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Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

MAJORITY (202) 225-2927
FACSIMILE (202) 225-2525
MINORITY (202) 225-3641

energycommerce.house.gov

July 22, 2010

The Honorable Henry A. Waxman
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman:

We write to respectfully request that you invite Dr. Donald Berwick, the recess-appointed Administrator of the Centers for Medicare and Medicaid Services (CMS), to testify before our Committee at the earliest opportunity.

The Administrator of the Centers for Medicare and Medicaid Services (CMS) is a key figure in the delivery of American health care, especially now that the new health care law has passed. It is therefore unfortunate that the Administration waited 15 months before nominating Dr. Berwick. After he was nominated in April, legitimate concerns arose over his expressed views about rationed care and the government's role in deciding appropriate medical care. The constitutionally prescribed Senate confirmation process typically provides an opportunity for a nominee to explain his views. Unfortunately, the Administration chose to bypass this process, despite the fact that the Senate Finance Committee was waiting on information from Dr. Berwick.

Regardless of the controversy surrounding Dr. Berwick's recess appointment, Dr. Berwick is now the Administrator, and this Committee must exercise its responsibility to oversee this agency. A hearing with Dr. Berwick would enable Members to question the individual now in charge of implementing half a trillion dollars in cuts to Medicare. We could hear how Dr. Berwick believes these cuts will affect seniors' access to services and coverage.

Dr. Berwick will also be responsible for implementing the expansion and transformation of the Medicaid program contained in the new health care law. He will oversee a program with more than 90 million individuals and an increase in spending of nearly 90 percent during the

2014-2019 period alone. His decisions will thus have far-reaching implications for every State budget.

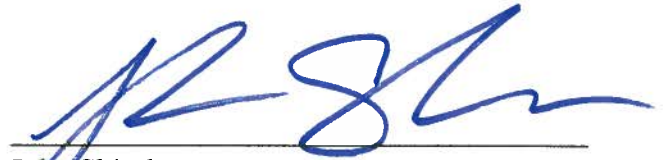
The new law also provides the CMS Administrator with broad discretion to change Medicare payment rates and methodologies that could adversely impact seniors. For example, Section 3021 of the new law creates a new Center for Medicare and Medicaid Innovation to test innovative payment and service delivery models to reduce program expenditures while preserving or enhancing the quality of care. Although transformation of our Medicare system to reward quality over volume is a worthy goal, proper implementation is critical to ensure that policies focused on the quality of patient care do not create a back door to rationed care.

Dr. Berwick will now run an agency with an annual budget approaching \$800 billion. His decisions will affect the health care of millions of Americans, and the agency falls squarely within the jurisdiction of the Energy and Commerce Committee. We therefore respectfully request that you invite Dr. Berwick to testify before our Committee at the earliest opportunity.

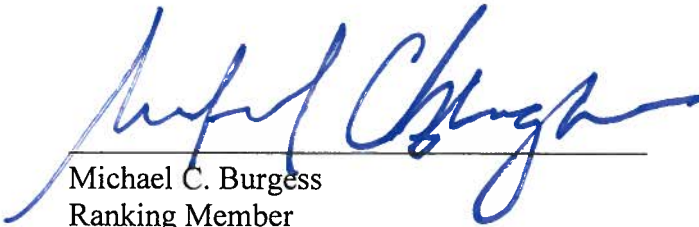
Sincerely,



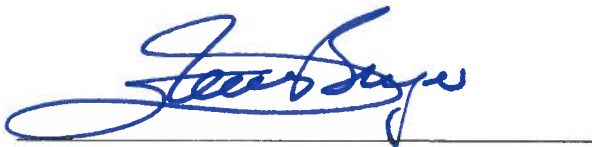
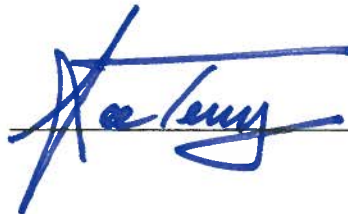
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Ranking Member



John Shimkus
Ranking Member
Subcommittee on Health



Michael C. Burgess
Ranking Member
Subcommittee on Oversight and Investigations



Robert E. Datta

Joseph R. Pitts

Steve Savine

John S.

Tom Murphy

Manda Blackman

Mike Roge

Phil Simpson

Mary Beth Mack

Cliff Fung

List of Signatories

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Mike Rogers (MI)
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Lee Terry
Ralph M. Hall
Fred Upton
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John Sullivan
Marsha Blackburn
Phil Gingrey
Cliff Stearns