

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONEY ISLAND PREP, *et al.*,

Plaintiffs,

- against -

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES, *et al.*,

Defendants.

No. 20 Civ. 9144 (VM)

DECLARATION OF WENDY PERRY

I, WENDY PERRY, pursuant to the provisions of 28 U.S.C. § 1746, declare, under penalty of perjury, as follows:

1. I am the Executive Secretariat at the Agency for Healthcare Research and Quality (“AHRQ”) within the U.S. Department of Health and Human Services (“HHS”). I manage incoming correspondence, requests for information, requests for clearances, litigation holds, and other matters received by AHRQ to ensure appropriate, high quality, and timely completion. I also manage the clearance of AHRQ materials requiring Departmental review by HHS.

2. I make this declaration based on my personal knowledge, information acquired by me in the course of performing my official duties, information supplied to me by federal government employees, and government records.

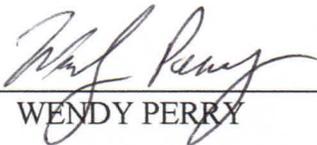
3. I have reviewed portions of documents filed in the above-captioned case, including the Complaint, Dkt. No. 1 (“*Compl.*”), and the Memorandum of Law in Support of Plaintiffs’ Motion for a Preliminary Injunction, Dkt. No. 7 (“*PI Mem.*”) in which Plaintiffs allege

that HHS has not met certain statutory obligations. This declaration responds to one of those allegations.

4. Plaintiffs' filings address the statutory requirement that HHS prepare and publish "annually a report from [AHRQ] 'regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations,' as required by 42 U.S.C. § 299a-1(a)(6)." PI Mem. at 22; *see also* Compl. 17. That requirement is satisfied through the annual publication of the National Healthcare Quality and Disparities Report ("NHQDR"). Past years' NHQDRs are publicly available online,¹ although by statute, the report is only required to be provided to Congress. The NHQDR for 2019 is not due to be published until the end of this calendar year. HHS is currently on track to publish the 2019 NHQDR by the end of CY2020.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Washington, D.C.
November 16, 2020


WENDY PERRY

¹ <https://www.ahrq.gov/research/findings/nhqdr/index.html>