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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 23, 2013

Mr. Scott Serota
President and Chief Executive Officer
BlueCross BlueShield Association
225 N. Michigan Avenue
Chicago, IL 60601-7680

Dear Mr. Serota:

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Energy and Commerce is investigating reports that the Secretary of the Department of Health and Human Services (HHS) may have solicited funding or assistance from your organization to help establish and implement the Patient Protection and Affordable Care Act (PPACA).

According to a May 10, 2013, *Washington Post* article, "[o]ver the past three months [HHS Secretary Kathleen] Sebelius has 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 . . . ." This article also quotes an HHS spokesman who claims that the Secretary "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 the HHS Secretary's requests said "there was a clear insinuation by the administration that the insurers should give financially to the nonprofits." Furthermore, *The New York Times* reported in April 2013 that you attended a White House meeting in which President Obama allegedly informed insurance company representatives that the government and industry are "joined at the hip."

HHS regulation of the health insurance industry will only grow under the PPACA, including by approving health insurers to participate in the exchanges and reviewing the insurance rates providers plan to charge. In order to better understand the efforts being made by the HHS Secretary to solicit help in establishing the PPACA, please provide the following information and documents no later than June 11, 2013.

1. Was your organization contacted by the HHS Secretary, any HHS employee, staff, or official, or any individual acting on behalf of HHS relating to contributions to assist in the establishment and implementation of the PPACA? Please provide a list of the

individuals at your company who were contacted, who contacted them, and the date(s) they were contacted.

2. Please describe the substance of these communications. Provide all documents and communications describing, memorializing, summarizing, or otherwise discussing any communications with the Secretary or any other HHS officials regarding your organization's willingness to contribute to the implementation of the PPACA. This request includes, but is not limited to, internal memoranda and e-mail summarizing or discussing these conversations.

3. Please describe the outcome of these communications. Provide all materials describing, memorializing, summarizing, or otherwise discussing any plans, commitments, or initiatives by your company to contribute to the implementation of the PPACA. This request includes, but is not limited to, internal memoranda and e-mail summarizing or discussing these plans.

4. Please provide all materials related to any meetings held at the White House on the implementation of the PPACA. Describe the date(s) these meetings were held and provide a list of attendees as well as any materials related to these meetings. This should include any materials memorializing, summarizing, or otherwise discussing these meetings, including but not limited to e-mail communications. This request also includes any materials prepared in anticipation of the meetings, obtained from another party during the meetings, or produced afterwards.

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 document production, please contact Sean Hayes with Committee staff at (202) 225-2927.

Sincerely,

Fred Upton
Chairman

Tim Murphy
Chairman
Subcommittee on Oversight and Investigations

Marsha Blackburn
Vice Chairman

Joseph R. Pitts
Chairman
Subcommittee on Health

Joe Barton
Chairman Emeritus

Michael C. Burgess
Vice Chairman
Subcommittee on Oversight and Investigations

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