



**Congress of the United States**  
**House of Representatives**

May 13, 2010

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

Dear Secretary Sebelius:

Thank you for the letter you sent to congressional leaders this week providing a progress report on implementation of President Obama's health care overhaul.

There is considerable irony in the Administration sending a progress report to Congress regarding its efforts to implement a law the American people asked Congress not to pass and continue to believe should be repealed and replaced with common-sense alternatives. I realize, however, that this is an issue that ultimately lies between President Obama and the American people. What also concerns me, and the reason I write today, is what your letter did not mention. Please allow me to summarize some of these concerns.

The letter made no mention of the report the Obama Administration itself released earlier this month by your Department's own Centers for Medicare & Medicaid Services (CMS) indicating that the new law will cause Americans' health care costs to increase rather than decrease as the president promised, and no discussion of how the Administration plans to address this enormous discrepancy between the president's promises about the law and the reality with which American families will have to contend. As you know, the CMS report determined that the president's health care overhaul will increase health care costs nationwide by approximately one percent over the next decade, rather than decreasing them as repeatedly promised by the president and the Democratic leadership of Congress. Similarly, the letter made no mention of the analysis the nonpartisan Congressional Budget Office (CBO) released this week indicating that the cost of the president's health care law will greatly exceed the amount Americans were told it would be at the time Congress passed the legislation. The American people deserve to know what steps the Administration plans to take in response to the revelations by the nonpartisan CMS and CBO, particularly since President Obama has declined to heed Americans' calls for the law's repeal. I would note that on May 12, White House Budget Director Peter Orszag stated that the president "has made a firm

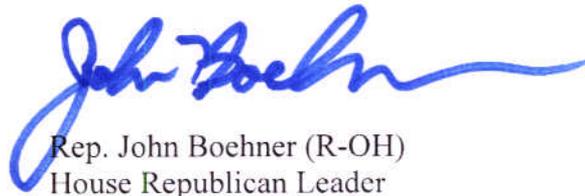
commitment to freezing non-security discretionary funding for the next three years” and that “any actual new funding would have to fit within this freeze and so would have to be offset by budget cuts elsewhere.” Given this declaration by Mr. Orszag and the new information put forth by CBO, I look forward to working with you to repeal these costly provisions or pay for this debt-financed spending with cuts from other areas within the bill.

The letter made no mention of the stream of private-sector job creators nationwide, small and large, who in the days since the law was enacted have announced they will be forced to cut back on hiring, expansion, employee benefits and other priorities for working families as a result of the law’s hostile mandates and penalties. At a time when one out of every 10 Americans in the workforce is unemployed and millions of Americans are struggling to rejoin the ranks of the employed, it is critical that the American people have detailed information about the administration’s plan for dealing with the negative real-world consequences the president’s health care law is already having on small and large private sector job-creators and the American workforce. Hundreds of American economists have warned that an immediate effort to rein in government spending is needed to boost the economy and accelerate private-sector job creation in the United States. In light of reports that Congress may punt on this opportunity to create jobs by failing to pass a budget resolution for the first time in modern history, the job-destroying ramifications of the president’s new health care law are now of greater concern than ever to the American people. And contrary to President Obama’s claim that Americans who want to keep their insurance will get to keep it under the new law, it’s clear many employers are now going to be forced to stop providing health coverage for their employees, forcing workers into the Medicaid-like exchange programs the law sets up. These issues are of critical importance and must be addressed with urgency by the Obama Administration and Congress.

Lastly, but perhaps most disturbingly, in your letter you also declined to give an update on the Administration’s progress in implementing President Obama’s Executive Order to prohibit coverage of abortions – the Executive Order that was accepted by Congressman Stupak and paved the way for final passage of the law. As you know, millions of Americans opposed enactment of the president’s health care legislation because it contains insufficient safeguards against federal funding of abortion. President Obama issued an Executive Order purporting to address these concerns, and assured the nation that the Executive Order would be vigorously enforced by his administration. The omission of any mention of the issue in your letter does little to diminish widespread skepticism about the administration’s commitment to enforcing the Executive Order and preventing the new law from increasing federal support for abortion. Has the Department provided guidance to states to implement the president’s Executive Order on abortions? When does the Administration expect to issue the directive on abortions? Will the new federal high-risk pools touted by the Administration also ensure that abortions will not be covered? Millions of Americans care deeply about this aspect of the new law and its implementation, and no progress report is complete without detailed information about it.

The American people did not want Congress to pass, nor President Obama to sign, the health care legislation your department is charged with implementing. It represents a massive breach of trust between the American people and their elected leaders in Washington. I am afraid that until the Administration provides a progress report indicating that President Obama has listened to the American people and concluded the law must be repealed and replaced with better solutions that reflect the priorities of the people, subsequent reports are likely to be met with increasing skepticism and disbelief by the public we serve.

Sincerely,

A handwritten signature in blue ink that reads "John Boehner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Rep. John Boehner (R-OH)  
House Republican Leader