. We'll have everyone around a big table; everyone will get to see who's on whose side, and who's on the side of the special interests, and who's on the side of the people because C-SPAN will be there and C-SPAN will report dispassionately, and people will be able to make up their own minds; the ultimate we report, you decide scenario.

But it didn't happen that way. And as a consequence, whether you liked the health care legislation or didn't like the health care legislation, as a consequence, right now its fate is very, very much in limbo. What I wanted to do tonight was just sort of take us through some of the history that has gone on over this past year. I want to talk specifically about something that happened in my committee, the Committee on Energy and Commerce, last week on Wednesday when we heard a resolution of inquiry in the committee, and what the result of that hearing was and what people can actually look to next. But interwoven through this entire process is the fact that the whole reason we're having this discussion is because the lights were turned off, the cameras were silenced, and the American people could not participate, if they so chose, in at least the observation of the debate, in the observation

of the deal-making, if you will, that occurred in both the House and the Senate and the White House as this bill worked its way through the process.

So it's no wonder that people were skeptical of this bill last summer. We heard about that in the summer town halls. It's no wonder that people were skeptical of this bill as it came through the House in November and then the Senate on Christmas Eve. And then it's no wonder that people continued to be skeptical as it worked its way ultimately to the nondecision that it has achieved today.

So here we have the quote from Brian Lamb on December 30, 2009, the CEO of C-SPAN, Brian Lamb sent a letter to the Congressional leadership requesting that they "open all important negotiations, including any conference committee meetings, to electronic media coverage because the legislation will affect the lives of every single American." I would just add to that every single American for the next three generations at least, so far-reaching was the scope of the legislation to be considered.

You know, several years ago, long before I was in any way active in politics, the first President Bush, the 41st President of the United States, made a very famous statement that perhaps he came to regret afterwards, which was "Read my lips—no new taxes." That one quote was replayed over and over and over again, and it may have at least participated in the event that cost the 41st president a second term in office. And we had the situation this past 2 years, while the current President was running where he repeatedly made statements about his commitment to transparency, about a new way of governing and, oh, by the way, we'll throw the doors and the window open, invite the C-SPAN cameras in, and you'll all be able to see what has transpired.

Going back on that word, I submit, will be every bit as significant as the "read my lips" quote has become. Well, let's go through a few of these, because, again, they are important. While the theme, thematically they're all very similar, there are differences. The first one, this is January 2008 at the Democratic debate: "Not negotiating behind closed doors, but bringing all parties together and broadcasting those negotiations on C-SPAN so the American people can see what the choices are, because part of what we have to do is enlist the American people in this process."

January 2008 the Democratic Debate. The second quotation on this board: "These negotiations will be on C-SPAN. The public will be a part of the conversation and will see the choices that are being made."

January 2008, to an editorial board at the San Francisco Chronicle. Important concepts that the then-presidential candidate and now President discussed at those venues, important concepts that he emphasized multiple

times during the runup to the Presidential election. The third quote in our series: "I respect what the Clintons tried to do in 1993 in moving health reform forward. But they made one really big mistake, and that is, they took all their people and all their experts into a room and then they closed the door. We will work on this process publicly. It will be on C-SPAN. It will be streaming over the Net."

November 14, 2008, in a Google question-and-answer. This was after the actual presidential election had been won by Mr. Obama that this quote was made. You know, I stop for an observation here for a moment. I was a physician in practice in 1993 and 1994 when the Clintons very famously took everyone, the 500 folks, behind closed doors and made all these deals. It was kind of a little bit of levity around the doctors' lounge that one day a doctor would be elected President of the United States and bring 500 other doctors into a room and lock them all together and help figure out a way that we could figure out how much to pay lawyers in the future. Okay. That's my attempt at humor for the night, Mr. Speaker.

Number 4: "We'll have these negotiations televised on C-SPAN so the people can see who is making arguments on behalf of their constituents and who is making arguments on behalf of the drug companies or the insurance companies." August 8, 2008, Virginia town hall. This is probably one, of all of the series of quotes, this is one of the most important, because, again, the presidential candidate was saying, Look, these negotiations are going to be going on. You're going to have people around the table, Members of Congress, Senators, and yes, the special interests will be there. In this case, the drug companies were mentioned. In this case the insurance companies were mentioned. There are other special interest groups of course, unions that negotiate through competitive bidding, negotiate insurance contracts, they might have an interest. An organization like the American Association of Retired Persons that sells insurance, they might have an interest around the table. But nevertheless, the special interests will be there because, after all, this is Washington, D.C., and the very least that the people should ask is that the cameras be turned on and the event be filmed so that they can watch it as it occurs, or they can refer back to it after the fact.

Many of these videos, of course, would have been captured in perpetuity up on YouTube or some other site, so the American people would have had an ability to look in there and gauge for themselves, hey, is my Senator really arguing more on behalf of the people of his or her State, or are they arguing more on behalf of the drug company or the insurance company, medical device company or the labor union? We didn't get that chance. It was promised to us but not delivered.

Number 5: "But here's the thing. We're going to do all these negotiations on C-SPAN so that the American people will be able to watch these negotiations." March 1, 2008, State of Ohio, town hall.

Number 6: "We will have a public process for forming this plan. It will be televised on C-SPAN. I can't guarantee you that it will be exciting, so that not everyone will be watching, but it will be transparent and it will be accountable to the American people." November 27, 2007, Keene Sentinel.

Number 7: "I want the negotiations to take place on C-SPAN." May 2008, Saint Petersburg Times. Number 8, "I'll put forward my plan. But what I'll say is, 'look, if you've got better ideas, I'm happy to listen to them.' But all this will have to be done on C-SPAN in front of the public." April 25, 2008, Indiana town hall.

What a great idea, Mr. President. I simply could not agree with you more. Well, Mr. Speaker, as it turns out, in May of last year, May the 11th, the White House engaged in a major stakeholder meeting at the beginning of this health reform debate. The attendees at the White House in May were 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, the Service Employees International Union.

Now, each of these individuals was there because, number one, they provide a service to the American people and they have a very strong interest in the process going forward of what was going to happen with health care reform. So I don't fault any of these groups for responding to the call of the White House. Hey, will you come down here and talk to us as we get this process started because we don't want to leave anyone not included in this process? So I think the fact that these six groups showed up down at the White House, I think that's fine. That's what the process was supposed to be about.

Now, when these participants emerged from the meeting, an agreement was announced that they would work to decrease by 1½ percentage points the annual health care spending growth rate, saving upwards of \$2 trillion over 10 years time. Since then, however, questions, questions that I have submitted, questions that others have submitted to the White House as to how this would be accomplished have simply been left unanswered. Now, whatever happened down at the White House last May, call them gentlemen's agreements, backroom negotiations, power politics, we know that they happened. What none of us in this Chamber and none of us in the other body know is what was agreed to.

Along the way I started to read and hear reports in the press about amendments being rejected in committee hearings and markups because of pre-

viously agreed-to deals. Now, in the other body, in the Senate Finance Committee's markup, Senator NELSON of Florida introduced an amendment regarding drug prices. The Senator from Delaware, Senator CARPER, arguing against that amendment said, whether you like PHARMA or not, we have a deal. We have a deal. Well, what deal? Who has a deal? Where was the deal made, and who was it made with?

Secondly, in the same markup, the Finance Committee endorsed a commission to slow Medicare spending. Now, I may not agree with the principle involved in that, but nevertheless, let's have this debate out in the open and let it win or lose on its merits. But in that same markup in the Senate Finance Committee they endorsed a commission to slow Medicare spending. However, the bill had to be rescored and rewritten, had to go back to the Congressional Budget Office to be rescored to exclude hospitals because, according to Congress Daily, "They already negotiated a cost cutting agreement" with the White House. They had a deal. They had a deal. What deal? Who made that deal? Under whose authority was that deal made?

Number three, Senators DORGAN and MCCAIN introduced a floor amendment on prescription drug reimportation in December. According to The Hill, the newspaper that's circulated up here in the Capitol, according to The Hill, "A deal between the White House and the pharmaceutical industry held up and helped defeat the amendment." What deal? With who? On whose authority was this deal made?

Now, for all my affection for Senator MCCAIN, I disagree with him about reimportation. But at the same time, let's have that debate. Let's have that debate and let the people hear what the pros and cons are, but let's not carve up a deal behind closed doors. Even though my position arguably won in that exchange, that doesn't make me feel any better that some sort of deal was cut behind closed doors that then would not allow reimportation to be included or considered in the process.

□ 2115

You know, Mr. Speaker, here's the frustration: as a Member of Congress, the press seems to know more about these deals and this process than any of us in this body or the other body. The press knows more about this stuff than we do.

Now, while the Democratic majority was pushing a health reform bill through both Chambers of Congress and Members were expected to debate these far-reaching bills, real deals were being cut down at the White House; the real deals were being cut down in the Speaker's Office or over in the Majority leader's office with ample input by the White House, I might add, but all behind closed doors and very few people in the room besides a few select Members of the House and the Senate, of course the people from the White

House, and of course respective staff members from those offices.

But none of us who were elected by the good and long-suffering people of the United States of America to represent their interests, none of us were included in that process on either side. Now, I am saying this as a Republican. We're in the minority, okay. We lost the last election. Maybe we don't deserve a place at the table. What about Democrats? Shouldn't Democrats who are freshman, Democrats who've been here four terms, five terms, six terms, shouldn't they have at least had the opportunity to at least know what was going on in those deals? To the best any of us know, no one from either side, outside of a few select persons in Democratic leadership in the House and the Senate and, of course, the White House, was involved in those negotiations. They clearly circumvented the legislative process.

Now, the six groups that I referenced early in this discussion, while they were meeting at the White House, our very own Committee on Energy and Commerce was marking up what at the time was called H.R. 3200, which was the original health care bill that went through all three committees of jurisdiction of the House, a 1,000-page bill—eventually got a lot longer—but that's another story. But while we were marking this up, this stuff was going on down at the White House. And, again, none of us knew any of these things. Now, how could our markup be viewed with any integrity if the real deals were being cut at the White House?

And I'll tell you something else—and this is particularly, particularly troubling—we worked on that bill in good faith in committee. I submitted I can't tell you how many amendments. I prepared 50. A lot of my amendments were shot down along party lines. Okay. I get that. That's what the deal about partisan makeup is. That's why elections are important; and, Mr. Speaker, I hope people pay attention to that fact. But I did get some amendments accepted, and some of those passed on a voice vote where there was no objection from the other side. One in particular was a bill that took part of the old concept of the patient bill of rights from the late 1990s that if we're going to have a public option insurance company, patients should at least have the opportunity for internal and external review, that is, a review board from inside the insurance company or one outside the insurance company if they don't like the insurance that was rendered.

So internal and external review was a very important part of what was called the patient bill of rights legislation. Charlie Norwood from Georgia was the principle author of that concept along with JOHN DINGELL, who's the chairman emeritus on our committee. So clearly a bipartisan concept from within our committee.

I submitted an amendment that essentially embodied that internal/external review. It was accepted by the committee unanimously, and Mr. DINGELL and I both spoke on it in committee; and it seemed like, well, if nothing else, Charlie Norwood's legacy will be enclosed in this bill in the form of this amendment.

But we passed that bill out of committee July 31. We went home for our summer recess. We had the summer town halls, which are another story in and of themselves. Many people may remember some of the excitement around the country when the health care town halls were going on this summer.

Then we come back in September and most of October, and then we get a new copy of the bill. It's now 2,000 pages. You say, Well, it's 2,000 pages because you added a lot of amendments in committee. Yeah. But guess what? Those amendments were gone. They were struck from the bill. No discussion. No one called me up and said, Hey, look, we're sorry, but your amendment that you offered in committee kind of conflicts with some other language in the bill. We've got to take it out. No discussion as to what occurred, and that amendment was removed from the bill.

It wasn't just me. It wasn't just a personal vendetta against a relatively junior Member from Texas. Mr. WALDEN, who was going to be on the floor with me tonight, the ranking member of the Oversight and Investigation Subcommittee on Energy and Commerce, had amendments that he had gotten into the bill, and those were struck at the same time.

And you have to ask yourself, well, why would you strike an amendment on internal and external review? What's the purpose? Who gains there? Was there one of those six groups that were down at the White House that didn't like the language of the bill so they had to get it out of there? Was there someone in the Speaker's Office or on the Speaker's staff who had a problem with the fact that that language was in there? Was it perhaps a lingering bit of friction between the former chairman of the committee and the Speaker? No one knows. No one knows. All we're left with is to fantasize about what might have caused that relatively innocuous amendment to be stricken from the bill.

And, again, it wasn't just my amendment. Other amendments were stricken from the bill, too, and was it because they crossed some line with some of the deals that were struck with this group of six individuals down at the White House?

Now, after months of frustration with working on the bill through committee and getting amendments in and having them struck, I sent a letter to the White House in September, and I requested full disclosure on what had happened to those meetings in May and June specifically to the following areas: number one, a list of all agree-

ments entered into in writing or in principle between any and all individuals associated with the White House and any and all individuals, groups, associations, companies, or entities who are stakeholders in health care reform, as well as the nature, sum, and substance of the agreements;

Number two, the name of any and all individuals associated with the White House who participated in the decision-making process during these negotiations and the names and dates and titles of meetings that they participated in regarding negotiations with the aforementioned entities in question one.

So we wanted to know who was there, and we wanted to know who negotiated and what the parameters of those negotiations were, who in the White House had the clout and the authority to make these decisions. And then, number three, the names of any and all individuals, groups, associations, companies, or entities who requested a meeting with the White House regarding health care reform who were denied a meeting.

So who were the stakeholders who were locked out of these meetings? We had six different groups around the table. Were there others who wished to be there but were not permitted? A question we just simply don't know how to answer today.

I noted in my letter that during the Democratic Presidential primary debate on January 31, 2008, then-candidate Obama said, That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together and broadcasting those negotiations on C-SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process.

You know what? I agree with the President on that part. Part of what we have to do is enlist the American people in this process. And can there be any doubt, can there be any doubt after watching the anxiety in this country in August during the summer town halls, after watching the gubernatorial returns in November from New Jersey and Virginia and then 2 weeks ago the senatorial returns from Massachusetts, can there be any doubt that they failed to enlist the American people in this process? And as a consequence—as a consequence—the American people have said and keep saying, No, we don't want this health care bill, we don't trust a 1,000-page bill; we really don't trust 2,000-page bills and 2,700-page bills are simply out of the question. You guys never read it. You wouldn't take this insurance yourself. No way are we going to accept this.

And underneath it all, underlying it all, is the fact the American people were shut out of the room during the process after they had been promised a front row aisle seat to the proceedings on C-SPAN.

Now, I sent that letter to the White House in September. Answering my let-

ter would have been the chance for the White House to prove to America that this actually was a good campaign promise and they really were for transparency down at the White House. But I didn't get an answer.

December 16, this House was rapidly trying to wrap up its business. The Weather Channel was forecasting a huge snowstorm for that weekend. Everyone in the House of Representatives wanted to get out of here and to their district. They didn't want to be stuck here in the Nation's Capital for a single day more than necessary, and we were rapidly wrapping up our work. And on December 16 I introduced a resolution, House Resolution 983 for people who want to look it up at home, because it became clear to me that the White House had no intention of responding to my letter.

So I introduced a bill, which was a resolution of inquiry. Now, this is a kind of an uncommon parliamentary tool. It's very powerful, puts some power in the hands of the minority. We don't have many tools at our disposal, and we don't have many tools that are very powerful at our disposal; but, realistically, it was my only option. I had no place else to go because I had been rebuffed by the White House. I have been rebuffed in committee. I had been rebuffed at the Speaker's Office. I had nowhere else to go.

So to me it was very important that the details of any negotiations made behind closed doors be made public for all to see: the integrity of the process, literally the integrity of the whole health care reform effort, the whole health care reform legislation, the integrity of the whole health care reform legislation is in fact at stake.

Now, President Obama promised to run the most transparent and open administration in history, and his decision to sequester, his decision to hoard, his decision to hide and obscure this information from Congress and from the American people is, in fact, indefensible.

Now, on January 26, just last week, I got a letter from the White House. Months of silence. One hundred and nineteen days from the date I sent the letter, right before the scheduled markup of the resolution of inquiry, I did receive a response from the White House.

The response was 81 pages long. There was a two-page letter from White House counsel Robert Bauer. There were 24 pages printed off the White House Web site. Anybody can go get them and print them off. There is a thank-you letter from the President to the six groups for showing up on May 11. There were some blog posts. There were some speech transcripts. There were some press releases, 18 pages of already-published White House visitor logs, 36 pages of print-offs from Web sites of the six groups.

And you know, Mr. Speaker, I was pleased to finally get a response from the White House; but, you know, it

wasn't what we were asking for in the resolution of inquiry, and it's not the information needed to really understand the scope of the agreements that were entered into.

Now think about it for a minute. You have these six very powerful groups—AdvaMed, Pharma, AMA, American Hospital Association, the Service Employee International Union, all meeting down at the White House coming up with proposals to shave \$2 trillion off health care expenses over the next 10 years, \$2 trillion and no one wrote anything down. Mr. Speaker, do you believe that? That strains credulity, doesn't it? \$2 trillion in deals and just a handshake? Just a wink and a nod? Nothing written down? Nothing on paper?

Mr. Speaker, would you make a deal like that? More importantly, Mr. Speaker, would you ask the American people to accept a deal like that?

Well, last week on January 27, the Energy and Commerce Committee began a markup of the resolution of inquiry. The markup was called not by me but by the chairman of the committee because the committee had to consider this resolution, and if the committee failed to consider the resolution, it automatically becomes a privileged resolution: we come directly to floor of the House.

□ 2130

Now, in fact, HENRY WAXMAN, Chairman WAXMAN, the chairman of my committee, a Democrat on the other side of most issues, agreed to help. He agreed to help me. He agreed to help Ranking Member BARTON get answers, not to everything I submitted, but to six out of the ten things that I had requested. It certainly showed a step in the right direction. In fact, it was the first positive step toward getting any sort of sunlight onto these deals that were cut down at the White House.

So the committee will soon send a letter to the White House signed by Chairman WAXMAN and Ranking Member BARTON of the full committee asking for more information. What that information will comprise, number one, a list of all agreements entered into in writing as well as the details, including the sum and substance, of all deals and agreements; number two, the names of any individuals, groups, associations, or companies that attended meetings at the White House regarding health care; the name of the administration officials who attended the meetings on health care in the White House. As part of the release of visitor logs, we know who brings people into the White House. We just now want to know who met with the person who was being allowed in. The time and date of such health care meetings, and who, from the administration and from the outside groups was in attendance; written materials memorializing any agreements made during the meetings with administration officials and provided to outside participants; finally,

number six, any paper or electronic communication, including emails in the possession of the Secretary of Health and Human Services or the staff of Health and Human Services, between HHS and the health industry in regard to health reform negotiations or the White House deals.

That's what I will get. I asked for more than I actually will receive. What I will not get are written notes made by a stenographer or other note-taker of meetings with White House officials and/or outside groups memorializing discussions or agreements; number two, I will not get written material summarizing negotiations or agreements made with administration officials and outside groups and possessed by the Secretary of Health and Human Services or other officials within the Department of Health and Human Services; I will not get written material memorializing discussions between the President, his senior advisers and those in attendance written for the President and not provided to outside groups; and number four, I will not get internal emails within Health and Human Services and all agencies regarding the possible implementation of policies discussed at White House meetings in regard to health reform.

So those are some significant omissions. But the six things will be requested of the White House by the chairman, and for that we are very grateful. Of course, the White House will assert, if any of these other four had been included in that list, the White House would assert executive privilege and it likely would lead to a court fight, and likely the White House's assertion of executive privilege would be upheld.

But I will say one thing. It has certainly shown me some of the items that, in fact, I should be allowed to see occur because they are communications at the level of the Federal agency. Internal communications of the White House and internal communications between the President's advisers are not, are not going to be made available because that's White House executive privilege.

We've had the interposition of multiple czars this past year. Well, every Presidential administration has had czars. We've certainly seen a great number of those positions now come into being, and because of the position of the White House czar, those emails between the health care czar and the President's Chief of Staff, for example, the health care czar and anyone else in the President's inner circle, those emails are protected under executive privilege, so having the czar in the White House is another way of helping to keep that information from public view.

Information that comes from the Secretary of Health and Human Services through the Federal agency, that information is information that I was allowed to request. But information from the health care czar to the White

House Chief of Staff is information that I will not receive. And that is a shame because I really believe that within those communications, within those communications is really where these deals would occur.

But at least with the six things that are going to be allowed, at least with getting that information out into the open, certainly provides some additional places for, if the press is at all curious about this—they may not be, they have been relatively incurious about many of these aspects through the course of this last year. But if there is any curiosity on the part of the fourth estate, this will perhaps give them some direction to go into where they might inquire further to get additional information. It's an honest attempt to understand the deals that were made.

I'm a member of the American Medical Association. I pay my dues every year. I have to admit I was somewhat surprised when the AMA agreed to endorse the bill when it included none, none, zero, none of their top priorities. It didn't include anything about tort reform in the bill. It didn't include anything about SGR or physician payment reform. It didn't include anything about the ability of physicians to get together and negotiate price. None of that was included in the bills that we saw, and yet the AMA endorsed H.R. 3200 before it ever got to our committee for a markup.

What was in it for them? Why would they do this when their top issues were not included in the bill? That is something as an AMA member, not as a Member of Congress necessarily, but as an AMA member, I would like to know.

Last Monday, the President said: I didn't make a bunch of deals. Now, this claim contradicts everything that has been reported. If he didn't, somebody did. Who did? And again, on whose behalf and under what authority? There is nothing inherently wrong with the President engaging in such an important topic or encouraging groups to act in the best interest of the public. There is nothing wrong with the groups acting in their own self-interest or the self-interest of the members of their industry. But we don't know if the deals struck were in the best interest of the public. We don't know if the deals that were sealed were the best deals for the American people.

The American people certainly don't know because they were completely shut out of the process. Now, these questions will linger over my Committee of Energy and Commerce and the Senate Finance Committee. Indeed, this very House will have the specter of those questions lingering until we fill in its history. And it's really as simple as that. So my resolution of inquiry last week was simply to fill in a few of those pages in the historical record which otherwise are going to be lost to the sands of time.

Let me reiterate, this is not about the groups included in the resolution. I

know there are plenty of people on both sides who like to beat up on any number of people who are part of the six groups. There are people who like to beat up on unions. There are people who like to beat up on drug companies. This isn't about—this isn't about any of the people who responded to the President's call and went down to the White House that day to work for, arguably, what would be a good thing in reforming some aspects of our Nation's health care system.

The problem is that the American people didn't get to see what it was they had on the table, what the offers were, what the counteroffers were, what wasn't offered, and who agreed to what, who was on the side of the people and who was on the side of the special interests. As the President said, we didn't get to see that.

As it stands now, I asked, I want to know what the White House negotiated, with whom, and on what terms. I want to know how those deals influenced the legislative process. Certainly, there were several times where we bumped up against it. Certainly, the Senate Finance Committee did, and they were told, Hold on, you can't do that. We've got a deal. But did it also influence the legislative process when my amendments and GREG WALDEN's amendments were stripped out of the committee-passed bill and were stripped out of the Speaker's office never to see the light of day? So was that part of the legislative process influenced by those deals? We will never know if we don't get that information.

And I want to know why a President who committed himself to transparency feels really no need to heed requests for transparency by the committee; why the President who ran on transparency feels no need to heed a request for documents by an elected Member of Congress, why they think it is okay to just simply not respond to a letter, ignore it, and we hope it goes away.

Now, last week, the President, on one of the interviews, said that his lack of transparency was "a mistake." If true, if he feels it is a mistake, he can correct the mistake. It's not too late. He can correct the mistake by turning over the information requested, and, in fact, turning over all of the information, saying, Do you know what? We are not going to hide behind executive privilege here. If there is an e-mail between my Chief of Staff and the health care czar that you think is important, we're willing to let you see that as well. We're willing to let the American people see that, because we have nothing to hide.

If they don't do that, what are we left to surmise? That they've got something to hide. And what would they have to hide? I don't know. Here the fantasy can become worse than the reality. It would be better for the White House to provide this information. Again, the truth, the truth will, in all likelihood, be much less significant

than what each of us will be left to imagine on our own if we are not provided that information.

Now, to fully understand the policy choices going forward, we need to know what took place at the White House last year. I can't say it enough. I can't say it in enough different ways. The American people expect us to act in their interest rather than protect the business interests of those currying favor in Washington. We hear that all the time. In fact, we hear this President say that lobbyists won't have any access to his administration, and then we have secret deals with six groups that play a big role, a big role, in the cost of delivering health care in this country, and we don't get to see that.

If any member of those six groups down at the White House sought protections or made unreciprocated concessions to Washington politicians, I think the American people deserve to know. The American people would likely want to know that information. These negotiations may have produced consensus on policy changes that are proper and needed, but we will never be certain until the facts are known. And if the facts aren't known, then the reality is not known. And if the reality is not known, then the fantasy becomes the reality, the worst excess that you could imagine is probably what happened; otherwise, they would open the books and tell us.

Now, I will just leave you with the same thought one last time about the promises made during the Presidential campaign and after about how this process would be an open process, how this process would be an inclusive process, and inclusive not just to Members of Congress on both sides of the aisle, which it has not been, but an inclusive process that would include the American people; because, after all, these decisions on health care, yeah, they're tough, yeah, there are going to be likely some winners and losers in whatever is finally crafted by the House and Senate, but it's going to affect the delivery of health care. It's going to affect the life of every doctor, nurse, hospital administrator, every mother, father, child, every husband, wife, every citizen of the United States, not just next year, not just the year after that, and not just the year after that, but for the next three generations; how health care is delivered in the country, who gets what, who pays for it, when it's administered, who can't get what they need. All of that is going to be governed by language in this legislation.

And if there were outside influences on crafting that language in this legislation, we need to know about that because, otherwise, we don't know the questions to ask. We don't know whether to embrace or reject the legislation, because we simply don't know who, what, and where was involved in the process. And as a consequence, it makes it impossible, literally impossible, to evaluate the worth of this legislation.

So here we sit, on Groundhog Day, sort of revisiting what happened over the last year with health care reform. On February 2 of 2010, the passage of a comprehensive health care bill looks as unlikely as at any time in our history past of this Congress. A year ago, it looked like a certainty. Today, it looks extremely problematic.

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And what is the one thing that could have given us a better bill, given us a better process, given people some reason to be behind this legislation that Congress is considering?

The one thing that could have happened that didn't was opening the process up, turning on the C-SPAN cameras, inviting them in to that big conference table in the Speaker's office or that big conference table in the majority leader's office over in the Senate, or that big conference table down in the Cabinet room at the White House. Turn those cameras on, let the American people see who was around that table, who was willing to talk, who was willing to give, who was only willing to get. That would bring powerful information to provide to the American people.

The President could have recruited, could have recruited from the American people, folks who like this legislation who would then ask for it. But, instead, they pushed everyone away, pushed them away from the table, turned off the camera, turned off the lights. "Don't look at the man behind the curtain. We know what is best for you. This bill will be good for you. Trust us. You will like this bill once we get it passed." Well, that is nonsense. The American people know that is nonsense.

Turn on the lights, turn on C-SPAN, let the people in, and let's give this bill the full public airing that it has deserved.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today on account of business in the district.

Mr. ELLISON (at the request of Mr. HOYER) for today on account of business in the district.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of being unavoidably detained in Kansas.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

Mr. EHLERS (at the request of Mr. BOEHNER) for today on account of a family member's medical emergency.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to: