

**Congress of the United States**  
**Washington, DC 20515**

June 29, 2020

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Azar:

Congress has delegated to you authorities of critical importance to the American people, including ultimate authority over the administration of taxpayer funds for critical programs. As you are no doubt aware, that authority comes with significant obligations, including compliance with bedrock fiscal statutes like the Impoundment Control Act of 1974 (“ICA”) and the responsibility to cooperate with inquiries and investigations by the independent and nonpartisan Government Accountability Office (“GAO”).

We understand that GAO has recently contacted you for information about your agency’s approach to funding for the World Health Organization (“WHO”). President Trump’s recent statements on funding for the WHO have caused concerns that the President is once again trying to usurp the powers of Congress and raised the possibility that pressure is being put on you to violate your legal obligations and breach the public’s trust.

We write to remind you of your legal responsibility to cooperate with GAO’s inquiry. Congress, on a bipartisan basis, authorized the Comptroller General “to obtain such agency records as the Comptroller General requires to discharge the duties of the Comptroller General (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section.”<sup>1</sup> Under the law, each agency is required to “give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency.”<sup>2</sup>

On numerous occasions, the Trump Administration has refused to cooperate with requests from GAO. In light of this history of obstruction, our Committees are on high alert for any failure by the Department to cooperate with GAO.

We are also concerned that the Office of Management and Budget (OMB) may improperly seek to interfere with your exercise of the authorities granted to you by law or obstruct your cooperation with GAO. Over the last year, OMB has repeatedly attempted to stifle other executive agencies’ participation in constitutionally critical oversight. We have attached a letter

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<sup>1</sup> Pub. L. No. 115-3 (2017).

<sup>2</sup> 31 U.S.C. § 716(a)(2).

we have sent to OMB Acting Director Russell Vought reminding him that OMB has no authority under the law to obstruct GAO's inquiries. We also wish to remind you that, like the authorities the law delegates to you, the responsibility to cooperate with GAO's investigation rests personally on you and your delegates in the agency.

Should your agency nonetheless become the target of another inappropriate effort by OMB to influence or impede compliance with the ICA or with GAO's requests, we encourage you to reject that inappropriate effort and report it to our committees and the relevant oversight bodies. An inappropriate, *ultra vires* direction from officials at OMB is not an excuse for you to breach your responsibilities.

We ask that you provide written confirmation by July 7, 2020 that the Department will cooperate with all inquiries from GAO related to funding to the WHO.

As the primary Committees charged with overseeing annual funding decisions, the ICA, GAO, and oversight of the Executive Branch, we intend to continue to pay careful attention to the course your agency takes and will act accordingly in response to any attempt to circumvent the law.

Sincerely,

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John A. Yarmuth  
Chairman  
House Committee on  
the Budget

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Nita M. Lowey  
Chairwoman  
House Committee on  
Appropriations

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Carolyn B. Maloney  
Chairwoman  
House Committee on  
Oversight and Reform