

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide that certain rules and guidance related to waivers for State innovation under the Patient Protection and Affordable Care Act shall have no force or effect.

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IN THE SENATE OF THE UNITED STATES

Mr. WARNER (for himself, Mrs. SHAHEEN, Mr. CARDIN, Ms. BALDWIN, Mr. CARPER, Mr. MURPHY, Mr. PETERS, Mr. REED, Ms. DUCKWORTH, Mr. KAINE, Mr. BLUMENTHAL, Mr. MENENDEZ, Ms. SMITH, Mr. MERKLEY, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. BOOKER, Mr. DURBIN, Mr. LUJÁN, Mr. MARKEY, Ms. WARREN, Ms. ROSEN, Ms. KLOBUCHAR, Ms. STABENOW, Mr. CASEY, Mrs. MURRAY, Mr. WYDEN, Mr. TESTER, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide that certain rules and guidance related to waivers for State innovation under the Patient Protection and Affordable Care Act shall have no force or effect.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Americans  
5 with Pre-existing Conditions Act of 2021”.

1 **SEC. 2. PROVIDING THAT CERTAIN RULES AND GUIDANCE**  
2 **RELATED TO WAIVERS FOR STATE INNOVA-**  
3 **TION UNDER THE PATIENT PROTECTION AND**  
4 **AFFORDABLE CARE ACT SHALL HAVE NO**  
5 **FORCE OR EFFECT.**

6 (a) IN GENERAL.—The Secretary of Health and  
7 Human Services and the Secretary of the Treasury may  
8 not take any action to implement, enforce, or otherwise  
9 give effect to the rules and guidance described in sub-  
10 section (b), and no such rules and guidance shall have any  
11 force or effect.

12 (b) RULES AND GUIDANCE.—The rules and guidance  
13 described in this subsection are the following:

14 (1) The provisions in the final rule issued by  
15 the Secretary of Health and Human Services and  
16 the Secretary of the Treasury on January 19, 2021,  
17 relating to “Updates to State Innovation Waiver  
18 (Section 1332 Waiver) Implementing Regulations”  
19 (86 Fed. Reg. 6138).

20 (2) The guidance issued by such Secretaries en-  
21 titled “State Relief and Empowerment Waivers” (83  
22 Fed. Reg. 53575 (October 24, 2018)), or any other  
23 rule promulgated to give effect to such guidance.