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

January 14, 2016

The Honorable Sylvia Mathews Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Burwell:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Ways and Means and the Committee on Energy and Commerce are conducting oversight of the Patient Protection and Affordable Care Act (PPACA). As part of that oversight, we have been seeking information about the Administration's decision to fund the Basic Health Program (BHP) without a congressional appropriation for more than six months. We remain deeply concerned about the Administration's decision, and your agency's lack of cooperation with this important investigation.

On July 28, 2015, Ellen Murray, Assistant Secretary for Financial Resources at the Department of Health and Human Services (HHS), briefed the Committees on the implementation of the BHP. On September 21, 2015, the Committees wrote to HHS requesting documents discussed at the briefing. Your November 13, 2015, response not only failed to provide all requested documents, but also improperly redacted information from the few documents HHS did produce. Accordingly, on December 3, 2015, the Committees again wrote to you reiterating our request.

Once again, HHS has failed to respond to the Committees' request. Your delay in producing this material to the Committee has frustrated the Committees' investigation, and raises serious concerns about your commitment to congressional oversight. We urge you to comply fully with this request by immediately producing all responsive documents to the Committees without redactions. If the Department does not produce the requested documents by January 28, 2015, we will have no choice but to consider the use of the compulsory process.

If you have any questions about this matter, please contact Tegan Gelfand and Meinan Goto of the Committee on Ways and Means staff at (202) 225-5522 and Jessica Donlon of the Committee on Energy and Commerce staff at (202) 225-5074.

Sincerely,

Kevin Brady
Chairman
Committee on Ways and Means

Fred Upton
Chairman
Committee on Energy and Commerce

Peter J. Roskam
Chairman
Subcommittee on Oversight
Committee on Ways and Means

Tim Murphy
Chairman
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce

Pat Tiberi
Chairman
Subcommittee on Health
Committee on Ways and Means

Joe Pitts
Chairman
Subcommittee on Health
Committee on Energy and Commerce

cc: The Honorable Sander Levin, Ranking Member, Committee on Ways and Means

The Honorable Frank Pallone, Ranking Member, Committee on Energy and Commerce

The Honorable John Lewis, Ranking Member, Subcommittee on Oversight, Committee on Ways and Means

The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce

The Honorable Jim McDermott, Ranking Member, Subcommittee on Health, Committee on Ways and Means

The Honorable Gene Green, Ranking Member, Subcommittee on Health, Committee on Energy and Commerce