

**Congress of the United States**  
**Washington, DC 20515**

March 23, 2020

The President  
The White House  
1600 Pennsylvania Avenue, Northwest  
Washington D.C. 20500

Dear Mr. President:

Our country is facing an extraordinary crisis as the world works to mitigate the coronavirus (COVID-19) pandemic. You must guarantee that every individual in the United States affected by COVID-19 can access the medical treatment, services, and therapeutics that they need. However, you will be unable to do so if the Supreme Court of the United States strikes down the Patient Protection and Affordable Care Act (ACA), leaving hundreds of millions of people without health insurance or protections for preexisting conditions.

On the 10<sup>th</sup> anniversary of the ACA, we write to ask you to order the Department of Justice to drop their support of the plaintiffs in the *Texas v. California* lawsuit, to urge the plaintiffs to drop their case, and to protect the health care of all Americans during this global health crisis.

Though access to affordable, quality health care coverage is essential to protect the health of our communities at all times, that coverage becomes even more critical during a public health emergency. The ACA gave more than 20 million Americans health coverage for the first time, ensured that 135 million Americans couldn't be denied coverage because of a preexisting condition, offered 2.3 million children the ability to remain on their parents' insurance, and lowered health care costs for millions more. Without the ACA, our uninsured rate will spike by 65 percent as critical health care coverage will be unavailable or unaffordable for millions. Uninsured individuals are less likely to seek testing and treatment for COVID-19, which will further the spread of the coronavirus and crush providers by the level of uncompensated care that will ensue.<sup>1</sup>

Preliminary unemployment data reveal that COVID-19 has already devastated families across the United States.<sup>2</sup> Workers who are being laid off during this crisis at least have the peace of mind to know that they can obtain affordable coverage through Medicaid expansion or the ACA individual market, regardless of whether or not they are currently employed. But if the ACA is struck down by the Supreme Court, 17 million low-income Americans who rely on the ACA's Medicaid expansion and the millions who rely on the ACA marketplace would lose their health care on top of their jobs.

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<sup>1</sup> <https://www.protectourcare.org/fact-sheet-on-trump-lawsuit-to-overturn-aca/>

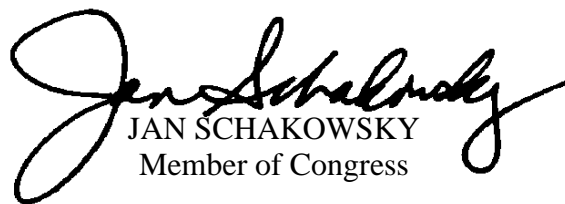
<sup>2</sup> <https://www.dol.gov/ui/data.pdf>

Further, your Administration has relied on the ACA's provisions to respond to COVID-19. During a March 4 White House press briefing, Vice President Mike Pence invoked the ACA's Essential Health Benefits (EHBs) to assure Americans on private health insurance, Medicare, and Medicaid that they would be able to obtain free diagnostic testing for coronavirus.<sup>3</sup> Though the Vice President misinterpreted the scope of EHBs, the ACA does indeed mandate that private insurance plans and Medicaid expansion states provide free preventive care to their beneficiaries, which could include diagnostic testing.<sup>4</sup> On March 12, the Centers for Medicare and Medicaid Services published additional guidance to indicate that the 10 existing EHBs could include coverage for all diagnostic testing, treatments, isolations, and quarantines related to COVID-19.<sup>5</sup>

The ACA provides funding for public health initiatives and community health centers that serve as a lifeline for the uninsured and for undocumented workers and their families who are reluctant to seek COVID-19 testing or care because they fear deportation under your Administration's cruel policies. The ACA lowers prescription drug costs for older Americans—who are the most vulnerable population in this crisis—by closing the “donut hole” that left them exposed to high out-of-pocket expenses. The ACA eliminated annual and lifetime dollar caps on insurance benefits, which will protect many of those who contract COVID-19 from crushing out-of-pocket medical bills. In short, the ACA saves lives.

The Affordable Care Act has become engrained as a pillar of our health care system over the last 10 years. If the Supreme Court were to strike down the ACA during the COVID-19 pandemic, the United States health care system could immediately collapse. We urge you to prevent that devastating possibility by immediately withdrawing your support for the *Texas v. California* lawsuit. You must not sabotage the health care of over three hundred million Americans during a global health crisis.

Sincerely,



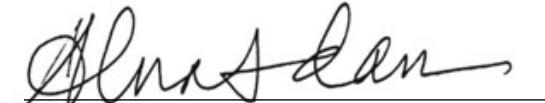
JAN SCHAKOWSKY  
Member of Congress

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<sup>3</sup> <https://www.whitehouse.gov/briefings-statements/press-briefing-vice-president-pence-members-white-house-coronavirus-task-force-2/>

<sup>4</sup> The Patient Protection and Affordable Care Act, Sec. 2713, Coverage of Preventive Services.

<sup>5</sup> <https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/EHB-Benchmark-Coverage-of-COVID-19.pdf>



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Member of Congress


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NANETTE DIAZ BARRAGÁN  
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Joyce Beatty  
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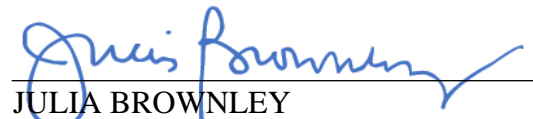
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/s/

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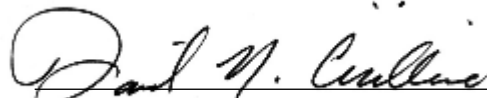
KATHY CASTOR  
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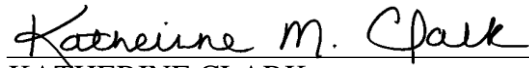
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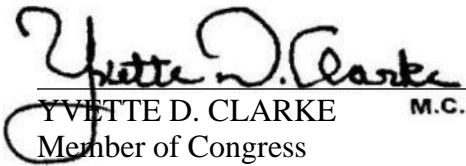
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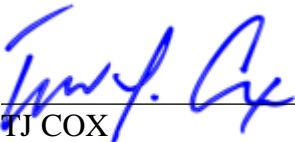
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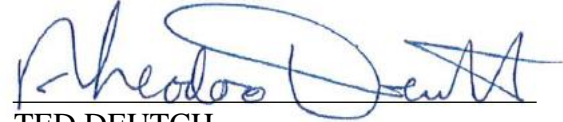
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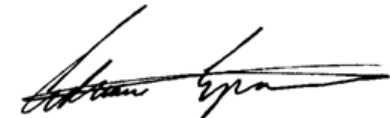
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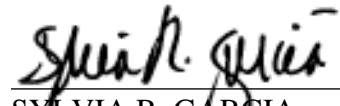
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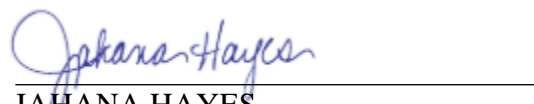
  
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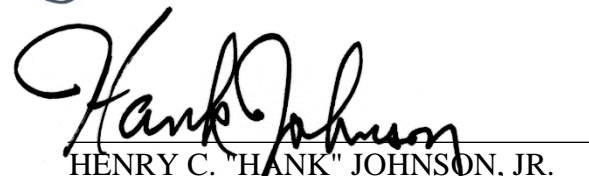
  
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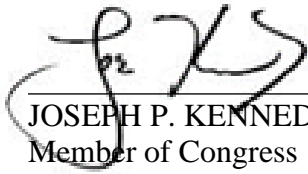
  
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Member of Congress



President Donald J. Trump  
March 23, 2020



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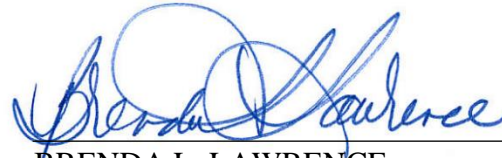
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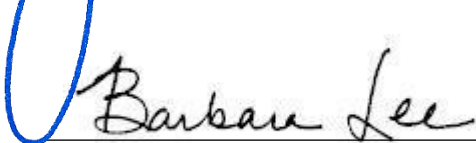
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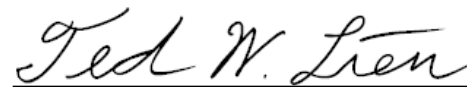
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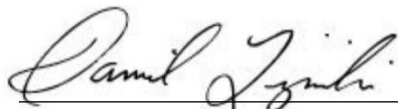
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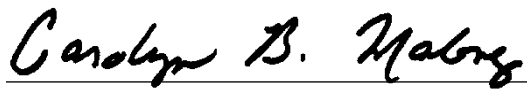


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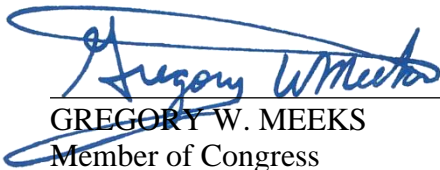
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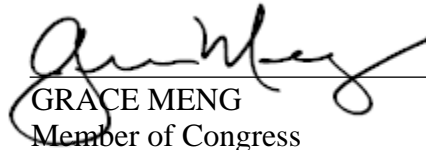
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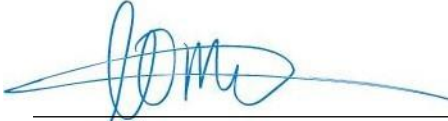
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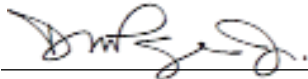
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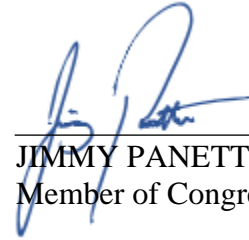
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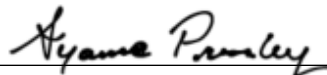
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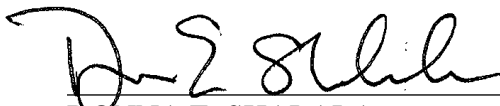
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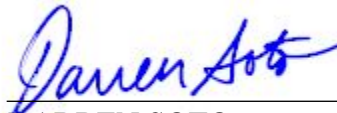
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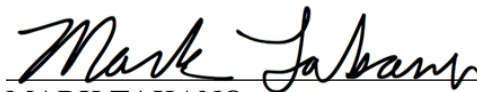
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RASHIDA TLAIB  
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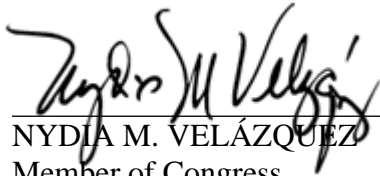
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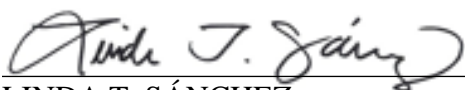
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JOE COURTNEY  
Member of Congress



LINDA T. SÁNCHEZ  
Member of Congress



KAREN BASS  
Member of Congress

  
DORIS MATSUI  
Member of Congress

CC: The Honorable Michael R. Pence, Vice President of the United States  
The Honorable Alex M. Azar, Secretary of Health and Human Services  
The Honorable Eugene Scalia, Secretary of Labor  
The Honorable Steven Mnuchin, Secretary of the Treasury  
The Honorable William P. Barr, Attorney General of the United States