

DIANE BLACK  
6<sup>TH</sup> DISTRICT OF TENNESSEE

COMMITTEE ON  
WAYS AND MEANS

SUBCOMMITTEE OVERSIGHT

COMMITTEE ON THE BUDGET



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

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The Honorable Sylvia Burwell  
Secretary, U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, D.C. 20201

Dear Secretary Burwell:

Yesterday, the Department of Health and Human Services (HHS) announced a new plan to address citizenship or immigration status inconsistencies found for 310,000 applicants of the Federal Health Insurance Marketplace. While I am pleased the Department is taking steps toward reconciliation of these inconsistencies to ensure that taxpayer funded credits are provided to those who are truly in need, this step is long overdue. Furthermore, many questions still remain for Congress and the American people on what plan there is to address this issue as the next open enrollment cycle approaches while other pending inconsistencies remain unresolved, particularly income inconsistencies.

The numerous delays by HHS and the inability to resolve inconsistencies within the 90-day window required in statute has created doubt on the Administration's commitment to ensure proper protections are in place to ensure tax payer funded credits are not vulnerable to fraud, waste, or abuse. These credits represent the largest area of new entitlement spending in the federal budget and are estimated by the Congressional Budget Office to cost tax payers over \$1 trillion over the next ten years, including an estimated \$17 billion in 2014.

The Department has required that all applicants must return the documents verifying citizenship or immigration status by September 5<sup>th</sup>, or face coverage termination on September 30<sup>th</sup>. To better understand this process and the intentions of the Department moving forward, please respond to the following questions:

1. What is the internal verification process the Department will use to validate these returned applications?
2. How long does the Department estimate it will take to complete a thorough review of all 310,000 applications?
3. Will the Department store this documentation? If so, where and under what security controls?
4. How will the Department use this data to better process applications for the next plan year?
5. The Department has stated that coverage shall be terminated for those who fail to respond to the requirement to provide citizens or immigration status information. Why has the

Department prioritized coverage termination for this particular subsector over other types of inconsistencies?

6. Will the Department issue other plan termination notices to all remaining applicants with inconsistencies? If so, when?
7. Does the Department intend to review applicants with past coverage?
8. How will the Department address the case of applicants who were never eligible for coverage under the Exchange or for the cost sharing subsidies?

According to the HHS Office of the Inspector General (OIG), 1.2 million applicants have unresolved inconsistencies related to income verification. Given the enormity of the taxpayer liability of this program, please respond to the following questions:

1. Has an action plan been developed by HHS, as recommended by the OIG, to respond to these income inconsistencies? If so, please provide a copy.
2. To date, how many income related inconsistencies are outstanding? How many, if any, have been resolved?
3. What is the estimated deadline to resolve all income related inconsistencies?
4. Does the Department expect to have resolved all income and other inconsistencies prior to the beginning of the 2015 open enrollment period?

The notice to Congress further states, “(i)n addition, States that are running their own Marketplaces are reconciling any data matching issues separately – as such, only enrollees who have not submitted any necessary citizenship or immigration documents to the Federally-facilitated Marketplace will receive these notices.” Can the Department provide an update on these efforts to Congress? Additionally, please provide the timeframe or deadline that was given by HHS to each respective state.

Please provide a response to my office no later than 30 days from the date of this letter. Your prompt responses to these important questions will help lawmakers and the public better understand the expectations from the Department. Furthermore, it is imperative to provide as much time as possible to inform the public on the actions that shall be taken by the Department that would impact the health care coverage options of millions of individuals and families.

Thank you for your attention to this important matter. Should you have any questions pertaining to this request, do not hesitate to contact Ellen Cain in my office at 202-225-4231.

Sincerely,



Diane Black  
Diane Black  
Member of Congress