

# 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  
Member of Congress

Henry Cuellar  
Member of Congress

Marc Veasey  
Member of Congress

Al Lawson  
Member of Congress

Lizzie Fletcher  
Member of Congress

Filemon Vela  
Member of Congress



Veronica Escobar  
Member of Congress



Lucy McBath  
Member of Congress



Frederica S. Wilson  
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Darren Soto  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



Sanford D. Bishop, Jr.  
Member of Congress