

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

March 25, 2013

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

Dear Secretary Sebelius:

As Chairman of the House Committee on Ways and Means Subcommittee on Oversight, I am writing to inquire about the Department of Health and Human Services' draft application for health insurance under the new health care law. These materials include a lengthy paper submissions application for health insurance, a supporting statement for data collection, and a "List of Questions in the Online Application to Support Eligibility Determinations for Enrollment" ("Online Application"). While the healthcare portions are lengthy and complex on their own, the draft documents wander into areas outside the Department's purview and links applications for health insurance subsidies to voter registration.

The Online Application, in its current form, is 61-pages of questions for would-be applicants seeking federally subsidized health insurance or Medicaid via a "single streamlined application for the health insurance marketplace." After scores of detailed questions about the applicant's Social Security Number, marital status, spouse's name, pregnancy information, and whether the applicant is interested in federal subsidies for health insurance, the form takes an unexpected turn on page 59 by asking, "Would you like to register to vote?" If the applicant responds in the affirmative, he or she is forwarded to a voter registration form. The question is asked after both Medicaid-specific questions and on the "Review and Sign" portion of the form, and comes after applicants learn of their eligibility status for various insurance policies and are invited to file a complaint if they feel they have been discriminated against in the application process. The position of the question could lead some to think voter registration is somehow tied to subsidy eligibility.

The health care law spans 974 pages and regulates nearly one fifth of our economy, yet nowhere in the law is voter registration mentioned. The Paperwork Reduction Act of 1995 (PRA) requires that Federal agencies gather only appropriate information as required by legislation. While the health care law requires that government agencies collect vast information about Americans' personal lives, it does not give your Department an interest in whether individual Americans choose to vote.

In light of the confusion that will already surround the application process, and possible misunderstandings about applicant requirements related to voter registration, I ask that you provide the following information by no later than April 8, 2013:

1. All drafts of "Appendix A: List of Questions in the Online Application to Support Eligibility Determinations for Enrollment through the Health Insurance Marketplace and for Medicaid and the Children's Health Insurance Program," including the most recent draft;
2. Titles of all individuals responsible for drafting, approving, and clearing the document, including, personnel within the Executive Office of the President of the United States;
3. What part of the Patient Protection and Affordable Care Act (P.L. 111-148) and the Health Care and Education Reconciliation Act (P.L. 111-152) authorizes your Department to collect voter information? and
4. Many Americans will interact with insurance exchanges through "Navigators," which may include politically active tax-exempt organizations such as Families USA and AARP. Provide any and all draft HHS guidance for the Navigator program, and answer whether these entities will also be encouraged to ask applicants about their voting status.

Thank you in advance for your assistance in this matter. If your staff should have any questions, they should contact Committee staff at (202) 225-5522.

Sincerely,

A handwritten signature in blue ink that reads "C.W. Boustany Jr." with a stylized flourish at the end.

CHARLES W. BOUSTANY, JR, MD
Chairman
Subcommittee on Oversight