

Congress of the United States
Washington, DC 20515

September 24, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra,

On July 9, 2021, we sent you a letter asking 22 questions. On September 8, 2021, you responded without answering a single one of those questions. As such, you force us to renew our request that you provide full and complete answers to those questions and in the strongest terms express our growing frustration with this blatant attempt to avoid addressing these serious concerns and questions that we have.

As we previously wrote, the U.S. Department of Health and Human Services decision to change policy to enforce the “sex” discrimination prohibition in Section 1557 of the Affordable Care Act as including sexual orientation and gender identity will harm physicians and patients—physicians because they would be forced to ignore their best medical judgment or face legal consequences and patients because of a growing body of research that shows that these experimental treatments can be harmful. Given these serious concerns, it is incumbent upon you, as Secretary of the Department of Health and Human Services, to explain the reasoning behind this decision and the medical evidence that you examined before making this decision.

In your Senate Confirmation hearing you stated, “[t]he mission of HHS – to enhance the health and wellbeing of all Americans – is core to who I am.”¹ In this spirit, we urge you be open and transparent about the information you reviewed before changing policy at HHS.

Enclosed is a copy of our initial letter for your reference. We look forward to promptly reviewing your answers to each question we have asked. As such, we request a response no later than October 15, 2021.

Sincerely,



Doug LaMalfa
Member of Congress



Roger Marshall, M.D.
U.S. Senator

¹ [Finance Committee Opening Statement Xavier Becerra.pdf \(senate.gov\)](#)

Steven M. Palazzo
Member of Congress

James Lankford
U.S. Senator

Doug Lamborn
Member of Congress

Cindy Hyde-Smith
U.S. Senator

Ted Budd
Member of Congress

Steve Daines
U.S. Senator

Michael Cloud
Member of Congress

Kevin Cramer
U.S. Senator

Lauren Boebert
Member of Congress

Jeff Duncan
Member of Congress

Ralph Norman
Member of Congress

Jim Jordan
Member of Congress

Rick Crawford
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress

Ronny L. Jackson, M.D.
Member of Congress

Mary Miller
Member of Congress

Kevin Hern
Member of Congress

Michael Guest
Member of Congress

Garret Graves
Member of Congress

Brian Babin, D.D.S.
Member of Congress

Diana Harshbarger
Member of Congress

Chip Roy
Member of Congress

Bob Good
Member of Congress

W. Gregory Steube
Member of Congress

Andrew S. Clyde

Andrew S. Clyde
Member of Congress

A stylized, handwritten signature in black ink, appearing to read 'Pat Fallon'.

Pat Fallon
Member of Congress