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Contact: [Bruce Harvie](#)
(202) 225-7772

Burgess Opening Statement *ACA Implementation Failures: Answers from HHS*

Washington, D.C. — This morning, Michael C. Burgess, M.D. (TX-26) released the following statement prior to Secretary Kathleen Sebelius' testimony before the Energy and Commerce Committee on the current problems in implementing the Affordable Care Act

“The Affordable Care Act is quickly becoming the poster child for the failure of big government. It’s a stunning train wreck that is coming down the tracks toward us.

Since the law was passed in 2010 this Committee has repeatedly questioned the officials from the Department of Health and Human Services (HHS), the Center for Medicare and Medicaid Services (CMS), the Treasury Department, and the White House. I was told, time and time again, by all of these officials that the ACA would “definitely” be ready to go live on October 1, 2013.

On February 16, 2011, the former director of the Center for Consumer Information and Insurance Oversight (CCIIO), Mr. Steve Larsen, assured me everything would work on Day 1:

Mr. {Burgess.} You are betting on all this stuff working.

Mr. {Larsen.} I think we are going to flip the switch and the lights are going to go on

On April 18, 2013, Kathleen Sebelius, Secretary of Health and Human Services, sat before the Energy and Commerce Committee and told me:

Dr. {Burgess.} They are to go live online on October 1st. And I guess the question on everyone's mind this morning is, will you be ready?

Secretary {Sebelius.} Yes, sir, and the exchanges—

Dr. {Burgess.} I will take that as a yes.

Secretary {Sebelius.} Open enrollment will start October 1st. The exchanges will be up and running on January 1st.

Dr. {Burgess.} Are you talking about work around plans?

Sebelius: No, we are not. We are moving ahead. We have the federal hub on track and on time. We are moving ahead with the marketplaces that we will be individually responsible for and we’re working very closely with our state partners on their plans and their time table for the state based marketplaces.

Dr. {Burgess.} So the federal hub will be available?

Secretary {Sebelius} Yes.

The following week, on April 24, 2013, Gary Cohen, the current director of CCIIO, testified before the

Energy and Commerce Committee:

Dr. {Burgess.} The Secretary was here last week and I asked her about contingency plans and she said there are no contingency plans. Everything will be ready. So which is it? Everything will be ready or you are planning for contingencies?

Mr. {Cohen.} Everything will be ready but we are also planning for anything that, when we go into operation, if the situations come up that we need to address, we will be ready to address those situations and make sure that the experience for American consumers is as seamless and as good as it can be.

On August 1, 2013, Marilyn Tavenner, the current CMS Administrator, testified before the Energy and Commerce Committee:

Dr. {Burgess} When can Texans expect to go online and be able to get information about how expensive coverage will be in the exchange?

{Ms. Tavenner.} So the information about what is available in the exchange will be available to them October 1.

And just a little over one month ago, on September 19, 2013, days before the Exchanges were scheduled to go live, Gary Cohen, CCIIO Director, testified before the Energy and Commerce Committee again:

Dr. {Burgess} Will the enrollment process be ready October 1 of this year?

Mr. {Cohen.} Consumers will be able to go online, they will be able to get a determination of what tax subsidies they are eligible for, they will be able to look at the plans that are available where they live, they will be able to see the premium net of subsidy that they would have to pay, and they will be able to choose a plan and get enrolled in coverage beginning October 1.

Yet, here we are, 30 days after October 1 and the American people are still waiting to see a fully-functional law. The failures of the healthcare.gov website are just the beginning of the dysfunction that is to come as the implementation of President's signature law moves forward into 2014. After spending hundreds of millions of dollars the American people deserve some concrete answers and not empty political posturing.

In addition to the hearings this Committee held to question Administration officials, I had private meetings with Jay Angoff, former CCIIO director and later senior adviser to Sebelius; Nancy Deparle, former Director of WH Office of Health Reform; Henry Chao, Deputy Chief Information Officer; and Steve Larsen, former CCIIO director. It seems I was having the meetings the Secretary was supposed to be having.

Despite the array of public and private meetings with officials from the range of agencies involved in implementing the President's health care law, I still do not have the answers to questions about the law's basic functionality. At this point, I'm not even sure who is in charge of this program because no one knows what is going on. Unless someone is willing to admit that there are problems, how can we ever hope to fix it?"

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Connect with Dr. Burgess

