

# Congress of the United States

## House of Representatives

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### Opening Statement Chairman Elijah E. Cummings

#### Hearing on “The Trump Administration’s Attack on the ACA: Reversal in Court Case Threatens Health Care for Millions of Americans”

July 10, 2019

We are here today because on March 25, 2019, the Trump Administration filed a two-sentence letter with the U.S. Court of Appeals for the Fifth Circuit reversing its own previous position in the case of *Texas v. United States* and asserting—for the first time—that it would not defend any portion of the Affordable Care Act (ACA) in court.

**If the Trump Administration’s position prevails and the entire ACA is struck down, there will be catastrophic implications for millions of Americans and the entire United States health care system.**

I have often said that voting for the Affordable Care Act was the most important vote of my career. Let me tell you why.

When Congress passed the ACA in 2010, we enshrined into law the promise that all Americans have the right to accessible, affordable health insurance coverage.

The ACA established new protections to end legalized discrimination against approximately 130 million people in the United States with pre-existing conditions.

The ACA authorized states to expand their Medicaid program, and approximately 17 million Americans gained coverage as a result.

The ACA created online Marketplaces for consumers to purchase insurance with financial assistance through premium tax credits and cost-sharing reduction payments, and today nearly 9 million individuals receive financial assistance to obtain coverage through the individual market.

The ACA improved the quality of coverage for millions more by requiring that plans cover a set of essential health benefits, provide coverage for preventive services such as immunizations and screening tests, and allow young adults to stay on their parents’ plans until they turn 26.

If the Trump Administration is successful, all of these federal protections disappear.

People with pre-existing conditions—like diabetes, cancer, HIV, asthma, substance use disorder, or even pregnancy—could be denied health care coverage or charged more. Babies born with health conditions could be uninsurable for their whole lives. And insurance companies in the individual and small group markets would not have to cover essential services such as preventive care, hospitalization, emergency services, maternity care, and prescription drugs.

**However, since President Trump took office in January 2017, neither the Administration nor congressional Republicans have offered a plan to replace the ACA that would prevent significant coverage losses or the elimination of consumer protections.**

House Republicans have voted 69 times to repeal the ACA. Their last proposal—which failed to pass the Senate in 2017—would have increased the number of uninsured by 21 million.

During the 2016 campaign, Donald Trump promised repeatedly that he would come up with a plan to replace the ACA, but he never did. Now that he is running for President again, the promises have returned. In April, he promised to release a “really great” plan—after the 2020 election. Unfortunately, nobody has seen it.

**Ironically, if the Trump Administration is successful in striking down the entire ACA, it would directly undermine many of their own policy goals, including tackling the opioid epidemic, lowering prescription drug prices, and ending the HIV epidemic.**

We wanted to hear from the Administration about why they suddenly reversed their position in the litigation. We wanted to know what the Administration’s plan is for millions of people if they win in court and invalidate the whole ACA.

We invited the Acting Director of the Office of Management and Budget, Russell Vought, to testify at today’s hearing. But he declined to appear. Apparently, he did not want to answer these questions.

Although the Trump Administration refuses to answer these basic and critical questions, we are very fortunate to have a panel of legal and policy experts and patient witnesses who can tell us exactly what it will mean if the Trump Administration is successful in eliminating the Affordable Care Act. They have traveled from across the country—from Utah, Missouri, Pennsylvania, and New York—to share their stories with us. They are here to tell us what life was like for them and their loved ones before the ACA was passed.

Thank you so much for being here.

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