

THE DAILY CALLER

John Cornyn Berates HHS Chief For Dodging Questions On Obamacare Subsidies Case

By Sarah Hurtubise

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The Supreme Court will hear the top court threat to Obamacare in years next month, but the head of the Department of Health and Human Services still won't say whether the Obama administration is even making a back-up plan in the event it loses the case.

Upon repeated questioning from the Senate Finance Committee about HHS' preparations for the possibility that the Supreme Court rules in *King v. Burwell* that Obamacare subsidies are restricted to state exchanges alone, HHS secretary Sylvia Burwell repeatedly dodged the question.

"Right now, my focus is on completing and implementing the law, which we believe is the law," Burwell said at a Wednesday Senate Finance Committee hearing. "Right now, what we're focused on is the open enrollment."

Sen. John Cornyn pressed Burwell on Wednesday about whether HHS has made any moves to inform customers that they may lose their subsidies come June, when the Court issues its decisions, and questioned whether HHS has come up with a plan for how to proceed if the case doesn't go their way. Burwell repeated the mantra that the agency is working on open enrollment but refused to answer.

"You're a highly intelligent, charming person, but you've refused to answer our questions, and that, to me, that doesn't strike me as trying to work with Congress but rather [as] contemptuous of Congress's oversight responsibilities," Cornyn charged.

Obamacare's second open enrollment period ends Feb. 15, with HHS in crunch time to get as many sign-ups as possible. But Burwell has been refusing to address the looming Supreme Court case for months. HHS also opted not to inform Obamacare customers, all while touting open

enrollment, that their premiums may skyrocket come June if the Court rules subsidies illegal in federal exchanges — a majority of the country.

A decision against the administration will create a huge problem for the health-care law. With 87 percent of federal exchange customers receiving subsidies, the law only makes health coverage affordable with taxpayer subsidies and millions may drop their insurance if the King plaintiffs are successful.

The administration is keeping mum on the problem for a reason, according to Cato Institute health policy director Michael Cannon, whose work first brought to light the plaintiffs' argument in King and other cases.

“The effect is to prevent healthcare.gov enrollees from learning about the risks to their coverage,” Cannon said of Burwell’s showing at Wednesday’s hearing. “They are deliberately deceiving consumers about those risks.”

Staying quiet on the potential for loss of subsidies can only help the administration’s enrollment effort’s today, regardless of the consequences for consumers later on.

“This is deliberate... Tyrannis delenda est,” Cannon concluded.

For now, consumers will have to stay in the dark about what will happen if the Supreme Court decides Obamacare gives subsidies only to states. Cornyn tried to get an idea about Burwell’s plans to keep the health care law alive in the event that the administration loses its case, but to little avail.

After refusing to say whether she plans to ask Congress to pass a law extending Obamacare subsidies to federal exchanges, Burwell also dodged Cornyn’s questioning on whether the secretary hopes to issue an “administrative fix” to get around a Court decision.

“What I have focused on is, right now, the current implementation of the law,” Burwell said.

“It seems to me that this administration continues to parade witnesses in front of committees like this one and to deny us a straightforward answer to straightforward questions, and that’s just unacceptable,” Cornyn concluded.