

Congress of the United States
Washington, DC 20515

January 7, 2010

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

The Honorable Nancy Pelosi
Speaker of the House
H-236, The Capitol
Washington, D.C. 20515

The Honorable Harry Reid
Majority Leader
United States Senate
S-221, The Capitol
Washington, D.C. 20001

Dear President Obama, Speaker Pelosi and Leader Reid,

We write to respectfully urge you to include the House-passed language on the U.S. territories in the final version of the health care reform bill. We understand you are negotiating for the final bill to meet certain budget targets and are seeking to present it to both chambers for a final vote in the coming weeks. As representatives from the territories, we want to ensure that any final health care reform legislation treats the more than four million Americans residing in the territories in a fair manner. The House version achieves that goal. The Senate version does not.

Over the past year, we have collaborated with House Democratic leadership to craft the provisions concerning the territories included within the House-passed version, H.R. 3962, the "Affordable Health Care for America Act." We believe these provisions will help improve the quality of care available in the territories while recognizing our unique needs. Without direct representation in the Senate, we were unable to advocate directly for the needs of the territories and relied significantly on Senate allies, including Senators Menendez, Dodd, Schumer, Bingaman, Kerry, and Gillibrand. During Senate deliberations last month, Senator Menendez filed an amendment (Senate Amendment 2989) to include the relevant text of H.R. 3962 regarding the territories, which was not incorporated into the Senate-passed Patient Protection and Affordable Care Act (H.R. 3590). We were assured by leaders in the Senate that our concerns would be favorably resolved during conference negotiations.

In this regard, we strongly urge you to ensure that the final health care reform bill includes the following priorities found in H.R. 3962 which are critical for equitable treatment of the territories:

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- The territories should be included in the immediate reforms regarding consumer protection found in Division A, Title I: Including these provisions ensures that the Americans residing in the territories receive the same consumer protections as their fellow Americans residing in the states.
- The full text of Division B, Title VII, Subtitle G- Puerto Rico and the Territories should be included in the reform bill: This section is important to address the disparities in the federal Medicaid program applying solely to the territories and to allow the most vulnerable Americans access to health care.
- The final reform bill should ensure the territories' access to the Health Insurance Exchanges created by this Act: We urge that the provision regarding the "Special Rules Regarding the Territories," found in Section 346 in Subtitle C of Title II, be included. The exchange system is a crucial component of Health Care Reform, and exclusion of our constituents would only create more inequalities concerning access to quality, affordable health care.
- The final reform bill should reinstate citizens of the Freely Associated States (FAS) lawfully residing in the United States under federal law as eligible participants in the Medicaid program: Section 1736, found in Title VII, Subtitle D, qualifies citizens of the Freely Associated States (The Marshall Islands, Micronesia, and Palau) legally residing in the United States under the terms of the Compacts of Free Association for federal Medicaid at the discretion of each territory's Governor, provided they otherwise meet eligibility requirements with special rules for the territories. It is important to ensure that such Medicaid eligibility for the Compact migrants be restored outside the federal Medicaid spending restrictions discriminately applying now to the territories. Due to their geographic proximity to the FAS, Guam and the Commonwealth of the Northern Mariana Islands, like Hawaii, are the most directly affected U.S. jurisdictions in terms of health care expenditures incurred for their provision of basic and emergency health care to this unique population.

As Democrats and active members of the Congressional Tri-Caucus, we have fully advocated for comprehensive health care reform over the past year, supporting the President and our leadership to accomplish this goal. We urge that you include the needs of our jurisdictions in good faith in order to ensure that all Americans are covered and benefit from this meaningful and important reform. Our constituents are keenly aware of health care reform efforts in Congress and demand that they be afforded protections and opportunities for quality health care similar to those provided to their fellow citizens who live in the continental United States.

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We thank you for your leadership and dedication to meeting the needs of all Americans, including those who reside in the territories.

Sincerely,



DONNA M. CHRISTENSEN
Member of Congress



FNI F. H. FALEOMAVAEGA
Member of Congress



MADELEINE Z. BORDALLO
Member of Congress



PEDRO R. PIERLUISI
Member of Congress



GREGORIO KILILI CAMACHO SABLAN
Member of Congress

CC:

The Hon. Steny Hoyer, Majority Leader, House of Representatives

The Hon. Richard J. Durbin, Assistant Majority Leader, U.S. Senate

The Hon. Christopher Dodd, Chairman, Senate Committee on Health, Education, Labor and Pensions

The Hon. Max Baucus, Chairman, Senate Committee on Finance

The Hon. Jeff Bingaman, Chairman, Senate Committee on Energy and Natural Resources

The Hon. Henry A. Waxman, Chairman, House Committee on Energy and Commerce

The Hon. Charles B. Rangel, Chairman, House Committee on Ways and Means

The Hon. George Miller, Chairman, House Committee on Education and Labor

The Hon. John D. Dingell, Chairman Emeritus, House Committee on Energy and Commerce