

December 1, 2025

The Honorable John Thune
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Majority Leader Thune and Minority Leader Schumer:

The undersigned organizations representing health care consumers, patients, workers, clinicians, and other stakeholders write in strong support of S.J.Res.82, the Congressional Review Act (CRA) Joint Resolution of Disapproval on the repeal of the Richardson Waiver, introduced by Senators King and Wyden.

We urge the Senate to support this resolution and reject the U.S. Department of Health and Human Services' (HHS) decision earlier this year to limit long-standing public notice and comment requirements for a wide range of agency rulemaking. This reversal from HHS undermines a more than 50-year precedent that has ensured public comment on federal rulemaking before a rule is finalized, thereby allowing your constituents to shape policies that affect the health and well-being of their families and communities.

Public notice and comment processes are critical to a transparent and evidence-based regulatory process, one that ensures health care rulemaking and implementation of laws appropriately consider the needs of all relevant consumers, communities, and stakeholders. Since 1971, bipartisan administrations operating HHS have upheld the Richardson Waiver, which establishes that rulemaking related to HHS agency management, grants, benefits, contracts, and loans are subject to notice and comment procedures. However, on March 3, 2025, HHS announced it would no longer adhere to this principle, effective immediately.

The implications of this decision are profound. HHS currently oversees \$1.7 trillion in health care programs – including Medicare, Medicaid, the Affordable Care Act, the Children's Health Insurance Program (CHIP), the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), the Health Resources and Services Administration (HRSA), and the Substance Abuse and Mental Health Services Administration (SAMHSA) — and interprets and implements statutes that touch everything from coverage eligibility and benefits to research funding for cancer and chronic diseases to how doctors and community hospitals are reimbursed for care.

While some programs run by HHS continue to have public notice-and-comment as required by statute, most programs and policy areas overseen by HHS no longer have the guarantee of robust public input—and stakeholders impacted by any changes to these programs no longer have avenues to offer their feedback to HHS in ways that ensure the agency moves forward with the best possible policy. As HHS inevitably seeks to incorporate new health interventions and technologies into its programs, the agency will no longer have a process in place to learn how these innovations affect people and the health care system in new and sometimes unintended ways.

During his Senate confirmation process, HHS Secretary Robert F. Kennedy, Jr. vowed to lead HHS with “radical transparency.” However, curtailing opportunities for public comment on significant policy changes undermines that commitment and erodes trust in the agency’s decision-making process.

We urge the Senate to act swiftly and decisively. Supporting this CRA joint resolution will restore essential checks and balances and ensure that those most affected by policy changes – patients, employers, researchers, health care advocates, clinicians, hospitals, drug and device manufacturers, and even states and localities – continue to have a voice in shaping them.

We respectfully ask the Senate to support S.J.Res.82 and stand with millions of Americans who depend on inclusive, transparent, and thoughtful health care rulemaking.

Sincerely,

Families USA

A Voice Of Reason - VOR

Abortion Forward

ACCESS Reproductive Justice

Advocates for Trans Equality

Advocates for Youth

AFSCME

AIDS Foundation Chicago

American Academy of Pediatrics

American Association on Health and Disability

American Atheists

American College of Obstetricians & Gynecologists

American Music Therapy Association

American Public Health Association

American Society for Reproductive Medicine
Arkansas Black Gay Men's Forum
Autistic Self Advocacy Network (ASAN)
Autistic Women & Nonbinary Network
CenterLink
Children's Hospital Association
Community Catalyst
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Drug Policy Alliance
Equality California
Equitas Health
Esperanza United
Fair Wisconsin
Fenway Health
First Focus Campaign for Children
Five Horizons Health Services
Human Rights Campaign
Ipas US
Justice in Aging
Lakeshore Foundation
Legal Action Center
NASTAD
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance for Caregiving
National Association of Pediatric Nurse Practitioners
National Family Planning & Reproductive Health Association
National Health Law Program
National Latina Institute for Reproductive Justice
National League for Nursing
National Partnership for Women & Families
National Women's Law Center
National Working Positive Coalition
NHMH - No Health without Mental Health
People Power United
PHI
Physicians for Reproductive Health
Planned Parenthood Federation of America
Positive Women's Network-USA

Power to Decide
PrEP4All
Public Citizen
Reframe Health and Justice
Religious Community for Reproductive Choice
Reproductive Health Access Project
Reproductive Justice Action Collective
SAGE
SC Appleseed Legal Justice Center
Service Employees International Union (SEIU)
SIECUS: Sex Ed for Social Change
SiX Action
The AIDS Institute
The Cancer Network
The Institute for Health Research & Policy at Whitman-Walker