

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 2, 2017

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Walden:

We are writing to demand that you post the text of your Affordable Care Act (ACA) repeal bill at least 30 days before a markup is held in the Energy and Commerce Committee to honor Speaker Paul Ryan's promise to the American people to follow a thorough and transparent legislative process.

In an interview on *The Today Show* with Matt Lauer on February 28, 2017, the Speaker pledged that the majority's proposed ACA replacement legislation will be carefully considered and completed through the committee process with public engagement and transparency. He stated, "We're going through the committee process. We're doing this step by step. We're having public hearings. We're having committees work on legislation. This is how the legislative process is supposed to be designed. We're not hatching some bill in a backroom and plopping it on the American people's front door."

Yet, it is our understanding that Republicans have been able to review this legislation "in a basement room of an office building that adjoins the Capitol."¹

When our Committee considered the ACA during the 111th Congress, Democrats who were then in the majority conducted 79 committee hearings and markups over a two-year period. The House posted the original language of the bill online for 30 days, engaging public deliberation before the first committee held a markup. We ask for similar action and commitment to meaningful deliberation.

¹ *GOP Obamacare repeal plan coming Thursday*, Washington Examiner (Mar. 1, 2017) (online at <http://www.washingtonexaminer.com/article/2616189>)

It is impossible to overstate the importance of transparent and open debate on this bill, which will have an impact on virtually every American's health insurance. Eliminating the ACA's premium tax credits and cost-sharing reductions will likely make coverage unaffordable for many of the 9.4 million Americans who received financial assistance to purchase insurance through the ACA Marketplaces as of March 2016. Fundamentally restructuring the Medicaid program, without intensive evaluation or even an independent analysis of the state-by-state impact of such proposals, could lead to catastrophic outcomes affecting tens of millions of Americans, the majority of them seniors, children, and individuals with disabilities. In addition, Republican proposals to tax employer-based health coverage could destabilize employer-based coverage and raise taxes on the 170 million Americans who have health insurance through their employer.

A recent analysis issued by the Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) estimated that 18 million Americans would lose their health insurance in just the first year following repeal, even if the law's market reforms are kept in place. The CBO and JCT predict that 32 million fewer people would have health insurance by 2026.² The Urban Institute has reached similar conclusions: if the ACA is even partially repealed, the number of uninsured Americans would increase by approximately 30 million in 2019, a 103 percent increase.³

We are further deeply concerned by your decision to move forward with the markup in the absence of a CBO score of the bill. The decisions we make on health care will have real and drastic consequences on our constituents, their communities, and state and local economies. News reports suggest that the CBO reported privately to Committee Republicans that the reconciliation bill would have a net cost to the government, rather than achieve savings, and that the proposed tax credits would be "too small to help low-income people afford health plans."⁴

Proceeding to markup without the CBO's views suggests that congressional Republicans want to avoid, delay, and conceal the negative repercussions of an unfavorable budget score and the reality of the bill's devastating impact on health insurance coverage. Regardless of the reason for doing so, proceeding to a markup without the CBO's views on how the repeal bill will impact Americans' health coverage and affect our nation's overall fiscal health is disingenuous

² Congressional Budget Office, *How Repealing Portions of the Affordable Care Act Would Affect Health Insurance Coverage and Premiums* (Jan. 17, 2017) (online at www.cbo.gov/sites/default/files/115th-congress-2017-2018/reports/52371-coverageandpremiums.pdf).

³ Urban Institute, *Implications of Partial Repeal of the ACA through Reconciliation* (Dec. 2016) (online at www.urban.org/research/publication/implications-partial-repeal-aca-through-reconciliation).

⁴ *House GOP plans to keep some Medicaid expansion—and steer money to states that never bought in*, Washington Post (Feb. 24, 2017).

The American public deserves comprehensive consideration of any changes to health insurance coverage that will impact their families' lives, financial security, and access to healthcare. And, Congressional Republicans owe the American people the opportunity to fully examine this legislation and understand its effects given the enormous ramifications the measure will have on their health and financial security.

We cannot afford to be hasty or capricious on this matter. The issues under consideration are far too important and the effects are too far-reaching. We urge you to postpone the markup for at least 30 days, and begin hearings on the bill text before we begin the markup process.

Sincerely,



Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Bobby L. Rush
Ranking Member
Subcommittee on Energy



Anna G. Eshoo
Member of Congress



Eliot L. Engel
Member of Congress



Gene Green
Ranking Member
Subcommittee on Health



Diana DeGette
Ranking Member
Subcommittee on Oversight and
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Mike Doyle
Ranking Member
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and Technology




Jan Schakowsky
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Subcommittee on Digital Commerce
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G.K. Butterfield
Member of Congress



Doris O. Matsui
Member of Congress



Kathy Castor
Vice Ranking Member
Committee on Energy and Commerce



John Sarbanes
Member of Congress



Jerry McNerney
Member of Congress



Peter Welch
Member of Congress



Ben Ray Luján
Member of Congress



Paul D. Tonko
Ranking Member
Subcommittee on Environment



Yvette D. Clarke
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David Loebsack
Member of Congress



Kurt Schrader
Member of Congress



Joseph P. Kennedy, III
Member of Congress

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Tony Cardenas
Member of Congress


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Scott Peters
Member of Congress


Debbie Dingell
Member of Congress

Cc: The Honorable Paul D. Ryan
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The Honorable Michael C. Burgess
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