LARRY BUCSHON, M.D.
8TH DISTRICT, INDIANA

WASHINGTON, DC OFFICE:
2313 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225–4636

DISTRICT OFFICES:
20 NW THIRD STREET
SUITE 1230
EVANSVILLE, IN 47708
(812) 465–6484

524 WABASH AVENUE
TERRE HAUTE, IN 47807
(812) 232–0523

COMMITTEE ON
ENERGY AND COMMERCE

http://bucshon.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515–1408

March 6, 2023

Dear Chairman Steil,

First, I would like to express my appreciation to the Chairman, Ranking Member, and other Members of the House Administration Committee for hosting Member Day and for soliciting input from fellow Representatives on actions the House of Representatives should take to improve operations within this body. At this time, I do intend to appear in-person before the Committee on Wednesday, March 8 to present oral testimony regarding the Office of the Attending Physician.

I want to bring the Committee's attention to an urgent need to increase accountability in the Office of Attending Physician (OAP). Established in 1928, the OAP provides medical assistance and advice to Members of Congress, Justices of the Supreme Court, congressional staff, and visitors to the United States Capitol.[1]

As you know, the Attending Physician is a medical officer assigned by the Department of the Navy. Individuals assigned to the position generally serve for an extended period; in the 95 years the office has existed, only 7 individuals have served. The current Attending Physician has held the role since 2009.[2]

Though much of the OAP's work occurs behind the scenes, it has repeatedly come to the attention of Congress and the public over the last three years in relation to the COVID-19 pandemic. Concerns were raised that the office can be used for political purposes, that the Attending Physician is able to act without using science to justify their actions, and that there is a lack of accountability for OAP decisions.

During the 117th Congress, I worked with then-Ranking Member Rodney Davis and staff of the House Administration Committee to draft H.R. 4862, the Office of Attending Physician Independence Act. I intend to re-introduce this legislation in the coming weeks. Though I believe past work on the language has brought it to a good place, I invite additional feedback from Members or committee staff.

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[1] Ida A. Brudnick, CRS Insight: Office of the Attending Physician, U.S. Congress: Background Information and Response to Public Health Emergencies, May 14, 2020. Available at https://crsreports.congress.gov/product/pdf/IN/IN11390.
[2] *Id.*

The Office of Attending Physician Independence Act would change the process for selecting an Attending Physician, and create additional accountability for the role. It would resemble the process for selecting and maintaining an Architect of the Capitol.

Specifically, the bill would establish a commission to recommend individuals for appointment to the position of Attending Physician. The commission would recommend at least three individuals who are medical officers of the Navy for the role. The President would select one of these three individuals to serve as Attending Physician, with advice and consent from the Senate. The individual selected as Attending Physician would serve for a specific period of time, with the option to be reappointed. Finally, the Office of Attending Physician would be subject to oversight by the Committee on House Administration and the Senate Committee on Rules and Administration.

My goal is to ensure that the Office of Attending Physician is one all Members can respect without concern that its actions or advice are based on anything other than science and reason.

Again, thank you for the opportunity to weigh in and I look forward to working with you on this important issue.

Sincerely,

Larry Bucshon, M.D.
Member of Congress