

## United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

(202) 224-5364

February 15, 2018

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health and Human Services  
Washington, DC 20201

Dear Secretary Azar:

I write regarding the Administration's ongoing efforts to sabotage families' health care through executive action. Since President Trump's first days in office, the Administration's statements and actions have clearly established its goal to undermine the Affordable Care Act (ACA) and destabilize the health insurance market. While Congressional Republicans and the Administration have thus far failed in their attempts to fully repeal the ACA, I continue to be concerned that the Administration is taking a host of actions to roll back protections, increase costs, and reduce access to health care, despite warnings from experts and stakeholders regarding the serious repercussions these actions would have on the health and welfare of all Americans.

At your nomination hearing in front of the Senate HELP Committee, you told me that if the ACA remained the law of the land, it would be your job "to implement it as faithfully as possible."<sup>1</sup> However, your past hostility toward the ACA leads me to believe that the sabotage of the ACA will continue under your watch. Notwithstanding the actions the Administration has taken to deliberately undermine the ACA, at least 11.7 million people have signed up for 2018 coverage through the Marketplaces. Not only does the ACA remain the law of the land, it is clear that the majority of Americans support it and want it to succeed.

In December, I obtained a document from the Department of Health and Human Services (HHS) that details how the Administration secretly plotted behind closed doors with Congressional Republicans on regulatory changes to undermine the ACA. HHS refused to provide this document to me and other Members of Congress for over eight months, with no reasonable basis to withhold it.

Recently, it came to our attention that HHS developed a list of hundreds of other actions to sabotage the ACA. In December, Senators Wyden and Murray and Representatives Pallone and

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<sup>1</sup> United States Senate Committee on Health, Education, Labor and Pensions, *Hearing on the Nomination of Alex Azar to Serve as Secretary of Health and Human Services* (November 29, 2017).

Neal joined me in requesting HHS share this document.<sup>2</sup> Thus far, HHS has refused to provide this document to us.<sup>3</sup>

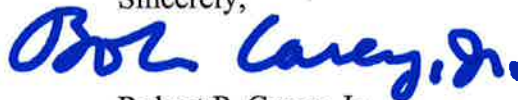
Congress has a constitutional responsibility to conduct oversight of the Executive Branch to ensure the faithful implementation and administration of policies enacted by Congress. Congressional oversight and transparency on the part of the Administration are especially important when the Administration's actions and policies are clearly aimed at undermining legislative intent and sabotaging a program established by Congress, as seems to be the case with the ACA.

You have stated that "it is important for HHS to be transparent and accountable to Congress on matters involving federal programs."<sup>4</sup> As such, at your nomination hearing in front of the Senate Finance Committee, and in questions for the record, I asked if you would commit to providing the document detailing the more than 200 planned regulatory actions that was developed and maintained by HHS that was originally requested on December 21, 2017, in a timely manner and without redactions.<sup>5</sup> You responded, "[I]f confirmed as Secretary, I will review the matter immediately and assess whether disclosure of any such documents is lawful and appropriate."<sup>6</sup>

Now that you have been confirmed as Secretary of Health and Human Services, I ask that you follow through on your commitment to expeditiously review this request and provide the document referenced above, which lists more than 200 regulatory actions the Administration is considering to take to further undermine health care in our country. Please provide a response no later than March 1, 2018.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bob Casey, Jr." in a cursive, stylized font.

Robert P. Casey, Jr.  
Ranking Member

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<sup>2</sup> Letter to The Honorable Eric D. Hargan, Acting Secretary, U.S. Department of Health and Human Services (December 21, 2017).

<sup>3</sup> Letter from Barbara Pisaro Clark, Acting Assistant Secretary for Legislation, U.S. Department of Health and Human Services (January 5, 2018).

<sup>4</sup> United States Senate Committee on Finance, *Hearing to Consider the Nomination of The Honorable Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services*, Questions for the Record (January 9, 2018).

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*