

Congress of the United States

Washington, DC 20515

February 13, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary, Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20201

Dear Secretary Kennedy:

Congratulations on your confirmation as Secretary of the Department of Health and Human Services (HHS). We are the Democrats on the Committee on Energy & Commerce's Subcommittee on Health, which has jurisdiction over the majority of your activities. You now bear responsibility for executing laws Congress passes to promote the health and wellbeing of over 330 million Americans. This includes stewardship of our public health infrastructure, oversight of health insurance including the Medicare and Medicaid programs, ensuring the safety and effectiveness of drugs and medical devices, and responsibility for the world's greatest biomedical research enterprise.

Because of Medicaid expansion, the American Rescue Plan Act, and the Inflation Reduction Act, the United States has a historically low uninsured rate – 9.5 percent in 2023, down from a recent high of 10.9 percent in 2019 – and more Americans than ever have access to quality, affordable care. Under your leadership, it is imperative no action is taken that would compromise these advances, and instead you must work to make health care ever more accessible. Currently, Republicans in Congress are plotting cuts to Medicaid, which covers nearly 80 million Americans. Such cuts would be devastating to countless families across the country. Your Department must do its part to promote enrollment in health insurance and access to care nationwide.

President Donald Trump's first weeks in office have been characterized by disorder, confusion, and fear on the part of providers, patients, researchers, and others. Following a funding freeze, a communications freeze, and ill-conceived executive actions that threaten access to health care, chaos has reigned for federally funded health care providers, the research community, and the public health world. We started hearing from our states that they could not access federal Medicaid dollars or already-approved grant dollars to support community health centers following the announcement of a funding freeze. After an outcry from states and a court order, as well as a January 28, 2025 letter from the undersigned, those funds are flowing again. Still, human services organizations, health care providers, and others are concerned the funds they rely on to help individuals in their communities may never arrive.

Many of us signed a February 5, 2025 letter calling for a resumption of National Institutes of Health (NIH) grantmaking, and we reiterate politics must not get in the way of the nation's biomedical research enterprise. HHS' ongoing restrictions on communications hinder NIH's ability to do its job, which in turn prevents America's researchers from doing theirs. HHS must provide predictability and clear guidance to its grantees and health care providers, and the agency must follow through on its promises in line with laws Congress has passed.

The component agencies of HHS are the most respected of their kind in the world. They include NIH, a powerhouse of biomedical research; the Food and Drug Administration, whose stamp of approval for medical products is the gold standard worldwide; and the Centers for Medicare and Medicaid Services, which hundreds of millions of Americans rely on to oversee affordable, quality care. We are concerned indiscriminate attempts

to remove dedicated employees from federal service, without regard to their scientific expertise or job performance will cripple key functions of HHS agencies. You must take action to recruit and retain a workforce sufficient to carry out the laws Congress has passed and continue the world-leading work your agency has historically conducted.

Biological threats do not care about politics or ideology. Every day, pathogens mutate and evolve, and there are currently multiple concerning disease outbreaks in the U.S. right now, including tuberculosis in Kansas, measles in Texas, and avian flu nationwide. The wrong mutation or inopportune circumstances can lead to a global pandemic as we all experienced beginning in 2020. It is of paramount importance the United States has a strong capacity to detect and respond to biological threats, whether intentional, accidental, or natural, worldwide. An energetic CDC, guided by science and insulated from political interference, is crucial to monitor the worldwide threat landscape and respond to pathogens that threaten Americans' health. Furthermore, vaccines are an important part of the public health toolkit for responding to infectious disease and are some of the most world's most rigorously studied products. In rare instances in which an individual is injured by a vaccine, the National Vaccine Injury Compensation Program (VICP) provides compensation to such individuals. We wish to underscore that the National Childhood Vaccine Injury Act of 1986 requires giving notice, providing an opportunity for public hearing, and granting at least 180 days for public comment before making any changes to VICP.

In the years since the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health*, many urgent, high-stakes reproductive health care decisions have come before HHS. During your confirmation process, you expressed you did not know whether you planned to enforce federal law protecting access to emergency abortion care. It is critical you act knowing the lives and health of emergency care patients across the country are at stake and enforce the full scope of the Emergency Medical Treatment and Labor Act (EMTALA), including its protections for life- and health-saving abortion care.

The Trump Administration's executive order on gender-affirming care is already resulting in children not receiving the necessary care they need. Many hospitals are stopping gender-affirming care services under threat they'll lose federal funding, leading to uncertainty and chaos for parents and children who rely on those services. This leads to mental anguish for individuals whose care is being interrupted and their families. This executive order ignores scientific and medical expertise and puts politics in charge of dictating care instead of centering decision-making by patients, families, and medical providers.

Additionally, you must guarantee HHS will always be a resource patients and providers alike can turn to for reliable, accurate, and science-based guidance on reproductive health care options as well as health care considerations relevant to diverse communities. To that end, it is critical all webpages and HHS resources be immediately restored and preserved and future HHS actions, including medication approval and dispensing protocols, reflect the independent, evidence-based standard expected of the agency. You must act to preserve the dignity, autonomy, and freedom of every person and patient in America and ensure they can make the personal medical decisions that are best for their case, family, and future.

We are disturbed by reports of individuals associated with the Department of Government Efficiency accessing critical information technology systems within HHS, and we are concerned access to HHS systems by individuals unconnected with the administration of health care presents an unacceptable security risk. It also raises concerns politically motivated actors could access sensitive health information and compromise the privacy of Americans. Sensitive information must be restricted to individuals who can demonstrate worthiness of the public trust and used only to carry out HHS's mission. It is entirely appropriate the administration would

analyze existing processes to identify inefficiencies and to submit recommendations to Congress for its consideration. It is not appropriate for the administration to take unilateral action to gut federal agencies authorized by Congress.

You must take action to preserve and promote the missions of the agencies you oversee, and you must lead with science and integrity to be an HHS Secretary for all of the American people. We ask that you meet with us no later than March 7, 2025 to discuss these and additional concerns with you, as well as hear your plan to administer HHS. Thank you for your attention to these matters.

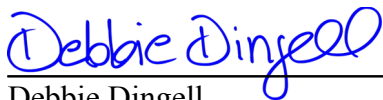
Sincerely,



Diana DeGette
Member of Congress
Ranking Member, Energy and
Commerce Subcommittee on
Health




Raul Ruiz, M.D.
Member of Congress



Debbie Dingell
Member of Congress



Robin L. Kelly
Member of Congress



Nanette Diaz Barragán
Member of Congress



Kim Schrier, M.D.
Member of Congress



Lori Trahan
Member of Congress




Marc A. Veasey
Member of Congress



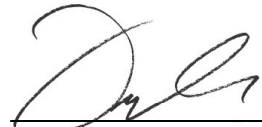
Lizzie Fletcher
Member of Congress



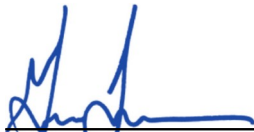
Alexandria Ocasio-Cortez
Member of Congress



Jake Auchincloss
Member of Congress



Troy A. Carter, Sr.
Member of Congress



Greg Landsman
Member of Congress