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Executive Director

April 22, 2016

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Orrin G. Hatch
Chairman
Finance Committee
219 Dirksen Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Joseph Pitts
Chairman
Subcommittee on Health
Committee on Energy and Commerce
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Upton, Hatch, and Pitts:

I am writing today to provide an interim response to your March 29 letter concerning the disposition of the Medicaid and CHIP Payment and Access Commission’s efforts to develop and implement conflict of interest policies. The Commission has been working to develop such policies as noted in my February 3rd letter to you, and MAPCAC staff have advised your staff of its progress. To date, we have:

- reviewed the conflict of interest policies of the Congressional Budget Office (CBO);
- consulted informally with legal counsel at CBO and the U.S. Government Accountability Office (GAO) to understand both agencies’ disclosure requirements and policies;
- consulted with independent counsel to review conflict of interest policies set forth in MACPAC’s employee handbook including those articulated in the U.S. Senate Code of Conduct (because MACPAC staff are considered employees of the U.S. Senate for purpose of pay, benefits, and employment rights and obligations);
- discussed the key elements of a proposed policy with Commissioners;
- consulted with independent counsel for assistance in developing a conflict of interest policy for MACPAC Commissioners that is consistent with best practices for transparency and management of conflicts.



Consistent with your request, we plan to share a draft of our new policy with your staff prior to the Commission discussing in public session. I anticipate that the Commission will discuss, deliberate, and vote to adopt a policy during our May 19–20 public meeting. Per the questions posed in your letter, this policy will address conflicts related to financial interests and political activity, including legal advocacy. In addition, the policy will articulate policies and processes for public disclosure of relevant Commissioner financial interests and affiliations, recusal, and prohibited activities.

Once the policy has been adopted, the Commission will post policies affecting Commissioners and staff on its website as well as post information on relevant Commissioner interests and affiliations. In addition, we expect that all aspects of the policy will be fully implemented by the time of the Commission's subsequent public meeting, which will take place in September.

I look forward to sharing the details of this effort with you once the policy is finalized, and would be happy to meet with you or your staff to discuss this matter further.

Sincerely,



Sara Rosenbaum, JD
Chair

Cc: Marsha Gold, PhD, Vice Chair
MACPAC Commissioners
Anne L. Schwartz, PhD, Executive Director

