

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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May 9, 2016

Mr. Andy Slavitt  
Acting Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Acting Administrator Slavitt:

Enclosed please find the Committee on Energy and Commerce's staff report entitled "Misleading Congress: CMS Acting Administrator Offers False Testimony to Congress on State Exchanges."

The Committee's report is about your testimony before the Subcommittee on Oversight and Investigations at its December 8, 2015 hearing entitled, "An Overdue Checkup Part II: Examining the ACA's State Insurance Marketplaces." The hearing examined the 17 state-based exchanges and the sustainability challenges they are facing, how they are spending federal grant dollars, and the Centers for Medicare and Medicaid Services' (CMS) role in overseeing them.

At this hearing, you testified in your opening statement that state-based exchanges returned over \$200 million in grant dollars to the Federal Government. This information was also widely reported by the media. These assertions, however, are not supported by information your office subsequently provided to the Committee. After reviewing the information made available to the Committee, it appears that your testimony at the December 8, 2015 hearing was inaccurate and misleading. Accordingly, the Committee expects you to correct the record with both the Committee and the American public regarding the true nature and number of funds recouped from the 17 state-based exchanges. Please immediately correct the record, but by no later than one week after date of the letter.

If you have any questions please do not hesitate to contact Jessica Donlon of the Committee staff at (202) 225-2927.

Sincerely,



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Fred Upton  
Chairman



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Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations

Attachment