August 22, 2018

The Honorable Pat Roberts  
Chairman, U.S. Senate Committee on Agriculture, Nutrition, & Forestry  
328A Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Michael Conaway,  
Chairman, U.S. House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, DC 20515

The Honorable Debbie Stabenow  
Ranking Member, U.S. Senate Committee on Agriculture, Nutrition, & Forestry  
328A Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Collin Peterson  
Ranking Member, U.S. House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Roberts, Chairman Conaway, Ranking Member Stabenow, Ranking Member Peterson and Members of the Conference Committee:

On behalf of hundreds of millions of Americans with chronic and serious health care conditions, our 19 organizations urge you as conferees to the Agriculture and Nutrition Act (H.R. 2 and S. 3042) to omit language from the final conference report that would provide $65 million to establish a loan program and grant program to assist in the establishment of agriculture association health plans (AHPs). Currently section 6004 of the House-passed version of the legislation includes this language. Our organizations oppose this provision because it could impact access to affordable, adequate health insurance coverage for the people we represent.

Together, we represent millions of patients and consumers facing serious, acute, and chronic health conditions across the country. We have a unique perspective on the services and resources that individuals and families need to prevent disease, cure illness, and manage chronic health conditions. Our
diversity enables us to draw upon a wealth of knowledge and expertise that we hope you will utilize as a resource as you work to produce final conference legislation.

Earlier this year, many of our organizations expressed deep concern about the impact that the Department of Labor’s rule on AHPs could have on the individuals and families we represent. Unfortunately, the rule has been finalized without addressing many of the concerns raised in comments submitted by many of our organizations. 1 Nevertheless, we remain concerned that providing funding for AHPs that do not meet our standards of adequacy, affordability, and accessibility could jeopardize the health and wellbeing of those who enroll in them. Given the history of fraud and insolvency in AHPs, using federal funds to establish AHPs would put consumers and providers at risk of unpaid bills and taxpayers at risk of defaulted loans. Based on our experience with the Affordable Care Act’s loan program for CO-OP plans, it is evident that starting and sustaining a financially viable health plan is difficult to do. 2 Establishing this loan program at the U.S. Department of Agriculture, which lacks expertise and experience in overseeing health plans, particularly with relaxed federal standards for AHPs, is a risky and ill-advised use of federal funds.

While AHPs can offer lower premiums, they are not required to adhere to important fiscal and quality standards, like shielding consumers from financial risk or coverage for the ten categories of essential health benefits. For example, AHPs have a long history of fraud and insolvency that have historically affected small employers and individuals. 3 Many of these plans collected premiums for health insurance coverage that did not exist and did not pay medical claims - leaving businesses, individuals, and providers with millions of dollars in unpaid bills. For consumers and patients, the results were disastrous. We are extremely concerned that new agriculture AHPs will once again leave consumers with insufficient coverage, unpaid medical bills, and lifelong health implications – just as many of these plans did before the Affordable Care Act (ACA) was enacted. AHPs would also be able to exclude coverage of benefits such as mental health care, maternity and newborn care, treatment for substance use disorders, emergency room services, and prescription drugs. AHPs could also charge sharply higher

---


premiums based on age or they could set premium prices in part on characteristics such as a person’s gender, the industry in which they are employed, or where they live.

In a survey conducted by the U.S. Department of Agriculture published in 2017, two out of three farmers and ranchers reported having at least one pre-existing health condition and 73 percent reported that health insurance was “important” or “very important” due to the high-risk nature of their occupation. An additional 45 percent of farmers and ranchers are concerned that they will need to sell some or all of their farm or ranching assets to address health related costs at some time in their life.5 Farming and ranching are physically demanding professions where the risk of injury is high. Expanding the availability of plans that do not offer comprehensive coverage and fail to adequately protect consumers - including farmers, ranchers, and their families - from financial harm and encouraging agricultural workers to join them – is deeply concerning to us.

Lastly, we are concerned about the impact of the proliferation of AHPs on the overall individual market. As more people opt for AHPs and leave the marketplace, the risk pool for the exchanges will become smaller and premiums will likely increase for those who remain. This could lead to market segmentation that “could threaten non-AHP viability and make it more difficult for high-cost individuals and groups to obtain coverage.”6

Our organizations stand ready to work with the Administration, Congress, and other parties to ensure that consumers everywhere have access to affordable and high-quality insurance plans while maintaining a strong marketplace. As leaders in the healthcare and research communities and staunch patient and consumer advocates, we look forward to working with you and your fellow conferees to ensure patients and consumers continue to have access to high quality, reliable health insurance products that meet both their financial and medical needs.

Thank you for the opportunity to share our thoughts with you as you work towards a final legislative package. If you have any questions or would like to discuss these comments further, please contact Katie Berge, American Heart Association Government Relations Manager, at katie.berge@heart.org or 202-785-7909.

Sincerely,

Arthritis Foundation
Adult Congenital Heart Association
American Cancer Society Cancer Action Network
American Diabetes Association
American Heart Association
American Lung Association
Chronic Disease Coalition
Cystic Fibrosis Foundation
Epilepsy Foundation
Hemophilia Federation of America
Leukemia & Lymphoma Society
Lutheran Services in America
March of Dimes
Muscular Dystrophy Association
National Health Council
National Multiple Sclerosis Society
National Organization for Rare Disorders
National Patient Advocate Foundation
Susan G Komen

4 “Health Insurance is Key to Farm & Ranch Economic Viability,” 2017 National Farmer and Rancher Survey Findings, July 2017, available at http://docs.wixstatic.com/ugd/85136a_2cc79e77a6ab471688a5b76bf9ec1c04.pdf.
5 Id.
Cc:

U.S. Senate
Majority Leader Mitch McConnell
Minority Leader Charles Schumer
Senator John Hoeven
Senator Sherrod Brown
Senator Heidi Heitkamp
Senator John N. Boozman
Senator Joni Ernst
Senator Patrick J. Leahy

U.S. House of Representatives
Majority Leader Kevin McCarthy
Speaker Paul Ryan
Minority Leader Nancy Pelosi
Representative Austin Scott
Representative Bob Goodlatte
Representative David Rouzer
Representative Frank D. Lucas
Representative Glenn Thompson
Representative Jodey Arrington
Representative John Shimkus
Representative Michael D. Rogers
Representative Rick Allen
Representative Rick Crawford
Representative Rodney Davis
Representative Roger Marshall
Representative Sean Duffy
Representative Ted Yoho
Representative Vicky Hartzler
Representative Virginia Foxx
Representative Alma S. Adams
Representative Ann Kuster
Representative Bob Gibbs
Representative Bruce Westerman
Representative Collin C. Peterson
Representative David A. Scott
Representative Edward R. Royce
Representative Filemon Vela
Representative James P. McGovern
Representative Jeffrey John Denham
Representative Jim Costa
Representative Kevin Cramer
Representative Marcia L. Fudge
Representative Maxine Waters
Representative Michelle Lujan Grisham
Representative Neal Dunn
Representative Paul Tonko
Representative Ralph Abraham
Representative Robert W. Bishop
Representative Steven Chabot
Representative Thomas J. Hensarling
Representative Timothy J. Walz
Representative Tom O'Halleran
Representative Eliot L. Engel
Representative Raul M. Grijalva
Representative Stacey Plaskett
Representative Eddie Bernice Johnson
Representative Cheri Bustos