

United States Senate

WASHINGTON, DC 20510

March 2, 2017

The Honorable Donald J. Trump
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump:

We write with serious concern regarding Executive Order 13765, which directs the Secretary of Health and Human Services and other federal departments and agencies to take all available action to undermine the Affordable Care Act (ACA). Together with the White House's decision to prematurely curtail the HealthCare.gov open enrollment advertisement campaign, false and confusing comments on social media, and provisions of the February 15th proposed rule which attempt to stabilize insurance markets while decreasing the quality of coverage and increasing costs on consumers, these actions have created insurance market instability, fear, and unacceptable challenges for millions of Americans and their families who obtain their health insurance through the ACA marketplaces, state insurance exchanges, and Medicaid.

We urge you and your Administration to retract the Executive Order, fully abide by and continue to enforce the ACA, and work with members of both parties in Congress to ensure, as you have previously promised, that no American loses health insurance or pays more for health care as a result of efforts to repeal the Affordable Care Act.

Many of our constituents rely on the ACA through HealthCare.gov or their state insurance marketplace for their health coverage. This year, more than nine million people enrolled in a federal marketplace health insurance plan during the 2017 open enrollment period, and millions more Americans enrolled in their state insurance exchanges. However, your recent actions have caused greater instability and confusion in the marketplace, including Humana's decision to pull out of all state insurance marketplaces in 2018, potentially leaving as many as 50,000 Americans without access to health insurance and 60 counties with just one insurer.

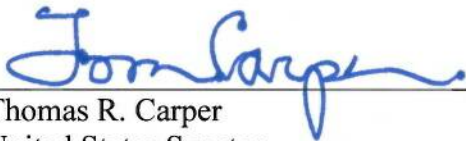
Strengthening our health care system and increasing the affordability of health care for all Americans are moral and economic imperatives. Our constituents, health care providers, health insurers, and state leaders deserve the chance to review your plan to reform the health care system. Our hospitals, federally-qualified health centers, patient advocacy groups, physician and provider associations, and businesses have also expressed concerns over their capacity to continue providing care to patients if the ACA is repealed without a comprehensive replacement plan in place to ensure patients will retain their health insurance.

Instead of sowing confusion and fear, and promulgating rules and orders that undermine the ACA through unilateral executive action, we ask that you share your plans to replace the ACA in a detailed, thorough, and transparent manner. As the Executive Order recognizes, rules implementing the ACA can only be changed or repealed through notice and comment rulemaking under the Administrative Procedure Act, which we urge you to continue to follow, allowing for robust public review and input.

The nonpartisan Congressional Budget Office (CBO) analysis of the 2015 Republican reconciliation bill's repeal of key parts of the ACA found that such a course would cause unprecedented levels of insurance market instability and enormous harm and disruption to patients and their families. If passed today, this legislation would eventually increase the number of uninsured Americans by 32 million, and premiums in the individual market would double.¹ Three-quarters of Americans could be left without a health insurer in the individual health insurance market. The CBO noted in particular that nonenforcement of key pieces of the ACA would result in a rapid unraveling of the individual insurance market, making it incumbent on your administration to continue to carry out the law as written. A repeal of the ACA's Medicaid expansion would reduce funding to states by more than \$1 trillion and lead to the loss of health care for millions of Americans and their families, including nine million children.² This is an unconscionable path that we can and should avoid.

We urge you to retract the Executive Order, reduce any unnecessary disruption to our nation's health care system, and acknowledge and implement the ACA as set forth under current law, until there is a valid replacement plan that will cover as many or more individuals as the ACA, increase quality of healthcare coverage and decrease costs for Americans.

Sincerely,



Thomas R. Carper
United States Senator



Benjamin L. Cardin
United States Senator



Sherrod Brown
United States Senator



Edward J. Markey
United States Senator



Richard Blumenthal
United States Senator

¹ Congressional Budget Office. *How Repealing Portions of the Affordable Care Act Would Affect Health Insurance Coverage and Premiums*. Washington, DC: Congressional Budget Office, 2017. Accessed February 27, 2017. <https://www.cbo.gov/publication/52371>.

² Buettgens, Matthew, Genevieve M. Kenney, Clare Pan. *Partial Repeal of the ACA through Reconciliation: Coverage Implications for Parents and Children*. Washington, DC: Urban Institute, 2016. Access February 27, 2017. http://www.urban.org/sites/default/files/publication/86706/coverage_implications_for_parents_and_children_0.pdf.