

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

COMMITTEE ON ENERGY AND COMMERCE

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October 17, 2013

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

Dear Secretary Sebelius:

Since the enactment of the Patient Protection and Affordable Care Act (PPACA), officials from the Department of Health and Human Services (HHS or Department) have repeatedly promised the American people that implementation of the law was progressing as intended. In July, you stated that you were on track to flip the switch on October 1 and say to people, "Come on and sign up."<sup>1</sup> The Director of the Center for Consumer Information and Insurance Oversight Gary Cohen stated in testimony before the Subcommittee on Oversight and Investigations on September 19, 2013, that Americans would be able to go online, receive eligibility determinations, compare plans and enroll.<sup>2</sup>

Yet since the opening of PPACA's exchanges on October 1, major media outlets have described the program's launch as "plagued by problems"<sup>3</sup> and "nothing short of disastrous."<sup>4</sup> The launch of the exchanges has been fraught with significant problems that are leading to major delays for Americans attempting to shop for health coverage.

These events conflict with the testimony given by Department officials before this committee regarding PPACA implementation. The failure of the exchanges also raises serious questions concerning the billions of taxpayer dollars spent by the Department to implement the program. Most importantly, the exchanges' failures directly contradict the promises you made to the American people.

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<sup>1</sup> Robert Pear, *Sebelius Stands Firm Despite Calls to Resign*, N.Y. Times, October 16, 2013.

<sup>2</sup> Hearing before the Subcommittee on Oversight and Investigations, "Two Weeks Until Enrollment: Questions for CCIO", September 19, 2013.

<sup>3</sup> Kelly Kennedy, *Health Care Exchange Still Plagued by Problems*, USA Today, October 16, 2013.

<sup>4</sup> Jan Crawford, *Obamacare Overload: Congress Demands Answers About Health Care Site*, CBS This Morning (October 9, 2013), <http://www.cbsnews.com/video/watch/?id=50156756n>.

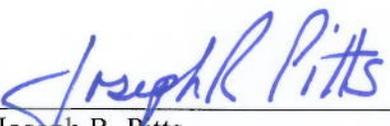
Compounding the problem is the administration's refusal to delay the law's unfair individual mandate, therefore subjecting Americans to a requirement to purchase insurance despite the exchanges' numerous problems, including unaffordable health insurance premiums and significant security risks.

In light of these facts, on October 11, 2013, the majority staff requested that you appear before the committee on October 24 to answer questions regarding implementation of the exchanges. Despite the numerous questions surrounding the law's implementation and the urgent need to provide information to Americans facing a deadline for compliance with the law, HHS staff yesterday informed the majority staff that you would be unable to attend such a hearing. To date, HHS has not committed to making other HHS officials available for the hearing.

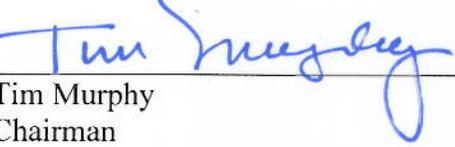
We respectfully request that HHS reconsider its refusal to appear before the committee on October 24. We believe the American people deserve answers to important questions related to the Department's implementation of the exchanges, and a failure to appear voluntarily to discuss the law's unfolding challenges would only deepen our concerns.

Sincerely,

  
Fred Upton  
Chairman

  
Joseph R. Pitts  
Chairman  
Subcommittee on Health

  
Joe Barton  
Chairman Emeritus

  
Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations

  
Marsha Blackburn  
Vice Chairman

  
Michael C. Burgess  
Vice Chairman  
Subcommittee on Health and Oversight and  
Investigations

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cc: The Honorable Henry Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations

The Honorable Frank Pallone Jr., Ranking Member  
Subcommittee on Health