

United States Senate

WASHINGTON, DC 20510

March 1, 2011

The President
The White House
Washington, DC 20500

Dear Mr. President,

We are writing to urge you to withdraw the nomination of Dr. Donald Berwick to serve as the Administrator of the Centers for Medicare and Medicaid Services (CMS).

After submitting his nomination to the Senate last year, your decision to appoint Dr. Berwick by recess appointment was completed before a hearing could be held thereby short-circuiting the ability of the Senate to consider his nomination in the 111th Congress. This abrupt and unilateral action meant that no Senator – Democrat or Republican – was given the opportunity to ask Dr. Berwick a single question before he was placed in charge of an agency with a budget larger than the Department of Defense, which controls 4 percent of our nation's gross domestic product (GDP), and, most importantly, directly impacts more than 100 million American lives every single day.

The enactment of the 2010 partisan health care law placed more authority in the hands of the Administrator than ever before. As CMS now has the responsibility for restructuring insurance markets across the country, Dr. Berwick's lack of experience in the areas of health plan operations and insurance regulation raise serious concerns about his qualifications for this position.

Furthermore, his past record of controversial statements, and general lack of experience managing an organization as large and complex as CMS should disqualify him being confirmed as the CMS Administrator.

You repeatedly pledged, both as a candidate and as President that you would usher in a new era of transparency in our government. However, the process used in the enactment of the health care law, combined with the end-run around Congress with the recess appointment of Dr. Berwick, both contradict your pledge.

Withdrawing Dr. Berwick's nomination would be a positive first step in rebuilding the trust of the American people. The occupant of this important position, which affects the health care of so many Americans on a daily basis, requires an individual with the appropriate experience and management ability. Our seniors and those who rely on Medicaid deserve no less.

Once the nomination has been withdrawn, we are confident we can all work together to find a nominee for Administrator we can support and confirm after appropriate hearings are held.

Sincerely,

Chris Hatch

Neil B. E.

Joe Wicks

John Bannan

Richard Logan

Paul Cochran

Tom Wexler

Mike McCall

John Comyn

Dan Boats

Mike St.

John Howen

Mike Johnson

John M. ...

Ray Johnson

Pat Romney

John Boyman

John M. ...

Jim ...

Rand Paul

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Jim ...

John Ensign

...

John ...

Jim ...

M.A. (F.A.)

Ray ...

Raymond

DiVito

Kellylyette

Chuck Grassley

Jefferson

Wicks

Clarkin

Richard Shelby

Mike Ayers

Jerry Moran

Shirley Lee

Bowen



Tom Coburn

cc: William Daley, White House Chief of Staff
The Honorable Kathleen Sebelius, Secretary of Health and Human Services
The Honorable Max Baucus, Chairman, Senate Finance Committee