

Washington, DC – Congressman Wally Herger (R-CA), Ranking Member of the Ways & Means Subcommittee on Health, challenged the Obama Administration’s flawed defense of its “gag order” prohibiting Medicare Advantage (MA) and prescription drug plans from communicating with enrollees about benefit cuts in proposed health care legislation. Previously, Herger had joined with other Ways & Means Republicans in arguing against the gag order as a violation of free speech during one of the most important legislative debates in Congress. In a letter to Health and Human Services Secretary Kathleen Sebelius, Mr. Herger points out the flaws in the Administration’s reasoning for the gag order and the inappropriate favoritism in its treatment of plan communications depending on whether a plan sponsor supports or opposes the President’s health care plan. You can read the full text of the letter [here](#) .

“Health care reform is one of the most pressing issues facing the United States today and we need to have an open, honest debate. The CMS decision to issue a ‘gag order’ flies in the face of the principle of free speech that has guided our nation for 233 years. Unfortunately, this Administration is continuing its precedent of picking winners and losers, this time based on whether an organization endorses the Administration’s policy proposals. I am concerned by HHS’s willingness to ignore a conflict with their own regulations with regard to AARP, while moving hastily to impose the gag order and violating a Clinton-era policy that upheld free communication between Medicare plans and their enrollees. As we proceed, I urge Secretary Sebelius to allow the free exchange of information in this critically important debate over how best to reform our health care system.”