

**United States Senate Committee on Finance**

**May 6, 2025**

**Hearing to Consider the Nominations of James O'Neill, of California, to be Deputy Secretary of Health and Human Services, vice Andrea Joan Palm, resigned and Gary Andres, of Virginia, to be an Assistant Secretary of Health and Human Services, vice Melanie Anne Egorin, resigned**

**Questions for the Record submitted to Gary Andres from Senator Ron Wyden.**

1. How will you protect the integrity of the Office of Legislative Affairs from becoming a political shield—especially if senior HHS officials or the White House pressure you to delay or deny information that Congress has a right to see?
2. The Office of Legislative Affairs has a recent pattern of delay and non-response under the current administration. Can you cite any specific reforms you would implement to ensure that this pattern does not continue under your leadership?

**Response (1-2): I understand the importance of timely responses to Congressional inquiries. I commit, to the best of my ability, to be as responsive, accountable and transparent as possible.**

3. You previously worked at the Biotechnology Innovation Organization, representing private industry interests. How will you ensure that your approach to legislative affairs at HHS prioritizes the public interest over the priorities of former biotech clients?

**Response: In connection with the nomination process, I consulted with the Office of Government Ethics and the HHS Designated Agency Ethics Official to identify potential conflicts of interest. As part of that process, I have consented to an ethics agreement, resigned from positions, and divested of financial holdings in order to comply with the applicable ethics laws and regulations. As a result, the Office of Government Ethics and the HHS Designated Agency Ethics Official have certified that I am in compliance with the applicable laws and regulations governing conflicts of interest. If confirmed by the Senate, I will continue to consult with the agency ethics officials and act in accordance with all applicable laws and regulations governing conflicts of interest.**

4. You've had decades of experience navigating Capitol Hill. In your view, does refusing to cooperate with duly authorized Congressional oversight align with the "radical transparency" that RFK Jr. and Dr. Oz promised? Or is that simply political branding with no substance?

**Response: I understand the importance of timely responses to Congressional inquiries. I commit, to the best of my ability, to be as responsive, accountable and transparent as possible.**

5. Mr. Andres, with your decades of service leading Congressional committee staff, you are deeply familiar with how the CBO evaluates the economic value of federal investments in primary care. One of the blind spots in that process has been that the ten-year budget window is often inadequate to fully capture the long-term savings that preventive care delivers for taxpayers by reducing Medicare and Medicaid spending on higher cost interventions down the line.
  - a) What are some legislative strategies that would allow Congress to ensure that CBO captures the full value delivered by investing in primary care over twenty or thirty years?

**Response: I look forward to working with you on legislative strategies that would do this.**

6. Do you believe investments in program integrity efforts such as those conducted by Inspectors General to identify and prosecute fraud yield savings for taxpayers?

**Response: Potentially yes. However, while Inspectors General often identify waste and fraud, Congress should look for better ways – beyond financial resources -- to realize the potential savings.**

7. Mr. Andres, Ranking Member Wyden has made several requests to HHS for staff-level briefings. Will you commit to providing a written, substantive, response to each of the following outstanding requests listed below?
8. On January 31, 2025, Leader Schumer and Ranking Member Wyden wrote to HHS requesting answers on the break-down of Medicaid payment portals. A response was requested by March 3, 2025. *An inadequate response was received on 4.9.25; no questions answered*
  - b. On February 7, 2025, Ranking Members Wyden, Neal, and Pallone wrote to HHS and CMS with detailed questions on reported access by DOGE to CMS payment systems. *Multiple requests for staff-level Committee briefings have gone unanswered.*

- c. On February 21, 2025, Senate Democrats wrote to HHS expressing alarm at unilateral lay-offs of 5,000+ civil servants, including CMS employees. *An inadequate staff-level briefing for Committees was provided on 3.7.25, and Senate Democrats have yet to receive a briefing. Additionally, HHS refused to provide the written communication provided to agency leaders on how to rehire probationary employees deemed "mission critical."*
- d. On February 26, 2025, Ranking Members Wyden and Sanders sent a letter to HHS on HRSA staffing for the OPTN. Given the timeline of passing the U.S. Securing the OPTN Act, all staff hired for implementation were "probationary" and most lost their jobs. The letter requested responses to 4 questions by March 5, 2025. *No response received.*
- e. On March 5, 2025, Ranking Member Wyden and Senator King sent a letter making detailed requests on lay-offs at the Centers for Medicare & Medicaid Services (CMS). The letter requests a briefing and written response. *No response received.*
- f) On March 26, 2025, Ranking Member Wyden and Judiciary Chairman Grassley sent a letter to HRSA on reports of out of sequence organ allocation. This letter requested responses to questions and requests for records pertaining to each agency by April 9, 2025.
  - o Judiciary Chairman Grassley staff followed up on this letter on April 14, 2025.
  - o HRSA responded that they are working on their responses. Still no formal response from either agency to date.
- g. On April 1, 2025, Senator Warner and Ranking Members Wyden and Sanders sent a letter to HHS from Senate Democrats on firings and forced retirements that gutted HHS by 20,000 employees. The letter requests a briefing and written response. *HHS provided a bipartisan staff-level briefing for Committee and down-dais staff on 4.15.25; HHS committed to providing responses to follow-up questions which the Ranking Member's team provided in a single document.*
- h. On April 10, 2025, Senator Whitehouse and Ranking Member Wyden sent a letter to HHS from Senate Democrats on DOGE access to the national child support database. The letter requests a briefing and written response.
- a. On April 15, 2025, Ranking Members Wyden and Sanders sent a letter to HHS on mass firings at the Administration for Children and Families (ACF) that risk kids' safety and well-being. The letter requests a briefing and written response.

**Response (7-8): I understand the importance of timely responses to Congressional inquiries. I commit, to the best of my ability, to be as responsive, accountable and transparent as possible.**

**Question for the Record submitted to Gary Andres from Senator Warren.**

Question 1: Will you commit to providing information or documents to Congress voluntarily when requested to do so through oversight letters or Congressional investigations?

Question 2: Will you commit to providing information or documents to Congress if you are issued a subpoena to do so?

Question 3: Will you commit to following current precedent for responding to information requests, briefings, and other inquiries from Congress, including the Senate Finance Committee and its minority members?

Question 4: Will you commit to providing comprehensive, accurate, and timely responses to inquiries from GAO?

Question 5: Will you commit to facilitating the testimony of HHS officials before Congress when requested to do so?

**Response to Questions 1-5: I understand the importance of timely responses to Congressional inquiries. I commit, to the best of my ability, to be as responsive, accountable and transparent as possible.**

Question 6: As of May 9, 2025, clicking on the link to “Vaccination Related Testimony” on the Assistant Secretary for Legislation’s website leads to an error message.<sup>1</sup>

- a. Will you commit to restoring access to HHS officials’ past testimony related to vaccination?
- b. Will you commit to opposing any efforts to censor the testimony of former or current HHS officials whose views on vaccines differ from those of Secretary Kennedy?

**Response: If confirmed, I will look into this.**

**Question for the Record submitted to Gary Andres from Senator Ben Ray Luján.**

Question 1: As of May 6, 2025, there have been a total of 935 measles cases reported in the ongoing outbreak across the United States. Of these cases, 693 are in Texas and 67 cases are reported in New Mexico. Two children in Texas and an adult in New Mexico have died. My colleagues and I have written to Secretary Kennedy twice with no response. Do you think it is acceptable for the Secretary to ignore Congressional inquiries during a disease outbreak? If confirmed, will you commit to responding to both measles’ letters authored by my office within one week of your confirmation?

---

<sup>1</sup> U.S. Department of Health and Human Services, “Assistant Secretary for Legislation (ASL),” <https://www.hhs.gov/about/agencies/asl/index.html> (as of May 9, 2025).

**Response: I understand the importance of timely responses to Congressional inquiries. I commit, to the best of my ability, to be as responsive, accountable and transparent as possible.**

**Question for the Record submitted to Gary Andres from Senator Warnock.**

1. At the hearing, you said you would work with me and my staff on getting answers from the Secretary, which I appreciate. If confirmed, will you commit to arranging a meeting between myself and Secretary Kennedy within 30 days of your confirmation?

**Response: I understand the importance of timely responses to Congressional inquiries like this one. I commit, to the best of my ability, to be as responsive, accountable and transparent as possible.**

2. When reaching out to the Department of Health and Human Services (HHS) about errors in Reduction in Force (RIF) notices, HHS has advised my constituents to email a specific RIF inquiry inbox and have not provided any further insight into the constituent's issue or possible actions and solutions. These are constituents who have various issues with their RIF notices, including but not limited to paperwork inaccuracies, retirement and severance pay issues, and non-receipt of 2024 performance awards.
  - a. If confirmed, will you follow up with my office directly to make sure that the RIF inquiry inbox is being actively monitored and that responses are issued to fired employees within 30 days?
  - b. If confirmed, can you commit to providing my staff with information as to how many emails this inquiry box has received, how many emails have received a response, and how long a constituent can expect to wait, on average, to hear back from HHS?
  - c. If confirmed, can you advise congressional offices on how to ensure that each individual constituent receives a timely response from the RIF inquiry email address?
  - d. If confirmed, will you commit to providing formal response letters to each inquiry, advising as to what steps were taken to remedy the issue, or explaining why the issue cannot be remedied?

**Response: I understand the importance of timely responses to Congressional inquiries like this one. I commit, to the best of my ability, to be as responsive, accountable and transparent as possible.**