

# U.S. SENATOR BOB CASEY



FIGHTING *for a* FAIR SHOT *for* FAMILIES, KIDS *and* SENIORS

## HOW TO ENGAGE IN OVERSIGHT OF AN UNCOOPERATIVE ADMINISTRATION

REPUBLICANS' SECRET ROADMAP TO HEALTH CARE SABOTAGE

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## Introduction

After hearing President-elect Donald Trump commit to repealing the Affordable Care Act (ACA) on his first day in office, United States Senator Bob Casey vowed to hold the Administration accountable for its actions to undermine the health care coverage upon which millions of Americans rely. This report is a behind the scenes account of Senator Casey's tireless efforts to uncover Administration actions that threaten the health and well-being of all Americans. By determined questioning of senior Administration officials at Congressional hearings, requesting information through correspondence, engaging Administration officials during meetings and telephone conversations, and using the often veiled confirmation process, Senator Casey pried closely held information of deliberate health care sabotage out of an uncooperative Administration.

## Early Warnings to the Administration

Even before President Trump's inauguration, Senator Casey began his quest to hold the Administration accountable for its sabotage of the ACA. On January 17, 2017, three days before President Trump was sworn into office, Senator Casey [met](#) with Vice President-elect Mike Pence. During that meeting, Senator Casey expressed significant concerns with any plan to repeal the ACA. He told Vice President-elect Pence that this action would raise premiums for middle-class families, hike the costs of prescription drugs for seniors, and end vital consumer protections for millions of Americans. Senator Casey made it clear to Vice President-elect Pence that he would also hold the incoming Administration accountable on protecting Medicare and Medicaid, as then-candidate Trump had promised to do during the presidential campaign.

A day later, Senator Casey reiterated his stance with Trump's nominee to be the next Secretary of the U.S. Department of Health and Human Services (HHS), Representative Tom Price. During Price's [confirmation hearing](#) in front of the Senate Health, Education, Labor, and Pensions (HELP) Committee, Senator Casey asked Price whether he would ensure that certain protections guaranteed by the ACA would be maintained if Price were to be confirmed as Secretary. Price evaded the question. Nearly a week later, on January 24, during Price's second [confirmation hearing](#), this time in front of the Senate Finance Committee, Senator Casey pressed Price to commit to ensuring that no children or people with disabilities would lose health insurance coverage during his tenure as Secretary. Once again, Price evaded answering the question.

### Sabotage Spotlight

On January 20, 2017, on his first day in office, President Trump issued [Executive Order 13765](#) directing federal departments and agencies to undermine the ACA "to the maximum extent permitted by law."

Price's responses at both hearings established his hostility towards the ACA and made clear that he supported policies that would harm Pennsylvania's children, older adults, and people with disabilities. On February 24, after Price was confirmed as Secretary of HHS, Senator Casey,

Ranking Member of the U.S. Senate Special Committee on Aging, sent his first oversight [letter](#) to Secretary Price regarding Administration proposals to undermine the financial and health security of older Americans and their families. In that letter, Senator Casey made it clear he would stand up for Pennsylvanians and all Americans who would lose access to critical health care and supportive services were the Administration to attempt to end the guaranteed benefit of Medicare, dismantle Medicaid, or repeal the ACA.

## Secret Sabotage Roadmap

On March 23, 2017, top Administration officials, including HHS Secretary Price, Mick Mulvaney, the Director of the Office of Management and Budget, and White House officials Steven Bannon and Reince Priebus, [met](#) with House Speaker Paul Ryan and Congressional Republicans to discuss options for sabotaging the health care of hard-working Americans and their families. After reading reports of this meeting, Senator Casey set out on a mission to uncover the secret, backroom deal made between Administration officials and Congressional Republicans on that day. Specifically, Senator Casey sought to obtain a document outlining executive actions the Administration would take to undermine the ACA if Congressional Republicans voted for the Republican bill to repeal the ACA. This document was intended to be a sign of good faith to Freedom Caucus members who didn't believe the Republican bill would fully destroy the law. That is, if Congressional Republicans voted to repeal key provisions of the ACA, the Administration would take further action to weaken the law.

Sabotage Spotlight
On March 17, Senator Casey released a <a href="#">50 State Report</a> detailing the adverse effects of the Republican health care bill.

On April 4, Senator Casey led a [letter](#) signed by 20 of his colleagues to HHS Secretary Price requesting the secret sabotage document that was presented to Congressional Republicans during this meeting on March 23.

Oversight Highlights
In April 2017, Senator Casey led a <a href="#">letter</a> signed by 18 of his colleagues regarding HHS's decision to eliminate sexual orientation and gender identity questions included in the National Survey of Older Americans Act Participants, a survey that assesses whether key programs are meeting the needs of older Americans. In June 2017, after Senator Casey objected to the removal of the questions and his staff pressed HHS decision-makers during a briefing on the topic, HHS restored the sexual orientation question. As individuals who identify as LGBT age, it is critical to ensure that programs benefiting older Americans respond to the unique needs of this population. Continuing to collect this data will help improve critical programming year after year. Since sending the letter, Senator Casey has continued to press HHS to restore the question concerning gender identity.

## HHS's Failure to Respond

After HHS failed to respond to Senator Casey's request for the secret sabotage document, on May 24, he joined a [letter](#) signed by Senate Democratic Leadership and other top committee members demanding the White House clarify reports that it had instructed federal agencies to withhold information from Congressional Democrats. The Senators stated that any intentional attempts to obstruct transparency, accountability, and information flow within the federal government on a partisan basis would be completely unacceptable and argued that withholding information severely inhibited Congress's constitutional ability to legislate and conduct oversight.

Due to HHS's unresponsiveness, Senator Casey deemed it necessary to secure commitments from HHS nominees that they would be responsive to his requests if they were to be confirmed. Thus, on June 7, during his [confirmation hearing](#) in front of the Senate Finance Committee, Senator Casey secured a public commitment from Eric Hargan, the nominee to be Deputy Secretary of HHS, that he would respond in a timely manner to all Congressional inquiries and requests for information. Senator Casey had previously sought that same commitment during an earlier private meeting with Hargan.

On June 30, nearly three months after sending his first letter to HHS, Senator Casey sent a second [letter](#) to HHS Secretary Price requesting the secret sabotage document that was presented to Congressional Republicans on March 23.

## Senator Casey Escalates His Efforts

On July 10, after HHS failed to produce the secret sabotage document, Senator Casey's staff informed HHS that Senator Casey was seriously considering blocking HHS nominees from confirmation by the Senate unanimously, which is commonly referred to as placing a "hold" on a nominee. The confirmation process has historically provided Senators an opportunity to obtain information and documents from a reluctant or uncooperative Administration. The threat of holding a nominee can be an effective tool to receive information and documents that were previously requested, but not provided by the Administration. Senator Casey deemed it was necessary to take this step after HHS both failed to provide the secret sabotage document that had been

### Sabotage Spotlight

On May 24, Senator Casey released a [report](#) entitled, "The Not So Quiet Sabotage of Your Health Care," which outlined how the Trump Administration and Congressional Republicans had undermined the stability of the health insurance market.

### Sabotage Spotlight

On June 8, in a [hearing](#) before the Senate Finance Committee, Senator Casey questioned HHS Secretary Price about the deliberately misleading statements Price had repeatedly made about the Republican health care bill.

presented to Congressional Republicans on March 23 and refused to commit to producing the document.

Two days later, on July 12, HHS Secretary Price sent Senator Casey a [letter](#) stating that he did not believe it was appropriate to share the details of his prior conversations with other Members of Congress and declined to produce the secret sabotage document. Notably, Senator Casey did not request details of Secretary Price’s conversations with other Members of Congress. He merely requested a document that was already disseminated among Congressional Republicans.

### Third Letter Requesting the Secret Sabotage Roadmap

Given HHS’s refusal to provide the secret sabotage document, Senator Casey made the Administration’s lack of responsiveness to his oversight requests a focus of the confirmation hearing in the Senate Finance Committee of two HHS nominees, both of whom would largely be responsible for providing responses to Congress. During that [confirmation hearing](#) on August 3, Senator Casey described the March 23 secret sabotage document to the nominees and asked them whether the Administration should provide documents to Congress absent a legal basis for withholding them, especially when those documents had been shared with other Members of Congress as the secret sabotage document had. Both answered “Yes” without qualification.

On August 11, Senator Casey sent a third [letter](#) to HHS Secretary Price requesting the secret sabotage document. In that letter, Senator Casey stated that HHS’s July 12 letter was not responsive to his request and noted that there was no reasonable or legal basis to withhold the document given that it had already been provided to certain Members of Congress. In the letter, he reminded Secretary Price that the HHS nominees who would be responsible for responding to Congress affirmed this position in a recent hearing. Moreover, Senator Casey also cited a [recent letter](#) from the White House to Senator Grassley that stated it was the Administration’s policy to respect the right of all Members of Congress to request information and that the information should be voluntarily released where possible.

### Senator Casey Places Holds on HHS Nominees

On October 19, after six months of Administration obstruction to a reasonable document request, Senator Casey placed holds on three HHS nominees. He placed these holds a full three months after alerting HHS that he may be forced to use the confirmation process to secure responses to his requests, giving the Administration ample time and opportunity to comply before any holds were placed.

Sabotage Spotlight
Casey released a <a href="#">report</a> entitled, “The BLATANT Sabotage of Your Health Care.” The report detailed how the Trump Administration intentionally undermined the health care system.

## Senator Casey Meets with the Next HHS Secretary

A month later and with no response from HHS, Senator Casey met with a new nominee for HHS Secretary, Alex Azar. During that meeting, Senator Casey told Azar that HHS had been unresponsive to many of his requests and asked for Azar's commitment to be responsive if he were confirmed. Azar said he "wanted to be responsive as much as possible." The next day, on November 29, during Azar's confirmation [hearing](#) in front of the HELP Committee, Senator Casey sought Azar's commitment that he would "faithfully implement the Affordable Care Act" if he were confirmed as Secretary. Azar said he would "implement it as faithfully as possible."

### Oversight Highlights

In September 2017, HHS released a Request for Information (RFI) seeking comments on proposals that would undermine Medicare. In response, in November 2017, Senator Casey led a [letter](#) signed by 17 other Senators calling on HHS to clarify the intentions behind the RFI and to publicly release any comments the agency received. After a staff briefing from Administration officials failed to provide clarity on the Administration's plans, Senator Casey and his colleagues sent a second [letter](#) to HHS in February 2018 seeking additional information and a commitment that it would make public the more than 1,000 comments received in response to the RFI. In response to Senator Casey's call for transparency, in April 2018, HHS made all of the comments it received [public](#). Posting of these comments demonstrated the devastation that the proposals would have on seniors and people with disabilities and will serve to hold the Administration accountable for any adverse actions that ignore feedback from the community.

## HHS Responds to Senator Casey

On December 1, nearly eight months after Senator Casey first requested the secret sabotage document that was presented to Congressional Republicans on March 23, HHS provided materials to Senator Casey. Included in the materials was a document entitled, "[Potential Administrative Marketplace Reforms](#)." While this initially seemed to be the document Senator Casey had requested, it was not accompanied by a cover letter and HHS did not provide any information about the document. It was unclear if this was the document shared with Congressional Republicans during that original March 23 meeting.

On December 5, Senator Casey's staff requested that HHS provide additional information about the document in a letter to Senator Casey. Specifically, Senator Casey asked HHS to confirm the document it produced was in fact the secret sabotage document. Senator Casey finally received a [letter](#) on December 6, which stated the document was utilized at the March 23 meeting between Administration officials and Members of the House of Representatives.

On December 7, Senator Casey indicated that he would no longer prevent HHS nominees from being confirmed by the Senate unanimously. On that day, he spoke to Eric Hargan, HHS's Acting Secretary. During the call, Senator Casey sought a commitment from Acting Secretary Hargan that HHS would cooperate with requests going forward and expressed his hope that he would not have to use the confirmation process in the future to elicit responses to his requests. Acting Secretary Hargan said HHS's cooperation going forward would be "materially amplified."

## **The Administration's Secret Sabotage Roadmap**

The March 23 document obtained by Senator Casey details how the Administration plotted secretly behind closed doors with Congressional Republicans on regulatory changes to undermine the ACA. It spelled out the backroom promises the Administration made to Congressional Republicans in exchange for their support on the Republican bill to roll back the ACA. The document was a quid pro quo agreement: if Congressional Republicans voted to repeal key provisions of the ACA, the Administration would take further action to restrict access to affordable health care. To date, the Administration has largely followed this blueprint and has deliberately sabotaged health care coverage for millions of Americans.

On January 11, Senator Casey released his findings in a [report](#) entitled, "The Sabotage of Your Health Care: The Trump Administration's Secret Roadmap to Sabotaging the Affordable Care Act." The report unveiled the promises the Administration made to Congressional Republicans on that day in March 2017 in exchange for their support of the Republican scheme to dismantle access to affordable health coverage.

## **Conclusion**

Instead of working in a bipartisan way to bring down costs, the Administration and Congressional Republicans continue to plot to take away health care coverage from hard-working Americans and their families. Through unrelenting oversight of the Administration, Senator Casey successfully exposed Administration efforts to sabotage the Affordable Care Act, which have led to premium increases nationwide. Until Republicans in Washington end their maniacal obsession with undermining our health care system, Senator Casey will use every tool at his disposal to hold the Administration accountable for its actions.

# TIMELINE: OBTAINING REPUBLICANS' SECRET ROADMAP TO HEALTH CARE SABOTAGE

2017

**January 20** President Trump sworn into office; signs Executive Order directing federal agencies to undermine the ACA.

**April 4** Senator Casey sends a letter to HHS requesting the “secret roadmap to ACA sabotage” document.

**June 7** Senator Casey seeks commitment from Eric Hargan, the nominee to be Deputy Secretary of HHS, to respond to oversight requests.

**July 10** Senator Casey’s office informs HHS that he is considering not allowing HHS nominees to be confirmed by the U.S. Senate unanimously unless he receives sufficient responses to his oversight requests.

**August 3** Senator Casey presses HHS nominees on the importance of being responsive to Congress.

**October 19** Senator Casey informs Senate Leadership that he will not allow HHS nominees to be confirmed by the U.S. Senate unanimously until he receives the “secret roadmap to ACA sabotage” document.

**December 1** HHS provides document to Secretary Casey that appears to be “secret roadmap to ACA sabotage,” but absent a cover letter, it remains unclear.

**December 7** Senator Casey allows HHS nominees to be confirmed by the U.S. Senate unanimously.

**March 23** HHS and other Administration officials present document detailing “secret roadmap to ACA sabotage” to Congressional Republicans outlining administrative actions to undermine the ACA.

**May 24** Senator Casey joins other Democrats in a letter to the White House demanding responses to requests for information.

**June 30** Senator Casey sends a second letter to HHS requesting the “secret roadmap to ACA sabotage” document.

**July 12** HHS responds to Senator Casey’s letters by stating it will not provide the “secret roadmap to ACA sabotage” document as requested.

**August 11** Senator Casey sends third letter to HHS requesting “secret roadmap to ACA sabotage” document.

**November 28** Senator Casey meets with Alex Azar, the new nominee to be Secretary of HHS, explaining lack of responsiveness and demands answers; Azar indicates he “want[s] to be responsive as much as possible.”

**December 6** HHS confirms that the document provided to Senator Casey on December 1 was the document that was presented to Congressional Republicans during the March 23 meeting.