

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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February 4, 2011

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

I appreciate your prompt response to my letter and I want to underscore that I do not question the importance of oversight of the Affordable Care Act.

I believe, however, your letter illustrates my point. To take one example, you express concern about the limited enrollment in the Pre-Existing Condition Insurance Plan and the discrepancy between the actual enrollment and the enrollment predicted by the Chief Actuary. I share this concern and would support a targeted request that sought documents, including e-mails, related to this issue. Your document request, however, sought all "communications from any HHS personnel relating to the implementation of PCIP or the status of PCIP." This request is not limited to documents relating to the number of enrollees or the difference between the actual enrollment and the Actuary's estimate. It includes communications on completely unrelated subjects, such as how the program contracts with and pays health insurers or how the program's record-keeping systems function.

The Department faces a tremendous challenge implementing the new law. Congressional oversight can be an important part of this process. But our Committee's requests should be tailored to our legitimate oversight needs. Otherwise we will waste taxpayer resources and interfere with the ability of the Department to carry out the new law.

Sincerely,



Henry A. Waxman
Ranking Member

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cc: The Honorable Cliff Stearns
Chairman
Subcommittee on Oversight and
Investigations

The Honorable Joseph R. Pitts
Chairman
Subcommittee on Health

The Honorable Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations

The Honorable Frank Pallone, Jr.
Ranking Member
Subcommittee on Health