

ONE HUNDRED TWELFTH CONGRESS
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
Minority (202) 225-3641

October 24, 2011

The Honorable Kathleen Sebelius
Secretary of Health and Human Services
The Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

Pursuant to House Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce is examining the participation of the Department of Health and Human Services (HHS) in implementing White House directives to eliminate unnecessary, duplicative, or wasteful government programs and to cut costs and create new efficiencies in retained programs.

At the October 12, 2011, Subcommittee on Oversight and Investigations hearing entitled "Cutting EPA Spending," David C. Trimble, Director for Natural Resources and Environment at the Government Accountability Office (GAO), observed that not all agencies, including EPA, are providing information in their budget justification documents on funds from appropriations in prior years that were not expended and are available for new obligations.¹ GAO concluded that "such information could be useful to Congress because these funds could partially offset the need for new funding."² We seek a better understanding of the role unliquidated obligations appropriated in prior years may play in identifying opportunities to reduce new appropriations.

Total unexpended balances³ across the federal government are estimated to exceed two trillion dollars at the end of FY 2012.⁴ HHS contributes significantly to this figure. For example, according to OMB's FY 2012 "Balances of Budget Authority," at the end of FY 2010, HHS had over \$175 billion in obligated balances⁵ carried forward, as well as over \$51 billion in

¹ http://republicans.energycommerce.house.gov/Media/file/Hearings/Oversight/101211/Trimble_Testimony.pdf

² *Id.*

³ Unexpended balances of budget authority are the sum of obligated and unobligated balances.

⁴ <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/balances.pdf>

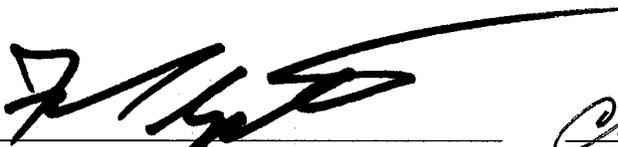
⁵ Obligated balances are the amounts of obligation already incurred (for example, contracts signed) for which payment has not yet been made but will be required, i.e., undelivered orders and accounts payable. Obligated balances are defined in law as net of accounts receivable and unfilled customer orders.

unobligated balances⁶ carried forward.⁷ Therefore, in order to better understand the status and composition of HHS's contribution to the federal government's unexpended balances, we request that you provide the following information by November 7, 2011:

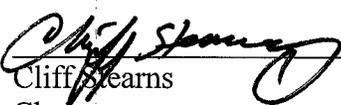
1. Please provide a complete list of HHS programs and other expenditures, based on the most current available data (including earmarks). With the submission, include the status of budget authority available to the agency, including whether funds remain unobligated, have been obligated, have been obligated but not expended, and the level of unexpended balances that have been carried forward into FY 2012.
2. Please list and describe all instances since FY 2009 where annual, multi-year and no-year budget authority was obligated to a contract, grant, or interagency agreement where objectives have been achieved and balances in previously obligated budget authority have been carried forward to the next fiscal year to become available for new obligations.
3. Please describe all HHS efforts since FY 2009 to "deobligate" unliquidated obligations, including but not limited to those instances where deobligation is followed by "recertification" or re-use of such funding authority.
4. Please describe all instances since FY 2009 in which the HHS's use of recertified funds has offset the need for new funding requests of Congress.

If you have any questions regarding this request, please contact Sam Spector with the Committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



Cliff Stearns
Chairman
Subcommittee on Oversight and Investigations



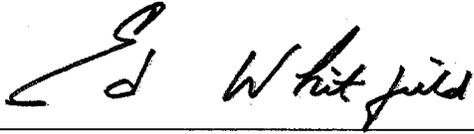
Joe Barton
Chairman Emeritus



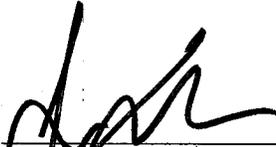
Sue Myrick
Vice Chairman

⁶ Unobligated balances are the amounts of budget authority that have not yet been committed by contract or other legally binding action by the government.

⁷ <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/balances.pdf>



Ed Whitfield
Chairman
Subcommittee on Energy and Power



John Shimkus
Chairman
Subcommittee on Environment
and the Economy



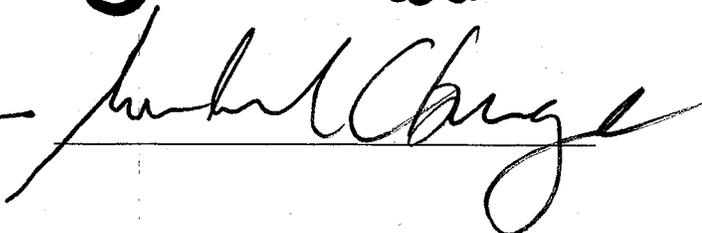
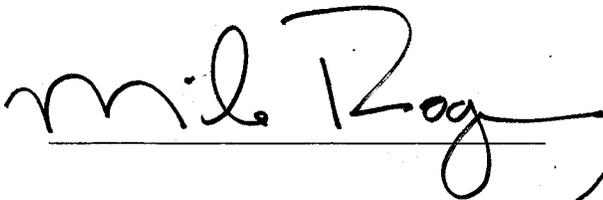
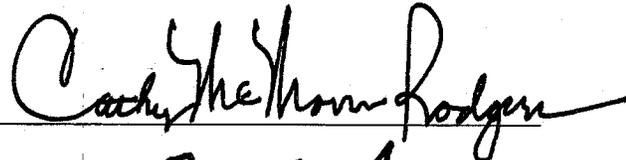
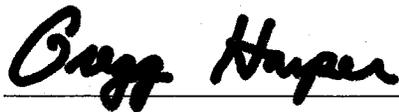
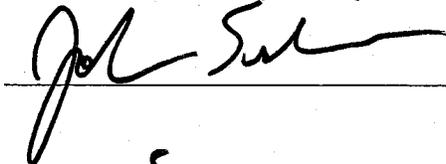
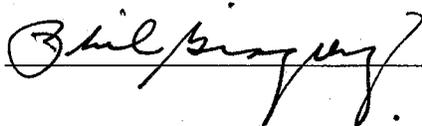
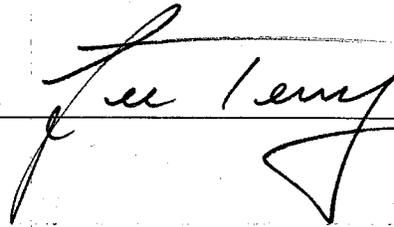
Joseph R. Pitts
Chairman
Subcommittee on Health



Mary Bono Mack
Chairman
Subcommittee on Commerce, Manufacturing,
and Trade

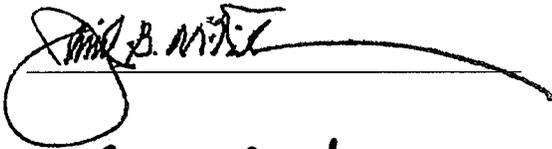


Greg Walden
Chairman
Subcommittee on Communications
and Technology





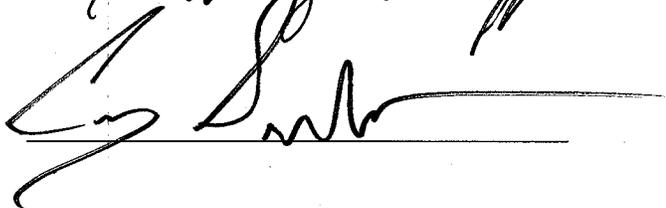




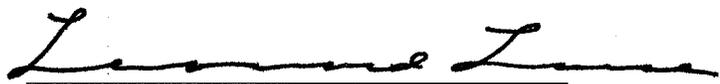












cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

List of Signatories

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Fred Upton
Joe Barton

Cliff Stearns
Sue Myrick

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Phil Gingrey
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Tim Murphy
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Marsha Blackburn
Mike Rogers

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Adam Kinzinger
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