

**October 20, 2020**

**Ways & Means, Subcommittee on Oversight**

**Maximizing Health Coverage Enrollment Amidst Administration Sabotage**

Chairman Pascrell, Ranking Member Kelly, Members of the Committee. Thank you for inviting me to testify in front of the Subcommittee on the status of the Affordable Care Act. We sit at a perilous moment in both our nation's history and also for millions of American families. The global Coronavirus pandemic has taken hundreds of thousands of American lives in a matter of mere months. An estimated [14.6 million](#) unemployed people may have lost the health coverage associated with their jobs just at a time when the health of one individual is more connected to each other than ever before.<sup>1</sup> The virus is pernicious. Evidence suggests it attacks multiple parts of our body and is a threat not only to our lives, but the ongoing proper functioning of our heart, lungs, pancreas, kidneys, brain, and our clotting and immune systems. It is a threat we need to bring everything we can to.

Unfortunately COVID-19 is not the only health threat Americans are facing right now. Rather than support Americans through these trying times, the Trump Administration has added to the uncertainty and insecurity faced by millions of Americans by attacking the very existence of the Affordable Care Act. Rather than implement the law as Congress intended, they have undermined the law with a clinical callousness. We are reminded of this as we approach the beginning of November and a shortened open enrollment period where despite Administration efforts, Americans can once again insure themselves and protect their families.

The Affordable Care Act serves several critical functions.

- It provides every single American a guaranteed set of protections, including prohibiting insurance companies from discriminating against them on the basis of a pre-existing condition, prior medical history, income, gender, or age. The law requires a set of benefits be included in every policy so Americans aren't forced to master the fine print "gotcha" language that kept so many people from getting the health insurance coverage they thought they purchased. The law outlaws insurance companies from not paying claims due to arbitrary annual or lifetime limits. And it requires insurance companies spend a bulk of what Americans pay them on actual medical care. These patient protections have improved the lives of tens if not hundreds of millions of Americans and are wildly popular as a part of the new fabric of our nation.
- The ACA has provided coverage, sometimes for the very first time, to tens of millions of Americans through expanded Medicaid and the ACA exchanges. This quite simply has been life changing. People can afford their prescriptions and to see a doctor if they are ill

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<sup>1</sup>[https://www.ebri.org/docs/default-source/ebri-issue-brief/ebri\\_ib\\_esicovidloss-8oct20.pdf?sfvrsn=f0763a2f\\_6](https://www.ebri.org/docs/default-source/ebri-issue-brief/ebri_ib_esicovidloss-8oct20.pdf?sfvrsn=f0763a2f_6)

for the very first time. Data shows the ACA is saving Americans \$4,000 per family, not to mention \$2.3 trillion for the U.S. in overall health expenditures.<sup>2</sup>

Together those two things represent the two parts of the law: “patient protections” and “affordable care.” Congress in its wisdom passed these provisions to make sure Americans could care for themselves and their families at times when they were facing challenges to their health, to be sure that those challenges wouldn’t be compounded by financial challenges, and to make sure insurance is available when they need it. There are a number of other important provisions to the law, including:

- The ACA saves seniors money on prescription medications. 12 million seniors have saved an average of \$2,200 on average on prescription drugs.<sup>3</sup>
- The law provides preventive benefits and access to vaccines with no out of pocket costs. The ACA gives parents the ability to keep their adult children on their health plan until the age of 26.
- The law eliminates the age tax that made insurance unaffordable to Americans 50 and older, a routine practice before the ACA.
- The law eliminates the ability to charge women more than men for health insurance, a routine practice before the ACA.
- The law provides premium tax credits to many families earning between 100% and 400% of the poverty level to help them purchase insurance through the ACA exchanges.

After trying repeatedly to simply eliminate the law, the Trump Administration has taken unprecedented bad faith efforts to undermine Americans’ access to provisions that Congress granted. These include:

- Cutting funding for navigators who assist people in enrolling in coverage, as well as other outreach and advertising
- Shortening the open enrollment period
- Illegally attempting to end payments owed to insurers as a way of persuading them not to enter the exchanges<sup>4</sup>
- Promoting insurance plans which have substandard or limited benefits to damage the risk pool and raise the price of insurance to consumers and the government

When I served in the Obama Administration, I had responsibility for administering the laws passed by both Democratic and Republican controlled Congresses. I understood that I had a duty to implement the laws passed by Congress to the best of my ability for the benefit of taxpayers and the American public, that the Executive branch did not get to choose which laws we liked and which we didn’t.

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<sup>2</sup> <https://www.statnews.com/2019/03/22/affordable-care-act-controls-costs/>

<sup>3</sup> <https://www.cms.gov/newsroom/press-releases/nearly-12-million-people-medicare-have-saved-over-26-billion-prescription-drugs-2010>

<sup>4</sup>

<https://www.brookings.edu/blog/fixgov/2020/10/09/six-ways-trump-has-sabotaged-the-affordable-care-act/>

But not so with the Trump Administration. This has been taken to a new level as the Trump Administration has refused to defend the people in a case brought by Republican Attorneys General to invalidate the Affordable Care Act and take their health insurance. The public now faces great uncertainty as to the future of this law, just as a deadly and serious virus makes its way, almost completely unchecked, through the country. The effect of this lawsuit, were it to be successful, would put 130 million Americans in a situation where they could be uninsurable for their prior illness.<sup>5</sup> Further it raises the very real prospect that the over eight million Americans who have had Coronavirus and those that will contract it will be uninsurable due to the unlimited possible effects of the virus on the human body.<sup>6</sup>

In twelve days, the eighth Open Enrollment period for the ACA exchanges will commence. Despite the dozens of efforts to repeal the law, despite the refusal by Congress to build on the law, despite the continued negligence and sabotage, millions of Americans will get health insurance coverage for their families. They do not understand for the life of them why protecting their families is controversial and has been opposed at every turn by this Administration.

Americans would like nothing more than for the partisan bickering over their health to stop. At times like these, people expect the support of their government in the face of major threats to their health-- not making their lives more difficult. All people want is to be able to care for their families, keep them healthy, and not fear bankruptcy at the first sign of illness. They certainly would like to stop fearing the very government they elect. In this great country, that should not be too much to ask.

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<sup>5</sup> <https://www.nytimes.com/article/supreme-court-obamacare-case.html>

<sup>6</sup> <https://coronavirus.jhu.edu/>