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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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September 17, 2013

The Honorable James Lankford
Chairman
Subcommittee on Energy Policy, Health Care and Entitlements
The Honorable Jim Jordan
Chairman
Subcommittee on Economic Growth, Job Creation and Regulatory Affairs
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairmen:

We are writing to request additional witnesses for tomorrow's joint hearing on "Federal Implementation of ObamaCare: Concerns of State Governments."

As you know, the landmark Affordable Care Act already bans insurance companies from discriminating against people with preexisting conditions, allows young adults to stay on their parents' health insurance plans until they turn 26, and requires insurance companies to pay rebates to customers who were overcharged for coverage.

Going forward over the next six months, tens of millions of Americans will have the opportunity to obtain the life-saving health insurance coverage by enrolling in state and federal exchanges. Twenty-four states, including the most populous states in the nation, will administer enrollment on their own or in partnership with the federal government. Other states have left this task entirely to the federal government. By all accounts, this is a huge undertaking, and there will be successes and challenges in the implementation of the law.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives, and our two Subcommittees in particular are charged with overseeing the implementation of the Affordable Care Act. We stand ready and willing to work with you as partners to identify best practices, propose improvements, and ensure that this program is implemented as effectively and efficiently as possible. We agree wholeheartedly with the Chairman's mission statement for the Committee, which states: "Americans deserve an efficient, effective government that works for them."

Unfortunately, your current slate of hearing witnesses—four officials from states that adamantly oppose all aspects of the Affordable Care Act—suggests that this hearing is not designed to improve implementation of the law at all, but rather to bring it down. Worse, this appears to be part of a broader, coordinated campaign by House Republicans to take the unprecedented step of shutting down the federal government unless the Affordable Care Act is completely defunded through the continuing resolution.

This effort to strip tens of millions of people of their health insurance coverage is not limited to Washington, D.C. There is a systematic effort by some Republican state officials to obstruct implementation of the Affordable Care Act. These officials have openly pledged to fight implementation, harassed entities attempting to conduct public education and outreach, and adopted legislative and regulatory maneuvers to sabotage the Affordable Care Act.

States such as Georgia, Tennessee, and Utah recently erected barriers to enrollment by imposing last-minute, burdensome regulatory requirements on navigators (organizations tasked with assisting individuals in enrolling in health coverage in the exchanges) that cannot be fulfilled by October, when enrollment in the exchanges begins. They have passed certification and licensing requirements that make it difficult for navigators to begin enrolling people, as well as laws restricting navigators from giving consumers the information they need to select the health plan that is right for their families, such as information about benefits.¹

Views Only From State Officials Obstructing Implementation

All four of the witnesses you have invited to tomorrow's hearing work for state governments that are actively obstructing implementation of the Affordable Care Act. For instance, your witness from South Carolina, state Attorney General Alan Wilson, works under South Carolina Governor Nikki Haley, who said:

When it came to Obamacare, we didn't just say no, we said never. ... We are not expanding Medicaid just because President Obama thinks we should, and we're going to keep on fighting until we get people like Senator [Tim] Scott and everybody else in Congress to defund Obamacare.²

¹ *Health Insurance Navigators Draw State Scrutiny*, USA Today (Sept. 9, 2013) (online at www.usatoday.com/story/news/nation/2013/09/09/obamacare-health-insurance-navigators-draw-scrutiny/2787239).

² *Nikki Haley Brings Out Perry, Jindal, and Walker for Reelection Bid*, Daily Beast (Aug. 27, 2013) (online at www.thedailybeast.com/articles/2013/08/27/nikki-haley-brings-out-perry-jindal-and-walker-for-reelection-bid.html#sthash.1FMRaQTr.dpuf).

Your witness from Louisiana, Secretary of the Department of Health and Hospitals Kathy Kleibert, works under Louisiana Governor Bobby Jindal, who said: “We don’t think it makes any sense to implement Obamacare in Louisiana. We’re going to do what we can to fight it.”³

Your witness from Kansas, Lieutenant Governor Jeff Colyer, works under Governor Sam Brownback, who sued to challenge the constitutionality of the Affordable Care Act, returned a \$32 million federal grant to help the state set up health insurance exchanges in Kansas, and has called the Affordable Care Act “an abomination.”⁴

And in Florida, which will be represented at the hearing by state representative Matthew Hudson, Governor Rick Scott has banned navigators from enrolling uninsured residents for health insurance coverage at state health facilities.⁵ Rep. Hudson also introduced his own bill in the state legislature that mirrors model legislation proposed in “The State Legislator’s Guide to Repealing ObamaCare,” which was issued by the American Legislative Exchange Council (ALEC), a Koch Brothers-funded entity.⁶

No reasonable person would believe that this panel represents a fair cross-section of state-level views on the Affordable Care Act. Instead, much like the Committee’s hearing on contraceptives in which Georgetown law student Sandra Fluke was barred from testifying, this panel appears to be stacked with only the most vociferous opponents of the Affordable Care Act, with no attempt to obtain information from alternate sources.

³ *Louisiana Gov. Bobby Jindal Refuses to Implement Obamacare Despite Supreme Court Ruling*, Yahoo! News (June 29, 2012) (online at <http://news.yahoo.com/blogs/ticket/louisiana-gov-bobby-jindal-refuses-implement-obamacare-despite-152429092.html>).

⁴ *In Kansas, Politics Over ‘Obamacare’ Strains Policy*, NPR (Nov. 2, 2011) (online at www.npr.org/2011/11/02/141938936/in-kansas-politics-over-obamacare-strains-policy). See also *Brownback Won’t Support an ‘Obamacare’ Exchange*, Kansas City Business Journal (Nov. 8, 2012) (online at www.bizjournals.com/kansascity/news/2012/11/08/brownback-wont-support-an-obamacare.html).

⁵ *Scott Campaign to Sabotage the Affordable Care Act*, Editorial, Tampa Bay Times (Sept. 12, 2013) (online at www.tampabay.com/opinion/editorials/scotts-campaign-to-sabotage-the-affordable-care-act/2141442).

⁶ American Legislative Exchange Council, *The State Legislators Guide to Repealing Obamacare* (2011) (online at www.alec.org/wp-content/uploads/State_Leg_Guide_to_Repealing_ObamaCare.pdf).

Request for Additional Witnesses

As we stated above, we strongly believe in the mission of the Oversight Committee, which is to conduct responsible oversight to promote “an efficient, effective government.” In order to fulfill that mission, and in order to ensure that Committee Members and the public have a more accurate, comprehensive, and fair assessment of the Affordable Care Act, we request that you invite the following witnesses.

State Legislators with Alternate Views

The witnesses you have invited from four states do not represent the views of all government officials or their constituents in those states. For these reasons, we ask that you include on the first panel the following three additional state-level officials:

- South Carolina State Senator Brad Hutto
- Louisiana State Representative Katrina Jackson
- Florida State Senator Eleanor Sobel

Although your staff did not inform us who you were inviting until last Friday, our staff worked very hard over the weekend to identify these additional officials in order to give the Committee a more complete view from these specific states. We have confirmed that all of these witnesses are available and willing to appear tomorrow, and we would be happy to put you in contact with them.

Witnesses Directly Affected by Affordable Care Act and Helping to Implement the Program at the State Level

In addition to the state legislators identified above, we request that you invite the following individuals to appear on a second panel with witnesses who can testify about the “real-life” benefits of the Affordable Care Act and the specific benefits and challenges of implementing the Act at the state level.

- Ms. Stacie Ritter: Ms. Ritter is from Pennsylvania and has two daughters who survived cancer. She will testify about their future reliance on the benefits of the Affordable Care Act and the importance of navigators to help educate people like her daughters so they obtain the coverage the law guarantees.
- Ms. Aqualyn Laury: Ms. Laury, who suffered a stroke while a freshman at Spelman College in Atlanta, will testify about the rescission of her health insurance coverage prior to enactment of the Affordable Care Act, as well as her upcoming enrollment in the Health Insurance Marketplace in Virginia, where she now resides.

- Sister Carol Keehan, President and Chief Executive Officer, Catholic Health Association: CHA is a ministry of the Catholic Church comprised of more than 600 hospitals and 1,400 long-term care and other health facilities in all 50 states. Representing the largest group of nonprofit health care providers in the nation, Sister Keehan will testify about the specific benefits and challenges of implementing the Affordable Care Act at the state level.
- Mr. Ron Pollack, Executive Director, Families USA: Families USA is a national nonprofit, non-partisan organization dedicated to high-quality, affordable health care for all Americans. Mr. Pollack will testify about working at the state and community levels to effectively implement the Affordable Care Act.
- Ethan Rome, Executive Director, Healthcare for America Now (HCAN): HCAN is a coalition of more than 1,000 groups in 50 states representing 30 million people working to promote, defend, implement and improve the Affordable Care Act at the state and federal levels. Mr. Rome will testify about an upcoming report his organization plans to issue detailing significant obstacles put in place by some states that impair the effective implementation of the Affordable Care Act.

As with the state legislators, we have confirmed that all of the witnesses identified above are available and willing to appear tomorrow.

Conclusion

We understand that many Republicans opposed the Affordable Care Act, but it is now the law of the land, and it has been upheld by the Supreme Court. According to a Pew Research Center/USA Today poll, more than half of those opposed to the Affordable Care Act want their elected officials to make it work more effectively.⁷ We will not be complicit in efforts to throw sand in the gears of this program as part of a broader campaign to take away health insurance coverage for tens of millions of Americans. In contrast, if our goal is to conduct legitimate oversight to ensure that the Affordable Care Act is implemented effectively and efficiently, the witnesses we have requested will help us do just that.

Thank you for your consideration of this request.

⁷ *Fewer Than One in Four Americans Support Sabotage of Obamacare*, Washington Post (Sept. 16, 2013) (online at www.washingtonpost.com/blogs/plum-line/wp/2013/09/16/the-morning-plum-fewer-than-one-in-four-americans-support-sabotage-of-obamacare/).

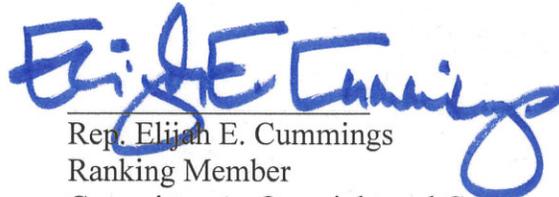
Sincerely,



Rep. Jackie Speier
Ranking Member
Subcommittee on Energy
Policy, Health Care and Entitlements



Rep. Matthew Cartwright
Ranking Member
Subcommittee on Economic Growth,
Job Creation and Regulatory Affairs



Rep. Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform

cc: The Honorable Darrell E. Issa
Chairman, House Committee on Oversight and Government Reform