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Congress of the United States

U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS

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MINORITY STAFF DIRECTOR

September 24, 2009

The Honorable Charles B. Rangel
Chairman
Ways and Means Committee
1102 Longworth House Office Building
Washington, DC 20515

Dear Chairman Rangel,

There may be no issue that unites our Committee more than protecting and exercising our jurisdiction. In the matter of the Centers for Medicare and Medicaid Services (CMS) placing a gag order on Humana and all Medicare Advantage plans, the Committee on Ways and Means has unquestionable authority to review CMS' actions.

Additionally, congressional oversight, which was codified by the Legislative Reorganization Act of 1946, requires the standing committees exercise "continuous watchfulness" over the Administration. I know from your and many of your Democrat colleagues' previous statements and actions that you believe whole-heartedly in carrying out that obligation.

Thus, we the Republican members of the Committee, respectfully request that you hold a hearing to investigate the unusual and potentially politically motivated decision by CMS to eliminate the flow of factual information from private health plans to their enrollees. Specifically, we ask that the hearing examine:

- 1) How the sharing of factual information supported by non-partisan, independent analysis from the Congressional Budget Office (CBO) was deemed to violate Medicare Advantage marketing rules;
- 2) How CMS is currently interpreting the marketing rules and compare the Humana case with past actions by the agency;
- 3) If similar enforcement activities were taken against other MA plans and affiliates, including AARP, and if not why no such action was taken; and
- 4) What role the White House, Office of Health Reform or the Office of the Secretary of Health and Human Services played in deciding to issue the gag order.

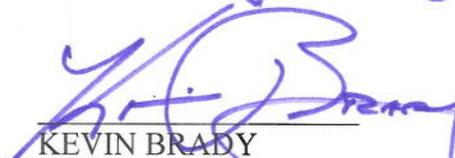
We further request this meeting of the Committee take place next week and prior to any further consideration of health care reform by the House of Representatives.

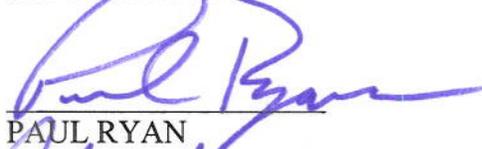
Sincerely


DAVE CAMP
Ranking Member


WALLY HERGER


SAM JOHNSON


KEVIN BRADY

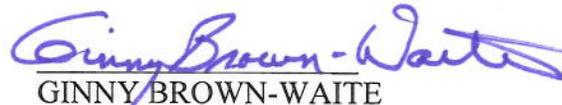

PAUL RYAN

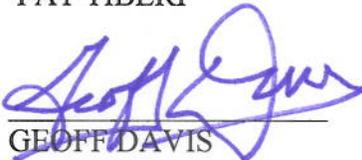

ERIC CANTOR


JOHN LINDER


DEVIN NUNES

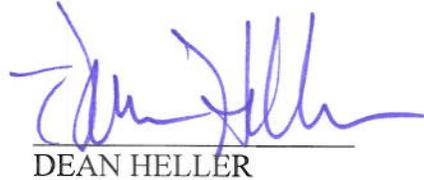

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