

# United States Senate

WASHINGTON, DC 20510

March 20, 2020

President Donald Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

As the COVID-19 pandemic grows more catastrophic by the day, we write to request that you immediately cease all efforts to repeal, sabotage, or undermine healthcare coverage and protections provided by the Affordable Care Act. While cases in the United States surpass 10,000 and continue to grow by the hundreds and while families struggle to stay safe, support vulnerable loved ones, and pay their bills, your administration's lawyers are in courts across the country fighting to rip away their insurance and the protections they have because of the Affordable Care Act.

The Affordable Care Act helped 20 million Americans get health insurance and prohibited discrimination against the nearly 133 million Americans with pre-existing conditions, like cancer, heart disease, diabetes, and Alzheimer's disease.<sup>1</sup> The Affordable Care Act made sure that coverage guaranteed ten essential health benefits, including emergency services, hospitalization, prescription drugs, laboratory services, and mental health and substance use disorder services. The Affordable Care Act eliminated lifetime and annual caps on coverage and provided for Medicaid expansion, which has been a lifeline to millions of Americans and has been instrumental in keeping rural hospitals open.<sup>2</sup>

Rather than shoring up and building on the success of the Affordable Care Act, your Department of Justice has sought to eliminate it entirely. In *Texas v. U.S.* (a.k.a. *California v. Texas*), your administration has argued that the individual mandate is unconstitutional and that as a result, the entire law must be struck down.<sup>3</sup> The Supreme Court has agreed to review the case, and we could receive their decision later this year. Should the law be struck down as your administration has advocated, our already complex health care system would be thrown into chaos, potentially during a pandemic. Millions of Americans would be uninsured once again, unable to afford the potentially lifesaving treatment they need. Millions would be subject to discrimination based on pre-existing conditions, their gender, or even their line of work.

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<sup>1</sup> Uberoi, N., Finegold, K., and Gee, E. (2016, March 3). *Health Insurance Coverage and the Affordable Care Act, 2010-2016*. Department of Health and Human Services. <https://aspe.hhs.gov/system/files/pdf/187551/ACA2010-2016.pdf> Department of Health and Human Services Office of the Assistant Secretary for Planning and Evaluation. (2017, January 5). *Health Insurance Coverage for Americans with Pre-Existing Conditions: The Impact of the Affordable Care Act*. <https://aspe.hhs.gov/system/files/pdf/255396/Pre-ExistingConditions.pdf>

<sup>2</sup> MACPAC. (2019, April). *Medicaid enrollment changes following the ACA*. [https://www.macpac.gov/subtopic/medicaid-enrollment-changes-following-the-aca/#\\_ftn1](https://www.macpac.gov/subtopic/medicaid-enrollment-changes-following-the-aca/#_ftn1)

Lindrooth, R. C., Perrailon, M. C., Hardy, R. Y., & Tung, G. J. (2018). Understanding The Relationship Between Medicaid Expansions And Hospital Closures. *Health Affairs*, 37(1), 111–120. doi: 10.1377/hlthaff.2017.0976

<sup>3</sup> "DOJ, Plaintiffs File In *Texas v. United States*," Health Affairs Blog, (2019, May 2). doi: 10.1377/hblog20190502.780432

Your administration did not stop with *Texas v. U.S.* As that legal case has proceeded, your administration slashed funding for outreach, education, and enrollment, making it harder for Americans to learn about health coverage provided on healthcare.gov and crucial details like when and how to enroll.<sup>4</sup> Your administration cut the health insurance enrollment period in half and took a number of steps through rulemaking and guidance to expand the availability of junk plans that fail to cover the services and treatments Americans need. Your administration has made it harder for people to enroll in Medicaid by allowing and even seeking to reward states for imposing ineffective and onerous work requirements.<sup>5</sup>

And now your healthcare sabotage comes face to face with a global health crisis. The COVID-19 pandemic comes after your administration has sought devastating budget cuts to key public health agencies and eliminated the global health security directorate at the National Security Council. You failed to ensure sufficient testing capacity and supply of critical medical equipment needed to protect our doctors, nurses, and frontline health workers. Instead of engendering trust and cooperation of Americans and the global community by being transparent and direct about COVID-19 and the steps we must take to address it, you downplayed and misrepresented the threat for weeks, publicly contradicting the expert opinions of scientists and public health officials in your own administration in word and deed.

The American people should never have to worry that their President will pull their health insurance out from under them, but they especially shouldn't have that fear during a pandemic. The Affordable Care Act gives millions of Americans the peace of mind and the financial means to access health care, ensuring personal health and promoting public health. It's cruel to continue asking the courts to invalidate the ACA and pursuing your various other approaches to take away health care protections in the midst of the deadly COVID-19 outbreak. We ask that you direct your administration to reverse course in this lawsuit and end these sabotage tactics immediately.

Sincerely,

Senator Tim Kaine  
Senator Mazie Hirono  
Senator Michael F. Bennet  
Senator Tammy Duckworth  
Senator Jack Reed  
Senator Chris Van Hollen  
Senator Jon Tester  
Senator Edward J. Markey  
Senator Robert P. Casey, Jr.  
Senator Mark Warner

Senator Tammy Baldwin  
Senator Richard Blumenthal  
Senator Jacky Rosen  
Senator Christopher S. Murphy  
Senator Richard J. Durbin  
Senator Elizabeth Warren  
Senator Sherrod Brown  
Senator Catherine Cortez Masto  
Senator Amy Klobuchar  
Senator Gary C. Peters

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<sup>4</sup> CMS Newsroom. (2017, August 31). *CMS Announcement on ACA Navigator Program and Promotion for Upcoming Open Enrollment*. Centers for Medicare and Medicaid Services. <https://www.cms.gov/newsroom/press-releases/cms-announcement-aca-navigator-program-and-promotion-upcoming-open-enrollment>

<sup>5</sup> CMS Newsroom. (2020, January 30). *Trump Administration Announces Transformative Medicaid Healthy Adult Opportunity*. Centers for Medicare and Medicaid Services. <https://www.cms.gov/newsroom/press-releases/trump-administration-announces-transformative-medicaid-healthy-adult-opportunity>