

Officers
Chair

Judith L. Lichtman
National Partnership for
Women & Families
Vice Chairs
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund
Hillary Shelton
NAACP
Secretary/Treasurer
Lee A. Saunders
American Federation of State,
County & Municipal Employees

Board of Directors

Kevin Allis
National Congress of American Indians
Kimberly Churches
AAUW
Kristen Clarke
Lawyers' Committee for
Civil Rights Under Law
Alphonso B. David
Human Rights Campaign
Lily Eskelsen Garcia
National Education Association
Fatima Goss Graves
National Women's Law Center
Mary Kay Henry
Service Employees International Union
Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
David H. Inoué
Japanese American Citizens League
Gary Jones
International Union, UAW
Derrick Johnson
NAACP
Virginia Kase
League of Women Voters of the
United States
Michael B. Keegan
People for the American Way
Samer E. Khalaf
American-Arab
Anti-Discrimination Committee
Marc Morial
National Urban League
Janet Murguia
UnidosUS
Debra L. Ness
National Partnership for
Women & Families
Rabbi Jonah Pesner
Religious Action Center
Of Reform Judaism
Lisa Rice
National Fair Housing Alliance
Anthony Romero
American Civil Liberties Union
Maria Town
American Association of
People with Disabilities
Richard L. Trumka
AFL-CIO
Toni Van Pelt
National Organization for Women
Randi Weingarten
American Federation of Teachers
John C. Yang
Asian Americans Advancing Justice |
AAJC

Policy and Enforcement

Committee Chair
Michael Lieberman
Anti-Defamation League
President & CEO
Vanita Gupta

October 29, 2019

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, DC 20510



The Honorable Chuck Schumer
Minority Leader
U.S. Senate
322 Hart Senate Office Building
Washington, DC 20510

**VOTE YES ON S. J. RES. 52, THE PROTECT PRE-EXISTING CONDITIONS
CONGRESSIONAL REVIEW ACT RESOLUTION**

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, **we urge you to vote YES on S. J. Res. 52, the Protect Pre-Existing Conditions Congressional Review Act Resolution.** We applaud Senator Warner for introducing this resolution, which would reverse the Trump administration's harmful rule on the Affordable Care Act's (ACA) Section 1332 that undermines health care protections for people in America with pre-existing conditions. **Because protecting and preserving the ACA is a top priority for the civil and human rights community, The Leadership Conference will include your vote on S. J. Res. 52 in our voting record for the 116th Congress.**

The Leadership Conference has long opposed the Trump administration's relentless efforts to sabotage the health care of millions of people in America. Our coalition believes that every human being in the United States should be able to obtain timely, affordable, comprehensive, high-quality, and accessible health care. Access to health care should not be based on pre-existing conditions, and any barriers based on this factor must be removed.

Section 1332 of the ACA provides flexibility for states to implement state-specific improvements that expand coverage, reduce costs, and provide more comprehensive benefits. Congress enacted "guardrails" that waiver proposals must meet before the Secretary of Health and Human Services approves them. These waivers must ensure the following:

- 1) Health coverage is at least as comprehensive as it would be under the ACA;
- 2) Cost-share and premiums are as affordable as they would be under the ACA;
- 3) The number of individuals with coverage remains comparable to the number of individuals covered under the ACA, and;
- 4) The waiver does not increase the federal deficit.



Unfortunately, the Trump administration's rule has given states new options for pursuing a Section 1332 "state innovation waiver" under the ACA, thus significantly changing enforcement of these required guardrails. The changes created by the Trump administration's rule allow states to increase costs for vulnerable populations and reduce their quality of coverage, which could result in both lower quality and higher costs for individuals with pre-existing conditions.

The Trump administration's rule does not comply with the ACA's consumer protections, which help prevent discrimination against individuals with pre-existing conditions. Further, under the rule, states are permitted to use taxpayer dollars to subsidize and encourage enrollment in junk health insurance plans that leave patients paying more and cover less. These plans often do not cover essential health benefits such as prescription drugs, maternity care, or mental health, leaving vulnerable individuals to face major out-of-pocket medical expenses that can be devastating to their economic security. S. J. Res. 52, which would overturn this harmful rule, will help more than 130 million individuals with pre-existing conditions that need strong protections to ensure access to high-quality, affordable health care when they need it.

Individuals with pre-existing conditions cannot afford to go back to a time where insurance companies are able to discriminate against them based on their condition. As such, **we urge your support for S. J. Res. 52**, which would reverse this discriminatory Trump administration rule and restore vital protections that make it possible for people with pre-existing conditions to access the health care they need. If you have any questions, please reach out to Arielle Atherley, policy analyst, at atherley@civilrights.org.

Sincerely,



Vanita Gupta
President & CEO