

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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February 25, 2014

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton:

I am writing regarding the letter you sent last week to Accenture Federal Services regarding their recently awarded contract to fix and stabilize the Healthcare.gov website. The letter contains a massive and unwarranted document request, which I urge you to reconsider.

There have been no allegations of wrongdoing with regard to HHS's award of the contract to Accenture, and there are no allegations of concerns with the company's work. Indeed, tens of thousands of Americans continue to use the Healthcare.gov website each day to sign up for insurance under the Affordable Care Act.

Despite the absence of any allegations of misconduct, your letter requests "[a]ll documents, including communications, relating [to] ... HealthCare.gov or the FFM," which is the federal health care marketplace. It also asks for "[a]ll ... communications between employees or representatives of Accenture and employees or representatives of the Department of Health and Human Services, the Centers for Medicare and Medicaid Services, and the Centers for Consumer Information and Insurance Oversight," as well as "employees or representatives of the White House."

This document request will be expensive and time-consuming; it will distract Accenture from the job for which it was hired; and it will chill candid communications between the contractor and the agency. It might be justified if there were evidence of misdeeds by Accenture that the Committee was investigating, but there are none. Instead, all it will do is frustrate the implementation of the Affordable Care Act, intimidate private companies from working with the Department, and allow the Committee to engage in a fishing expedition.

Regrettably, it appears that the Committee is continuing to engage in oversight for the purpose of obstruction not illumination. The Committee's investigation of healthcare navigators


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had no predicate and intimidated and diverted resources from these civic organizations.¹ The Committee's oversight of Enroll America, which encourages the public to sign up for coverage, had a similar chilling effect.² The letter that Republican leaders sent to the National Football League, Major League Baseball, the National Basketball Association, and other major professional sports leagues had a similar impact.³

I am a strong defender of the right of Congress to engage in oversight, and I have no objection to your seeking a briefing from Accenture about its contract and responsibilities. But the Committee's oversight powers are vast and should not be abused by engaging in fishing expeditions and intrusive document requests.

I hope you will reconsider.

Sincerely,



Henry A. Waxman
Ranking Member

¹ Letter from Rep. Henry A. Waxman to Chairman Fred Upton (Aug. 30, 2013) (online at <http://democrats.energycommerce.house.gov/sites/default/files/documents/Upton-ACA-Navigator-Grantee-Information-Request-2013-8-30.pdf>).

² Letter from Reps, Fred Upton, Tim Murphy, Marsha Blackburn, Joseph L. Pitts, Joe Barton, and Michael Burgess to Anne Filipic, Enroll America (May 16, 2013) (online at <http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/letters/20130516Enroll.pdf>).

³ Letter from Reps. Cornyn and McConnell to Roger Goodell (June 27, 2013); Letter from Rep. Scalise to Roger Goodell and David Stern (June 27, 2013) (online at <http://scalise.house.gov/sites/scalise.house.gov/files/documents/Letter%20to%20NFL%20and%20NBA.pdf>).