

United States Senate

WASHINGTON, DC 20510-4804

COMMITTEES
APPROPRIATIONS
ENERGY AND NATURAL RESOURCES
INTELLIGENCE
VETERANS' AFFAIRS

July 19, 2018

The Honorable Jeff Sessions
Attorney General
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530-0001

Dear Attorney General Sessions:

After meeting with members of the clergy from across West Virginia representing all faiths and denominations, I am writing to express the grave concerns I and many of the faith leaders in West Virginians have about the Department of Justice's (DOJ) decision to decline to defend the Patient Protection and Affordable Care Act ("ACA") as outlined in the government's brief filed in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.) on June 7, 2018. As a United States Senator representing the nearly 800,000 West Virginians as recognized by the U.S. Department of Health and Human Services living with preexisting conditions, I implore you to direct the DOJ to reverse course and defend the federal law.

On February 26, the Attorney General of Texas and 19 other state Attorneys General – including the Attorney General from West Virginia – filed a lawsuit seeking to eliminate provisions of the ACA. This lawsuit was filed without comprehensive or meaningful outreach to West Virginians – particularly, the nearly 800,000 West Virginians with pre-existing conditions. I've reached out to medical providers and patient advocacy groups that cover every corner of the state. These groups confirmed my worst fear - no one from the DOJ or any other federal agency contacted them to determine how West Virginians would be affected by this lawsuit. Without attempting to understand the full impact of their actions, DOJ's reckless and irresponsible conclusion that it is not obligated to defend the constitutionality of the ACA provisions that guaranty protections for people with pre-existing conditions is extremely concerning. Furthermore, this decision will create another layer of uncertainty for insurers across the country, just as those insurers are beginning to file proposed premiums for next year. As a result, I believe health care costs will inevitably spike.

As you may know, there are approximately 133 million Americans living with pre-existing conditions, according to the U.S. Department of Health and Human Services. If successful, the states' lawsuit could result in insurance providers denying coverage based on one of these conditions whether it be acne, pregnancy or heart disease. The termination of critical anti-discriminatory protections could leave Americans without health insurance and thus without access to necessary and, in many cases, life-saving medical care. In West Virginia, the nearly 800,000 Mountaineers with preexisting conditions represent 40% of my entire state's citizenry. The loss of these essential protections for people with pre-existing conditions would be absolutely devastating to West Virginia.

I would also like to note that, in my home state, many West Virginians suffer from one particular pre-existing condition that I feel obligated to bring to your attention - substance use disorder. In 2017, there were 909 fatal overdoses in West Virginia. That's why I fight for the expansion of substance abuse treatment – to stop this tragic and preventable loss of life. Without health insurance coverage, however, that fight will grow harder and the loss of life will surely rise. Many West Virginians would lose access to treatment programs and rehabilitation services that are only accessible to those with proper health insurance coverage, as such treatment options are otherwise cost prohibitive.

I am disappointed in the DOJ's decision and I urge you to direct the DOJ to uphold the rule of law and defend the constitutionality of the ACA.

With warmest regards,

A handwritten signature in blue ink, appearing to read "Joe Manchin III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joe Manchin III
United States Senator