

United States Senate

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July 2, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump,

I write regarding your Administration's decision to not defend pre-existing condition protections, which are the law of the land, in the *Texas v. U.S. Department of Health and Human Services (HHS)* case. On June 26, 2018, I joined my Democratic colleagues in asking you to direct your Administration to reverse course in *Texas v. HHS* and defend these critical patient protections. As our letter awaits a response, I am writing to reiterate this request and provide you with recently-released information on the profound harm your Administration's action would cause to millions of my constituents, if the plaintiffs prevail in this case.

On February 26, a number of state Attorneys General filed a lawsuit against the federal government, *Texas v. HHS*, which asks the court to strike down the entire Affordable Care Act (ACA). On June 7, 2018, U.S. Attorney General Jeff Sessions notified Congress that the Department of Justice (DOJ) would ask the court to strike down the law's pre-existing condition protections, also known as community rating and guaranteed issue. Community rating and guaranteed issue ensure that Americans cannot be denied health insurance or charged more due to their health status.

According to data published by HHS, more than 3 million Washingtonians under the age of 65 have a pre-existing condition. Included in this number are more than 860,000 individuals in King County and more than 260,000 individuals in Spokane County. As documented extensively by non-partisan research, hundreds of everyday medical conditions, such as asthma, diabetes, or seasonal allergies, are considered pre-existing conditions that could trigger coverage denials or insurance discrimination without these critical protections.

If the community rating and guaranteed issue provisions are struck down, as your Administration seeks, Washingtonians would be profoundly harmed. The nearly 300,000 Washingtonians in the individual insurance market could be denied coverage or charged more if they had a pre-existing condition. The larger number of Washingtonians who get health insurance through their employer would also be at risk, facing lock-out periods, coverage exclusions, or other forms of insurance discrimination due to health status. And people who move from employer, individual and government health insurance or are waiting to age into Medicare would face denials and discrimination.

EVERETT
2930 WETMORE AVENUE
SUITE 9B
EVERETT, WA 98201
(425) 303-0114
FAX: (425) 303-8351

RICHLAND
825 JADWIN AVENUE
SUITE 204/204A
RICHLAND, WA 99352
(509) 946-8106
FAX: (509) 946-6937

SEATTLE
JACKSON FEDERAL BUILDING
915 2ND AVENUE, SUITE 3206
SEATTLE, WA 98174-1003
(206) 220-6400
TOLL FREE: 1-888-648-7328
FAX: (206) 220-6404

SPOKANE
U.S. FEDERAL COURTHOUSE
WEST 920 RIVERSIDE, SUITE 697
SPOKANE, WA 99201
(509) 353-2507
FAX: (509) 353-2547

TACOMA
950 PACIFIC AVENUE
SUITE 615
TACOMA, WA 98402
(253) 572-2281
FAX: (253) 572-5879

VANCOUVER
MARSHALL HOUSE
1313 OFFICERS' ROW
FIRST FLOOR
VANCOUVER, WA 98661
(360) 696-7838
FAX: (360) 696-7844

WASHINGTON, DC
511 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-4705
(202) 224-3441
FAX: (202) 228-0514

Your Administration has now taken direct action to nullify major provisions of a law that was passed by Congress, signed by the President, and upheld by the U.S. Supreme Court. Three out of four Americans support keeping pre-existing condition protections, according to a survey by the non-partisan Kaiser Family Foundation. I urge you to listen to them and direct the Department of Justice to preserve pre-existing condition protections by reversing its actions in *Texas v. HHS*.

Sincerely,



Maria Cantwell
United States Senator