

more about the Federalist Society's court-fixing operation.

Our President likes to describe investigative journalism that pokes and probes at the mischief of his administration as fake news. There is nothing fake about this news. This is in the best traditions of investigative journalism, and I am grateful for its work to illustrate how our courts are being captured by corporations and runaway partisanship that is fueled by dark money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

HEALTHCARE

Ms. BALDWIN. Mr. President, I rise today to speak about the ongoing threat from the Trump administration to healthcare and the guaranteed protections that millions of American families depend upon.

President Trump has tried to pass repeal plans that would take people's healthcare away and allow insurance companies to charge more for people with preexisting health conditions or those insurance companies could deny them coverage altogether.

When that repeal plan failed to pass in the Senate in the summer of 2017, instead of working in a bipartisan way to lower healthcare costs, President Trump turned to truly sabotaging our healthcare system.

What do I mean by that?

The Trump administration made it harder for people to sign up for the Affordable Care Act coverage. They have done so by limiting the window of time when people can enroll. They have truly created instability in the healthcare market, and their sabotage has contributed to premium spikes that we have seen across the country, including in my home State of Wisconsin.

The Trump administration has even gone to court to support a lawsuit in order to overturn the Affordable Care Act completely, and that, of course, would include protections for people with preexisting health conditions. They have essentially gone into court to ask the court to strike down the Affordable Care Act. Now, if they were to succeed, insurance companies will again be able to deny coverage or charge much higher premiums for the more than 130 million Americans who have some sort of preexisting health condition. The number with preexisting health conditions includes some 2 million Wisconsinites.

What is the President's plan to protect people with preexisting health conditions? He doesn't have one, and I don't believe he ever will.

In fact, he has acted in just the opposite vein. This administration has expanded junk insurance plans that can deny coverage to people with preexisting conditions, and they don't have to cover essential services like prescription drugs or emergency room care or maternity care.

I ask my friends on the other side of the aisle to think about this for a mo-

ment. President Trump supports overturning the law that provides protections for people with preexisting health conditions at the same time he is expanding these junk plans that don't provide those very protections. If this isn't straight-up sabotage, I really don't know what is.

When I was 9 years old, I got sick. I was really sick. I was in the hospital for 3 months. Now, I recovered, but my family still struggled because I had been branded with the words "pre-existing health condition" and I was denied insurance coverage.

That family and personal experience has driven my fight to make sure that every American has affordable and quality healthcare coverage.

Today, because of the Affordable Care Act, those with preexisting health conditions cannot be discriminated against. They can't be denied healthcare coverage, and they can't be charged discriminatory premiums.

I want to protect the guaranteed healthcare protections that so many millions of Americans now depend upon. I have introduced legislation along with my colleague Senator DOUG JONES of Alabama to overturn the Trump administration's expansion of junk insurance plans.

The entire Senate Democratic caucus, including the two Independents who caucus with us, have supported this legislation. They have signed on to this bill. The Nation's top healthcare organizations, representing tens of thousands of doctors and physicians, and patients and medical students, and other health experts have supported this legislation and endorsed it. Anyone who says they support healthcare coverage for people with preexisting conditions should support my legislation.

UNANIMOUS CONSENT REQUEST—S. 1556

Mr. President, as in legislative session, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. 1556; that the Senate proceed to its immediate consideration; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, this is the latest Democratic attempt to raise the cost of healthcare paid for out of your own pocket by taking away an ability to provide lower cost health insurance that preserves preexisting condition protection and the essential health benefits. These short-term health benefits were available under President Clinton. They were available under President Bush. They were available under President Obama right until the last few months of his office, when he cut them down to 3 months long.

President Trump has simply said that you may now have them up to a

year and renew them for 3 years. If you live in Fulton County, GA, your insurance costs will be 30 percent less against the typical ObamaCare bronze plan and even more against the silver plan.

This is the latest Democratic attempt to increase the cost of what you pay for healthcare out of your own pocket. Their next attempt will be Medicare for All, which, if you have health insurance on the job, will take that health insurance away.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am certainly disappointed that my Republican colleagues have chosen to object to protecting people with preexisting conditions.

It is my contention that some of the very opposite impacts, because of these junk plans, are occurring than what my colleague has recited. In fact, I hardly consider them insurance plans. Many have argued that they are not worth the paper that they are written on. They don't cover many essential benefits. They are not required to cover people with preexisting health conditions. They can drop people. They can charge outrageous prices. What we found—and the reason that the Obama administration went from yearlong plans to 3-month plans—is that they saw the distortion in the markets. They saw that people who had believed that they might not get sick—healthy, often younger people—were availing themselves of these plans, making the Affordable Care—

Mr. ALEXANDER. Mr. President, will the Senator yield for a question?

Ms. BALDWIN. I would yield to one question, and then I want to wrap up my comments.

Mr. ALEXANDER. Mr. President, is the Senator of Wisconsin not aware that the short-term healthcare plans do not change the law of preexisting condition?

Ms. BALDWIN. Mr. President, these short-term plans do not have to cover preexisting conditions. I can tell you, as I have inquired—

Mr. ALEXANDER. Mr. President, may I—

Ms. BALDWIN. I yielded already for a question. But I want to say—

Mr. ALEXANDER. She gave the wrong answer, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Ms. BALDWIN. It may not be to the Senator's liking, but I was going to tell you about the plans that I read the fine print on from the State of Wisconsin. Now that these short-term plans are renewable for up to 3 years, in these junk plans, you can see the fine print. Many times they start with this: We will not cover a preexisting condition. Every single one of them refuses to cover maternity care. That means none of these junk plans cover that essential benefit. Most of them don't cover

emergency room care. Most of them don't cover prescription drugs. So regardless of how the law impacts people who have other types of insurance, I feel strongly that these junk plans are very distorting of the market and not worth the paper they are written on for those who have chosen to take that route.

Last fall, we heard all my colleagues across the aisle say, often repeatedly, that they support protections for people with preexisting health conditions. Today I just offered an opportunity for Democrats and Republicans to come together to protect people's access to quality, affordable healthcare when they need it the most, but there was an objection.

I say to the American people that we must not lose sight of the fight right in front of us. We have a President who time after time has sabotaged our healthcare system, raised healthcare costs, and pushed these junk insurance plans that don't have to cover people with preexisting conditions. We have an administration that is asking a court to strike down the Affordable Care Act and its protections for people with preexisting conditions in their entirety.

The choice for the American people could not be more clear. We want to make things better, and my Republican colleagues refuse to join us in this effort, which would be to prevent this administration from making things worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

PROTECTING AMERICANS WITH PREEXISTING CONDITIONS ACT OF 2019

Mr. MURPHY. Mr. President, the House recently passed a piece of legislation called the Protecting Americans with Preexisting Conditions Act. The substance of this legislation would prevent a Trump administration rule from going into effect that would allow for States to license the kind of insurance plans that Senator BALDWIN was referring to. These are plans that do not cover preexisting conditions or the essential healthcare benefits.

I am going to offer right now a unanimous consent request to proceed to immediate consideration of this bill. I suspect it will be objected to. After an opportunity for Republicans to object, I will speak to the merits of this legislation. So let me start with a request to bring this legislation that will protect people with preexisting conditions and the essential healthcare benefits to the floor.

UNANIMOUS CONSENT REQUEST—H.R. 986

Mr. President, my motion is as such: As if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 90, H.R. 986, Protecting Americans with Preexisting Conditions Act of 2019; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, reserving my right to object, section 1332 is the innovation waiver that is part of the Affordable Care Act, passed by the Democratic majority. That act includes protection for preexisting conditions. Using the flexibility granted under section 1332 does not change anything about preexisting conditions. So it is misleading to the American people to suggest that it does.

This is another Democratic attempt to make it more expensive, to cost more for what you pay for healthcare out of your own pocket by taking away flexibility from the States to find a less expensive way for you to afford healthcare and, at the same time, not changing the preexisting condition protection that is provided by the Affordable Care Act. This is the latest attempt to do it, but the boldest attempt to raise the cost of your healthcare is Medicare for All, which if you have insurance on the job, as 181 million Americans do, would take that insurance away from you.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURPHY. Thank you, Mr. President. Again, I share in Senator BALDWIN's disappointment that we can't move immediately to this legislation. This isn't a political game. These are individuals all across the country who are relying on us to make sure that they are not subject to the abuses of the market. They are relying on us to make sure we don't return to the days in which insurance companies could prevent you from getting healthcare simply because you were sick or return to the days when you bought an insurance product and then it didn't turn out to ultimately be insurance.

Let's be clear. The waiver that the President has allowed States to take advantage of would absolutely—it would by definition of the rule—allow for States to waive the preexisting condition requirement. The rule itself says that the innovation that happens at the State level does not have to comply with the essential healthcare benefits requirement. It says in the rule that you do not have to comply with preexisting conditions requirements. That is the reason that they are so cheap. So I am at a loss as to why we have Republicans on the floor saying that preexisting conditions will be protected under this rule. That is not true. The rule says that States do not have to comply with the preexisting requirement. It says that States do not have to cover essential healthcare benefits. That is why these junk plans are attractive, because they aren't actually insurance, and they are only insurance for people who are at the time very healthy.

We have to get on the same page here. We have to be reading from the same script. The fact of the matter is,

the definition of the rule allows for protections for people with preexisting conditions to be discriminated against.

I am sorry that we weren't able to bring up this piece of legislation because healthcare insurance should be healthcare insurance. And what we worry about are two things. First is that by allowing for the marketing of these junk plans, you are going to have all sorts of people who today aren't sick jumping into those plans, coming off of the plans that protect people with preexisting conditions. The people who are going to be left behind on those regulated plans are people who are sick, people who have preexisting conditions. So you are, all of a sudden, bifurcating the insurance market. You are going to have a market for people who are currently healthy, and then you are going to have a market for people who are sick or have ever had a preexisting condition.

You do not have to be an actuary and you don't have to have taken classes in healthcare insurance economics to know that when that happens, rates skyrocket for people who have a preexisting condition—for the millions of people around this country who have had a serious diagnosis at some point during their life.

So as you sell these junk plans, there is no way but for costs to go up. That is on top of the increases we saw last year. Last year, insurance companies priced in the costs of Trump administration sabotage. They priced into their premiums the attacks on our healthcare system from the Republican Congress.

In many States, we saw insurance plans pushing 60 percent, 40 percent, and, in some cases, 80 percent increases in premiums. Now on top of that, for sick people, for people with preexisting conditions, the rates are going to be even bigger because of the flight of those without preexisting conditions into marketplaces set up specifically for them.

The second thing we worry about is that these junk plans market themselves as insurance, but they aren't. Here is a list of things that I would generally consider to be covered under my insurance plan.

If I bought an insurance plan, if I handed over a check to the insurance company, I kind of think that if I go to the emergency room, I am not going to have to pay for it out of my pocket. I am thinking to myself: Well, you know what, if I need prescription drugs, they are going to cover some of that. Well, if I have a mental health diagnosis, doesn't insurance cover my head as well as the rest of my body?

These are the things that I would assume that insurance covers, but these junk plans don't cover these things.

Junk plans do not cover trips to the emergency room. Junk plans often don't cover hospitalizations. They don't cover prescription drugs. Almost none of them cover maternity care. Your checkups might not be covered