

Congress of the United States
House of Representatives
Washington, DC 20515-1604

April 18, 2013

The Honorable Max Baucus
United States Senate
511 Hart Senate Office Building
Washington, DC 20510

Dear Senator Baucus,

I was stunned, and also saddened, to read of your complaint that Health and Human Services Secretary Kathleen Sebelius is doing an insufficient job informing the public about the Patient Protection and Affordable Care Act (PPACA), otherwise known as Obamacare. My shock wasn't because I disagreed: You're right to say this legislation has led to great uncertainty for hard-working Americans, small business owners, and families. No, I was shocked because you wrote this bill. I was saddened because your acknowledgement of the harm caused by PPACA has come so late.

Unlike you, the American people have opposed this law from the moment it was first introduced in Congress. How hard was it to see that even the smartest government bureaucrats can't competently plan something as complicated as America's health-care sector?

President Obama's proposal to rescind the Medicaid disproportionate share hospital payments for 2014 is an admission that this law will not work as written. The IRS is violating the clear language of this law by planning to spend more than half a trillion dollars and tax millions of employers and individuals without congressional authorization.

No one in the country bears more responsibility for the complexity of this law than you. When your supermajority couldn't pass the bill using normal procedures, you and your Senate colleagues rammed through the final legislation by using parliamentary gimmickry. Then, in the House, Speaker Pelosi cheerfully urged members to pass the legislation "in order to find out what's in it."

This was not good policy-making, and now we're seeing the consequences.

Implementation is still going full steam ahead despite numerous problems—with your support. Contrary to the legislation and the administration's myriad promises, the SHOP exchanges have been delayed by a year. Officials have admitted that they've gone from worrying over the color of fonts on a website to just making sure that the exchanges aren't a

“third world experience.” Little to no information has been provided about how the exchanges will function.

Each one of these problems results from legislation *you* authored and your colleagues supported. And yet many Republicans, at every step of the process, issued warnings and condemnations based on exactly these inevitable problems. We warned that businesses would drop coverage. We warned that Americans would not be able to keep a doctor or plan that they liked. We warned that insurance premiums would increase.

Secretary Sebelius’s implementation of the law is certainly flawed, but the policy process produced a law that could not possibly be implemented successfully. As legislators, it is our responsibility to write bills that clearly explain our meaning and have achievable goals. By your own admission, this law is a disaster.

Make no mistake. Unless you act before it’s too late, the American people are going to hold you personally responsible for the failings of this law that negatively impact their jobs, their health, and their families. You drafted it, you twisted arms to get it passed, and, until now, you have lauded it as a model for all the world. Your attempts to pass the buck to President Obama’s team will not work, nor will they absolve you of responsibility for the harm that you have brought via this law.

Republicans have repeatedly offered legislation to repeal PPACA and replace it with more sustainable reforms that would have bipartisan support. Perhaps we can work together to fix this mess before it’s too late. We stand ready to repeal the law and put forward legislation that will truly benefit patients and their doctors.

I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Pompeo", is written over a faint, larger version of the same signature.

Mike Pompeo
Member of Congress