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October 6, 2009

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Secretary Sebelius:

I respectfully request specific information from the Department of Health and Human Services regarding its involvement, if any, with the Association of Community Organizations for Reform Now (ACORN).

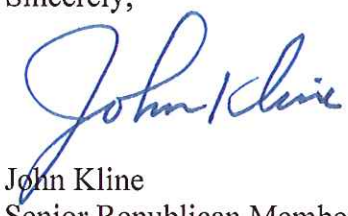
As you know, ACORN has been linked to multiple allegations of voter registration fraud and other illicit activity, too often funded at taxpayer expense. An analysis of federal data shows ACORN has received more than $53 million in direct funding from the federal government since 1994 and has likely received substantially more through states and localities that receive federal block grants.

Accordingly, I am seeking information regarding the Department of Health and Human Service's involvement with or support for ACORN. Specifically, as detailed herein, I am requesting information regarding any communication the Department has had with ACORN, as well as any moneys the Department has provided to this organization. Finally, I am asking the Department to detail what steps, if any, it has taken to comply with the Congressional prohibition on funds to ACORN included in the recently enacted Continuing Appropriations Resolution for Fiscal Year 2010.

I respectfully request you produce your written response(s) and all corresponding documents to my office no later than October 30, 2009. If you have any questions, please contact [redacted] of the Committee staff at [redacted]

Thank you for your cooperation in this matter.

Sincerely,



John Kline
Senior Republican Member

cc: The Honorable George Miller, Chairman

Enclosures: Documents and Information Requested
Information Request Supplemental Instructions and Definitions

Documents and Information Requested

1. Please produce any and all documents referring or relating to any communications between the Department of Health and Human Services and ACORN from January 21, 2009, to the present date.

2. Please describe any and all funds provided to ACORN and any and all contracts, grants, cooperative agreements, or any other form of agreement (including any memoranda of understanding) awarded to or entered into with ACORN by or through the Department of Health and Human Services from January 21, 2009, to the present date, and produce any and all documents referring or relating to the same.

3. Please describe any and all steps the Department has taken to comply with section 163 of Public Law No. 111-68 (prohibiting any funds available under the Continuing Appropriations Resolution for Fiscal Year 2010 from being provided to ACORN, or any of its affiliates, subsidiaries, or allied organizations), and produce any and all documents referring or relating to the same.

Information Request Supplemental Instructions and Definitions

Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Records, documents, data, or information called for by this request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Requestor.

2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.

3. Each document produced should be produced in a form that renders the document capable of being copied.

4. When you produce documents, you should identify to which paragraph in the request the documents respond.

5. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labors, dividers, or identifying markers, they should be organized into separate folders by any matter prior to production.

6. Each folder and box should be numbered, and a description of the contents of each folder and box, including the request number to which the documents are responsive, should be provided in an accompanying index.

7. It is not proper to refuse to produce a document on the basis that any other person or entity also possesses a non-identical or identical copy of the same document

8. If any of the requested information is stored in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer backup tape), you should consult with the staff contact indicated in the request to determine the appropriate format in which to produce the information.

9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.

10. In the event that a responsive document is withheld on any basis, you should provide the following information concerning the document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.

11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject, and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.

12. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive if the date or otherwise descriptive detail were correct.

13. This request is continuing in nature and applied to any newly-discovered information. Any record, document, compilation of date, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

14. All documents should be bates-stamped sequentially and produced sequentially.

15. Two sets of documents should be delivered to the Rayburn House Office Building, Room 2101, to the attention of the General Counsel.

Definitions

1. The term "ACORN" refers to the Association of Community Organizers for Reform Now, and any of its affiliates, agents, directors, contractors, employees, officers, representatives, subcontractors, subsidiaries, and includes any "allied organization" as set forth in Public Law 111-68. In this context, the term "affiliate" means any of the following: (A) Any State chapter of ACORN registered with the Secretary of State's office in that State; (B) Any organization that shares directors, employees, or independent contractors with ACORN; (C) Any organization that has a financial stake in ACORN; and (D) Any organization whose finances, whether federally funded, donor-funded, or raised through organizational goods and services, are shared or controlled by ACORN.

2. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices,

transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and works sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voicemails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind of nature, however or otherwise recorded. A document bearing any notation not a part of the original text is to be considered a separate document. A draft of a non-identical copy is a separate document within the meaning of this term.

3. The term "communication" means each manner or means of disclosure or exchange of information , regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.

4. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

5. The term "person" or "persons" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business, or government entities and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.