

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

June 26, 2019

Mr. Russell Vought
Acting Director
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Mr. Vought:

The Committee on Oversight and Reform is investigating the recent decision by the Trump Administration to reverse its own legal position in *Texas v. United States* and assert that the entire Affordable Care Act (ACA) should be overturned. This abrupt change could have devastating consequences for millions of Americans, including 133 million people with preexisting conditions who may lose their health insurance if the ACA is struck down.

According to public reporting, you played a critical role in the Administration's decision to reverse its previous legal position regarding the ACA. These reports indicate that that you advocated for this change over the objections of both Secretary of Health and Human Services Alex Azar and Attorney General William Barr.¹

On May 13, 2019, I sent a letter to White House Counsel Pat Cipollone requesting that you participate in a transcribed interview regarding your actions. I sent this request along with Reps. Frank Pallone, Richard Neal, Bobby Scott, and Jerold Nadler, the Chairmen of the Committees on Energy and Commerce, Ways and Means, Education and Labor, and the Judiciary, respectively.²

Today, more than a month later, the White House has not responded to this request or even given us the courtesy of sending a letter acknowledging our request. As a result, the Committee now requests your testimony at a hearing at 10 a.m. on July 10, 2019, in room 2154 of the Rayburn House Office Building.

¹ *White House Obamacare Reversal Made Over Cabinet Objections*, Politico (Mar. 26, 2019) (online at www.politico.com/story/2019/03/26/trump-obamacare-reversal-cabinet-1238359).

² Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Frank Pallone Jr., Committee on Energy and Commerce, Chairman Richard E. Neal, Committee on Ways and Means, Chairman Robert C. "Bobby" Scott, Committee on Education and Labor, and Chairman Jerrold Nadler, Committee on the Judiciary to Pat Cipollone, Counsel to the President, The White House (May 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-13.EEC%20Pallone%20Neal%20Scott%20Nadler%20to%20Cipollone-WH%20re%20ACA.pdf>).

Mr. Russell Vought

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Given the devastating consequences that may result for millions of Americans if the Trump Administration's efforts to strike down the ACA are successful, it is in the best interests of the American people to hear from you directly on this subject. They are entitled to understand how such a consequential decision was reached, particularly when it apparently occurred over the objections of the Cabinet officials charged with overseeing our health care system and defending our laws.

I request that your testimony address how you and other officials came to this decision; why you believe it is in the best interests of the American people; how Cabinet members were directed to implement it; and what, if any, plans the Administration has developed to replace the ACA if you are successful.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of "the operation of Government activities at all levels, including the Executive Office of the President."

The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. Please note the procedures for submitting written testimony at least two business days prior to the hearing.

Please respond by July 3, 2019, to inform the Committee whether you will agree to testify. If you have questions, please contact Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Chairman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

Committee on Oversight & Reform
Witness Instruction Sheet

1. Witnesses should provide their testimony, biography, and "Truth in Testimony" disclosure and certification form via email to Oversight_Clerks@mail.house.gov no later than 10:00 a.m. two business days prior to the hearing.
2. Witnesses should also provide a short biographical summary and include it with the electronic copy of testimony provided to the Clerk.
3. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
4. Written testimony will be made publicly available and will be posted on the Committee's website and the U.S. House of Representatives Document Repository. It is therefore recommended that personally identifiable information, such as addresses and phone numbers, not be included in the biographical information.
5. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
6. The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances, however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
7. Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
8. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit a notice of appearance to the Committee. If this applies to you, please email the address above to acquire this form.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Reform at (202) 225-5051.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: _____

Subcommittee: _____

Hearing Date: _____

Hearing :

Witness Name: _____

Position/Title: _____

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

If you are a **non-governmental witness**, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

If you are a **non-governmental witness**, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

Date

If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.

- Written statement of proposed testimony
- Curriculum vitae

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.