

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

June 16, 2020

The Honorable Seema Verma  
Administrator  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Verma:

I am writing to reiterate my request that you finally fulfill a promise you made in April that the Centers for Medicare and Medicaid Services (CMS) would release demographic claims data concerning the outcomes of COVID-19 based on race, ethnicity, and gender that are currently available to the agency.

My initial request was made in an April 15, 2020 letter following comments from you at a White House daily briefing on April 7 that the data would be provided “very shortly.”<sup>1</sup> Then, a few days later you commented in a teleconference with reporters that “you’ll be seeing a comprehensive analysis of our claims data starting in early May.”<sup>2</sup>

It has now been nine weeks since I first requested access to this data, and ten weeks since you stated that the data would be available “very shortly.”<sup>3</sup> Despite the urgency with which this information is needed, you have yet to make any of this data publicly available. In addition, you and your staff have yet to respond to any of the questions in my April 15 letter or have yet to

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<sup>1</sup> Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing (Apr. 7, 2020) ([www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-april-7-2020/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-april-7-2020/)).

<sup>2</sup> *White House: Data on COVID-19 and Race Still Weeks Away*, NPR (Apr. 20, 2020) (accessed [www.npr.org/sections/coronavirus-live-updates/2020/04/20/838745546/white-house-data-on-covid-19-and-race-still-weeks-away](http://www.npr.org/sections/coronavirus-live-updates/2020/04/20/838745546/white-house-data-on-covid-19-and-race-still-weeks-away)).

<sup>3</sup> Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing (Apr. 7, 2020) ([www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-april-7-2020/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-april-7-2020/)).

schedule a briefing I requested by April 29. Such a briefing would help the Committee better understand how CMS is utilizing the claims data available to the agency and how this data could inform our nation's response to COVID-19.

This is unacceptable and demonstrates that CMS is clearly unwilling to sufficiently prioritize the need to address demographic disparities as it relates to COVID-19 outcomes. It is also extremely concerning that you have completely ignored legitimate questions raised by Congress concerning your agency's work and response to the COVID-19 pandemic.

Since my April 15 letter, the number of people who have died from COVID-19 in the United States has surpassed 100,000 and continues to increase each day. Based on the data currently available, people from racial and ethnic minority communities are dying at disproportionately higher rates. For example, according to the provisional death counts reported by the Centers for Disease Control and Prevention (CDC), as of June 10, 2020, African Americans represented 23 percent of COVID-19 related deaths, despite representing 13.4 percent of the overall U.S. population.<sup>4</sup>

While access to additional demographic data has improved since April, no current publicly available data source substitutes for the Medicare claims data available to CMS as it relates to COVID-19 outcomes. With the use of specific coding for COVID-19, CMS should have access to robust demographic data that can be utilized to better understand the disparities in care that exist and how we should be monitoring these disparities to reverse these trends and improve outcomes moving forward.

It is critical that CMS release this data immediately in order to effectively respond to and address clear demographic disparities in care that have become apparent as a result of the COVID-19 pandemic but have long persisted in our health care system.

As the Chairman of the Committee of jurisdiction over the Medicare and Medicaid programs, I expect CMS to work collaboratively with the Committee and provide us with the information necessary to ensure the federal government and this Administration is properly utilizing its mandate and authority to advance public health and protect the American people. Your delay in providing Congress and the American people with the critical demographic information that is available to your agency and that you promised to release raises significant concerns about CMS's response to this pandemic. Further delay will necessitate my consideration of additional measures to ensure your agency's compliance with these legitimate requests.

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<sup>4</sup> See Centers for Disease Control and Prevention, *Provisional Death Counts for Coronavirus Disease* (June 10, 2020) ([data.cdc.gov/NCHS/Provisional-Death-Counts-for-Coronavirus-Disease-C/pj7m-y5uh/data](https://data.cdc.gov/NCHS/Provisional-Death-Counts-for-Coronavirus-Disease-C/pj7m-y5uh/data)); see also U.S. Census Bureau, *Quick Facts* ([www.census.gov/quickfacts/fact/table/US/PST045219](https://www.census.gov/quickfacts/fact/table/US/PST045219)).

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I strongly urge you to respond to my questions and facilitate the requested briefing from my April 15 letter as soon as possible and release the demographic data related to COVID-19 that is available to CMS immediately.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.  
Chairman