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Oversight Leaders Press HHS on Withheld Obamacare Waiver Documents

Continued Lack of Transparency Will Trigger Compulsory Process, Committee Leaders Say

(WASHINGTON)—House Oversight and Government Reform Committee leaders continued pressing the Obama Administration to explain how it granted more than 1,400 waivers exempting groups from President Obama's health care law. They also questioned how more than 20 percent of the waivers issued in April went to the home district of House Minority Leader Nancy Pelosi (D-CA).

Committee Chairman Darrell Issa (R-CA) and Health Care, District of Columbia, Census and the National Archives Subcommittee Chairman Trey Gowdy (R-SC) called on President Obama's Secretary of Health and Human Services (HHS) Kathleen Sebelius in a letter sent August 3, to provide to the Committee detailed information about the waiver process and factors involved in deciding which organizations did—and did not—receive waivers.

“The Obama Administration has implemented a policy that picks winners and losers—all without disclosing how and why these selections were made. The public has a right to know what justification they used to exempt businesses, unions and other organizations from compliance with Obamacare,” Chairman Issa said. “At a time when many businesses are struggling to create jobs and grow the economy, this has the potential to create an unfair advantage for some politically-connected businesses, while others are left to suffer the consequences of onerous government regulations,” Issa added.

“Through an amorphous process shrouded in ambiguity and understood by few, the Administration has granted exemptions from Obamacare's onerous requirements to hundreds of organizations. The American people deserve to know what standard of review Secretary Sebelius utilized and why the geographic distribution of granted waivers appears to be so distorted. I look forward to working with Chairman Issa as we continue to ensure political favoritism does not trump fundamental fairness,” Gowdy said.

The Committee has requested that HHS deliver by August 17 documents and information including a copy of every waiver application and supporting materials. In addition, the committee asked for information about the internal evaluation of each waiver application. Thus far, HHS has delivered only applications denied as of March 10.

Because HHS has since decided to eliminate the entire waiver process effective September 22, Issa and Gowdy also raised concerns about the fairness of this process. They asked that HHS provide a full explanation of the shutdown process as well as documents and questions about stakeholder surveys and communications to assess a possible shutdown.

“If the Department continues to demonstrate an unwillingness to cooperate with the Committee’s investigation, we will be forced to consider compulsory process,” Issa and Gowdy wrote.