

Congress of the United States
Washington, DC 20515

June 7, 2011

The Honorable Kathleen Sebelius
U.S. Department of Health & Human Services
200 Independence Ave., S.W.
Washington, DC 20201-0007

Dear Secretary Sebelius:

Thank you for your recent letter regarding the CLASS program.

HHS officials have already testified your department has authority to change the minimum earnings requirement in the CLASS program. We find it disappointing HHS will not clarify these existing comments.

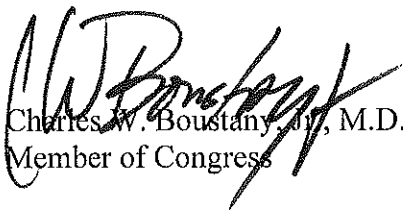
During a meeting on March 4, Assistant Secretary Kathy Greenlee and senior HHS staff promised our staff a timely, pertinent explanation. On March 17, Ms. Greenlee testified before the House Energy and Commerce Committee that HHS "has the authority" to make this change, without offering any promised specifics.

On April 15, 43 Members of Congress again requested a clarification, asking where HHS finds legal authority to ignore clear language in the new health law. You wrote: "I take seriously the question you pose," while again refusing to answer the question.

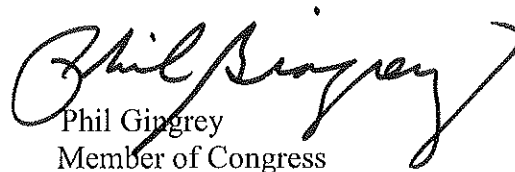
In light of findings from legal scholars at the Congressional Research Service, we respectfully request you cite specifically where in the statute you find authority to ignore language in the law.

We find this lack of transparency disappointing and ask you to honor promises to clarify existing HHS comments.

Sincerely,



Charles W. Boustany, Jr., M.D.
Member of Congress



Phil Gingrey
Member of Congress