

**COMMITTEE ON WAYS AND MEANS**  
**U.S. HOUSE OF REPRESENTATIVES**  
**WASHINGTON, DC 20515**

January 21, 2021

Norris W. Cochran  
Acting Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Acting Secretary Cochran,

I write to request that the U.S. Department of Health and Human Services (HHS) take action to prevent several “midnight regulations” finalized by the Trump Administration from causing undue harm to Americans who rely on vital HHS programs or to stakeholders currently providing care.

The outgoing Administration published several final HHS regulations in the Federal Register in recent weeks with effective dates that have not yet taken effect. These final regulations, among other provisions, would promote discrimination against LGBTQ+ people and other minorities, upend the agency’s regulatory review process, and undermine key provisions of the Affordable Care Act. In expressing its opposition to many of these regulations, the Committee on Ways and Means outlined its concerns both to the substance of such regulations as well as the manner in which these policies were hastily finalized.<sup>1</sup>

I appreciate the memorandum issued yesterday by White House Chief of Staff Ronald Klain directing federal agencies to impose a regulatory freeze pending review, and for regulations recently issued that have yet to take effect, to “consider postponing the rules’ effective dates for 60 days . . .” The incoming Administration deserves the

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<sup>1</sup> Press Release, Ways and Means Committee, Energy and Commerce Committee, Education and Labor Committee, Senate Finance Committee, and Senate Health, Education, Labor, and Pensions Committee, Democratic Health Leaders Urge Reversal of Trump Administration’s Latest Attack on the Affordable Care Act (Jan. 15, 2021); Press Release, Ways and Means Committee, Neal Condemns Trump Administration’s Latest Attempt to Discriminate Against the LGBTQ Community (Jan. 8, 2021); Letter from Ways and Means Committee Chairman Richard E. Neal, Education & Labor Committee Chairman Robert C. “Bobby” Scott, Energy & Commerce Committee Chairman Frank Pallone, Jr., Senate Finance Committee Ranking Member Ron Wyden, and Senate Health, Education, Labor and Pensions Committee Ranking Member Patty Murray to HHS Secretary Alex M. Azar II, Treasury Secretary Steven T. Mnuchin, and CMS Administrator Seema Verma (Dec. 30, 2020); Letter from Ways and Means Health Subcommittee Chairman Lloyd Doggett, Ways and Means Oversight Subcommittee Chairman Bill Pascrell, Jr., and Ways and Means Worker and Family Support Subcommittee Chairman Danny K. Davis to HHS Secretary Alex M. Azar II (Nov. 30, 2020).

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ability to assess these significant regulatory changes before their effective dates. Moreover, by rushing to finalize these regulations, the previous Administration did not allow sufficient time for stakeholder consultation. Accordingly, I urge you to act immediately to delay the effective dates of such midnight regulations so that the incoming Administration can identify the best course of action to amend or rescind these regulations as needed to prevent harmful policies from going into effect.

I look forward to working collaboratively with HHS in this Congress to enhance the health and well-being of all Americans, and to promote equity in our nation's health and human services systems.

Thank you for your prompt attention to this critical matter.

Sincerely,



Richard E. Neal  
Chairman  
Committee on Ways & Means  
United States House of Representatives