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November 5, 2013

Marilyn Tavenner
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Mail-stop 314G
Washington, DC 20201

Dear Administrator Tavenner:

Regardless of how we have reached this point, the facts are clear. The single biggest threat to the American health care system that exists today is not the Administration's failed implementation of the Affordable Care Act, but rather the law's impact on the existing health care system. Millions of Americans are receiving cancellation notices for their insurance policies, and yet the Administration has failed to create and implement viable Exchanges where Americans can enroll in affordable coverage. Furthermore, the failure to sign up enough people, especially young Americans, will lead to an even greater increase in premiums – pushing health care out of reach for millions of Americans and shifting even higher costs onto those who already have health insurance through their job. All of this contributes to the fact that we face the very real possibility that starting January 1, many Americans will not have had the ability to enroll in a health insurance plan through the Exchange and will experience a coverage gap.

While the Administration has refused to release basic enrollment information, based on media reports and information released by state Exchanges, it is reasonable to assume that fewer than 100,000 Americans have successfully enrolled in the Exchanges during the month of October. Internal memos show that the Administration projected 494,620 would enroll in the first 31 days. For November, the Administration projected 706,600 would enroll, but now concedes the healthcare.gov system fixes will not be completed until November 30 at the earliest. By the time we reach the critical month of December,

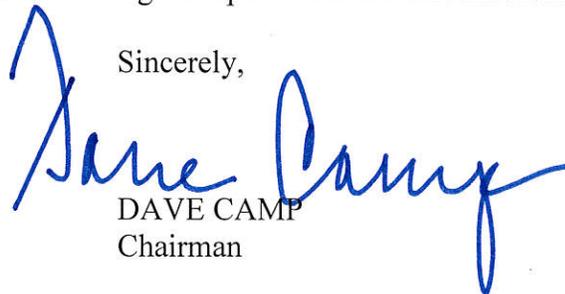
actual enrollment could lag projections by over 1 million people. To meet its own projections, the Administration would need to have a system in place capable of enrolling 100,000 people a day for the entire month of December. There is no evidence this system is capable of handling this type of volume, which threatens to leave Americans vulnerable to a gap in their medical coverage.

Due to the Administration's inability to adequately and effectively solve these problems, Congress may need to act to mitigate this crisis. We are past the point of rallies, rollouts, and revisionism. Congress and the American people need the facts. The Administration has been widely criticized for the insular and nontransparent approach it has taken in implementing the law. Experts and stakeholders who could help have not been given a window into the problems and obstacles the Administration is attempting to overcome as it struggles to implement the complicated law.

Administration officials, including you, HHS Secretary Kathleen Sebelius, and CCIIO Director Gary Cohen have been provided with status reports about the number of people who may have enrolled in the Exchanges. However, you refuse to make those status reports available to policymakers. Congress needs to know what you know so Congress, the American people's representatives, can also take corrective action. Both Republicans and Democrats need to understand the full extent of the crisis if we are going to find a fair and workable solution for the American people.

Regrettably, because the Administration refuses to voluntarily make public critical government information, I am issuing a subpoena for the enrollment reports.

Sincerely,

A handwritten signature in blue ink that reads "Dave Camp". The signature is fluid and cursive, with a large initial "D" and "C".

DAVE CAMP
Chairman