

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6315

March 7, 2017

The Honorable Kevin Brady, Chairman
House Committee on Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

The Honorable Greg Walden, Chairman
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Brady and Chairman Walden:

As your Committees begin taking steps to repeal the Affordable Care Act (ACA) and radically change the way health coverage is provided to American families, we write to express our strong opposition to any decision to hold a full committee markup without first holding hearings. With any legislation, this type of hasty, partisan action would be cause for alarm. Legislation that would drastically alter health coverage for Americans requires robust and transparent discussions as they effect the lives and wellbeing of millions of Americans and their families. Any changes made to the health care delivery system will inevitably impact the ability for our nation's small employers to offer quality health care to millions of employees. This alone merits careful consideration of any such policy.

Small business owners throughout the country are anxious about whether they will be able to continue providing coverage to their employees or even worse, close their doors if Republicans repeal the ACA. These small business owners are critical to our economy and instead of running their businesses, they are worrying about higher costs and lost benefits. They deserve transparency from their elected representatives and deserve to have their concerns addressed through regular congressional procedures.

While the Small Business Health Options Program (SHOP) exchanges and the small business health care tax credit were not as successful as originally imagined, Congress should not eliminate them entirely. Low enrollment in the SHOPS and the low take-up rate of the tax credit could be improved upon rather than repealed. Instead, we should work to make improvements that would help, not harm, the 1.4 million small business owner and self-employed workers enrolled in ACA plans.

Before the ACA was enacted, nearly 23 million small business owners and their employees were uninsured, along with 22 million self-employed entrepreneurs. The ACA alleviated those numbers and led to lower premiums for employers wishing to provide their hard-working employees with a critical benefit of quality health insurance. Small business owners cannot afford triple digit increases like they experienced before the ACA. Further, the ACA led to increased entrepreneurial activity through reduced job lock for those who were now able to obtain insurance on their own. These are all things we have learned listening to America's small business owners during hours of testimony, discussions at roundtables, and conversations in our districts.

We wish to express our alarm over any markup of new provisions and titles that have not been appropriately explored with subject matter experts. We ask that the Committee ensure that experts and staff are available to discuss this and other issues in open, transparent hearings, before any markup is held on legislative text. This should include representatives from the nonpartisan Joint Committee on Taxation (JCT) and Congressional Budget Office (CBO), who can thoroughly explain any associated costs—a vital consideration in evaluating the legislation. We also express our strong opposition to any attempt to mark up this bill before receiving a score from the CBO and estimates from the JCT.

We know firsthand the importance of engaging with the public and with colleagues across the aisle when legislating health policy. Prior to the approval of the ACA and even after its enactment, our Committee held hearings and considered testimony from many bipartisan small business witnesses and experts. We understand the importance of truly learning all the advantages and disadvantages of the law on small firms so their voices are not forgotten.

We take our responsibility seriously and expect the same of your Committees, as yours are the Committees of jurisdiction for any legislation that must be reviewed. We fully expect to be able to read and review bills that come before the House knowing that they have gone through the proper vetting. Have your Committees held any hearings specifically on the dangers rapid repeal of the law poses to small businesses? And, have you had any small businesses testify before your Committee on what repeal would mean to their business and employees? Given that the plan was made public less than 48 hours prior to two scheduled markups, we fear our nation's small businesses will be unduly harmed by Republicans ignoring their needs on items targeted to small firms, such as the small employer tax credit. Your Committees have an obligation to investigate these provisions and design these incentives to provide the best options for small employers. Doing so will ensure the health and success of our nation's job creators.

Your Committees bear a heavy responsibility to America's small business owners, who deserve transparency as you attempt to dismantle the ACA. We respectfully urge you to schedule hearings this month on any legislation that would repeal or radically alter the coverage and benefits provided through the ACA as they impact small firms, and thereafter to permit our Committee to do its due diligence to read the text carefully and investigate its consequences on the small business community.

We look forward to your prompt reply.

Sincerely,


Rep. Nydia M. Velázquez, Ranking Member


Rep. Alma Adams, Vice Ranking Member



Rep. Dwight Evans



Rep. Stephanie Murphy


Rep. Brad Schneider


Rep. Judy Chu


Rep. Al Lawson


Rep. Yvette Clarke


Rep. Adriano Espaillat