

June 29, 2017

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
U.S. Senate  
Washington, DC 20510

Dear Senator Hatch,

As Ranking Member and on behalf of Senate Democrats on the Senate Finance Committee, I request full Committee consideration of the Better Care Reconciliation Act (BCRA). While Senate Republicans continue their negotiations on the BCRA behind closed doors, I ask for the legislation to be considered in hearings by the Senate Finance Committee and under regular order on the Senate floor. The Senate has not held a single public hearing on the BCRA to date. This secretive, rushed process is offensive to the bipartisan history of the Senate Finance Committee and unacceptable for a bill with such far-reaching implications for Americans' access to health care.

We are not alone in making this request. The American public and a growing number of our Senate colleagues on both sides of the aisle have asked for an open, transparent process. Over the past few weeks, our Committee has received thousands of calls demanding a hearing. Senate Republicans have also called for hearings<sup>1,2,3</sup>, regular order<sup>4,5</sup>, and greater transparency<sup>6,7</sup>. Furthermore, Senate Finance Committee Democrats share your view that the Senate functions best when it follows a "robust" deliberative process – for that very reason, we believe it is critical that we follow the Senate's rigorous process in developing significant health care legislation.<sup>8</sup>

When considering the Affordable Care Act, the Senate Finance Committee engaged in a bipartisan, collaborative process which included more than 50 hearings and roundtables and full eight days marking up the legislation. We engaged in this process because we believed our work should be accountable to the American people. We also wanted the Affordable Care Act to

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<sup>1</sup> Senator Fischer, Omaha World-Herald, June 2017

<sup>2</sup> Senator Moran, The Hill, May 2017

<sup>3</sup> Senator Gardner, Denver Post, June 2017

<sup>4</sup> Senator Rounds, CNN, June 2017

<sup>5</sup> Senator Paul, The Hill, June 2017

<sup>6</sup> Senator Lee, Facebook Live, June 2017

<sup>7</sup> Senator Cassidy, NBC News, June 2017

<sup>8</sup> Senator Hatch, Senate floor, June 2017

reflect a serious, carefully considered effort involving stakeholder input and expert opinions, independent of ideology, because we knew others had important contributions that would make the bill stronger.

You have repeatedly dismissed previous requests for hearings by claiming “there have been at least 66 health care hearings in the Senate since Obamacare became the healthcare law of the land” including more than half that number in the Senate Finance Committee.<sup>9</sup> Presumably this number includes hearings such as “Examining the Stark Law: Current Issues and Opportunities” or “Creating a More Efficient and Level Playing Field: Audit and Appeals Issues in Medicare,” hearings that have nothing to do with the policies under consideration in BCRA. To date, the Senate Finance Committee has not had a single hearing on BCRA or on the dramatic changes being proposed to Medicaid such as fundamentally restricting the program by putting a cap on the program and eliminating the Medicaid expansion and promised federal funding to states.

No matter its intentions, the BCRA would have disastrous consequences if passed as it stands now. A bill projected to leave 22 million more Americans uninsured and drive up health care costs for those who can least afford them cannot be “fixed” with small tweaks in the dead of night. Senate Finance Committee Democrats believe we can deliver better solutions for our constituents when we work together through hearings and regular order. For that reason, we urge you to work across the aisle within the Committee to approach our shared goals – including making quality health care more affordable and accessible for all Americans – in a constructive and sustainable way.

Sincerely,



Ron Wyden  
Ranking Member  
Committee on Finance

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<sup>9</sup> <https://www.finance.senate.gov/chairmans-news/hatch-obamacare-poorly-designed-and-recklessly-implemented>