



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

[www.usccr.gov](http://www.usccr.gov)

March 15, 2010

The Honorable Nancy Pelosi  
The Honorable John Boehner  
The Honorable Sander M. Levin  
The Honorable Dave Camp  
The Honorable George Miller  
The Honorable John Kline  
The Honorable Henry Waxman  
The Honorable Joe Barton

Dear Distinguished Members of Congress:

We write to bring to your attention racially discriminatory provisions in H.R. 3590, the Patient Protection and Affordable Health Care Act (“Senate Health Care Bill”), which is currently under consideration by the House of Representatives.<sup>1</sup> These provisions are apparently included in the bill because it is thought that racial health care disparities are caused by a lack of minority health care professionals or by a deficiency in the “cultural competency” of these professionals. Testimony provided to the U.S. Commission on Civil Rights (“Commission”), however, calls this assumption into serious doubt. Racial preferences in the Senate Health Care Bill, in addition to being unconstitutional, will not improve health care outcomes for minority patients. The policy and legal problems with the racially discriminatory provisions in H.R. 3590 were described in more detail in a letter from the Commission to President Obama and Senate Leaders on December 11, 2009, which we submit for your consideration (see attached).<sup>2</sup>

We urge Congress to re-examine the racially discriminatory provisions in the Senate Health Care Bill and to consider proven methods of improving health care outcomes for minority patients.

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<sup>1</sup> At a public meeting of the U.S. Commission on Civil Rights held on March 12, 2010, the Commission voted 4-3 to send this letter. Commissioner Taylor was not present for the vote but has signed the letter. Commissioners Melendez, Thernstrom, and Yaki voted against the decision to send the letter.

<sup>2</sup> The Commission also criticized similar racially discriminatory provisions in H.R. 3200, the House health care bill, in a letter dated October 9, 2009, available at <http://www.usccr.gov/corresp/CommissionHealthCareBill100909.pdf>.

Respectfully submitted,



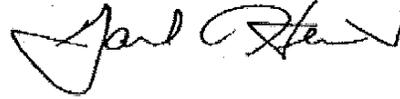
Gerald A. Reynolds  
Chairman



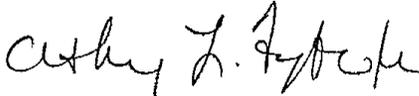
Peter Kirsanow  
Commissioner



Todd Gaziano  
Commissioner



Gail Heriot  
Commissioner



Ashley Taylor, Jr.  
Commissioner

cc: Abigail Thernstrom, Vice Chairman  
Arlan Melendez, Commissioner  
Michael Yaki, Commissioner