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ASSISTANT WHIP

COMMITTEE ON ENERGY AND COMMERCE

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SUBCOMMITTEE ON ENERGY  
SUBCOMMITTEE ON ENVIRONMENT  
SUBCOMMITTEE ON HEALTH

March 27, 2019

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

The Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma,

We are writing to request that the Department of Health and Human Services (HHS) and the Centers for Medicare and Medicaid Services (CMS) make public any and all documents, including results of studies, briefing presentations, and underlying data sets in an anonymized way, including econometric models and individual-level experiments, regarding the effectiveness of marketing and outreach efforts for the *Affordable Care Act*.

Since the close of the 2016 open enrollment period, there has been a steady but dramatic decline particularly in the number of new enrollees. According to the Kaiser Family Foundation<sup>1</sup>, from 2016 to 2019, marketplace enrollment dropped by over 4,250,000 people. While this trend corresponds with a number of alarming policy decisions, including efforts to disincentivize healthy people from enrolling in the exchanges, the shortening of the open enrollment period from 90 to 45 days, and the expansion of short-term and association health plans that provide skimpy and junk coverage, we are deeply concerned about the cuts made to CMS's marketing and outreach efforts, which have resulted in a 90% funding cut over that time. According to another Kaiser Family Foundation report<sup>2</sup>, in 2018, just 1 in 4 uninsured people or people who buy their own insurance knew that December 15th was the deadline to enroll. Additionally, a Commonwealth Fund report found that 40% of uninsured adults were still unaware of the marketplaces in 2017.<sup>3</sup>

In testimony submitted to the House Committee on Appropriations in February<sup>4</sup>, Joshua Peck, a former Senior Advisor at CMS, cited a never-made-public, multi-year study that outlined CMS's success through econometric modeling that helped boost enrollment numbers through a cost-effective and multi-medium approach, including email, television, digital, and mail marketing.

<sup>1</sup> <https://www.kff.org/health-reform/state-indicator/marketplace-enrollment/?activeTab=graph&currentTimeframe=0&startTimeframe=1&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

<sup>2</sup> <https://www.kff.org/report-section/kff-health-tracking-poll-november-2018-priorities-for-new-congress-and-the-future-of-the-aca-and-medicaid-expansion-findings/>

<sup>3</sup> <https://www.commonwealthfund.org/publications/issue-briefs/2017/sep/following-aca- repeal-and-replace-effort-where-does-us-stand>

<sup>4</sup> <http://docs.house.gov/inquiries/AP/AP07/2019/2016/108558/HHRG-116-AP07-Wstate-PeckJ.20190206.pdf>

Despite the positive results of CMS's multi-year study, Trump Administration ended all paid marketing efforts – citing cost-saving measures. In Peck's testimony, he referred to a Freedom of Information Act (FOIA) request from Democracy Forward, which showed that CMS Administrator Seema Verma's then-Chief of Staff, Brian Colas, received the results of the multi-year study, referenced in Peck's testimony, three weeks prior to slashing the marketing and outreach budget from \$100 million to \$10 million. When the decision was made, a CMS fact sheet stated that "no correlation has been seen between Obamacare advertising and either new enrollment or effectuated enrollment."<sup>5</sup>

According to emails obtained between CMS and Weber Shandwick, the public relations firm handling HealthCare.gov advertising, this cut to critical funding resulted in over 100,000 fewer people enrolling in coverage – a conservative estimate according to Weber Shandwick. In his testimony submitted to the House Committee on Appropriations, Peck estimated that a minimum of 2.3 million new enrollments have been lost due to the Administration's actions.

To provide greater transparency and visibility to the general public, please provide any and all documents including studies, presentations, fact sheets, underlying data sets in an anonymized way, or educational materials created from 2014 onward related to marketing and outreach efforts for the *Affordable Care Act*.

Sincerely,

  
Lisa Blunt Rochester  
Member of Congress

  
Frank Pallone  
Chairman

  
Anna G. Eshoo  
Chairwoman  
Subcommittee on Health

<sup>5</sup> <https://www.baltimorejournal.com/story/news/obamacare-advertising-cut-2017-06-28/44908400-7700-11e6-8000-000119080000>



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