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# United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

DANIEL E. SMITH, STAFF DIRECTOR  
FRANK J. MACCHIAROLA, REPUBLICAN STAFF DIRECTOR

<http://help.senate.gov>

February 15, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Obama,

I was deeply disappointed to see the recent announcement and press reports in the *New York Times* that your Administration will be dispatching cabinet officials, including the Secretary of Health and Human Services, to speak at fundraising events for the Priorities USA Action political action committee. In light of the ongoing role that Secretary Sebelius will play in the implementation of the new health care law, her simultaneous participation in fundraising activities will create the appearance of a conflict of interest and the potential for various health care entities to perceive inappropriate coercion to participate in such fundraising.

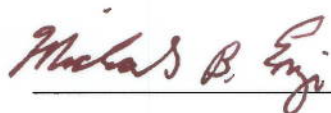
The new health care law created sweeping and unprecedented authorities that Secretary Sebelius will utilize to regulate the activities of health insurers, providers, drug and device manufacturers, and employers seeking to offer health insurance to their employees. These regulatory determinations will have significant financial effects on all of these stakeholders, up to and including whether some can continue to operate in their current form.

The discretion to exercise such broad new regulatory authorities places Secretary Sebelius in a unique position relative to these stakeholders. Therefore, it would be particularly inappropriate to also have her participate in these fundraising events. The potential for health care stakeholders to perceive a compulsion to financially participate in these activities, to possibly avert subsequent adverse regulatory decisions, is self-evident.

In light of this potential conflict of interest, I request that you reconsider your Administration's decision to allow Secretary Sebelius to attend such fundraising events. In the alternative, if Secretary Sebelius attends such events, I would request that you formally direct the Secretary to recuse herself from participating in regulatory decisions implementing the new health care law that may affect any health care stakeholders who participate in these fundraising activities. Such a recusal requirement should also be applied to any Presidential appointees, Schedule C appointees, and non-career Senior Executive Service staffers who will similarly have a decision-making role in any regulatory actions implementing the new health care law.

Thank you for your attention to this important matter.

Sincerely,

  
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