

# United States Senate

WASHINGTON, DC 20510

April 3, 2017

The Honorable Thomas E. Price, M.D.  
Secretary  
U.S. Department of Health and Human Services  
Washington, DC 20201

Dear Secretary Price:

Over the last week, President Trump said that he wants to work with Democrats to improve access to high-quality, affordable health care.<sup>1</sup> House Speaker Ryan acknowledged that the Affordable Care Act (ACA) is “the law of the land.”<sup>2</sup> We remain concerned, however, that you will not take the necessary actions to strengthen the individual health insurance market in order to provide families with affordable, comprehensive coverage. In fact, we have reason to believe that you may take actions to undermine our health care system, harming the vital health care services needed for children to grow and learn, limiting the ability of people with disabilities to receive care in their homes and communities, and making health care unaffordable for older and hard-working Americans. We intend to use every tool at our disposal to hold you and the Administration accountable for actions that would have serious repercussions on the health and welfare of all Americans.

According to reports, the Administration presented a letter to a privileged group of Congressional Republicans on March 23 outlining a plan to dismantle and repeal the Affordable Care Act (ACA) through regulatory action. As such actions could negatively affect tens of millions of Americans, we ask that you share this letter with all Members of Congress no later than April 6, 2017.

The House of Representative’s destructive *American Health Care Act* never received a vote in the House of Representatives because it was wildly unpopular. One survey found that only 17 percent of Americans supported the bill.<sup>3</sup> In fact, more Americans want the ACA to be improved than fully repealed.<sup>4</sup> Despite this, the Trump Administration continues to take actions that would undermine coverage for millions of Americans, including:

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<sup>1</sup> *Trump Hosts Senators in First Bipartisan Outreach Since Health Bill Failure*, The Wall Street Journal (March 28, 2017) (online at <https://www.wsj.com/articles/trump-hosts-senators-in-first-bipartisan-outreach-since-health-bill-failure-1490756308?tesla=y>).

<sup>2</sup> *In Major Defeat for Trump, Push to Repeal Health Law Fails*, The New York Times (March 24, 2017) (online at [https://www.nytimes.com/2017/03/24/us/politics/health-care-affordable-care-act.html?\\_r=1](https://www.nytimes.com/2017/03/24/us/politics/health-care-affordable-care-act.html?_r=1)).

<sup>3</sup> *U.S. Voters Oppose GOP Health Plan 3-1*, Quinnipiac University Poll (March 23, 2017) (available at <https://poll.qu.edu/national/release-detail?ReleaseID=2443>).

<sup>4</sup> *Support for 2010 Health Care Law Reaches New High*, Pew Research Center (February 23, 2017) (online at <http://www.pewresearch.org/fact-tank/2017/02/23/support-for-2010-health-care-law-reaches-new-high/>).

- Executive Order 13765, issued on January 20, directing the Secretary of Health and Human Services and other Federal departments and agencies to repeal and undermine the ACA “to the maximum extent permitted by law”;
- The Department of Health and Human Services halting advertisements and suspending e-mail and social enrollment outreach during the crucial final days of the ACA’s Open Enrollment for 2017 in January, an action which is now under review by the Department of Health and Human Services’ Inspector General;
- The Internal Revenue Service issuing a decision in February to not enforce provisions of the ACA, and the Centers for Medicare & Medicaid Services issuing a proposed regulation to undermine insurance coverage for Americans by weakening requirements on health insurance companies; and
- Even after the public outcry supporting access to affordable health insurance, which resulted in House Speaker Ryan’s declaration that the ACA is “the law of the land,” Administration officials continuing calls to repeal the ACA. For example, on March 27, in West Virginia, Vice President Pence stated the Administration “will not rest, will not relent” until the ACA is repealed and replaced.

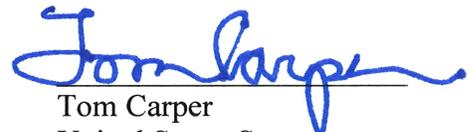
Rather than continuing down this path, we request that you heed Democrats’ calls to stop working to repeal the ACA and stop taking actions that would undermine our health care system. In order to provide much needed oversight and transparency regarding the Administration’s path forward on the ACA, please provide the document that was presented to Congressional Republicans on March 23, 2017, which outlined ACA regulations the Administration could repeal on its own. We hope you will set aside your plans to unravel these regulations so that we can move forward to improve our health care system, but until you make the commitment, we will continue our efforts to hold you accountable. Given the limited scope of the request, and since there is no reasonable basis to withhold this record, please provide a copy of this letter no later than April 6, 2017.

Thank you for your assistance in this matter.

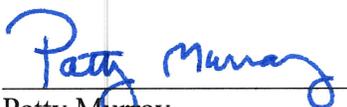
Sincerely,



Robert P. Casey, Jr.  
United States Senator



Tom Carper  
United States Senator



Patty Murray  
United States Senator



Ron Wyden  
United States Senator

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Richard J. Durbin  
United States Senator



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Sheldon Whitehouse  
United States Senator

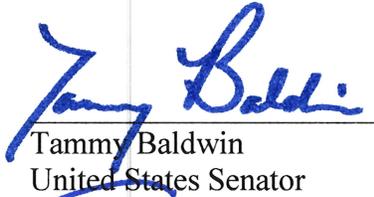
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Patrick Leahy  
United States Senator



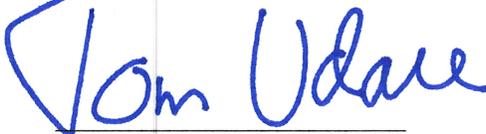
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Jeffrey A. Merkley  
United States Senator



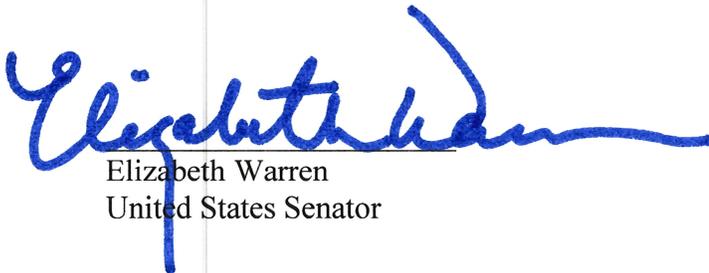
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Tammy Baldwin  
United States Senator



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Tom Udall  
United States Senator



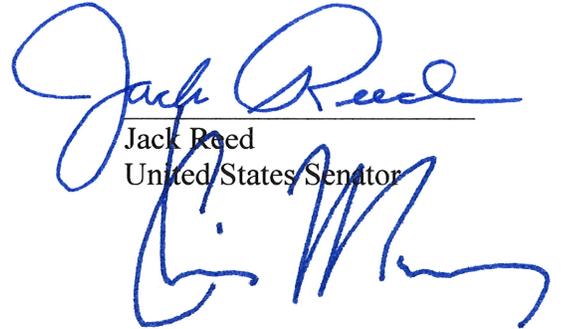
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Elizabeth Warren  
United States Senator



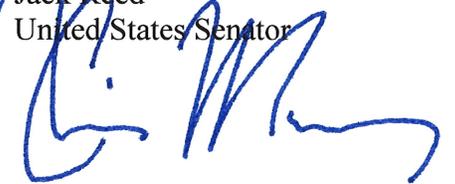
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Edward J. Markey  
United States Senator



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Jack Reed  
United States Senator

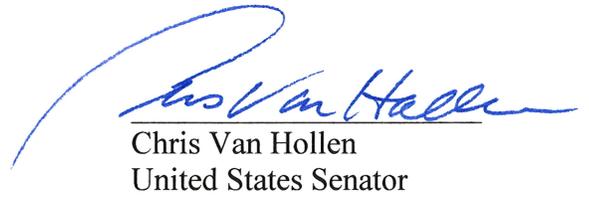


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Christopher Murphy  
United States Senator

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Sherrod Brown  
United States Senator



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Chris Van Hollen  
United States Senator



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Kirsten Gillibrand  
United States Senator



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Margaret Wood Hassan  
United States Senator