

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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October 20, 2011

The Honorable Fred Upton
Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Cliff Stearns
Chairman
Subcommittee on Oversight and Investigations
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton and Chairman Stearns:

We are writing to object to your decision to investigate companies because their leaders are participating in the President's Council on Jobs and Competiveness. Your decision raises an exceptionally serious issue: are the Committee's powers being used to intimidate companies that cooperate with President Obama?

On October 7, 2010, you sent 23 letters to members of the Jobs Council. These letters seek a voluminous amount of information from the companies about the impact of the Affordable Care Act. The letters request "[a]ll documents discussing, concerning, or relating in any way" to the Affordable Care Act, including "all communications, including e-mail, sent to or received by" company employees, during a two-and-a-half year period.¹ Given that some of the targeted companies have hundreds of thousands of employees, the burden of compliance is potentially enormous.

¹ See, e.g., Letter from Fred Upton, Chairman, Committee on Energy and Commerce, U.S. House of Representatives, and Cliff Stearns, Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, U.S. House of Representatives, to Ms. Ursula Burns, Chairman and Chief Executive Officer, Xerox Corporation (Oct. 7, 2011).

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The only rationale for singling out these companies for investigation is that their leaders are part of the President's Job Council. The letters state: "You are currently a member of President Obama's Council on Jobs and Competitiveness. ... We write to you today because we have long argued that this Administration was pursuing policies that would actually harm the ability of businesses to grow."²

These companies do not have unique expertise regarding the impact of the health reform legislation, and they do not represent a cross-section of the organizations and individuals that will be affected by its provisions. Selecting investigative targets for an invasive document request because they are associated with a President you oppose would be an act of brazen political intimidation.

This is the second time in recent weeks that the Committee appears to have used its investigative authority to harass organizations for political reasons. As we wrote Chairman Stearns on September 27, his fervent ideological opposition to Planned Parenthood did not justify singling out Planned Parenthood for a burdensome and intrusive investigation. For the same reasons, it would be wrong for you to single out companies for investigation simply because their leaders are participating in the President's Job Council.

We consider this a serious abuse of the Committee's powers and request a meeting with you next week so we can discuss the matter further.

Sincerely,



Henry A. Waxman
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations

² *Id.*