

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

July 3, 2019

To: Members of the Committee on Oversight and Reform

Fr: Majority Staff

Re: Hearing on “The Trump Administration’s Attack on the ACA: Reversal in Court Case Threatens Health Care for Millions of Americans”

On Wednesday, July 10, 2019, at 10:00 a.m. in room 2154 of the Rayburn House Office Building, the Committee will hold a hearing to examine the implications of the Trump Administration’s decision to reverse its legal position in *Texas v. United States* and assert that the entire Affordable Care Act (ACA) should be overturned.

I. BACKGROUND AND PURPOSE

On March 25, 2019, the Department of Justice (DOJ) announced in a letter filed with the U.S. Court of Appeals that it would no longer defend any part of the ACA in the *Texas v. United States* litigation. According to public reporting, this decision was driven by individuals inside the White House and the Office of Management and Budget (OMB)—including Acting OMB Director Russ Vought—and made over the objections of Attorney General William Barr and Health and Human Services (HHS) Secretary Alex Azar.¹

On April 8, 2019, Chairman Elijah E. Cummings and four other Chairmen wrote to HHS, DOJ, and the White House requesting information about this decision.² They reiterated their requests on May 13, 2019, and asked that Acting OMB Director Russ Vought be made available for a transcribed interview.³ On June 28, 2019, the White House responded to the Committees’

¹ *White House Obamacare Reversal Made Over Cabinet Objections*, Politico (Mar. 26, 2019) (online at www.politico.com/story/2019/03/26/trump-obamacare-reversal-cabinet-1238359).

² Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Richard E. Neal, Committee on Ways and Means, Chairman Jerrold Nadler, Committee on the Judiciary, Chairman Frank Pallone, Jr., Committee on Energy and Commerce, and Chairman Robert C. “Bobby” Scott, Committee on Education and Labor, to Pat Cipollone, Counsel to the President, The White House (Apr. 8, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-08.EEC%20Pallone%20Neal%20Scott%20Nadler%20to%20Cipollone-WH%20re%20ACA.pdf>).

³ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Richard E. Neal, Committee on Ways and Means, Chairman Jerrold Nadler, Committee on the Judiciary, Chairman Frank

letters, but failed to produce any responsive documents.⁴ On June 26, 2019, Chairman Cummings invited Acting OMB Director Vought to testify at the present hearing.⁵ OMB declined the Chairman’s invitation on July 3, 2019.

The purpose of the hearing is to examine the Administration’s decision to reverse its position in *Texas v. United States* and assert that the entire health care law should be struck down, as well as the impact this reversal could have on millions of Americans—including those with pre-existing conditions—and the United States health care system.

II. WITNESSES

Russell Vought (declined)

Acting Director, Office of Management and Budget

Abbe Gluck

Director, Solomon Center for Health Law and Policy, Yale University Law School

Frederick Isasi

Executive Director, Families USA

Casey Dye (patient/consumer)

Monroeville, PA

Peter Morley (patient/consumer)

New York, NY

Paul Gibbs (patient/consumer)

West Valley, UT

Stephanie Burton (patient/consumer)

Kansas City, MO

Staff contacts: Miles Lichtman, Katie Teleky, and Kenny Kraft at (202) 225-5051.

Pallone, Jr., Committee on Energy and Commerce, and Chairman Robert C. “Bobby” Scott, Committee on Education and Labor, to Pat Cipollone, Counsel to the President, The White House (May 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-13.EEC%20Pallone%20Neal%20Scott%20Nadler%20to%20Cipollone-WH%20re%20ACA.pdf>).

⁴ Letter from Pat Cipollone, Counsel to the President, The White House, to Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Richard E. Neal, Committee on Ways and Means, Chairman Jerrold Nadler, Committee on the Judiciary, Chairman Frank Pallone, Jr., Committee on Energy and Commerce, and Chairman Robert C. “Bobby” Scott, Committee on Education and Labor (June 28, 2019).

⁵ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Russell Vought, Acting Director, Office of Management and Budget (June 26, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-06-26.EEC%20to%20Vought-%20OMB%20re%20Witness%20invite.pdf>).