

Congress of the United States  
Washington, DC 20515

December 7, 2018

The Honorable Alex M. Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

The Honorable Seema Verma  
Administrator  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

We are writing to request your immediate attention to an issue of critical importance to our healthcare system and to the millions of Americans living with preexisting conditions. Previously, we asked for your assistance in understanding the Department's involvement in the Administration's decision to decline to defend protections for individuals with preexisting conditions in the *Texas v. United States* lawsuit. To date, you have provided no substantive response to our inquiry.

On June 7, 2018, in the *Texas v. United States* lawsuit, the Department of Justice (DOJ) declined to defend the Affordable Care Act (ACA) and petitioned the Court to strike down the law's protections for individuals with preexisting conditions. The guaranteed issue, community rating, and preexisting condition exclusion provisions of the ACA prohibit insurers from discriminating on the basis of these preexisting conditions. In declining to defend these provisions, the Trump Administration is seeking to invalidate these critical patient protections, and once again subject millions of Americans with preexisting conditions to the discrimination they faced before the ACA.

On June 13, 2018, we sent the attached letter requesting documents and information to better understand the Department's role and involvement in the DOJ's decision. There is no legal basis to withhold information from Congress on the basis of the pendency of an ongoing lawsuit. We request a complete response to our June 13, 2018 letter by no later than December 31, 2018. We also request a briefing on the Department's document production schedule by December 17, 2018.

Thank you for your prompt attention to this matter.



Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce



Richard E. Neal  
Ranking Member  
Committee on Ways and Means

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Robert C. "Bobby" Scott  
Ranking Member  
Committee on Education and the Workforce



Jerrold Nadler  
Ranking Member  
Committee on the Judiciary