

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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August 27, 2024

The Honorable Xavier Becerra
Secretary
U. S. Department of Health and Human Services
200 Independence Ave. SW
Washington, DC 20201

Dear Secretary Becerra:

The Committee on Oversight and Accountability is investigating allegations of political interference by the U. S. Department of Health and Human Services (HHS) in third-party medical organization recommendations. According to reporting by *The New York Times*, HHS officials sought to influence the World Professional Association of Transgender Health (WPATH) to drop its minimum standards of care age guidelines for pediatric transgender surgeries to advance the Biden Administration’s political agenda.¹ We are concerned that HHS officials, acting in their official capacity, inappropriately applied pressure for changes to international pediatric medical standards. Officials applied this inappropriate pressure by urging for the removal of age limits that expands the pool of children and adolescents recommended for irreversible gender transition surgical procedures. The Committee requests documents and information from HHS to assist our investigation of this matter.

The Biden Administration’s advocacy for expanding the pool of vulnerable children subjected to life-altering procedures they may later regret is reprehensible. Emails indicating that this advocacy was done for political advantage – possibly to satisfy extremist elements of its base – is even more outrageous. Dr. Marci Bowers, the president of WPATH, has gone so far as to dismiss the responsibility of medical providers for procedures performed on child patients who she has said must “own” final transition decisions and “should not be blaming the clinician or the people who helped guide them” for later regrets about irreversible surgeries.²

Considering the Biden Administration’s recently concocted defense that “The Administration does not support surgery for minors,”³ it is alarming that HHS would advocate

¹ Azeen Ghorayshi, *Biden officials pushed to remove age limits for trans surgery, documents show*, N. Y. TIMES (Jun. 25, 2024); Brief in Support to Exclude Certain Testimony, Exhibit Cantor Rep. Appendix A, *Boe v. Marshall*, 2:22-cv-00184, (M.D. Ala. June 24, 2024), available at gov.uscourts.almd.77755.591.24.pdf (courtlister.com).

² Robin Respaut, Chad Terhuine, and Michelle Conlin, *Why detransitioners are crucial to the science of gender care*, REUTERS (Dec. 22, 2022).

³ Jamie Joseph, *Biden Officials Pushed to Drop Age Limit on Trans Surgeries for Minors: Report*, FOX NEWS (Jun. 26, 2024).

for these policies in its communications with WPATH.⁴ The reality that WPATH acceded to make changes to child patient care recommendations base on naked political motivations is a stain on the credibility of WPATH and its guidelines.

In December 2021, WPATH published its draft Standards of Care, Version 8 (SOC-8) for public comment.⁵ The draft SOC-8 recommended lowering the age minimums to age 14 for cross-sex hormone treatments, age 15 for transgender mastectomies, age 16 for transgender breast augmentation and facial surgery, and age 17 for transgender genital surgeries and hysterectomies.⁶ WPATH emails reveal direct meetings between Admiral Rachel Levine, Assistant Secretary for Health, and WPATH's leadership, indicating the Admiral was "very eager" for the release of SOC-8 and supportive of its integration within "health policies of the Biden government."⁷ More emails describe planned WPATH meetings where Admiral Levine and HHS staff were "keen to bring the trans health agenda forward."⁸

According to additional WPATH emails, Admiral Levine and then-Chief of Staff Sarah Boateng asked WPATH if the "specific ages can be taken out" of SOC-8 and warned that "having specific ages in the document will make matters worse."⁹ The final version of SOC-8 published in September 2022 entirely removed these age minimums,¹⁰ despite WPATH directly informing Admiral Levine that it was not possible to remove the age recommendations.

WPATH's leadership expressed dismay at Admiral Levine's request. One WPATH advisory committee member admitted "I don't see how we can simply remove something that important from the document...at this final stage of the game."¹¹ An additional member explained that "nobody wanted to make [the changes], and [was] personally not agreeing with the change."¹² Despite WPATH's initial minimum age recommendations, Admiral Levine and Boateng's clear, concise instructions to remove age recommendations from SOC-8 led to their ultimate removal, notwithstanding the Biden Administration's now public statement that it opposes providing such surgeries to minors.

To assist our investigation of political interference by HHS and the inconsistency between the White House's stated position on transition surgeries for minors and this administration's actions, please provide the following documents and communications, covering the period January 20, 2021, to present, as soon as possible, but not later than September 10, 2024:

⁴ Brief in Support to Exclude Certain Testimony, *supra* n. 1, at viii-ix.

⁵ World Professional Ass'n for Transgender Health, Press Release, *WPATH Releases the Standards of Care for the Health of Transgender and Gender Diverse People, Version 8* (Sept. 15, 2022).

⁶ Brief in Support to Exclude Certain Testimony, *supra* n. 1, at viii.

⁷ *Id.*

⁸ *Id.*

⁹ Brief in Support to Exclude Certain Testimony, *supra* n. 1, at ix, viii.

¹⁰ *Supra* n. 5.

¹¹ Brief in Support to Exclude Certain Testimony, *supra* n. 1, at x.

¹² *Id.*

1. All documents and communications between or among Admiral Levine, Sarah Boateng, HHS staff, WPATH staff, and any participants in the development of the WPATH SOC-8;
2. All calendar entries for Admiral Levine, Sarah Boateng, and any HHS staff reflecting meeting(s), briefings, or phone calls with WPATH staff and any participants in the development of the WPATH SOC-8;
3. All documents and communications between or among Admiral Levine, Sarah Boateng, HHS staff, and the following organizations, related to standards of care for “gender affirming care” and transgender medical procedures and surgeries for minors:
 - a. American Medical Association;
 - b. American Academy of Pediatrics;
 - c. American Academy of Child and Adolescent Psychiatry;
 - d. Pediatric Endocrine Society; and
 - e. Society for Adolescent Health and Medicine;
4. All documents and communications between or among HHS staff related to internal guidance on “gender affirming care” and transgender medical procedures and surgeries for minors;
5. All documents and communications between or among HHS staff and the White House related to “gender affirming care” and transgender medical procedures and surgeries for minors; and
6. All documents and communications related to the previously noted correspondence to Congress from Melanie Anne Egorin, Assistant Secretary for Legislation dated December 13, 2022.

Attached are instructions for producing the documents and information to the Committee. If you have any questions, please contact the Committee on Oversight and Accountability Majority staff at 202-225-5074.

The Committee expects your full cooperation with these requests. Under your purview, HHS has not cooperated in good faith with the Committee’s oversight of HHS and its subagencies, including the Food and Drug Administration and the Centers for Medicare & Medicaid Services.¹³ HHS and its subagencies have been recalcitrant in responding and

¹³ See Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Robert M. Califf, Comm’r, U.S. Food & Drug Admin. (Mar. 28, 2023); Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Lisa McClain, Chairwoman, Subcomm. on Health Care & Fin. Servs. to Hon. Xavier Becerra, Sec’y, U. S. Dep’t of Health & Human Servs. (Apr. 4, 2024); Letter from Hon. Pete Sessions, Chairman, Subcomm. on Gov’t Operation and the Federal Workforce and Hon. Lisa McClain, Chairwoman,

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producing documents, information, and communications requested by the Committee in these matters. It is unacceptable for HHS to interfere with congressional investigations by refusing and delaying cooperation with the Committee's oversight. As a reminder, the Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Lisa C McClain". The signature is written in a cursive style.

Lisa McClain

Chairwoman

Subcommittee on Health Care and Financial Services

cc: The Honorable Katie Porter, Ranking Member
Subcommittee on Health Care and Financial Services