

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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June 10, 2016

The Honorable Daniel Levinson
Inspector General
Department of Health and Human Services
330 Independence Avenue, SW
Washington, D.C. 20201

Dear Mr. Inspector General:

I understand that our Chairman sent you a letter on June 7, 2016, asking your office to investigate the Centers for Medicare and Medicaid Services' for its "failed oversight of the development and implementation of Oregon's state-based health insurance exchange, Cover Oregon."¹ I am writing to provide additional information.

Unfortunately, the Chairman's request is based on an unofficial Republican-only staff report issued on May 25, 2016, rather than on any official report of the Committee. As you may know, official Committee reports are governed by House and Committee rules designed to promote accuracy and completeness, while unofficial staff reports are not. For example, unofficial staff reports are not required to be considered, debated, voted on, or approved by the Committee. They are not subject to amendment, and they are not required to include minority or additional views.

For these reasons, I wrote to the Chairman on May 20, 2016, requesting that he consider issuing an official report of the Committee instead. I warned of "several key omissions and inaccuracies in the draft staff report," and I explained that the process of vetting and adopting an official Committee report would "ensure that the public has a more complete and accurate understanding of the issues the Committee has been investigating."² I am enclosing a copy of that letter for your review.

Unfortunately, the Chairman declined to accept this proposal. Instead, he decided to release his unofficial and flawed Republican staff report without review by other Members of the Committee or the official imprimatur of the Committee.

¹ Letter from Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, to the Honorable Daniel Levinson, Inspector General, U.S. Department of Health and Human Services (June 7, 2016).

² Letter from Ranking Member Elijah E. Cummings to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (May 20, 2016).

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As a result, I also issued a staff report on May 25, 2016, pointing out serious flaws with the Republican staff report and highlighting evidence demonstrating that Oregon's contractor, the Oracle Corporation, was primarily and directly responsible for the failure of the Oregon's health insurance exchange website.

In an effort to provide you with a more complete record, I am attaching a copy of my staff report for your review. I am also providing copies of the transcripts of the five interviews and depositions that Committee staff conducted as part of this investigation.

I do not know whether your office, after reviewing the totality of evidence, will find it necessary to proceed with an investigation into this matter. If it does, however, I strongly believe that any such review should include a robust investigation into Oracle's actions.

Please contact my staff at (202) 225-5051 with any questions, and thank you very much for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member

Enclosures

cc: The Honorable Jason Chaffetz, Chairman