

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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September 5, 2024

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington, D.C. 20001

Dear Secretary Becerra:

The Committee on Oversight and Accountability is requesting that the U.S. Department of Health and Human Services (HHS) cooperate in good faith with an ongoing investigation of the development of the 2025 Dietary Guidelines for Americans (Dietary Guidelines). As we previously wrote on April 4, 2024, we are seeking information about the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD) duplicative study of alcohol intake and health, which is intended to inform the 2025 Dietary Guidelines.¹ The Committee expects HHS to produce requested documents and information in full as soon as possible.

The ICCPUD study is concerning, as it appears to be attempting to remove alcohol review from the Dietary Guidelines Advisory Committee process and “delegate” it to ICCPUD, despite the National Academies of Sciences, Engineering, and Medicine’s twice-affirmed congressional mandate to study the relationship between alcohol use and health for the Dietary Guidelines² and ICCPUD’s directive to study underage drinking.³

We asked for responsive documents in the original request, as well as in staff-initiated follow-up communications on April 11, April 23, May 14, June 3, June 24, July 23, and August 8, 2024. In the five months since the initial request, HHS has provided two productions containing 20 pages of responsive documents. The most recent production contained no responsive documents. The Committee has been patient, but after five months, HHS is failing to meaningfully cooperate with the Committee’s oversight.

¹ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Lisa McClain, Chairwoman, Subcomm. on Health Care & Fin. Servs. to Hon. Xavier Becerra, Sec’y, U. S. Dep’t of Health & Human Servs. (Apr. 4, 2024).

² Consolidated Appropriations Act of 2023, Pub. L. No. 117-328 § 772, 136 Stat. 4508 (Dec. 29, 2022); Consolidated Appropriations Act of 2024, Pub. L. No. 118-42 § 773 (Mar. 9, 2024).

³ 42 U. S. C. § 290bb-25b

Since the Committee's original request, the ICCPUD study is continuing to move forward, and ICCPUD has collected public feedback on the proposed study methodology.⁴ Therefore, it is imperative that HHS produce complete documents and communications to the Committee, covering the period December 29, 2022, to present, as soon as possible, but no later than September 19, 2024. For your ready reference the requests were as follows:

1. All documents and communications among or between HHS staff related to agency compliance with applicable rules and regulations governing the formulation of the Dietary Guidelines, including The National Nutrition Monitoring and Related Research Act of 1990 and Section 772 of the Consolidated Appropriations Act of 2023, and Section 773 of the Consolidated Appropriations Act of 2024;
2. All documents and communications among or between HHS staff related to the formation of the ICCPUD Subcommittee for Alcohol Intake and Health to review alcohol consumption and health for the 2025 Dietary Guidelines;
3. A complete list of all participants in the ICCPUD Subcommittee for Alcohol Intake and Health, including name, position, and professional affiliation;
4. All documents and communications containing any of ICCPUD's Subcommittee for Alcohol Intake and Health meeting minutes or other notes of the Subcommittee's meetings;
5. All documents and communications among or between HHS (including but not limited to SAMHSA and/or ICCPUD) about or with NASEM members and staff our USDA, related to NASEM or ICCPUD committee members' work on alcohol-related issues, disclosures and alleged conflicts of interest; and
6. All documents and communications reflecting HHS and its subagencies' efforts to undermine, subvert, or displace NASEM's work and its role in the process for setting the 2025 Dietary Guidelines.


If HHS continues to withhold documents and communications on this matter, the Committee will consider other means, including compulsory process.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

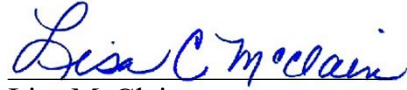
⁴ The Interagency Coordination Committee on the Prevention of Underage Drinking Requests for Public Comments, 89 Fed. Reg. 55,274 (Jul. 3, 2024).

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Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Lisa McClain
Chairwoman
Subcommittee on Health Care and
Financial Services

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Katie Porter, Ranking Member
Subcommittee on Health Care and Financial Services