

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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August 7, 2018

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

The Honorable Seema Verma
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar and Administrator Verma:

I am writing to request information about the Trump Administration's scrubbing of content about the Affordable Care Act (ACA) from the Medicare.gov website.

The deletion of this information may violate federal law, which requires public notice before removing public information. Deleting this information appears to be another attempt by the Trump Administration to undermine the ACA, and it contradicts the Department's core mission "to enhance the health and well-being of all Americans."¹

A recent investigation conducted by the nonpartisan Sunlight Foundation revealed that the Trump Administration removed webpages pertaining to the ACA from the Medicare.gov website. According to the Sunlight Foundation's report, the Department deleted:

- the entire "The Affordable Care Act & Medicare" page, which contained information on how Medicare coverage relates to the Health Insurance Marketplace created by the ACA, and linked to pages with additional information, such as the "Medicare & the Marketplace" page; and

¹ Department of Health and Human Services, *Introduction: About HHS* (online at www.hhs.gov/about/strategic-plan/introduction/index.html).

- links and references to the “The Affordable Care Act & Medicare” and “Medicare & the Marketplace” pages, which previously appeared on Medicare.gov’s primary “About Us” page.²

The deletion of this information from the Medicare.gov website may violate the Paperwork Reduction Act, which requires agencies to “provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products.”³ In this instance, it does not appear that the Department provided such notice prior to scrubbing this content from the website. When asked to provide an explanation for removing the ACA-related content from Medicare.gov, an agency spokesperson for the Centers for Medicare and Medicaid Services (CMS) stated:

CMS performs routine updates and maintenance to our websites, which includes the revision and removal of content that is not current or underutilized. In this instance, there was a period of time when people with Medicare coverage had questions and interest in the ACA and its impact on Medicare. However, the ACA has now been law for over eight years and both HealthCare.gov and www.cms.gov/ccio [cms.gov] are well-established sites for Healthcare Exchange Information.⁴

On April 6, 2018, I wrote to Secretary Azar with similar concerns pertaining to the Department’s decision to scrub information about breast cancer, preventive services guaranteed by the ACA, and various LGBTQ health issues from the Department’s website for the Office of Women’s Health. On April 20, 2018, in a form response, the Department refused to provide any of the requested documents.⁵

The repeated removal of content from Department websites raises serious questions about the Trump Administration’s commitment to the health and well-being of the American people. To better understand this troubling pattern, I request that you produce, by August 21, 2018, the following documents, which I previously requested on April 6, 2018:

² Sunlight Foundation, Web Integrity Project, *Removal of the “Affordable Care Act & Medicare” Webpage and Corresponding Links from the Medicare Website* (May 15, 2018) (online at <https://sunlightfoundation.com/wp-content/uploads/2018/05/AAR-5-CMS-Medicare-ACA-180515.pdf>).

³ Statute 44 U.S.C. § 3506(d)(3).

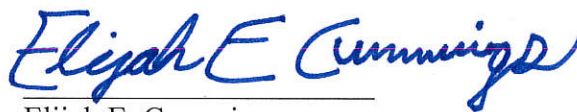
⁴ *The Health 202: ‘ACA’ Removed From Swaths of Medicaid.gov Website, Watchdog Reports*, Washington Post (July 12, 2018) (online at www.washingtonpost.com/news/powerpost/paloma/the-health-202/2018/07/12/the-health-202-aca-removed-from-swaths-of-medicare-gov-website-watchdog-reports/5b4622341b326b3348adde4d).

⁵ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary Alex M. Azar II, Department of Health and Human Services (Apr. 6, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/HHS.042018.Response%20to%20EEC%20re%20Website%20for%20the%20Office%20of%20Womens%20Health.pdf>).

- (1) all documents and communications referring or relating to the removal or relocation of content on websites maintained by the Department or entities contracted by the Department from January 21, 2017, to the present;
- (2) all communications between Department employees and Hager Sharp from January 21, 2017, to the present, including all documents and communications referring or relating to the removal or relocation of content on websites maintained by the Department or entities contracted by the Department;
- (3) all documents and communications referring or relating to any reviews or audits of content on websites maintained by the Department or entities contracted by the Department for three prior calendar years, including all documents and communications referring or relating to a "comprehensive audit and use analysis process" of websites maintained by the Department or entities contracted by the Department; and
- (4) all policies or procedures governing the modification or removal of information from public-facing websites maintained by the Department or entities contracted by the Department.

If you have any questions about this request, please contact Miles Lichtman of my staff at (202) 225-5051. Thank you for your prompt attention to this request.

Sincerely,



Elijah E. Cummings
Ranking Member

cc: The Honorable Trey Gowdy
Chairman, Committee on Oversight and Government Reform