

Congress of the United States
Washington, DC 20515

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dr. Donald Berwick
Administrator
Centers for Medicare and Medicaid Services
7500 Security Blvd.
Baltimore, MD 21244

June 27, 2011

Dear Secretary Sebelius and Administrator Berwick:


We write today to reaffirm congressional intent for the Patient Protection and Affordable Care Act (PPACA) "maintenance of effort" (MOE) provision. It is imperative that this language is enforced to the strict standard intended by Congress and that it is made clear that waiving this section is not permitted unless the waiver request meets the explicit nonapplication requirements.

The MOE requirement was written to maintain Medicaid and Children's Health Insurance Program (CHIP) eligibility standards until the state exchanges are fully operational. The provision protects these programs from short-sighted attempts to slash or eliminate them. The recession has taken a heavy toll on our society and has caused the very safety net programs we rely on as Americans to be overwhelmed. However, slashing the programs that have prevented further societal hardships would be a mistake. It would cause the states to suffer even more through loss of federal matching funds and loss of jobs in the health sector and beyond.

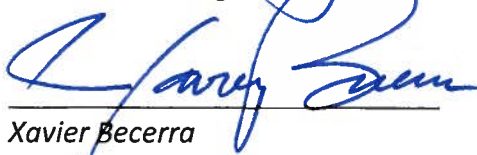
When writing the MOE section, Congress took into account the current unprecedented economic hardship many states are facing by including a nonapplication provision for the MOE. States are already provided with the opportunity to apply for an exemption from the MOE in extreme circumstances. The nonapplication provision allows states to be exempted from the MOE provision if: 1) the state submits a certification to the Secretary that it has a budget deficit 2) it applies to adults who are not eligible for coverage on the basis of pregnancy or disability and 3) whose incomes are above 133 % of FPL. If a state meets these requirements, only then may they apply for a waiver.

In good times and bad, working and middle class Americans should be able to count on health care for their families and dignity in old age. The MOE requirement ensures the continued success of these programs and was written deliberately and explicitly to protect our vulnerable, disabled, children and senior citizens. A waiver from the MOE should only be granted if the nonapplication requirements are met.

Sincerely,



Raúl M. Grijalva
Member of Congress



Xavier Becerra
Member of Congress



André Carson
Member of Congress



Yvette D. Clark
Member of Congress



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Member of Congress



Ted Deutch
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Member of Congress



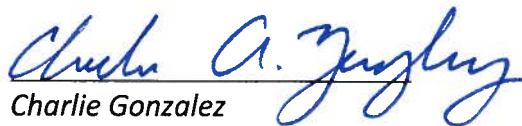
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Jesse L. Jackson
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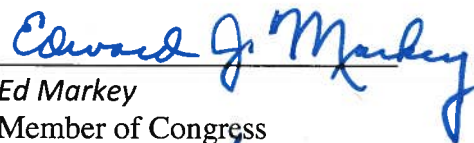
Dennis Kucinich
Member of Congress



Barbara Lee
Member of Congress



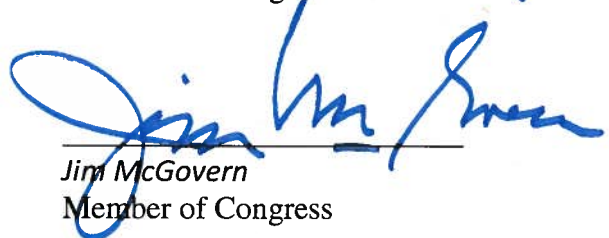
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Member of Congress



Ed Markey
Member of Congress



Jim McDermott
Member of Congress



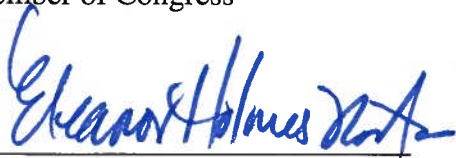
Jim McGovern
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Gwen Moore
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James P. Moran
Member of Congress



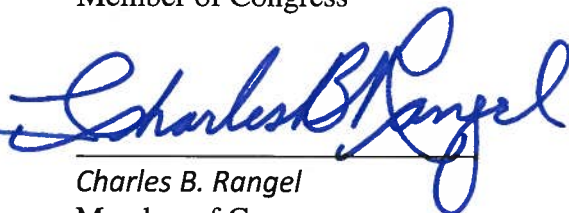
Eleanor Holmes Norton
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