

Opening Statement of Representative Anna G. Eshoo – 5 minutes
Subcommittee on Health
House Committee on Energy and Commerce
“*Texas v. U.S.*: The Republican Lawsuit and Its Impacts on Americans with Pre-Existing
Conditions”
2322 Rayburn House Office Building
February 6, 2018

Welcome to the first Health Subcommittee Hearing of the 116th Congress, under a Democratic Majority and welcome to the new Members of the Health Subcommittee.

Health care was the single most important issue to voters in the 2018 election. It is a rarity for one issue to be so important in every Congressional District in the country.

We’re beginning the Health Subcommittee’s work by discussing the disastrous *Texas vs. United States* lawsuit and its implications for the entire health care system, both public and private.

For over 100 years, Presidents including Teddy Roosevelt, Harry Truman and Richard Nixon attempted to reform our nation’s health insurance system and provide access to affordable health insurance for all Americans.

In 2010, through efforts that began in this Committee, the Affordable Care Act was signed into law and bold reforms to our public and private insurance programs were implemented.

Since the Affordable Care Act was signed into law over 20 million Americans have gained health insurance that is required to cover preexisting conditions. The law disallows charging sick consumers more; allows children to stay on their parent's health insurance until the age of 26 and provides coverage for preventive health services with no cost sharing.

Last February, twenty Attorneys General and Governors sued the federal government to challenge the constitutionality of that law. They claimed that after the individual mandate was repealed by the Republican's tax plan, the rest of the Affordable Care Act had to go, too.

The Trump Administration's Department of Justice refused to defend the Affordable Care Act in court and in December, Judge Reed O'Connor of

the Northern District of Texas declared the entire ACA invalid. 20
Attorneys General, led by California's Xavier Becerra have appealed
Judge O'Connor's ruling.

For those enrolled in the Affordable Care Act, if the Republican lawsuit
is successful, the 13 million Americans who gained health insurance
through the Medicaid expansion will lose their health insurance; the 9
million Americans who rely on tax credits to help them afford their
insurance plan will no longer be able to afford their insurance; and
health insurance costs will sky rocket across the country when healthy
people leave the marketplace for junk insurance plans that won't cover
them when they get sick, leaving the sick and most expensive patients in
the individual market, driving up premiums.

The insurance reforms of the ACA protect every American, even those
who get their health insurance through their employer. Every insurance
plan today is required to cover ten basic Essential Health Benefits; there
are no longer lifetime limits; the 130 million patients with preexisting

conditions cannot be denied coverage or charged more; and women can no longer be charged more because they are females.

Judge O'Connor's ruling in *Texas vs. United States* declared the Affordable Care Act invalid in its *entirety*, threatening every one of the gains I just described. It is now up to the Democratic House to protect, defend and strengthen the ACA.

If the entire ACA is overturned, replacing it using a piecemeal approach as Republicans have proposed will not suffice to effectively protect patients. The best way to protect patients with preexisting conditions is to uphold the ACA because the reforms of the ACA rely on one another for the law to be successful.

Even if legislation to require insurance companies to cover these patients' preexisting conditions is passed, insurers could charge anything they want to cover these services if the ACA is overturned.

On the very first day of this Congress, House Democrats voted to intervene in the *Texas vs. United States* case as it moves through appeal. The House of Representatives will now represent the government in this case to defend and uphold the ACA, because this Administration refused to do so.

In the Majority's work to defend and strengthen the ACA, this Subcommittee will explore how the Trump Administration's junk insurance plans are affecting the individual insurance market and harming people with preexisting conditions.

These plans aren't required to cover the same Essential Health Benefits as ACA-compliant plans and patients don't know that their health insurance won't pay for their treatments until they've gotten sick and it's too late.

Next week, our Subcommittee will explore specific legislation to reverse the Trump Administration's actions to expand junk insurance plans.

We're also going to discuss legislation that would restore outreach and enrollment funding that has been slashed by the Trump Administration so that we can ensure health care is more affordable and accessible for all Americans.

And we will discuss legislation that would reverse the Trump Administration's guidance on 1332 waivers that would allow states to undermine the ACA's protections for preexisting conditions and could harm people's access to care.

We will work to reverse the harmful policies that have made health care more expensive for individuals who rely on the ACA and deliver on our promises to the American people to lower health care and prescription drug costs.

Welcome to our witnesses and I look forward to your testimony.