

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

October 8, 2013

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Energy and Commerce is examining the implementation of federally facilitated marketplaces created by the Patient Protection and Affordable Care Act (PPACA).

Two weeks ago, the head of the Center for Consumer Information and Insurance Oversight, Mr. Gary Cohen, testified before the committee about the readiness of the federally facilitated marketplaces and other matters related to the law's implementation. In response to the question, "Will the enrollment process be ready October 1 of this year?" Mr. Cohen stated, "Consumers will be able to go online, they will be able to get a determination of what tax subsidies they are eligible for, they'll be able to look at the plans that are available where they live, they will be able to see the premium net of subsidy that they would have to pay, and they will be able to choose a plan and get enrolled in coverage beginning October 1st." Despite specific questions about the readiness of the computer systems in particular, Mr. Cohen did not warn of a "rocky start,"¹ an "internet traffic jam,"² "computer issues,"³ "glitches"⁴ or any of the other challenges observed from coast to coast that prevented consumers from completing the enrollment tasks Mr. Cohen had outlined.

One way to evaluate your agency's implementation of the law is to review the number of individuals who have enrolled. Contractors involved in building the exchanges informed

¹ *Web traffic, glitches slow Obamacare exchanges launch*, REUTERS (Oct. 1, 2013), <http://www.reuters.com/article/2013/10/01/us-usa-healthcare-idUSBRE98T14R20131001>.

² Mark Davis, *Access Health CT accepting applications*, NEWS 8 WTNH (Oct. 1, 2013), <http://www.wtnh.com/news/politics/access-health-ct-accepting-applications>.

³ David Hackett, *Hiccup at Florida ACA exchange site*, HERALD-TRIBUNE (Oct. 1, 2013), <http://health.heraldtribune.com/2013/10/01/hiccup-at-florida-aca-exchange-site/>.

⁴ Linda Feldman, *Obamacare 101: When will the enrollment glitches be fixed?*, CHRISTIAN SCIENCE MONITOR (Oct. 2, 2013), <http://www.csmonitor.com/USA/DC-Decoder/2013/1002/Obamacare-101-When-will-the-enrollment-glitches-be-fixed>.

Committee staff that the peak enrollment times would be at the start of enrollment on October 1, at the beginning of coverage on January 1, and at the close of enrollment at the end of March. To date, the administration has only provided information about the number of visits to healthcare.gov, the number of web-chats, and the number of calls to a toll-free number.⁵ No information has been released on the number of Americans that have actually enrolled.⁶

Multiple reports indicate, though, that some states failed to enroll *anyone* on the first day.⁷ The reasons for this are not clear. Are website failures preventing enrollment? Are consumers balking at the price of coverage, which was predicted to be significantly higher for many individuals?⁸ So that we may better understand and monitor the implementation of the PPACA, please provide the following information no later than October 18, 2013:

1. The number of consumers who enrolled in the federally facilitated marketplaces between October 1 and October 8. Provide a total enrollment number and an enrollment number for each state using the federal marketplace.
2. Any evaluation or analysis of the performance of the federally facilitated marketplace dated on or after October 1, 2013.

In addition, going forward we ask that your agency provide monthly updates to the Committee on enrollment until March 31, 2014, including the number of individuals enrolled and the performance of the federally facilitated marketplaces. If you are unable to provide this information to the Committee on this timetable, provide a written response identifying the specific reasons why HHS is not able to confirm the number of individuals who have successfully enrolled in the federally facilitated marketplaces. Instructions for responding to the Committee's document request are included as an attachment to this letter. Thank you for your prompt attention to this matter. If you have questions or wish to discuss your responses or production, please contact Sean Hayes with Committee Staff at (202) 225-2927.

Sincerely,


Fred Upton
Chairman

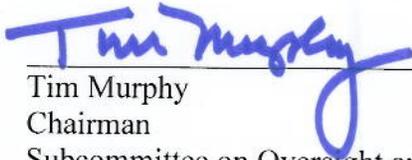

Joe Barton
Chairman Emeritus

⁵ Sabrina Eaton, *Obamacare rollout called a success by administration despite glitches*, CLEVELAND PLAIN DEALER (Oct. 1, 2013), http://www.cleveland.com/open/index.ssf/2013/10/obamacare_rollout_called_a_suc.html.

⁶ Amy Goldstein, *Rush of interest continues on insurance Web sites*, WASHINGTON POST (Oct. 1, 2013), http://www.washingtonpost.com/national/health-science/obamacare-site-goes-live-with-some-glitches/2013/10/01/380a4300-2a9d-11e3-8ade-a1f23cda135e_story.html.

⁷ Rebecca Catalanello, *Obamacare website glitches leave Blue Cross of Louisiana without new enrollees after first day*, THE TIMES-PICAYNE (Oct. 2, 2013), http://www.nola.com/health/index.ssf/2013/10/obamacare_website_glitches_sta.html; *Obamacare Has Not Enrolled A Single Person In California*, WASHINGTON FREE BEACON (Oct. 3, 2013), <http://freebeacon.com/obamacare-has-not-enrolled-a-single-person-in-california>; *No One In Tennessee Has Enrolled*, WSMV-TN (Oct. 3, 2103), http://www.realclearpolitics.com/video/2013/10/03/local_reporter_no_one_in_tn_has_enrolled_through_obamacare_exchange.html.

⁸ See, Energy and Commerce Committee "Obamacare Oversight: The Looming Premium Rate Shock." <http://energycommerce.house.gov/rate-shock>.



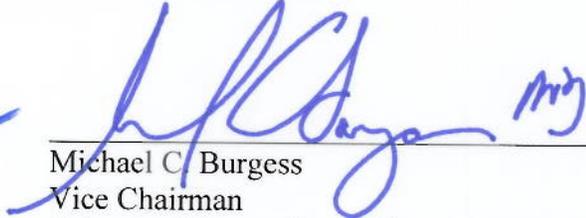
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Chairman
Subcommittee on Oversight and Investigations



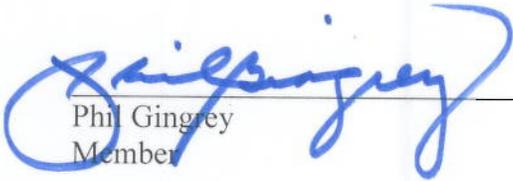
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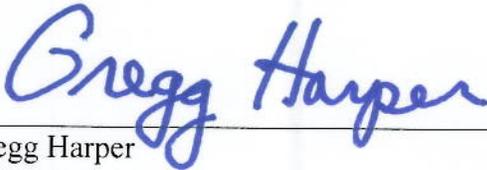
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Vice Chairman
Subcommittee on Oversight and Investigations



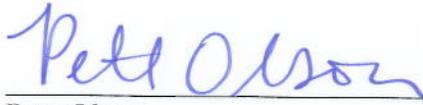
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Member



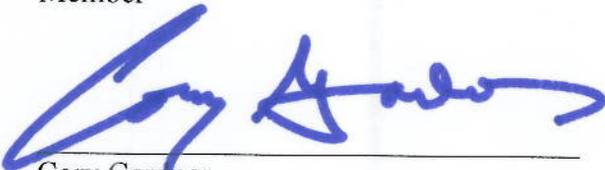
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Pete Olson
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Cory Gardner
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Morgan Griffith
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Bill Johnson
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Billy Long
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Renee Ellmers
Member

cc: The Honorable Henry Waxman, Ranking Member
The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations