

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 13, 2013

The Honorable Kathleen Sebelius
Secretary of Health and Human Services
The Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Energy and Commerce is investigating reports that you may be soliciting donations from private companies in your capacity as Secretary of the Department of Health and Human Services (HHS).

According to a May 10, 2013, *Washington Post* article, “[o]ver the past three months, [you have] made multiple phone calls to health industry executives, community organizations and church groups and asked that they contribute whatever they can to nonprofit groups that are working to enroll uninsured Americans and increase awareness of the law....”¹ This article also quotes an HHS spokesman who claims that you “did not solicit for funds directly from industries that HHS regulates, such as insurance companies and hospitals, but rather asked them to contribute in whatever way they can.” Yet, the article claims that an industry official with knowledge of your requests said “there was a clear insinuation by the administration that the insurers should give financially to the nonprofits.”

Currently, health insurers are seeking HHS approval to qualify for the health exchanges established by the Patient Protection and Affordable Care Act so that they may attempt to sell their services to the public when enrollment begins in a few months. Your agency also has the power to review the insurance rates that providers wish to charge.

In order to better understand the requests you have been making, please provide the following information and documents no later than May 27, 2013:

¹ Sarah Kliff, *Budget request denied, Sebelius turns to health executives to finance Obamacare*, WASHINGTON POST, May 10, 2013 available at <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/05/10/budget-request-denied-sebelius-turns-to-health-executives-to-finance-obamacare/>.

1. Identify each individual, company, or organization you have contacted with this “unusual fundraising pitch,”² by phone, e-mail, or any other manner, relating to contributions to assist in the establishment and implementation of the PPACA.
2. Identify the officials, staff, or employees of the Department of Health and Human Services who participated in contacting any individuals, companies, or organizations relating to contributions to assist in the establishment and implementation of the PPACA.
3. Describe these communications, including any information you may have provided and a description of any assistance requested, such as financial assistance, the completion of tasks or activities, or any other efforts. Describe any additional information related to the specifics of each individual call that may more completely describe the purpose, nature, and outcome of the discussion.
4. Provide all documents related to the conversations described in Request Number 1, including, but not limited to, call logs, notes taken during these discussions, e-mails scheduling a call or discussion, e-mails documenting a call or discussion, e-mails summarizing the call or discussion, and any other written documentation either memorializing or otherwise describing the call or discussion, its outcome, or future plans.
5. The *Washington Post* reported that an HHS spokesman said a “special section in the Public Health Service Act allows the secretary to support and encourage others to support nonprofit groups working to provide health information and conduct other public-health activities.” Identify this section and provide any documentation detailing HHS’s opinion of what this section permits or forbids.
6. This Committee has previously asked you to identify the funding sources and amounts spent and/or allocated by HHS for the implementation of the PPACA, including most recently on April 18, 2013, when you testified before the Subcommittee on Health. We have not received a response. Please identify each funding source used by HHS for the purpose of PPACA implementation activities and the amounts spent or allocated for each activity. In addition, please provide all documents, including memoranda or analyses, relating to PPACA implementation activities and/or the funding of PPACA implementation activities.
7. The *Washington Post* reports that your efforts to solicit funding from outside sources is directly related to the “denial” of your recent budget request. Identify any individual or office within HHS, or any other federal agency or office, you contacted relating to HHS efforts to seek contributions or voluntary services to assist in the establishment and implementation of the PPACA. Please explain what advice you received. Provide all documents and communications between or among you and any other federal agency or office relating to HHS efforts to seek contributions or voluntary services to assist in the establishment and implementation of the PPACA.

² *Id.*

Letter to the Honorable Kathleen Sebelius

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Instructions for responding to the Committee's document requests are included as an attachment to this letter. Thank you for your prompt attention to this matter. If you have questions or wish to discuss your responses or production, please contact Sean Hayes with Committee staff at (202) 225-2927.

Sincerely,

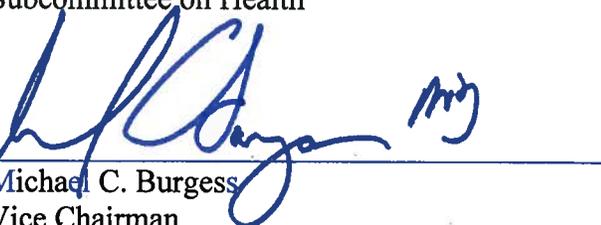

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Joseph R. Pitts
Chairman
Subcommittee on Health


Marsha Blackburn
Vice Chairman


Michael C. Burgess
Vice Chairman
Subcommittee on Oversight and Investigations
and Subcommittee on Health

Attachment

cc: The Honorable Henry Waxman, Ranking Member

The Honorable Frank Pallone, Ranking Member
Subcommittee on Health

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