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EXHIBIT 16

ONE HUNDRED EIGHTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515–6328

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SUITE HT-2, THE CAPITOL
(202) 225-7103

July 8, 2004

CONFIDENTIAL

The Honorable Tommy G. Thompson
Secretary of Health and Human Services
The Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Investigation of Certain Allegations Related to Voting on the Medicare Prescription Drug Improvement and Modernization Act of 2003

Dear Secretary Thompson:

As you already may be aware, an Investigative Subcommittee of the Committee on Standards of Official Conduct (the "Committee") is conducting a formal inquiry regarding the above-captioned matter. As set forth in the enclosed resolution adopted by the Committee on March 17, 2004, the inquiry pertains to public statements made by Representative Nick Smith that he received communications linking support for the congressional candidacy of his son with Representative Smith's vote on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (hereafter the "Medicare Prescription Drug Act").[1]

We understand that you were present on the House floor during the nearly three hour vote on the above-referenced legislation. According to various press accounts, you spent a portion of your time on the House floor either in the vicinity of, or in direct communication with, Representative Nick Smith. Because of your reported proximity to Representative Nick Smith during events relevant to our inquiry, by this letter we are seeking a written statement from you setting forth your recollections of events that may have occurred during the vote on the Medicare Prescription Drug Act.

Specifically, we request that you submit a written response to the attached list of questions. In addition to providing answers to the attached questions, we would welcome any other information you possess relevant to the above-described public statements made by Representative Smith. We request that your submission to the Investigative Subcommittee be made under oath.

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[1] A copy of the Rules of the Committee on Standards of Official Conduct for the 108th Congress is also enclosed with this letter.

We note for your attention the provision in the Committee's resolution that provides that "the Committee intends that all witnesses who provide testimony before the Investigative Subcommittee should be sequestered and should not communicate with any other witnesses regarding any aspect of their testimony unless the Investigative Subcommittee permits otherwise." Accordingly, we request that you maintain the confidentiality of this communication and of your response to the Investigative Subcommittee and not discuss this matter with anyone other than your legal counsel.

Your cooperation in this matter is appreciated. We request the submission of your response by July 28, 2004. If you have any questions, please contact Counsel to the Investigative Subcommittee Kenneth E. Kellner or Bernadette C. Sargeant at (202) 225-7103.

Sincerely,

Kenny C. Hulshof
Chairman
Investigative Subcommittee

Michael F. Doyle
Ranking Minority Member
Investigative Subcommittee

Enclosures

Before the Investigative Subcommittee of the Committee on Standards of Official Conduct U.S. House of Representatives

Questions to the Honorable Tommy G. Thompson

1. To the best of your ability, please describe how you came to be present on the House floor during the vote on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (hereafter the "Medicare Prescription Drug Act") on November 22, 2003. Please include in your response a description of the purpose of your presence on the House floor during the vote.

2. Please identify any aides or officials from the Department of Health and Human Services and from the White House that accompanied you to the House of Representatives on November 22, 2004, and/or were present on the House floor during the vote on the Medicare Prescription Drug Act. Please provide the full name, title, employing office, address, and telephone number for each individual you identify in your response.

3. Please explain the circumstances under which you came to speak with Representative Nick Smith during the vote on the Medicare Prescription Drug Act on November 22, 2004.

4. Please describe in as much detail as possible your conversations with Representative Nick Smith during the vote on Medicare Prescription Drug Act, including, to the best of your recollection, a description of the statements made by you to Representative Smith, and statements made by Representative Smith to you. Please also identify any other persons who participated in your conversations with Representative Nick Smith, and summarize any statements made by those persons.

5. Please describe any communications you had with officials of the Federal Bureau of Investigation or the Department of Justice regarding any matter related to allegations made by Representative Nick Smith.

6. Please describe your understanding of Representative Nick Smith's position on the Medicare Prescription Drug Act both before and after you spoke with him on the floor of the House of Representatives on November 22, 2003.

7. As you may be aware, on November 23, 2003, the day after the vote on the Medicare bill, Rep. Smith issued a press statement in which he said the Medicare vote was held open "as bribes and special deals were offered to convince members to vote yes." Please state whether you have any knowledge as to what Representative Smith was referring to when he uses the terms "bribes" and "special deals."

8. Please state whether in any conversation with you, Representative Nick Smith referenced any pressure placed on him to vote in favor of the Medicare Prescription Drug Act.

9. Please state whether you have any knowledge of any person suggesting or mentioning offers of support for Brad Smith's congressional campaign if Representative Nick Smith voted in favor of the Medicare Prescription Drug Act.

10. Please provide any information you have about a possible endorsement of Brad Smith by the National Republican Congressional Committee if Representative Nick Smith voted in favor of the Medicare Prescription Drug Act.

11. Please state whether in any conversation with you, Representative Nick Smith referenced any dollar amount that he had been offered by anyone for his son's campaign.

12. Please state whether anyone suggested to you the possibility of using Brad Smith's campaign to persuade Representative Nick Smith to vote in favor of the Medicare bill

13. Please provide any other information that you have that you think might be relevant to the Investigative Subcommittee's inquiry. Please include in your response the names of any individuals who you might think would have information relevant to this inquiry.