

The Honorable Michael Enzi  
United States Senate  
Committee on Health, Education, Labor and Pensions  
428 Senate Dirksen Office Bldg  
Washington, D.C. 20510

May 5, 2006

**RE: S. 1955 - Health Insurance Marketplace Modernization Act (HIMMA) – OPPOSE**

Dear Senator Enzi,

On behalf of Breast Cancer Action and our over 16,000 members, I am writing to express our strong opposition to S. 1955 – the Health Insurance Marketplace Modernization Act. Rather than helping consumers and small businesses, S.1955 will result in many *more* people being unable to afford health insurance, and will cause over 85 million Americans to lose important state consumer protections.

- **S. 1955 overrides important state laws that provide vital health services.** Some key health protections that would be lost include breast and cervical cancer screening, cancer treatment, maternity care, dental anesthesia, diabetic supplies and education, emergency services, mental health care, and well-child care and immunizations.
- **S. 1955 overrides important state laws that regulate health insurance plans and protect consumers.** Insurers could charge small businesses up to 50% more for premiums if workers are in less-than-perfect health. This is unacceptable for small businesses and for those living with breast cancer and other serious illnesses. There are strong consumer protections pertaining to pricing in 31 states. All of these laws would be preempted by S. 1955, resulting in less protection for consumers.
- **S. 1955 forces consumers to choose between accepting inadequate insurance policies and paying higher rates if they want more comprehensive coverage.** Many people will wind up paying higher premiums than they pay today, making health insurance even more unaffordable.
- **Lack of consumer voice and representation.** Numerous industry members will be included on the commission that will rewrite state laws on insurance company marketing and administrative practices. By contrast, only 1 or 2 consumer organizations will be on the commission, and they will not be allowed to vote.
- **Insurers given too much power.** Insurers are allowed to ignore states' laws regarding consumer health insurance protections. If states and individual officials attempt to enforce their own state regulations, insurers will be able to sue them.

State legislators have worked hard to provide consumer health protections in their jurisdictions. Congress should not preempt these important efforts. State legislators and regulators are in a better position to assess and address the unique health insurance and health care needs of their state. For these reasons, Breast Cancer Action strongly opposes S.1955.

Sincerely,

  
Barbara A. Brenner, Executive Director

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