

November 27, 2017

The Honorable Mitch McConnell  
Leader, U.S. Senate  
Washington, DC 20510

The Honorable Charles Schumer  
Minority Leader, U.S. Senate  
Washington, DC 20510

Dear Leader McConnell and Minority Leader Schumer:

The undersigned organizations are writing to express our strong opposition to the Senate's Tax Cuts and Jobs Act and our deep concerns about its effects on the health care of older adults, people with disabilities and their families. Our organizations share a commitment to promoting access to affordable, high-quality health care and long-term services and supports for older adults, people with disabilities, and their families, and this tax package will endanger that goal.

Both the plan the House passed and the one the Senate is considering would increase the national debt by at least \$1.5 trillion and drive up the yearly deficit through tax cuts that primarily benefit the wealthiest Americans and large corporations. This is likely to lead to drastic cuts to Medicaid, Medicare, Social Security and other programs on which older adults rely. Any significant funding cuts to Medicaid would jeopardize health and long-term care for the more than 6 million low-income older adults who rely on Medicaid. In addition, significant Medicare cuts would shift costs on to beneficiaries, endangering the more than 57 million older adults and people with disabilities who rely on the program for high-quality care. Over 11 million people have both Medicaid and Medicare, and those people would be especially devastated by any such cuts.

We are also particularly concerned about the repeal of the Affordable Care Act individual mandate that is included in the Senate plan. Over 3.3 million adults over age 55 enrolled in marketplace plans for 2017.<sup>1</sup> By eliminating the individual mandate, the Senate bill puts the availability of affordable health coverage for these individuals, who are not yet eligible for Medicare, at risk through higher premiums or even lack of insurers. The Congressional Budget Office (CBO) estimates that 13 million more people will be without health coverage if the mandate is repealed, including 5 million people who would not enroll in Medicaid even though they are eligible.<sup>2</sup>

In addition to these effects, both intentional and not, the sheer size of the deficit would trigger immediate cuts under sequestration to Medicare and other programs that benefit older adults

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<sup>1</sup> Centers for Medicare & Medicaid Services, "Health Insurance Marketplaces 2017 Open Enrollment Period Final Enrollment Report: November 1, 2016-January 31, 2017 (March 15, 2017), <https://www.cms.gov/Newsroom/MediaReleaseDatabase/Fact-sheets/2017-Fact-Sheet-items/2017-03-15.html>.

<sup>2</sup> Congressional Budget Office, "Repealing the Individual Health Insurance Mandate: An Updated Estimate" (November 8, 2017), <https://www.cbo.gov/publication/53300>.

and people with disabilities. The CBO projects Medicare cuts of \$25 billion in 2018 alone.<sup>3</sup> Of course, such cuts would have harmful effects on all those who rely upon Medicare.

We also urge you to ensure that the medical expense tax deduction, which provides tax relief to millions of older Americans and people with disabilities with high out-of-pocket and long-term care costs and modest incomes, remains available to those who need it, and is not eliminated in any tax proposal. Out-of-pocket health care costs are a significant financial burden for many older adults and people with disabilities, especially those with chronic conditions and those who need long-term services and supports. Eliminating this deduction would threaten the financial wellbeing of such individuals and even prematurely force them to turn to Medicaid to cover their long-term care costs.

In addition to our concerns about the substance of the bill detailed above, we are also dismayed by the rushed and partisan process. It is especially concerning that a preliminary CBO report notes there may not be enough time for that office to do a full analysis.<sup>4</sup> Without a full analysis, we cannot know all the effects of this far-reaching bill.

Historically, the Senate has worked through a bipartisan, transparent process that included public hearings, open comment periods on discussion drafts, multi-stakeholder meetings, and more. Any changes to the tax code should be thoughtful and deliberative.

Our organizations strongly urge the Senate to start over on tax reform and ensure that any changes will not drive up deficits or reduce access to health care for older adults, people with disabilities, and their families.

Sincerely,

AFSCME  
Aging Life Care Association  
Allies for Independence  
Altarum Center for Eldercare and Advanced Illness  
American Association of People with Disabilities  
American Association on Health and Disability  
American Geriatrics Society  
Association of University Centers on Disabilities (AUCD)  
Autistic Self Advocacy Network  
Bazelon Center for Mental Health Law  
B'nai B'rith International  
Center for Health Law and Policy Innovation of Harvard Law School  
Center for Medicare Advocacy

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<sup>3</sup> Congressional Budget Office, “Effects of legislation that would raise deficits by an estimated \$1.5 trillion over the 2018-2027 period” (November 14, 2017), <https://www.cbo.gov/publication/53319>

<sup>4</sup> Congressional Budget Office, “H.R. 1, a bill to provide for reconciliation pursuant to titles II and V of the Concurrent Resolution on the Budget for Fiscal Year 2018” (November 13, 2017), <https://www.cbo.gov/publication/53312>.

Center for Public Representation  
Community Catalyst  
Disability Policy Consortium  
Families USA  
Florida Health Justice Project, Inc.  
Jericho Road Legal Service Ministry  
Justice in Aging  
Lakeshore Foundation  
Latinos for a Secure Retirement  
Leading Age  
Medicare Rights Center  
NAACP  
National Adult Day Services Association (NADSA)  
National Association of Area Agencies on Aging  
National Association of State Long-Term Care Ombudsman Programs (NASOP)  
National Committee to Preserve Social Security and Medicare  
National Consumer Voice for Quality Long-Term Care  
National Council on Aging (NCOA)  
National Disability Rights Network  
National Health Law Program  
National Multiple Sclerosis Society  
National Partnership for Women & Families  
National Respite Coalition  
People Demanding Action  
Retired Public Employees Council of Washington  
Service Employees International Union (SEIU)  
The Arc of the United States  
Washington Alliance for Retired Americans  
Women's Institute for a Secure Retirement (WISER)

CC: The Honorable Orrin Hatch, Chairman, Committee on Finance  
The Honorable Ron Wyden, Ranking Member, Committee on Finance  
The Honorable Lamar Alexander, Chairman, Committee on Health, Education, Labor & Pensions  
The Honorable Patty Murray, Ranking Member, Committee on Health, Education, Labor & Pensions  
The Honorable Susan Collins, Chairman, Senate Special Committee on Aging  
The Honorable Bob Casey, Ranking Member, Senate Special Committee on Aging