

Statement by
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U.S. Department of Health and Human Services
on
Hearing on Compliance with Committee Oversight
before
Subcommittee on Responsiveness and Accountability to Oversight
Committee on the Judiciary
United States House of Representatives
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Chairman Cline, Ranking Member Swalwell, and Members of the Committee, I appreciate this opportunity to testify on the efforts of the Department of Health and Human Services (HHS or Department) to respond to oversight requests from the Committee on the Judiciary (Committee) during the 118th Congress. I am Melanie Anne Egorin, the Assistant Secretary for Legislation at HHS. Prior to coming to HHS, I spent more than 15 years working in Congress and at the Government Accountability Office (GAO), including serving on the professional staff of the House Committee on Ways and Means for nearly 10 years. I have a deep appreciation for the important work of Congress and the important role that oversight plays in the furtherance of its legislative function. As I noted in prior testimony for my confirmation to serve as the Assistant Secretary for Legislation, I believe it is vital that we ask questions about current policies and programs so we can improve programmatic integrity, our healthcare system, and the overall health of the nation.

HHS's mission is to enhance the health and well-being of all Americans. We accomplish this mission every day by providing for effective health and human services and by fostering sound, sustained scientific advances that underly medicine, public health, and social services. Our 12 operating divisions include nine agencies in the U.S. Public Health Service and three human services agencies. Collectively, these divisions administer a wide variety of health and human services programs. From providing access to health care coverage to more than 100 million people through Medicare, Medicaid, the Children's Health Insurance Program, and the Health Insurance Marketplace, and services provided through the Indian Health Service, Community Health Centers, and the U.S. Public Health Service, to working to protect Americans from health, safety, and security threats both foreign and domestic, and overseeing the safety, effectiveness, and quality of foods, drugs, vaccines, and medical devices, HHS programs touch the lives of all Americans.

Addressing Congress's Oversight Requests

As part of its critical mission to enhance and protect the health and well-being of all Americans, HHS regularly interacts with Congress and responds to congressional oversight requests. HHS

recognizes and appreciates the importance of congressional oversight and is committed to continuing to work with Congress in good faith to address its informational needs while balancing the institutional interests of the Department and the Executive Branch. Given the breadth of the programs administered by the Department, we receive inquiries from virtually every Member's office and regularly receive a variety of oversight requests from multiple Committees in both the House and Senate. In the six months since the 118th Congress began, the Department has sent nearly 100 letters responding to oversight inquiries from a multitude of committees, produced more than eleven thousand pages of documents in response to committees' oversight requests, and responded to numerous other congressional letters and requests for information and assistance. Department officials also have testified at multiple oversight hearings and provided frequent briefings for committee staff in connection with various inquiries. We are also actively responding to 180 ongoing engagements with the Government Accountability Office—63 of which were initiated since the start of this year.

In responding to the substantial volume of congressional oversight requests this Congress, we engage in the constitutionally mandated accommodation process, seeking to respond to Congress's legitimate efforts to seek information in aid of its legislative function in a manner consistent with Executive Branch interests, while being cognizant of resource constraints. We receive many broad and complex oversight requests that may involve multiple components of the Department. Such requests require appropriate time and attention to allow us to provide accurate information. At times, committees also have requested particularly sensitive information, including information implicating market sensitivities, ongoing law enforcement investigations, personal health information (PHI), and personally identifiable information (PII). In situations like these, we have pursued accommodations that balance the Committee's interests with our obligation to safeguard certain information. In all cases, we work hard to respond to Congress's oversight requests about the Department's policies and programs.

The Committee's Oversight Requests

With respect to the subject of today's hearing, the Department has been actively engaging with the Committee regarding its multiple oversight requests this Congress. To date, these efforts include providing the Committee more than 2,000 pages of documents, arranging for an additional 1,200 pages of sensitive records to be reviewed *in camera*, sending multiple letters and providing detailed information, and participating in a transcribed interview.

As you are aware, on March 22, 2023, the Committee sent a letter to the Centers for Disease Control and Prevention (CDC) that included a series of broad requests for documents largely regarding certain interactions with companies or other third-party groups. The Department sent an initial response letter to the Committee by the deadline requested, in which we acknowledged

that the Department was working to provide information responsive to the Committee's letter.¹ Despite this written commitment, the Committee issued a subpoena three weeks later with little advance notice. In the intervening time, the Committee sent five additional letters to the Department and HHS operating divisions that included similarly broad requests for documents on the same topic. Since March, the Department has been working diligently to address the Committee's multiple inquiries. To date, we have made multiple document productions totaling more than 2,000 pages. As we informed Committee staff, we intend to continue cooperating consistent with the accommodation process.

The Department has also been actively engaging the Committee's requests regarding the Administration for Children and Families' Office of Refugee Resettlement (ORR). On February 27, 2023, the Committee sent a letter raising certain concerns regarding ORR's Unaccompanied Children (UC) Program and requesting a transcribed interview with the ORR Director. In a good faith effort to provide the Committee responsive information, the Department sent a detailed response by the Committee's requested deadline and offered to schedule a staff briefing with senior leadership.² The Department also facilitated the ORR Director's participation in the requested transcribed interview voluntarily.

The Committee sent another letter to the Department on February 27, 2023, requesting documents related to the case files of an unaccompanied minor who had previously been in ORR's custody. The Department responded to this letter by the Committee's requested deadline, and proceeded to offer an *in camera* review of more than 1,200 pages of records.³ As we explained in our letter to the Committee, the documents that were requested are highly sensitive, appear to be relevant to matters at issue in an ongoing criminal proceeding, and include a significant amount of PII and PHI of a minor. HHS has a strong interest in protecting the privacy of unaccompanied children and not interfering with the integrity of criminal proceedings.

Conclusion

As I believe my testimony today reflects, HHS has a demonstrated record of working diligently to address a broad range of oversight requests from this Committee and other oversight bodies. We look forward to continuing to work with this Committee and others to respond to oversight requests in a timely manner consistent with the accommodation process, while upholding the institutional interests of the Department.

¹ Letter from Melanie Anne Egorin, PhD, Assistant Secretary, Department of Health and Human Services, to the Honorable Jim Jordan, Chairman, Committee on the Judiciary (Apr. 5, 2023).

² Letter from Melanie Anne Egorin, PhD, Assistant Secretary, Department of Health and Human Services, to the Honorable Jim Jordan, Chairman, Committee on the Judiciary (Mar. 13, 2023).

³ Letter from Melanie Anne Egorin, PhD, Assistant Secretary, Department of Health and Human Services, to the Honorable Jim Jordan, Chairman, Committee on the Judiciary (Mar. 10, 2023).