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# United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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## Via Electronic Transmission

May 23, 2011

The Honorable Joseph Biden  
Vice President of the United States  
Washington, DC 20515

Dear Vice President Biden,

I am writing to inform you that the Administration has failed to submit to the Senate a recent regulation implementing part of the new health care law. I request that you take immediate action to formally transmit this rule, as the failure to submit the rule to the Senate prevents us from considering and debating the merits of this regulation.

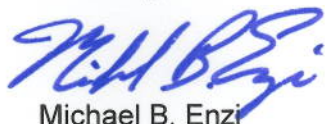
Late last year, the Department of Health and Human Services ("HHS") published an interim final rule in the Federal Register titled, "Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements Under the Patient Protection and Affordable Care Act." On November 22, 2010, HHS transmitted this regulation to both you and then-Speaker Pelosi. On December 1, 2010, the House of Representatives filed an executive communication, formally acknowledging receipt of this rule. To date, the Senate has not filed a similar communication.

The Senate Parliamentarian has confirmed that they have not received the rule, which should have been transmitted by the Vice President, in your capacity as President of the U.S. Senate. As a result, the Parliamentarian is unable to refer the rule to the Committee of jurisdiction.

This ongoing failure denies Senators their right to file Resolutions of Disapproval and utilize procedures established under the Congressional Review Act to review new regulations. This is especially troubling, since this rule has the potential to eliminate hundreds of thousands of U.S. jobs, undermine efforts to detect and prevent health care fraud, and discourage investments that could improve health care quality and reduce costs.

Members of the United States Senate deserve the right to introduce Resolutions disapproving regulations published by this Administration. I was, therefore, concerned to see recent press reports indicating that the Administration may disregard the law and not submit this regulation to the U.S. Senate. I would urge you to determine why this regulation has not been formally submitted to the Senate and take all necessary steps to rectify this problem immediately.

Sincerely,



Michael B. Enzi