



June 14, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Re: Patient community concerns about S.J.Res.18 - A joint resolution disapproving of the rule submitted by the Department of Homeland Security relating to "Public Charge Ground of Inadmissibility"

Dear Speaker McCarthy and Minority Leader Jeffries,

The [TBD] undersigned organizations represent more than 120 million people living with a pre-existing condition in the US. Collectively, we have a unique perspective on what individuals and families need to prevent disease, cure illness, and manage chronic health conditions. The diversity of our organizations and the populations we serve enable us to draw upon a wealth of knowledge and expertise that are critical components of any discussion aimed at improving or reforming our healthcare system.

Our organizations share three principles that we use to help guide our work on healthcare to continue to develop, improve upon, or defend the programs and services our communities need to live longer, healthier lives.ⁱ These principles state that healthcare must be adequate, affordable, and accessible.

With these principles at the forefront, we write to urge you to oppose any effort to use the Congressional Review Act (CRA) to repeal the Biden Administration's public charge regulations. These regulations represent a faithful interpretation of the statute, are consistent with the long-established policy on public charge, and most importantly, are responsive to the policy evidence about immigrant access to public benefits, including healthcare.

Public charge is a policy that allows the government to deny entry, adjustment of status, or visas to someone likely to become primarily dependent on the government for subsistence. For most of its existence, the policy was consistently interpreted to focus on the receipt of direct cash assistance benefits. The previous Administration departed from that longstanding interpretation, creating a higher bar that would consider if someone had received or was expected to receive food assistance, Medicaid, housing assistance, or other public benefits. Researchers at the Urban Institute (and others) have documented the "chilling effect" of the 2019 Final Rule, including in a June 2020 report which found that 1 in 5 adults in immigrant families with children reported avoiding public benefits in 2019, even before the rule was implemented.ⁱⁱ

In September of 2022, the Biden Administration finalized a rule which helped to clarify the longstanding public charge policy interpretation. The current policy bars the U.S. Department of Homeland Security (DHS) from considering the use of healthcare, nutrition, or housing programs by people applying for green cards. The patients we represent remain at great risk of not using benefits for which they are eligible under the previous regulations, and we urge you to keep the status quo in place to ensure that immigrant communities retain access to healthcare and other benefits.

The resolution under consideration (S.J.Res.18) to rescind the current public charge regulations would create a more confusing policy environment, keeping immigrants and their families from seeking the benefits to which they are entitled. While the passage of this resolution would not bring back the previous public charge rule, the use of a CRA puts the future of sensible public charge regulations at risk.

We urge the House to reject S.J.Res.18 to rescind the current public charge regulations and, instead, partner with organizations like ours to identify opportunities to expand affordable, accessible, and adequate healthcare coverage for patients.

Sincerely,

American Cancer Society Cancer Action Network
American Heart Association
American Lung Association
Asthma and Allergy Foundation of America
CancerCare
Cystic Fibrosis Foundation
Epilepsy Foundation
Hemophilia Federation of America
Muscular Dystrophy Association
National Multiple Sclerosis Society
The Leukemia & Lymphoma Society

ⁱ Consensus Healthcare Reform Principles. <https://www.lung.org/getmedia/0912cd7f-c2f9-4112-aaa6-f54d690d6e65/PPC-Coalition-Principles-FINAL.pdf>.

ⁱⁱ 2H. Bernstein, et al., "One in Seven Adults in Immigrant Families Reported Avoiding Public Benefit Programs in 2018," (Washington, D.C.: Urban Institute, May 22, 2019), available at <https://www.urban.org/research/publication/one-seven-adults-immigrant-families-reported-avoiding-public-benefit-programs-2018>; R. Capps, et al., "Anticipated 'Chilling Effects' of the Public-Charge Rule Are Real: Census Data Reflect Steep Decline in Benefits Use by Immigrant Families," (Washington, D.C.: Migration Policy Institute, December 2020), available at <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real>.