

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

April 10, 2013

Mr. Gary Cohen  
Deputy Administrator and Director  
Center for Consumer Information and Insurance Oversight  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Mr. Cohen:

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Energy and Commerce is continuing to investigate the effects and implementation of the Patient Protection and Affordable Care Act (PPACA).

We seek information about the Administration's plan to complete the many outstanding tasks before full implementation of the law begins on January 1, 2014. In your capacity as head of the Center for Consumer Information and Insurance Oversight (CCIIO), your agency is responsible for the dramatic changes the PPACA will make to the private insurance market.

Over the last year, the Administration has struggled to meet the many demands and deadlines of the PPACA.<sup>1</sup>

In some instances, the deadlines put in place by the PPACA have been delayed or rescinded once it was evident the law's requirements were unworkable. Because of public backlash against the Act's paperwork requirement, 1099 reporting for small businesses was repealed. When there was no way to make the CLASS Act sustainable, it too, was repealed. The PPACA's prohibition on annual and lifetime benefit limits caused the Administration to create an entirely new waiver program to shield millions from the effects of the law. The Early Retiree Reinsurance Program had to close its doors two years ahead of schedule, all while giving

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<sup>1</sup> Robert Pear, *Tight Deadlines and Lagging Funds Bedevil Obama Health Care Law*, N.Y. Times, Mar. 22, 2013 at A10, available at <http://www.nytimes.com/2013/03/23/us/politics/deadlines-and-lagging-funds-bedevil-obama-health-care-law.html>.

taxpayer dollars to some of the nation's most profitable companies. Now, with the Society of Actuaries reporting that the public can expect massive premium increases under the law, Health and Human Services (HHS) officials have remarked that they need to do their best to make sure that the PPACA does not become a "third-world experience."<sup>2</sup>

Recently, the PPACA encountered perhaps its most serious setback yet when the Small Business Health Options Program (SHOP) was delayed until 2015 due to the agency's inability to "meet tight deadlines".<sup>3</sup> The program was supposed to create an insurance market specifically for small businesses offering a variety of health care choices, yet now States will have no option but to limit the insurance available to a single product.<sup>4</sup>

Given these developments, we ask you to produce the following materials or documents by April 23, 2013:

- Any document, analysis, or presentation, either created for you or by you (once or on an ongoing basis) to be utilized as a roadmap or timeline to determine if HHS or CCIIO is implementing the PPACA on schedule. This request includes any types of progress reports or updates on implementation that would enable you to determine if you will be ready for individuals to register under the PPACA on October 1, 2012, or for full implementation on January 1, 2014. If no such documents exist, please describe the impending deadlines for implementation of PPACA and describe your process and progress in meeting them.
- Any document, analysis, or presentation describing the funding available to implement the PPACA and its use so far. Provide details on the source of all funding, including the specific sections of the PPACA that appropriated funding.
- Any document, analysis, or presentation describing the decision to halt, delay, or otherwise reschedule the SHOP program.

To address these and other issues, we invite you to testify before the Committee on April 24, 2014. Both you and your predecessor at CCIIO have provided routine updates to the Committee, and we look forward to hearing from you about the most recent developments and discussing our concerns with you.

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<sup>2</sup> Jane Norman, *HHS Working on Contingency Plans in Case Exchanges Not Ready in Time*, CQ Healthbeat, Mar. 14, 2012 available at <http://www.commonwealthfund.org/Newsletters/Washington-Health-Policy-in-Review/2013/Mar/March-18-2013/HHS-Working-on-Contingency-Plans.aspx>

<sup>3</sup> Robert Pear, *Small Firms' Offer of Plan Choices Under Health Law Delayed*, N.Y. TIMES, Apr. 1, 2013 at A12.

<sup>4</sup> Kelly Kennedy, *Feds delay small business health care program*, USA TODAY, Apr. 1, 2013 available at <http://www.usatoday.com/story/news/politics/2013/04/01/small-business-exchange-delay/2043939/>.

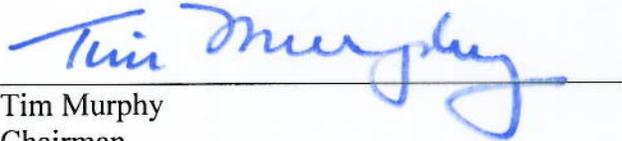
Letter to Mr. Gary Cohen  
Page 3

If you have any questions about this request, please contact Sean Hayes with Committee staff at (202) 225-5297.

Sincerely,



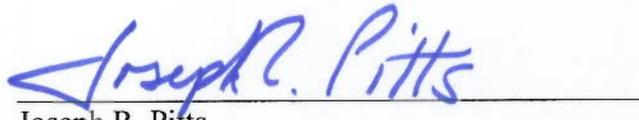
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Chairman  
Subcommittee on Oversight and Investigations



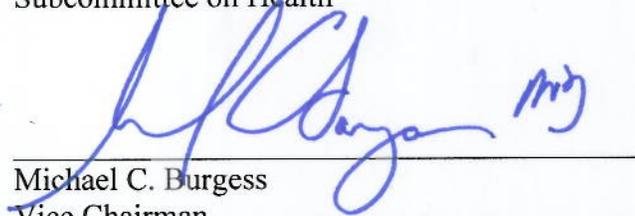
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Vice Chairman



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Vice Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Henry Waxman, Ranking Member

The Honorable Frank Pallone, Ranking Member  
Subcommittee on Health

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