

Congress of the United States

Washington, DC 20515

November 5, 2021

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

Dear Speaker Pelosi and Leader Schumer,

We represent the 12 states that did not expand Medicaid under the Affordable Care Act (ACA). We are thrilled that our states will benefit from the Build Back Better expansion of the ACA, but we are also concerned about a “pay-for” that could harm the exact health systems we are supposed to be improving in this bill.

For years, we have done everything we can to urge our state leaders to do the right thing and expand Medicaid, but our Republican governors and/or state legislatures continue to refuse. The reality is limiting uncompensated care (UC) pools and cutting disproportionate share hospital (DSH) payments is a misguided penalty that puts our most vulnerable constituents at risk.

We were not warned of this proposed “pay-for” until updated text was released last week. It was not considered by any of our committees this year. Though we agree that our states should be held accountable for not expanding Medicaid, compromising the very hospitals that provide care to our most vulnerable is not the solution. Surely there is a better way to pay for our proposal.

The Build Back Better Act finally gives low-income adults in our states the chance to be covered, and with private health insurance. The trouble is that it will take months, even years, to cover high percentages of the uninsured in non-expansion states with this temporary coverage solution. Meanwhile, the hospitals’ DSH funding will be slashed, and hospitals will not receive the funding that they rely on to keep their doors open today. It’s a question of sign-up rates and timing. Once the hospitals get the better reimbursement offered by private insurance rates, they will undoubtedly be more financially stable, but the transition could be disastrous.

We stand ready to work with you on changes and alternatives that do not compromise the historic coverage expansions in this bill. Please help us protect our hospitals and our constituents who lack access to health care. This must not be an either/or choice. We need both.

Thank you for taking our urgent concerns into consideration,



Jim Cooper
Member of Congress



Terri A. Sewell
Member of Congress



Bennie Thompson
Member of Congress



Sharice L. Davids
Member of Congress



Steve Cohen
Member of Congress



Colin Allred
Member of Congress



Eddie Bernice Johnson
Member of Congress



Stephanie Murphy
Member of Congress



Vicente Gonzalez
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Henry Cuellar
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Marc Veasey
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Al Lawson
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Lizzie Fletcher
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Filemon Vela
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Veronica Escobar
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Lucy McBath
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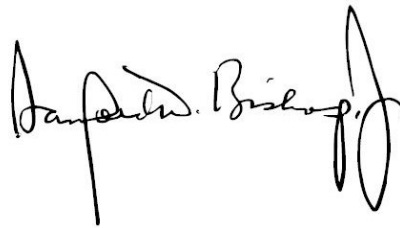
Frederica S. Wilson
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Darren Soto
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Debbie Wasserman Schultz
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Sanford D. Bishop, Jr.
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