

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

January 29, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gowdy:

We are writing to request that you issue a subpoena to compel the Department of Health and Human Services (HHS) to produce all documents requested as part of our Committee's investigation into compliance with the Whistleblower Protection Enhancement Act and the protection of the right of federal employees to communicate with Congress.

On February 7, 2017, Chairman Mark Meadows and Ranking Member Gerry Connolly of the Subcommittee on Government Operations sent a request to HHS seeking documents relating to the agency's use of nondisclosure agreements. This letter followed "news reports that guidance in some agencies raised concerns."¹ HHS staff responded with an email providing a few select examples of nondisclosure language they have used in the past, but they did not provide the documents that were requested.

On May 4, 2017, then-Chairman Jason Chaffetz and Senator Chuck Grassley, the Chairman of the Senate Committee on the Judiciary, sent a letter seeking documents relating to an internal HHS memorandum they described as "potentially illegal and unconstitutional" and likely to "chill protected disclosures of waste, fraud, and abuse."² We have not received documents in response to this request.

The protection of whistleblowers and the right of federal employees to communicate with Congress have been longstanding bipartisan priorities of this Committee. Therefore, we ask that

¹ Letter from Chairman Mark Meadows and Ranking Member Gerald Connolly, Subcommittee on Government Operations, House Committee on Oversight and Government Reform, to Acting Secretary Norris Cochran, Department of Health and Human Services (Feb. 7, 2017) (online at connolly.house.gov/uploadedfiles/connolly-meadows_hhs_re_ndas.pdf).

² Letter from Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, and Chairman Chuck Grassley, Senate Committee on the Judiciary, to Secretary Thomas E. Price, M.D., Department of Health and Human Services (May 4, 2017) (online at oversight.house.gov/wp-content/uploads/2017/05/2017-05-04-JEC-CEG-to-Price-HHS-Congressional-Communications.pdf).

The Honorable Trey Gowdy, Chairman
Page 2

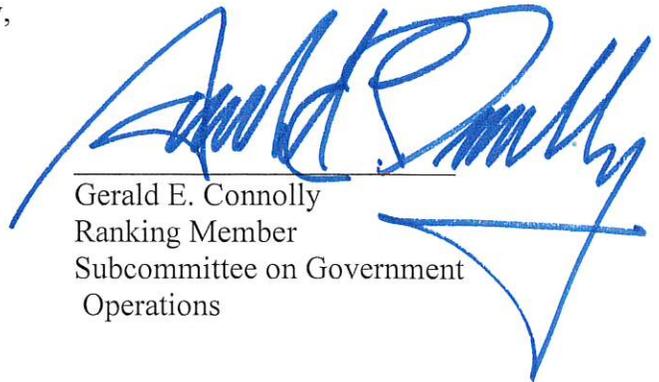
you issue a subpoena to compel HHS to produce all documents responsive to the requests of February 7, 2017, and May 4, 2017. If you decline, we ask that you allow Committee Members to debate and vote on a motion for the Committee to issue this subpoena.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Gerald E. Connolly
Ranking Member
Subcommittee on Government
Operations