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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

December 19, 2017

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

Dear Mr. Azar:

On December 15, 2017, the *Washington Post* reported that the Trump Administration has prohibited officials at the Centers for Disease Control and Prevention (CDC) and other parts of the Department of Health and Human Services (HHS) from using a number of words or phrases in documents prepared for the fiscal year 2019 (FY19) budget. We are incredibly concerned by this report; if true, it represents an unconscionable restriction on agency communications that prevents the Department from accurately conveying the nature of its work, potentially posing a danger to critical health and scientific efforts. We also strongly oppose any communications, whether written or verbal, that suggest to Department and agency employees that they should avoid using particular words or phrases even if such guidance is not referred to as a "ban." Given your pending nomination as Secretary of Health and Human Services, we seek your reaction to this reported new Administration policy, as well as additional information about how you would plan to address these communications restrictions if confirmed.

According to news reports, CDC officials received a list of seven prohibited words or phrases during a meeting last week with senior agency budget officials.¹ The forbidden words are "vulnerable," "entitlement," "diversity," "transgender," "fetus," "evidence-based" and "science-based." The prohibition applies to the budget and supporting materials being prepared for the FY19 budget proposal, which is expected to be released in early February. Meeting attendees were reportedly not provided a reason why these words are banned, but the words "vulnerable," "entitlement," and "diversity" have already been flagged for correction in draft documents. Subsequent reports indicate the prohibition is not exclusive to CDC.² There also continues to be confusion about whether the prohibition applies beyond budget documents.³

CDC's work necessarily uses many, if not all, of the banned words. For example, the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention addresses the health trends of

¹ https://www.washingtonpost.com/national/health-science/cdc-gets-list-of-forbidden-words-fetus-transgender-diversity/2017/12/15/f503837a-e1cf-11e7-89e8-edec16379010_story.html?utm_term=.5e68f17f6965

² https://www.washingtonpost.com/national/health-science/words-banned-at-multiple-hhs-agencies-include-diversity-and-vulnerable/2017/12/16/9fa09250-e29d-11e7-8679-a9728984779c_story.html?hpid=hp_rhp-more-top-stories_hhswords-7pm%3Ahomepage%2Fstory&utm_term=.e60e423966c1

³ https://www.nytimes.com/2017/12/16/health/cdc-trump-banned-words.html?_r=0

lesbian, gay, bisexual, and transgender (LGBT) individuals.⁴ Through this office, the CDC offers resources and information for transgender individuals, including information on HIV in transgender communities.⁵ In fact, CDC's own data makes clear that transgender individuals are at increased risk for HIV, in part because of exactly the kind of stigma this dangerous prohibition stands to perpetuate.⁶ The CDC's work on the Zika virus involves study of the passage of the virus from a pregnant woman to her fetus and the potential for birth defects in the fetus.⁷ CDC's Office of Minority Health includes a division dedicated to diversity and inclusion management. It is hard to understand how CDC might prepare budget documents and more broadly conduct its work while omitting these key words and phrases.

Within HHS more broadly, these prohibited words and phrases are used frequently. For example, the Substance Abuse and Mental Health Services Administration (SAMHSA) operates a national registry of evidence-based programs and practices to inform the public of mental health and substance use interventions.⁸ In FY2018, SAMHSA requested \$2.8 million for the registry.⁹ Part of the Food and Drug Administration's (FDA) mission is to "help[] the public get the accurate, science-based information they need to use medical products and foods to maintain and improve their health."¹⁰ The Office of the Assistant Secretary for Planning and Evaluation (ASPE) within HHS has published thousands of documents studying vulnerable populations.¹¹ There are many more examples of the use of these words and phrases across the Department.

The reports of explicit prohibition on the use of certain words or phrases unnecessarily inserts ideology into the work of the CDC, whose mission is to "conduct[] critical science and provide[] health information that protects our nation against expensive and dangerous health threats," and throughout the Department.¹² The censorship has the potential to freeze scientific advancement at the agency and across the Department, and it sends a clear message that the Trump Administration is yet again prioritizing ideology over science.

If confirmed, you will be in a position to dictate departmental policy and budget. You have previously expressed a commitment to following science and evidence at the Department. During your nomination hearing before the HELP Committee last month, you stated, "if I am Secretary, I am the Secretary for all Americans. ... we have programs that this Congress has created and that HHS is there to implement, and I would faithfully implement those programs. We may differ in different elements of how those get implemented, but I firmly believe in following evidence and science where it go[es] -- where it will take us in running these programs."¹³ When asked about women's access to free contraception, you said, "I will follow

⁴ <https://www.cdc.gov/nchhstp/sexual-id-orientation.htm>

⁵ <https://www.cdc.gov/lgbthealth/transgender.htm>

⁶ <https://www.cdc.gov/hiv/group/gender/transgender/index.html>

⁷ https://www.cdc.gov/zika/healtheffects/birth_defects.html

⁸ <https://nrepp.samhsa.gov/about.aspx>

⁹ <https://www.samhsa.gov/sites/default/files/samhsa-fy-2018-congressional-justification.pdf>

¹⁰ <https://www.fda.gov/AboutFDA/WhatWeDo/>

¹¹ <https://aspe.hhs.gov/terms/vulnerable-populations>

¹² <https://www.cdc.gov/about/organization/mission.htm>

¹³ Hearing on Nomination of Alex Azar to serve as Secretary of Health and Human Services, Senate Committee on Health, Education, Labor and Pensions (Nov. 29, 2017).

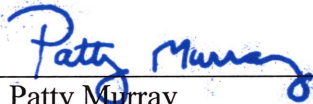
the law there. If the law requires the coverage, and if the evidence and the science and the facts support that ... then we'll follow the law there.”

It seems difficult to reconcile your stated beliefs about following science and evidence with reports of the Administration's ideological censorship that undermines much of CDC's work and the broader health mission of the Department. To help us understand how you would approach the policy if confirmed, please respond to the following questions by no later than January 2, 2017:

1. Are you aware of whether the reports of the Trump Administration banning key words and phrases from HHS documents are accurate?
2. If the reports are accurate, do you agree with the Trump Administration's reported decision to prohibit the use of the seven words and phrases from HHS budget documents?
 - a. If so, please describe for each word or phrase how the Department and patients and families stand to benefit from its prohibition.
3. If confirmed, would you plan to continue the prohibition? If not, why not?
4. If confirmed, would you propose to include any additional prohibited words or phrases, or would you propose to eliminate any of the current words or phrases?
5. How do you believe censorship of certain words or phrases affects the work of the CDC or HHS at large? Do you believe the restriction has an impact on the science- and evidence-based work conducted by the agency?

Thank you in advance for your attention to this critical matter. If you have any questions, or would like to further discuss compliance with this request, please contact Andi Fristedt or Elizabeth Letter with Senator Murray's HELP Committee Staff at 202-224-6403.

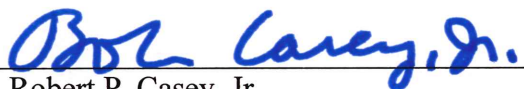
Sincerely,



Patty Murray
United States Senator



Bernard Sanders
United States Senator



Robert P. Casey, Jr.
United States Senator



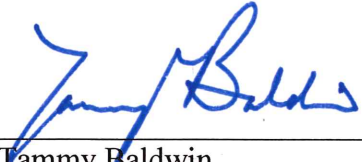
Al Franken
United States Senator



Michael F. Bennet
United States Senator



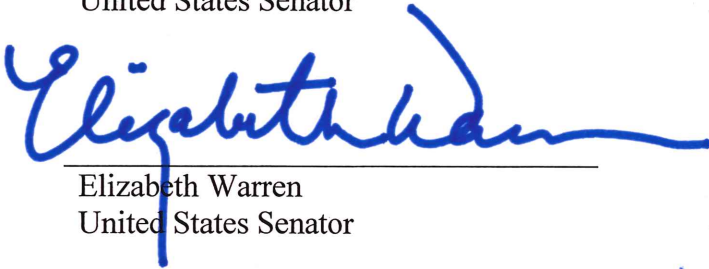
Sheldon Whitehouse
United States Senator



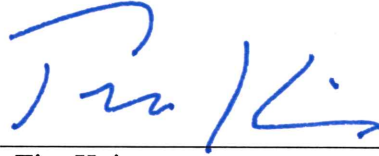
Tammy Baldwin
United States Senator



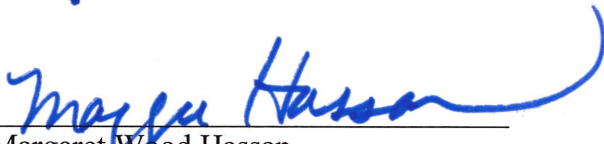
Christopher S. Murphy
United States Senator



Elizabeth Warren
United States Senator



Tim Kaine
United States Senator



Margaret Wood Hassan
United States Senator