

White House Silent to Congress on Obamacare; Subpoenas Next Step

By Shira Stein

Posted May 28, 2019, 10:44 AM

- White House and Justice Department haven't produced documents
- Next step for Congress to issue subpoenas

The White House and Justice Department haven't produced any documents in response to a request from House Democrats for information related to their decision not to defend the constitutionality of the Affordable Care Act, a senior Democratic aide on the House Oversight Committee told Bloomberg Law.

The deadline five House committee chairmen gave for the administration to begin producing documents was May 27. The Department of Health and Human Services has already started to produce documents, as previously reported.

Lawmakers are likely to start issuing subpoenas once they return to Washington June 4, as it is their next option for obtaining documents and testimony.

At issue is the administration's two-sentence memo in March to the U.S. Court of Appeals for the Fifth Circuit saying a federal judge's decision that the ACA is unconstitutional should be upheld. That's unusual because the government is generally tasked with defending its own laws. The Fifth Circuit has scheduled oral arguments in the expedited appeal of the case, *Texas v. United States*, for July 9.

The chairmen of the House Committees on Oversight and Government Reform, Energy and Commerce, Ways and Means, Education and Labor, and Judiciary sent letters to the Department of Health and Human Services, Justice Department, and White House April 8 asking them to produce documents, communications, and testimony related to the administration's decision.

According to follow-up letters May 13, the White House hasn't acknowledged receiving the request and the Justice Department has yet to comply with the requests.

To contact the reporter on this story: Shira Stein in Washington at sstein@bloomberglaw.com

To contact the editor responsible for this story: Fawn Johnson at fjohnson@bloomberglaw.com

Related Articles

[Subpoena on Trump Obamacare Stance a Dilemma for Democrats](#) (May 20, 2019, 5:25 AM)

© 2019 The Bureau of National Affairs, Inc. All Rights Reserved