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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

May 3, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

We are writing today to request additional information regarding your decision to dismiss Dr. Vivek Murthy as U.S. Surgeon General. According to news reports, an HHS spokeswoman sent an email on Friday, April 21, stating that Dr. Murthy “was asked to resign from his duties as Surgeon General” and “has been relieved of [those] duties.”¹ Especially in light of your Administration’s pattern of politically motivated and ethically questionable personnel decisions, the decision to, against historical precedent, remove Dr. Murthy from his role prior to the end of his four-year term raises serious concerns. Furthermore, we are troubled by the abrupt nature of his dismissal and whether it allowed for adequate transition planning for the operational leadership of the 6,500 members of Commissioned Corps of the U.S. Public Health Service, who serve around the world to promote, protect, and advance the health and safety of our nation.

The Surgeon General is nominated by the President and approved by the Senate for a four-year term of office.² As a result, there are numerous examples of Surgeons General serving across administrations of both parties. After a lengthy confirmation process, Dr. Murthy was confirmed by the Senate in December 2014.³ His term as Surgeon General was therefore scheduled to last through December 2018.

Dr. Murthy has served with distinction, speaking out with clarity and authority on multiple issues and leading crucial initiatives to improve the public health. Dr. Murthy has been a leader in the government’s response to the opioid crisis. His office has collected data on drug and alcohol use disorders, highlighted prevention, treatment, and recovery strategies, and disseminated this information to doctors, communities, and lawmakers. He led the “Turn the Tide” campaign, which calls on clinicians to become better educated on opioid prescribing, communicate better with patients about opioid use disorder, and improve the language used to discuss addiction. He issued the first-ever Surgeon General’s report on drug and alcohol addiction and its effect on public health.⁴ This critical work to combat the opioid crisis received bipartisan support.⁵ Dr. Murthy was also instrumental in raising awareness about and shaping

¹ <https://www.usatoday.com/story/news/2017/04/21/surgeon-general-dismissed-replaced-trump-administration/100767454/>

² <https://www.surgeongeneral.gov/about/>

³ https://www.nytimes.com/2014/12/16/us/obamas-nominee-for-surgeon-general-wins-confirmation.html?_r=0

⁴ <https://addiction.surgeongeneral.gov/>; <https://www.scientificamerican.com/article/surgeon-general-report-tackles-addiction/>

⁵ <http://www.politico.com/story/2016/04/surgeon-general-uses-bully-pulpit-to-combat-opioid-crisis-221720>;

<http://www.freep.com/story/news/local/michigan/flint-water-crisis/2016/02/15/us-surgeon-general-flint-crisis-dr-vivek-murthy/80431666/>

our nation's strategies for the Zika virus, the Flint water crisis, and a number of other pressing public health issues.⁶

While some of this work received bipartisan support, Dr. Murthy faced criticism for his efforts to combat known public health threats, including gun violence and e-cigarettes. Prior to his confirmation, Dr. Murthy advocated for a public health approach to gun regulation and authored a letter to Members of Congress outlining ways to reduce gun-related deaths.⁷ This sparked opposition from the National Rifle Association (NRA), even though the Surgeon General has no authority over firearm regulation.⁸ This debate delayed Dr. Murthy's confirmation for over a year.

Under Dr. Murthy's leadership, his office authored the first report on e-cigarette use among youth and young adults. The report called for efforts to reduce e-cigarette use, including policies like raising prices and applying taxes to discourage youth from accessing the products.⁹ According to data released by the Centers for Disease Control and Prevention and the Food and Drug Administration, youth use of electronic cigarettes exceeds use of cigarettes.¹⁰ Nonetheless, the report drew criticism from advocates who argued that e-cigarettes have the potential to help smokers quit and may have contributed to the decline in smoking.

Central to the U.S. Surgeon General's mission is providing "Americans with the best scientific information available on how to improve their health and reduce the risk of illness and injury."¹¹ In order to fulfill this mission, the Surgeon General must remain independent and free from political pressure. We are concerned that your decision to dismiss Dr. Murthy failed to account for these considerations. To help us better understand the Administration's decision, please respond to the following questions by no later than May 17, 2017:

1. Prior to removing Dr. Murthy from office, did the Administration conduct an analysis of its authority to remove the Surgeon General prior to the end of his four-year term, as compared to removing individuals in political positions without fixed terms? If not, why was no such analysis conducted?
2. What actions did the Administration determine merited removing Dr. Murthy from office prior to the end of his four-year term?
 - a. Did the Administration have concerns about any of the opinions expressed by Dr. Murthy in his capacity as U.S. Surgeon General?
 - b. Did the Administration have concerns about Dr. Murthy's scientific or medical expertise?
 - c. Did Dr. Murthy's views or previous statements regarding gun control contribute in any way to the Administration's decision to remove Dr. Murthy from office?

⁶ <http://www.npr.org/2016/08/28/491726839/prevention-is-the-key-in-fighting-zika-surgeon-general-says> ;

<http://thehill.com/policy/healthcare/282124-surgeon-general-we-are-going-to-run-out-of-funds-for-zika>

⁷ https://s3.amazonaws.com/s3.drsmforamerica.org/images/DFA_Gun_Violence_Congressional_Letter.pdf

⁸ <http://www.nejm.org/doi/full/10.1056/NEJMe1403374>

⁹ <http://www.reuters.com/article/us-health-ecigarettes-usa-idUSKBN13X0BM>

¹⁰ <http://www.cdc.gov/mmwr/volumes/65/wr/pdfs/mm6514a1.pdf>

¹¹ <https://www.surgeongeneral.gov/about/index.html>

- d. Did the issuance of the Surgeon General's 2016 report "E-Cigarette Use Among Youth and Young Adults" contribute in any way to the Administration's decision to remove Dr. Murthy from office?
- e. Did the Administration have concerns about Dr. Murthy's ability to respond to future public health issues?
3. How was the decision made to remove Dr. Murthy from office?
 - a. Who made the decision to dismiss Dr. Murthy?
 - b. How and when was Dr. Murthy notified of this decision?
4. In the course of removing Dr. Murthy from office, what steps did the Administration undertake to ensure a smooth transition in operational leadership of the Commissioned Corps of the U.S. Public Health Service?
5. When does the Administration intend to nominate a new U.S. Surgeon General to replace Acting Surgeon General Sylvia Trent-Adams?

Thank you in advance for your prompt attention to this critical matter. If you have any questions, or would like to further discuss compliance with this request, please contact Andi Fristedt (202-224-7675) or Elizabeth Letter (202-224-6403) with Senator Murray's HELP Committee staff.

Sincerely,



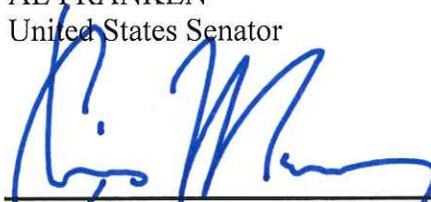
PATTY MURRAY
United States Senator



AL FRANKEN
United States Senator



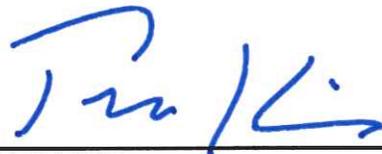
TAMMY BALDWIN
United States Senator



CHRISTOPHER S. MURPHY
United States Senator



ELIZABETH WARREN
United States Senator



TIM KAINE
United States Senator



MARGARET WOOD HASSAN
United States Senator

cc: The Honorable Thomas E. Price
Secretary, Department of Health and Human Services