United States Senate
WASHINGTON, DC 20510

June 27, 2013

Mr. David J. Stern
Commissioner
National Basketball Association
Olympic Tower
645 5th Avenue
New York, New York 10022

Dear Commissioner Stern:

We write to express our concern about an effort by the U.S. Department of Health and Human Services to draw the National Basketball Association into one of the most divisive and polarizing political issues of our day, the Patient Protection and Affordable Care Act, commonly known as Obamacare.

As a reminder, this law was enacted in March of 2010 on a strictly partisan basis after the use of extraordinary and unprecedented legislative maneuvers aimed at thwarting public opposition to its adoption. Like millions of other Americans, we opposed it based on compelling evidence that it would raise health care costs, dramatically increase the tax burden on already struggling Americans, and raid Medicare to fund an entirely new entitlement program that we simply cannot afford. Perhaps most concerning of all, Obamacare would also direct the federal government to intervene into some of Americans' most personal health care decisions.

The passage of time has only reinforced these concerns, which is just one of the reasons it remains deeply divisive and unpopular among the general public. Just this week, a Gallup poll showed that a majority of Americans disapprove of Obamacare, and that for every one person who thinks he or she will benefit from it there are two others who believe it will harm their family's health care. This is one of the reasons Congress has largely held off in providing the Obama Administration with the funding it has requested to promote Obamacare. It is also undoubtedly one of the reasons the administration is now approaching outside groups and organizations like your own to promote it instead.

Given the divisiveness and persistent unpopularity of this bill, it is difficult to understand why an organization like yours would risk damaging its inclusive and apolitical brand by lending its name to its promotion. Administration sources have cited the role of the Boston Red Sox in helping to encourage enrollment in the Massachusetts Connector in 2007 as a model for your participation. However, there are key differences between the Massachusetts experience and Obamacare that should inform your decision.

For example, the Massachusetts law was adopted by large bi-partisan majorities in a Democratic legislature and signed by a Republican governor. Obamacare was passed on a party-line vote, using extraordinary legislative gimmicks and widely ridiculed political favors to win passage. The Massachusetts law also enjoyed a significant degree of popular support after enactment while Obamacare remains deeply unpopular. It is also worth noting that just this week, Democrats in the Massachusetts

Assembly passed legislation seeking relief for their state from many of Obamacare's most expensive mandates.

We have long been concerned by the Obama Administration's record of using the threat of policy retaliation to solicit support for its policies or to silence its critics. Should the administration or its allies suggest that there will be any policy consequence for your decision not to participate in their outreach efforts, we urge you to resist any such pressure and to contact us immediately so that we may conduct appropriate oversight.

Thank you in advance for your attention in this matter. It is difficult for us to remember another occasion when major sports league took public sides in such a highly polarized public debate. Yet given this administration's public request of your assistance in promoting this unpopular law, we felt it important to provide you with a fuller accounting of the facts before you made such a decision.

Sincerely,

MITCH McCONNELL
REPUBLICAN LEADER

JOHN CORNYN
REPUBLICAN WHIP

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